

Colchester Borough Council Note to Eight Ash Green Neighbourhood Plan Working Group - Regulation 16 Consultation Responses

The working group for Eight Ash Green Neighbourhood Plan have prepared a report (PC Written Report for 13th March 2019) which details their view to each response received to the Regulation 16 Consultation (22nd January to 5th March 2019).

There are a select number of points where the Working Group have asked for clarification or guidance from Colchester Borough Council, regarding more complex planning regulation or process issues. The response of the Council to such matters are outlined below.

Chapter 2 of the NP – Introduction

Hopkins Homes (Robert Eburne) represented by Pegasus Group (Nicky Parsons)

The Neighbourhood Plan Group are correct. As the Neighbourhood Plan was submitted to Colchester Borough Council before 24 January 2019, the policies in the previous Framework published in March 2012 will apply for the purpose of examining the Plan. This is in accordance with Annex 1 Paragraph 214 of the NPPF 2019.

Gladman Developments Ltd (Mr Richard Agnew)

In relation to suggestion by Gladman that further consultation on the Appropriate Assessment is required, the Council's view is that this is not necessary. The Appropriate Assessment is consistent with the appropriate assessments of the emerging Local Plan's and the Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS).

The Conservation of Habitats and Species Regulations 2017 63(3) states that: "*the competent authority must for the purposes of the assessment consult the appropriate nature conservation body and have regard to any representations made by that body within such reasonable time as the authority specifies.*".

64(4) further states "*it must also, if it considers it appropriate, take the opinion of the general public, and if it does so, it must take such steps for that purpose as it considers appropriate*".

Colchester Borough Council have consulted Natural England regarding the Regulation 16 Consultation and the Appropriate Assessment. No representations have been received from Natural England. As outlined above under regulation 64(4) there is no requirement to consult the public. The Appropriate Assessment was published on the Neighbourhood Plan pages of the LPAs website during the 6 week public consultation period. Regulation 63(3) which relates to the consultation with Natural England, does not specify that consultation must be 6 weeks, but that this should be 'within such reasonable time as the authority specifies'.

Chapter 9b. of the NP – Fiddlers Field (formerly Site 226) development Policy FF10 and Chapter 9d. of the NP – Environment

Essex County Council (Matthew Jericho), Anglian Water Services (Stewart Patience) and Colchester Borough Council (Bethany Jones)

It is noted there has been proposed wording suggestions in relation to policy EP5 and/or FF10 in relation to Sustainable Urban Drainage and Flooding from Colchester Borough Council, Essex County Council and Anglian Water Services. Any proposed changes to the wording of the policies noted above will be established through the independent examination.

Natural England Representation (Heather Read)

The Council and Eight Ash Green Parish Council, are happy to discuss this representation further, if the Examiner considers this necessary.