

# EIGHT ASH GREEN NEIGHBOURHOOD PLAN

## REPORT TO THE PC WEDNESDAY 13<sup>th</sup> MARCH 2019

### MEETING WITH COLCHESTER BOROUGH COUNCIL (CBC) ON MONDAY 11<sup>th</sup> MARCH

- The NP Group will provide oral feedback to the Parish Council regarding the meeting with CBC. The main items for the Agenda are
  - The responses to the CBC 6 week public consultation on the NP for our village – see below
  - The appointment of an Examiner

### CBC 6 WEEK CONSULTATION [22<sup>nd</sup> JANUARY TO 5<sup>th</sup> MARCH 2019] - RESPONSES

- We have checked the CBC portal which sets out each Chapter of the NP v30 and 5 Chapters have comments made against them:-
  - Chapter 2 of the NP – Introduction

- A **Comment** from Historic England (Mr Edward James)

Thank you for your correspondence dated 23 January 2019 inviting Historic England to comment on the Regulation 16 Submission version of the Eight Ash Green Neighbourhood Plan.

Aside from congratulating those involved, we do not wish to provide detailed comments at this time. We would refer you to our detailed advice on successfully incorporating historic environment considerations into neighbourhood plans, which can be found here:

<https://historicengland.org.uk/advice/planning/planmaking/improve-your-neighbourhood/>

I would be grateful if you would notify me if and when the Neighbourhood Plan is made by the district council. To avoid any doubt, this letter does not reflect our obligation to provide further advice on or, potentially, object to specific proposals which may subsequently arise as a result of the proposed NP, where we consider these would have an adverse effect on the historic environment.

- *Comment from the NP Group*
  - *No comment.*

- Chapter 2 of the NP – Introduction

- One **OBJECTION** from Hopkins Homes (Robert Eburne) represented by Pegasus Group (Nicky Parsons)

In Section 1 of the Basic Conditions Statement the SNP is considered against the 2012 NPPF. This was superseded by the NPPF of July 2018 and more recently the NPPF of February 2019. Whilst the most recent NPPF could not

# EIGHT ASH GREEN NEIGHBOURHOOD PLAN

have been considered, and is largely similar to the 2018 NPPF, there was clearly a policy shift between the first and second NPPFs that the SNP has not been considered against.

As the SNP process has not been assessed against the most recent NPPF my client believes that the SNP conflicts with Basic Conditions A.

- *Comment from the NP Group*
  - *We will have to take advice from CBC on this. However, as footnote 1 on page 3 of our Basic Conditions Statement makes clear, paragraph 214 of the July 2018 NPPF, clearly states “The policies in the previous Framework [i.e. the 2012 version] will apply for the purposes of examining plans, where those plans are submitted on or before 24 January 2019.” **The NP was submitted to CBC under Regulation 15 on 17<sup>th</sup> September 2018.***
- Chapter 2 of the NP – Introduction
  - One Comment in **Support** from Gladman Developments Ltd (Mr Richard Agnew)

This letter provides Gladman's representations to the submission version of the Eight Ash Green Neighbourhood Plan (EAGNP) under Regulation 16 of the Neighbourhood Planning (General) Regulations 2012. Gladman has considerable experience in Neighbourhood Planning, having been involved in the process across the country. It is from this experience that this representation has been prepared.

Gladman are the promoters of the Fiddlers Field, Site 226 (land off Halstead Road, Eight Ash Green. The EAGNP allocates the site 150 residential dwellings and includes supporting policies dealing with density, housing mix, accessibility and infrastructure.

Gladman commend the community's positive approach to the neighbourhood plan and have submitted an outline application (Reference: 175129) in line with the policy proposals within the EAGNP to demonstrate deliverability of this site. This application is supported by a full suite of technical documents demonstrating the sites suitability for residential development, available through the Council's website.

## Legal Requirements

Before a Neighbourhood Plan can proceed to referendum it must be tested against a set of basic conditions defined in Paragraph 8(2) schedule 4b of the Town and Country Planning Act 1990 (as amended) by way of independent examination. The basic conditions that the EAGNP must meet are as follows:  
(a) Having regard to national policies and advice contained in guidance issued by Secretary of State, it is appropriate to make the order.  
(d) The making of the order contributes to the achievement of sustainable

# EIGHT ASH GREEN NEIGHBOURHOOD PLAN

development.

(e) The making of the order is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area).

(f) The making of the order does not breach, and is otherwise compatible with, EU obligations.

## Habitats Regulations Assessment (HRA)

To support the EAGNP a HRA screening assessment was undertaken. In light of the People Over Wind<sup>1</sup> judgement it was determined that a full Appropriate Assessment (AA) would need to be undertaken to support of the plan to demonstrate how the effects of the EAGNP either alone or in combination with other projects or development plans produced in the area would not have a significant effect on Habitat Sites.

The AA was published for comment during the consultation period. As such, to ensure a robust consultation exercise and so that all parties who may wish to have done so have had a fair and equal opportunity to comment on this document, Gladman suggest that further consultation on this document should be considered prior to submission of the neighbourhood plan to the Independent Examiner. Notwithstanding this, Gladman have reviewed the AA and are broadly supportive of its conclusions.

## National Planning Policy

On the 24th July 2018, the Ministry of Housing, Communities and Local Government published the revised National Planning Policy Framework (NPPF). The first revision since 2012, it implements 85 reforms announced through the Housing White Paper. This version of the NPPF was itself superseded on the 19th February 2019, with the latest version, largely only making alterations to the Government's approach for the Appropriate Assessment as set out in Paragraph 177 of the NPPF.

Paragraph 214 of the 2019 NPPF sets out the transitional arrangements for the implementation of revised national planning policy. Paragraph 214 confirms that development plan documents submitted on or after the 24th January 2019 will be examined against the revised NPPF. Given that the EAGNP was submitted before the 24th January 2019, the comments provided within this representation reflect the national policy requirements as previously defined by the 2012 version of the NPPF.

Paragraph 184 of the NPPF makes clear that local planning authorities will need to clearly set out their strategic policies to ensure that an up-to-date Local Plan is in place as quickly as possible. The Neighbourhood Plan should ensure that it is aligned with the strategic needs and priorities of the wider

# EIGHT ASH GREEN NEIGHBOURHOOD PLAN

area and plan positively to support the delivery of sustainable growth opportunities.

## Relationship to the Local Plan

To be found in accordance with the Basic Conditions, Neighbourhood Plans should be prepared to conform to the strategic policy requirements set out within the adopted Development Plan. The adopted Development Plan relevant to the preparation of the EAGNP is the Colchester Core Strategy 2001- 2021, adopted in 2008. This plan was subject of a Focussed Review adopted in 2014 which sought to amend policies no longer in compliance with the National Planning Policy Framework, following its publication in 2012.

## 1 People Over Wind and Sweetman v Coillte Teoranta (Case C-323/17)

Following adoption of the Focussed Review Colchester Borough Council started preparing a new Local Plan for Colchester in 2015. This plan was submitted to the Planning Inspectorate for Examination in Public in October 2017. The two sections of the Local Plan will be examined separately with Section One currently being subject to a joint examination with the neighbouring authorities of Braintree and Tendring. Section One includes strategic policies covering housing and employment, requirements and proposals for new Garden Communities.

Section Two will not be examined until the completion of the examination in to the joint Section One plan. This examination is currently subject to a significant delay following a letter published from the Inspector to the North Essex Authorities (NEA) setting out his interim findings. Substantial further work is necessary to support the identification of the Garden Communities.

Section Two of the Colchester Local Plan sets a housing target for Eight Ash Green, supporting the delivery of this through this neighbourhood plan and includes a specific policy on what else is expected from the EAGNP. Policy SS5: Eight Ash Green of the submission Colchester Local Plan expects the EAGNP to define a new Settlement Development Boundary for Eight Ash Green, allocate a site for 150 dwellings and include associated policies to guide this development and other development in Eight Ash Green. Gladman are supportive that the EAGNP is progressing, with the draft policies aligned with the emerging Local Plan where possible to ensure conflicts are minimised, should planning policies in the Local Plan Part 2 be amended through the examination.

## Neighbourhood Plan Policies

Gladman have no specific comments to make in relation to the individual planning policies making up the EAGNP. We welcome and support changes that were made to the document in light of our Regulation 14 consultation

# EIGHT ASH GREEN NEIGHBOURHOOD PLAN

response. We reiterate the deliverability of the Fiddlers Field, referencing our pending application currently on the site.

## Conclusions

Gladman recognises the role of Neighbourhood Plans as a tool for local people to shape the development of their local community. In light of the current local planning position in the authority Gladman support the community and steering group in pressing ahead in producing the EAGNP.

Gladman hope that the comments made within this representation have been found to be helpful and constructive to aid the appointed examiner in the upcoming examination. Should the examiner deem it necessary to hold a hearing session in public to discuss the neighbourhood plan Gladman request that we are given the opportunity to appear at any session(s).

- *Comments from the NP Group*
  - *We welcome the statement from Gladman that they “commend the community’s positive approach to the NP.*
  - *Regarding their suggestion that “a further consultation on the Habitat Regulations Appropriate Assessment should be considered prior to the submission of the NP to the Independent Examiner” – we will look to CBC to advise on this. We note however, that Gladman has reviewed the Appropriate Assessment and are broadly supportive of its conclusions.*
  - *We welcome the statement from Gladman that they “are supportive that the EAGNP is progressing, with the draft policies aligned with the emerging Local Plan.....”*
  - *We welcome their statements that:*
    - *“Gladman has no specific comments to make in relation to the individual planning policies making up the EAGNP”*
    - *“welcome and support for changes that were made to the document in light of their Regulation 14 consultation response”*
    - *“reiterate the delivery of the Fiddlers Field, referencing their pending application [Ref 175129] for the site”*
    - *“Gladman support the community and steering group in pressing ahead in producing the EAGNP.”*
- Chapter 2 of the NP – Introduction
  - One Comment in **Support** from Highways England (Mark Norman)

Thank you for your consultation. The plan is a level down from the broader Colchester local plan as such impacts on the Strategic Road Network should be taken account in their evidence base. There are significant growth pressures on A12 J26 and these will need to be adequately mitigated as development comes forward. Therefore, we have no comment to make on the plan.

- *Comment from the NP Group*
  - *No comment – for CBC to consider in due course.*

# EIGHT ASH GREEN NEIGHBOURHOOD PLAN

- Chapter 2 of the NP – Introduction

- One **Comment** from Telent (Gavin Clifton)

Our client's apparatus, Teliasonera, is not located within the vicinity of the above reference and we therefore have no further interest in this current location.

- *Comment from the NP Group*
  - *No comment.*

- Chapter 2 of the NP – Introduction

- One **Comment** from Babergh & Mid Suffolk District Council (Paul Bryant)

Thank you for consulting Babergh & Mid Suffolk District Council on the submission draft version of the Eight Ash Green N'hood Plan. I can confirm that we have no comments to make.

- *Comment from the NP Group*
  - *No comment.*

- Chapter 2 of the NP – Introduction

- One **Comment** from Forestry Commission (Ms Teresa Betterton)

Thank you for consulting the Forestry Commission, unfortunately we do not have the resources to respond to Neighbourhood plans. If you have ancient woodland within your boundary to consider, the Forestry Commission has prepared joint standing advice with Natural England on ancient woodland and veteran trees which we refer you to in the first instance. This advice is a material consideration for planning decisions across England. It explains the definition of ancient woodland, its importance, ways to identify it and the policies that relevant to it. It also provides advice on how to protect ancient woodland when dealing with planning applications that may affect ancient woodland. It also considers ancient wood-pasture and veteran trees.

The Standing Advice website will provide you with links to Natural England's Ancient Woodland Inventory, assessment guides and other tools to assist you in assessing potential impacts. The assessment guides sets out a series of questions to help planners assess the impact of the proposed development on the ancient woodland.

- *Comment from the NP Group*
  - *No comment.*

# EIGHT ASH GREEN NEIGHBOURHOOD PLAN

## ○ Chapter 5 of the NP – Background

### ▪ Two **Comments** from CBC:-

Paragraph 5.3 contains a typing error in the title. This should be updated to "Neighbourhood".

Paragraph 5.4 has an incorrect reference to the Emerging Local Plan extract regarding Eight Ash Green Neighbourhood Plan. This should be updated from 6.161 to 14.160.

### ▪ *Comment from the NP Group*

- The NP will be amended in due course to correct these two items.

## ○ Chapter 8 of the NP – The future provision of additional housing in the village

### ▪ One **Objection** from Edward Gittins Associates:-

My representations are general rather than relating to any particular section of the NP.

In the absence of a sound Section 1 Local Plan and in advance of an examined Section 2 Plan, it is difficult to know how compliant the proposals in this NP are likely to be with the LP in its ultimately adopted form. Faced with the level of housing commitments which the Borough must absorb in the period up to 2033, the contribution envisaged at EAG seems derisory, especially when one considers the geographic relationship of this village to Colchester and its accessibility to the main road and rail transportation corridors. As things stand at present, with the emerging LP incomplete and delayed, the draft LP does not provide the necessary context to allow firm decisions and commitments to be made at the local level. Thus whilst I commend the attempt to provide more certainty for the future of EAG, this is not robust without appropriate context in the form of the LP.

The emerging LP relies substantially on proposed garden communities to deliver housing outside the main built-up area of Colchester although this strategy is yet to be demonstrated as sustainable and alternative strategies must be sustainably appraised alongside the new garden communities. One such alternative is found in my own "Alternative Growth Strategy for North Essex" which proposes, inter alia, the controlled expansion of Key Satellite Villages and Primary Transport Corridor Villages around Colchester; EAG falls into both of these Classifications and hence this is a strong indicator that it is a sustainable location for future growth. Whilst this strategy does not quantify as yet the exact scale of future growth which would be directed to Key Satellite Villages and Primary Transport Corridor Villages, it does envisage these

## EIGHT ASH GREEN NEIGHBOURHOOD PLAN

should play a significant role in relocating the 7,500 dwellings earmarked for the new garden communities by 2033. At least some of this large tranche of housing could be expected to be found at EAG.

In coming forward with limited growth proposals for EAG, the NP has paid scant regard to the role it could and I believe should play in meeting wider housing requirements in North Essex generally and in Colchester Borough in particular. "The Alternative Growth Strategy for North Essex" identifies opportunities to create a coherent expanded community at EAG focused on a new village centre and featuring a major open space link between Fordham Heath and Seven Star Green as well as improved public transport services to Colchester and Halstead.

Whilst I fully understand the aspirations of the local community to either limit or resist change, that strategy must be tested against the wider needs of society and the strategic attributes of EAG as a focus for future housing. Seen in the context of a ring of Key Satellite Villages maintained as free-standing settlements but linked to Colchester by improved bus services, EAG could be expected to absorb a substantial number of new village houses associated with additional investment in community services.

The proposals in the NP do not therefore adequately reflect the wider context and opportunities with regard to housing needs and sadly reflect an unacceptably conservative approach to planning the village's future.

- *Comment from the NP Group*
  - *We have met Mr Gittins on several occasions throughout the NP process as he was a promoter – agent for two of the unsuccessful CBC “Call for Sites” 063 and 208. We are therefore aware of his view that our village should absorb more housing than the 150 proposed by CBC as part of the Local Plan. At our meeting with him on 22<sup>nd</sup> November 2016, we “agreed to disagree”.*
  - *With regard to his statement that “...the contribution to the Local Plan envisaged at EAG [i.e. 150 dwellings] seems derisory...” is shall we say, disappointing. **As we pointed out to him, the figure of 150 dwellings, represents a 22 per cent increase in our current housing stock – a not insignificant contribution to the Local Plan.***
  - *We take exception to his statement “In coming forward with limited growth proposals for EAG, the NP has paid scant regard to the role it could and I believe should play in meeting the housing requirements in North Essex generally and in Colchester Borough in particular.” **We have worked very hard over a period of some 4 years to produce a NP that not only meets the wishes of the villagers but also fully meets the requirements of CBC. To use the phrase “..the NP has paid scant regard to the role it could ... play..” is condescending and seeks to undermine the extensive consultation and engagement with CBC planning experts.***

# EIGHT ASH GREEN NEIGHBOURHOOD PLAN

- *Finally, we also **strongly reject** his criticism that “The proposals in the NP ..... sadly reflect an unacceptable conservative approach to planning the village’s future.” **The simple fact is that throughout the whole four year process of developing a Neighbourhood Plan, the villagers have adopted an extremely positive approach, fully endorsing and accepting the proposals put forward by CBC to increase our housing stock by 150 new dwellings, representing a 22 per cent increase.***
  - *His comments regarding the state of play of the Local Plan; the proposed Garden Communities and his own “Alternative Growth Strategy” are for CBC to address.*
- Chapter 8 of the NP – The future provision of additional housing in the village
- One **Objection** from James & Philip French represented by Foxes Rural Consultants (Mr Guy French):-
    - Please find a consultation set out below on behalf of James and Philip French in respect of the Eight Ash Green Neighbourhood Plan.

We write in support of the Eight Ash Green Neighbourhood Plan.

## Introduction

This consultation is made by the owners of the land identified on the attached plan titled Land South of A1124 Halstead Road, Development Masterplan Option 2.

Part of the land shown on the Masterplan is identified under Site 155 under the Eight Ash Green Neighbourhood Plan v15. (EAGNP). However, this Masterplan was actually the option consulted upon through the consultation process for the Neighbourhood Plan, as explained further in the Background section below.

## Background

Site 155 was one the nine sites put forward in the original Call for Sites exercise.

Site 155 was submitted as part of the Colchester Borough Council Call for Sites during the collation of the Local Plan evidence base. Since the site was submitted, the Eight Ash Green Parish has been working on drafting a Neighbourhood Plan.

As part of the Neighbourhood Plan consultation process, we were in discussions with the Neighbourhood Plan Group (NPG) about alternative options to the area submitted as part of the Call for Sites, since we are in ownership of a wider land holding to that presented as part of the Call for Sites.

# EIGHT ASH GREEN NEIGHBOURHOOD PLAN

Three options were presented to the NPG for consultation: Option 1 - the site shown as Site 155 in the Call for Sites Plan which was considered too small;

Option 2 - the attached Masterplan which could accommodate the proposed housing allocation of 150 houses for Eight Ash Green;

Option 3 - shows a split allocation between Site 155 and the preferred site under the draft Neighbourhood Plan - Site 225;

Reference Section 66 of the Consultation Statement dated 16th November 2018.

All Options were presented to the NPG, although only Option 2 was consulted on.

The Option 2 Masterplan was voted as the reserve site following the public consultation exercise by the NPG.

## Representation

We propose a section is included in the EAGNP v15 that the Option 2 Masterplan is identified as the reserve site, in the event that Eight Ash Green is expected or requested to increase its housing allocation above 150 units through the Local Plan Period.

We have outlined our reasoning below:

Voted as the Second Choice Site through the EAGNP Consultation Process Allocating the land as a reserve site will assist in protecting the village from applications on land which has not been voted for by the residents. Our land has been through an extensive consultation process undertaken by the NPG. Residents voted for the land as the second choice site for the proposed 150 unit allocation.

The land also has the ability to integrate with Site 226 should a greater allocation be required over the Plan period.

## Compliance with EAGNP Vision and Objectives

The land is located on the edge of the village, opposite Site 226 where the 150 unit allocation is proposed. Allocation of housing on the land would therefore not impact on the village being able to continue to enjoy its open spaces (Policy DH1). The land would also not impact on the protection of the green open spaces (Policy EP2), with the retention and protection of these spaces a

# EIGHT ASH GREEN NEIGHBOURHOOD PLAN

key message through the EAGNP. If the land was developed, the village would be able to retain its distinct open character.

Development of the land would also not cause coalescence with neighbouring settlements (Policy EP1 & EP2). In particular, it is the other side of the village to Stanway, where coalescence is a notable concern.

The land is not in an area of Flood Risk (Policy EP5) and is currently open arable land without trees or hedgerows across it. There would need to be the removal of some landscaping to facilitate the entrance onto the A1124. Footpaths, cycle ways and bridleways (Policy EP4) could be incorporated into the scheme to create high quality and sustainable housing development.

## Colchester Borough Council Garden Communities

Colchester Borough Council is facing challenges through the Examination of the proposed Local Plan, particularly in respect of the proposed Garden Communities. The financial viability of the proposals has been identified as a key issue through the initial stages of Examination.

Colchester Borough Council has allocated a significant proportion of its overall proposed housing allocation through to the Local Plan period to the Garden Communities. Should these proposals not be found sound, an alternative option could be to ask settlements within Colchester Borough to increase their allocations in order to accommodate housing requirements. Being a close distance to Colchester and with strong transport links, Eight Ash Green could be a key settlement identified for further housing allocation.

EAGNP Strategic Environmental Assessment Report dated January 2019 The land did not score any negative environment impacts when measured against EAGNP's Strategic Environmental Objectives.

## Infrastructure

The land sits adjacent to the A1124 and will be opposite the Site 226, which proposes a new bus stops and a recreational play area. The site also has the potential to offer its own amenities as part of any proposal.

- *Comment from the NP Group*
  - *We welcome the statement “We write in support of the Eight Ash Green Neighbourhood Plan.”*
  - *We note the “Representation” that “a section is included in the EAGNP v15 [v15 is a now out of date reference] that the Option 2 [put forward by the French family] is identified as the reserve site, in the event that Eight Ash Green is expected or requested to increase its housing allocation above 150 units through the Local Plan period.” **Our view is that whilst we fully understand the reasoning behind this request as set out in the Representation above, it is already clear that Site 155 was the second site preference expressed by the villagers at***

## EIGHT ASH GREEN NEIGHBOURHOOD PLAN

*the 30<sup>th</sup> April 2016 and 21<sup>st</sup> January 2017 consultation meetings, it is not necessary to formally nominate a “reserve” site. As explained in paragraph 18 of the Site Selection Process document, “Site 155 was (and is) recognised as being the next Site of choice should the Fiddlers Field site fall for some reason”. The NP needs to focus on the here and now CBC requirement to deliver 150 new dwellings as part of the Local Plan covering the period up to 2033 which in our case is to be delivered on a single Strategic Site - Fiddlers Field. The NP should not offer potential alternatives unless it is absolutely necessary as this will result in potential confusion in the minds of planners and developers for example.*

- *We note the comments–arguments put forward regarding the proposed Garden Communities not coming to fruition and the alternative option on settlements within Colchester Borough e.g. Eight Ash Green but let’s cross that fence if and when we need to and not in the current NP.*
- Chapter 9 a. of the NP - Village Settlement Boundary
- One Comment in **Support** from Colchester Borough Council (Miss Bethany Jones):-

It is unclear from the current map provided the extent of the revised settlement boundary as the colour is not distinctive and it appears that an area that is proposed for removal is shown in a darker grey, but no key is provided to clarify this. The map should be updated to show only the revised settlement boundary (excluding areas removed), and this should be easily distinguishable. This is to provide clarity.

- *Comment from the NP Group*
  - *The NP will be amended in due course so as to provide greater clarity as suggested.*
- Chapter 9 a. of the NP - Village Settlement Boundary
- One **Objection** from Hopkins Homes (Robert Eburne) represented by Pegasus Group (Nicky Parsons):-

- My client, Hopkins Homes, have serious concerns that the submission Neighbourhood Plan (SNP) is predicated on the delivery of single site allocation and that the site selection process is fundamentally flawed. As part of the Neighbourhood Plan process my client has previously promoted site 039, which is one of the sites that has not been included in the SNP.

Polices VSB1 and FF1 essentially deliver the same outcome, which is the accommodation of the 150 dwellings that are proposed to be allocated to the village through the emerging Colchester Borough Local Plan 2017 to 2033 (ELP), at a single site to the far west of the village. This site was originally identified as site 226 and is known as Fiddlers Field.

- Site Selection Process

# EIGHT ASH GREEN NEIGHBOURHOOD PLAN

The Neighbourhood Plan Call for Sites process included an assessment of the 10 sites that came forward based on a Checklist of 31 criteria. Criterion 24 of the Call for Sites Assessment Checklist looked at how many existing properties would be affected by close proximity to the site and how. Paragraph 7 of the Site Selection Process document identifies that residents attached significant weight to minimising disruption with existing housing when assessing sites. This factor together with the offer of a relief road for Wood Lane clearly influenced the allocation of the Fiddlers Field site on the far west of the village.

Criteria 25 to 29 of the Checklist looked at the proximity of sites to schools, retail and health services. However, there is no criterion in the Checklist that looks at the proximity of sites to places of employment. Given that travel to work is a key generator of traffic the fact that the site selection process did not consider this important factor calls into question the robustness of the selection process.

The ranking exercise for sites 039 and 226 was heavily based on traffic impacts, with site 226 being considered to reduce impacts through the proposed 'relief road' and work to the A1124. Site 039 was considered to result in localised traffic impacts through using The Walk as its main vehicular access. Whilst site 226 was considered positively as it is near to the school and shops any dwellings on site 039 would be similar distance from both the primary school and village shops. Though the ranking process did not take this into account, neither did it take into account proximity to wider retail facilities to the east of Eight Ash Green in Colchester.

The Neighbourhood Plan Group site assessments table in Annex P of the Site Selection Process document shows that site 039 failed to meet two of the four Primary Criteria due to the lack of highway access onto the A1124 and loss of open views. It is only the sites that were considered to meet all the Primary Criteria that were then assessed against the Secondary Criteria. At this point the remaining sites were then considered with regards to their proximity to village services and facilities.

The table below shows that on all counts site 039 performs better than site 226, other than proximity to the primary school, where site 226 is presently only 0.09km nearer.

## Secondary Assessment Criteria 5 to 10

Site 039

Site 226

Proximity to primary school

# EIGHT ASH GREEN NEIGHBOURHOOD PLAN

1.15km  
1.06km

Proximity to secondary school

2.63km  
3.45km

Proximity to doctor's

2.06km  
2.85km

Proximity to pharmacy

1.74km  
2.56km

Proximity to supermarket

1.74km  
2.56km

Proximity to bus stops

Adjacent (A1124)

50m (Fiddlers Hill) 200m (A1124)

It is also noted that site 39 also outperforms site 226 in respect of the travel distance to the other facilities in the village listed that are below.

Site 039

Site 226

Proximity to public house

0.8km  
1.77km

Proximity to allotments

0.48km  
1.44km

Proximity to sports pitches

# EIGHT ASH GREEN NEIGHBOURHOOD PLAN

0.96km

1.93km

Proximity to site of new community facility

0.16km

1.12km

The second criterion of the Single Strategic Site table in Annex Q of the Site Selection Process document states that 'The Site must have direct access on to the A1124'. This is clearly a factor why site 039 was rejected. The accompanying remarks state that "150 houses additional houses potentially mean 300 cars + entering or leaving the Site". Such a statement demonstrates that little consideration was given to the transport modelling that would be carried out to support any detailed proposals. This modelling would demonstrate that vehicular movements from a development site would be dispersed throughout the day and that not all residents would use private motor vehicles to meet their daily travel needs.

To the layman considering the proposed sites a statement that 300 cars + would enter and leave the site is misleading and would have clearly influenced residents' decisions on what site to vote for. There is no evidence that the positive impact that travel planning could have in generating a modal shift away from private car use, especially in sites like 039 where existing public transport routes are in place and a greater number of services, facilities and employment opportunities would be within walking and cycling distance of the new dwellings.

After reviewing the evidence base for the SNP it is clear that through the site selection process significant weight was given to minimising the impact on existing residents, rather than considering the most sustainable location for the new dwellings to be located. The fact that none of the four Primary Criteria related to the sustainability of sites meant that my client's site was not then considered against the Secondary Criteria, where it outperformed site 226.

Clearly this approach is at odds with the aim of achieving sustainable development through minimising vehicular traffic from new development as limited weight has been given to sustainable travel to village facilities and employment through this process. In fact, there is a distinct absence of robust technical evidence to adequately assess the travel impact of new residents. Instead the allocation is based on limiting the impact of new development and existing traffic on the village.

Basic Condition A of Schedule 4B of the Town and Country Planning Act 1990 requires a Neighbourhood Plan to have regard to national planning policies and guidance. In this case the National Planning Policy Framework (NPPF) and National Planning Policy Guidance (NPPG). The NPPF and NPPG place

## EIGHT ASH GREEN NEIGHBOURHOOD PLAN

great emphasis on the importance of achieving sustainable development with paragraph 7 of the NPPF identifying that the purpose of the planning system is to contribute to the achievement of sustainable development. Indeed, achieving sustainable development is also Basic Condition D in preparing a Neighbourhood Plan. Paragraph 32 requires that significant adverse impacts on the three objectives of sustainable development should be avoided and wherever possible, alternative options which reduce or eliminate such impacts should be pursued.

The decision not to allocate my client's site has not taken into account the benefits of delivering sustainable development in accordance with Paragraphs 7, 8 and 9 of the NPPF. This is specifically with regards to encouraging sustainable travel to the employment and retail areas of Colchester and the existing and proposed community facilities of the village. In both cases the Fiddlers Field site offers less opportunities to encourage sustainable travel as a result of its location to the far west of the village.

In light of the above the SNP is in conflict with Basic Conditions A and D as it would not result in the most sustainable site being allocated for the delivery of new housing in Eight Ash Green. This would be a clear conflict with the policies of the NPPF and the need to deliver sustainable development.

- *Comment from the NP Group*
  - *The reference to paragraph 7 of the Site Selection Process referred to above, should read paragraph 17.*
  - *We note the comment that the Checklist used to assess the various sites did not include amongst its criteria, the proximity of sites to places of employment. We already knew from local knowledge where the places of local employment are e.g. Moat Farm and Fiddlers Farm in the village; Stanway; Colchester and beyond. And the responses to the subsequent 2017 village questionnaire confirmed that the vast majority of villagers work in Colchester and surrounds (48.7%) with some 10.5% working in the village). To suggest the lack of employment criteria “calls into question the robustness of the selection process” is stretching an argument far too far. Hopkins Homes points out there are another 31 criteria so there are sufficient other criteria to be able for people to make a judgement.*
  - *It is not correct to say that “The ranking exercise for sites 039 and 226 was heavily based (our emphasis) on traffic impacts .... and access” as suggested by Hopkins Homes. As they have already pointed out, there were 31 assessment criteria in total and all this information from all these criteria was available to the villagers when they made their decisions about the best site to choose. In addition, as can be seen by the “Against” section in Annex I of the Site Selection Process document on page 34, (Results of the 2016 Ranking Exercise), five items were listed, only two regarding access and traffic with three setting out other concerns. This does not support the argument “heavily based”.*

## EIGHT ASH GREEN NEIGHBOURHOOD PLAN

- *Also to suggest that the “ranking exercise did not take into account the distance to the primary school and village shops” nor “the proximity to the wider retail facilities to the East of Eight Ash Green in Colchester” is pure conjecture, nothing more. The people living in our village are not stupid, they are perfectly capable of judging for themselves which site they prefer based not only on the responses to the criteria set out for them but also local knowledge – ours is a settled village with no major new housing since the 1970’s which suggests that overall, the residents have lived here for quite a long time e.g. 30 or 40+ years for example. Paragraph 38 of the Site Selection Process document clearly shows that some 50 per cent of the village have lived here for 16 years or more and “therefore know the village intimately”.*
- *Reference is made to the site assessment details set out in Annex P of the Site Selection Process document suggesting that “It is only the sites that were considered to meet all the Primary Criteria that were then assessed against the Secondary Criteria. At this point (our emphasis) the remaining sites were then considered with regards to their proximity to village services and facilities.” Not for the first time, the information provided by the NP Group is being “misinterpreted” to support a particular line that perhaps the NP Group has done something or undertaken a procedure incorrectly. **We strongly reject this suggestion.** As indicated in paragraph 31 of the Site Selection Process document, Annex P simply sets out the internal deliberations of the NP Group and is of course, a summary of all the criteria and “pros and cons” taken together as a single process. All the table or matrix does is to summarise all the information in a clear, transparent way split into both the Primary and Secondary Criteria for ease of reference. To suggest or read into this that the NP Group ONLY considered the Secondary Criteria at a subsequent point is incorrect. We also note all the subsequent detailed figures, setting out various distance relative of various facilities to sites 226 and 039. We are not disputing these figures, nor do we deny that site 039 may outperform site 226 on a number of counts but the figures were available to the villagers at the consultation events in 2016 and 2017. However, despite this, the bottom line is that site 039 came last in the ranking exercise.*
- *Reference is made to the details in Annex Q of the Site Selection Process document and in particular the figure of “300 cars + entering or leaving the site”. It is extremely patronising to make the follow on statement about the need for traffic modelling which would “demonstrate that vehicular movements from a development site would be dispersed throughout the day and not all residents would use private motor vehicles to meet their daily travel needs”. We find that the comments made are simply derisory and attempt to undermine the transparent consultation process engaged upon. Local people have a firm grasp of the vehicular movements of the area – it is their lived experience.*
- *It cannot be argued that it “is misleading to the layman” that the statement in Annex Q “that 300 cars + would enter and leave the site”. By the way, we note no reference is made to our use of the word “potentially” which qualifies the 300 cars + statement. Yes, travel*

## EIGHT ASH GREEN NEIGHBOURHOOD PLAN

*planning may generate a modal shift away from private car use, but that is a long term aspiration for society as a whole, not just in our village but across Colchester Borough and we suspect even wider i.e. nationally. We are concerned with the here and now. It quite obvious to the layman that 150 houses could result in 300 cars +, given the current level of car ownership coupled with not insubstantial use being made of deliveries by vans to homes of food stuffs and other items stemming from a greater use of internet shopping. It is worth noting the results from our 2017 village questionnaire that shows 68.1% of current households own two or more vehicles and two-thirds of respondents use a motor vehicle to get to work.*

- *We totally reject the next statement that “it is clear that through the site selection process significant weight was given to minimising the impact on existing residents, rather than considering the most sustainable location for the new dwellings to be located.” Not only is this again, pure conjecture but also just the opinion of a party that has a vested interest in pursuing a particular course that is definitively contrary to the expressed views of the villagers in making their views known. It is not clear how Hopkins Homes were or are able to read the minds of the villagers when they came to ranking the various sites. “Sustainability” can be interpreted in different ways – to give but one example, the Criteria that the site must be supported by the villagers means that their chosen site 226 is “sustainable” because that’s what they want to see in their village. If another site was chosen, not one supported by or voted by the villagers, they could rightly argue “this is not sustainable – we didn’t vote or ask for this”.*
  - *Turning to the summary of this “**Objection**”, where various paragraphs of the NPPF are quoted, again, we do already know the NPPF places great emphasis on the importance of achieving sustainable development. We totally refute the fact that the choice of site 226 and the wider Policies set out in the NP, for the proposed development of 150 new dwellings fails to achieve a sustainable development for our village as set out in paragraphs 7, 8 and 9 of the NPPF. Reference is also made to paragraph 32 of the NPPF but this relates solely to transport issues, the singular or primary theme of this **Objection**. Considerations about suitable/sustainable sites do of course need to go wider than this which is what has been achieved by the Site Selection Process.*
- Chapter 9 b. of the NP - Fiddlers Field (formerly Site 226) development
- One **Comment** from Hopkins Homes (Robert Eburne) represented by Pegasus Group (Nicky Parsons):-

Criteria 10 of the Call for Sites Assessment Checklist looked at how far is the site from existing public transport. Based on this criteria site 039 performs better than site 226, which is at the far western end of the village, the furthest away from Colchester, the Stanway retail area and the nearest secondary

## EIGHT ASH GREEN NEIGHBOURHOOD PLAN

school. At present, the nearest bus stop on the A1124 to the proposed allocation is some 200m away and Policy FF8 seeks to deliver new bus stops on the A1124. In contrast to this, there is an existing bus stop to the south of site 039 on the A1124 that presently connects the village with Colchester.

There is no guarantee that the Fiddlers Field development will deliver new bus stop on the A1124 or that the provision of a new bus stop would not have an adverse impact on the existing service for the village. Moreover, depending on the timing of any new bus stops and the phasing of the new homes it could be that new residents move in before the bus stops are provided. Once residents move in and establish travel habits using the private car it will be difficult to encourage use of public transport. The need for a bus stop to make the allocation acceptable reinforces the lack of robustness of the site selection process that identified it. Therefore, it is inevitable that a greater number of residents of the preferred Fiddlers Field site would use private cars to access most of the village facilities and the employment and retail areas of Colchester. This would result in additional traffic on the already heavily used A1124.

Whilst the bus stops are required to increase the sustainability of the site by allowing greater access to public transport there is no guarantee that they can be delivered. Therefore, greater weight should have been given to sites that are presently well served by public transport through the site selection process. This has resulted in a site being allocated that will not deliver a sustainable form of development. As such my client believes that the SNP conflicts with Basic Conditions A and D.

- *Comment from the NP Group*
  - *We note the point being made about the distance from existing public transport relative to sites 063 (close) and 226 (not so close), but in making their judgement about which site they preferred, the villagers used all the information provided and it was not based on just one criteria but the package of criteria as a whole. Not only would the villagers know, again from local knowledge that there is “an existing bus stop to the south of site 039 on the A1124” but also its location was made quite clear to those voting on 30<sup>th</sup> April 2016 by way of the note “adjacent” set out for them on the copy of the physical assessment document provided on the “site 039 table” – see paragraph 14 of the Site Selection Process document.*
  - *A really negative approach is being taken as part of this “**Comment**” when reference is made to there being “no guarantee that the Fiddlers Field development will deliver a new bus stop in the A1124...” or that “...the new residents move in before the bus stops are provided.” Really – what is guaranteed these days – there is no guarantee that the proposed bus stop will **NOT** be put in place **BEFORE** any houses are built. Similarly, the statement that “Once residents move in and establish travel habits using the private car, it will be difficult to encourage use of public transport” fails to acknowledge that having a bus stop which*

# EIGHT ASH GREEN NEIGHBOURHOOD PLAN

*already exists right next to or adjacent to site 039 is no guarantee that any new residents of site 039 will use public transport either! We do not accept the final sentence that site 226 will not deliver a sustainable form of development and therefore the "NP conflicts with Basic Conditions A and D on the grounds put forward.*

- Chapter 9 b. of the NP - Fiddlers Field (formerly Site 226) development
  - One **Objection** from Hopkins Homes (Robert Eburne) represented by Pegasus Group (Nicky Parsons):-

From the Site Selection Process document it appears that the promoter of site 226 offered road access via a new link road between Fiddlers Hill and A1124 with a roundabout at each end to help divert heavy traffic from going past the school entrance as well as off Wood Lane and that no houses would 'front' on to the new link road. This developer promise has clearly been incorporated into the specific wording of Policy FF4. The accompanying text to Policy FF4 identifies that the proposed link road and associated junctions were key reasons why villages chose to allocate the Fiddlers Field site.

However, the specific requirement to deliver a new direct access road to accommodate HGV traffic with access by way of a priority junction cannot be guaranteed and will be subject to the agreement of the Local Highway Authority. Moreover, having a road that has no dwellings fronting onto it running through the centre of the new development is not conducive to supporting pedestrian and cycle movements to destinations like the primary school, or other community facilities in the village, which are some distance from the proposed allocation.

From a design point of view the proposed road would clearly be designed to accommodate vehicular traffic rather than being a street at the heart of a people focused development. This would fail to comply with CBC Policies UR2, TA1 and TA2 and paragraphs 78, 102, 110 of the NPPF that seek to enhance the places where people live and promoting walking and cycling. Clearly the emphasis of the site selection process was to improve the situation for existing residents with little regard for the living condition of future residents.

There are clearly aspirations for community facilities to be delivered as part of the proposed allocation both on-site and off-site. Given the significant financial requirements of providing the highway infrastructure identified in Policy FF4 there is the potential for viability to be a material consideration in the determination of any planning application. This could negatively impact upon the provision of off-site community facilities and wider road network improvements identified in Policy FF14. This could also result in a negative impact upon the level of affordable housing that the development would be capable of delivering in conflict with CSP Policy H4 and NPPF paragraphs 20 and 34.

# EIGHT ASH GREEN NEIGHBOURHOOD PLAN

The selection process has given a disproportionate amount of weight to the delivery of this piece of infrastructure for site 226 to be accepted by the village, which cannot be guaranteed. This has resulted in a less sustainable site being allocated. As such my client believes that the SNP conflicts with Basic Conditions A and D.

- *Comment from the NP Group*
  - *We come again to the thorny question of “guarantees” about the proposed link road across site 226 and priority junctions where we are being advised (if we did not know that already of course having met with Highways on 5<sup>th</sup> January 2018) that these cannot be guaranteed. [Even if neither the proposed link road and/or the priority junctions do take place of course and say site 226 fails to progress, in view of the overwhelming opinion of the village, there is little or no prospect they will then change their minds and vote for site 039. The strong probability is that the village will opt for site 155, their second choice on two separate occasions.]*
  - *Turning to the point about “having a road that has no dwellings fronting on to it” and is therefore “not conducive to supporting pedestrian and cycle movements ...” does not take into account:-*
    - *The point expressed is only an opinion, not a fact*
    - *This is what was offered or suggested by the landowner – no more than that*
    - *It will be for the developer, in conjunction with CBC to agree both the design and layout of the site*
    - *The villagers have also been informed on several occasions that the precise layout of the proposed housing will be a matter for the developer working in conjunction with the Parish Council and CBC.*
  - *We do not understand the statement that “...the proposed road would clearly be designed to accommodate vehicular traffic ..” – isn’t that what roads are supposed to be for? To then go on to say “..rather than being a street at the heart of a people focussed development” is making a presumption that you cannot have both. The Heathfields estate in the village has a wide almost major road (at least in modern terms) going through it and yet it is also a street at the heart of the community. Finally it is, shall we say, a giant leap of faith to then go on to say “Clearly the emphasis of the site selection process was to improve the situation for existing residents with little regard for the living conditions of future residents.”*
  - *We simply do not follow the argument being put forward that “the significant financial requirements of providing the highway infrastructure identified in Policy FF 4” (the direct access road on site 226) ..... “could also result in negative impact upon the level of affordable housing that the development would be capable of delivering.” A number of roads have to be built on any site including site 226 of course which will involve expenditure or a financial requirement. All Policy FF4 is “asking” for is that the road links the A1124 to Fiddlers*

# EIGHT ASH GREEN NEIGHBOURHOOD PLAN

*Hill and that it can accommodate HGV traffic. We come back to the 1970's Heathfields site which is an estate road capable of taking HGV traffic. We are not asking, by way of Policy FF 4 for an M25 type – capacity road.*

○ Chapter 9 b. of the NP - Fiddlers Field (formerly Site 226) development

- One **Objection** from Hopkins Homes (Robert Eburne) represented by Pegasus Group (Nicky Parsons):-

Policy FF2 is not consistent with Policy SS5 of the emerging Colchester Local Plan as it includes the wording 'up to' 150 new homes. The removal of 'up to' from a previous draft of Policy SS5 and the reference to at least 14,720 new homes in Policy SG2 demonstrate that the figure of 150 dwellings should not be seen as a maximum limit for Eight Ash Green, which accords with paragraph 59 of the NPPF that aims to significantly boost the supply of homes.

This reinforces the argument the allocation of a single site for Eight Ash Green to the far west of the village does not give sufficient flexibility to accommodate future growth in more sustainable locations that promote greater opportunities for residents to use sustainable modes of travel. It also demonstrates that the SNP is in conflict with Basic Condition E as it would not be in general conformity with the strategic policies contained within the emerging Colchester Borough Local Plan.

Proposed Policy Change: Policy FF2 should be amended so the words 'up to' are replaced by 'at least'.

- *Comment from the NP Group*

- *The reference to the use of the words “Up to” in Policy FF2 is nit picking. We have already acknowledged the change of wording from “up to 150 dwellings” contained in CBC Preferred Options Policy SS7 to the revision set out in the CBC Policy SS5 where the words “up to” have been removed – see paragraph 20 of the Site Selection Process document. We are and remain fully compliant with the requirements set out for the village by CBC to deliver a figure (or target) of 150 new dwellings which has, as already mentioned, represents a not inconsiderable increase of 22 per cent of our current housing stock. By way of this, we are already doing more than many other localities in percentage terms at least.*
- *Not for the first time, we are having a paragraph of the NPPF (59) quoted at us to support a particular line of argument where the wording “To support the Government’s objective of significantly boosting the supply of homes” is being quoted. But as ever, there are two sides to this:-*
  - *Firstly, the words “significantly boosting the supply of homes” does fully comply with what we are being asked to do. By any measure, a 22 per cent increase is significant and*

## EIGHT ASH GREEN NEIGHBOURHOOD PLAN

- *Secondly, by quoting paragraph 59 of the NPPF suggests that either the planners in CBC are not doing their job properly or are taking an unprofessional stance in “only” asking EAG to take 150 new dwellings.*
  - *We completely reject the proposed wording change to Policy FF4 from “up to” (which we agree can be deleted) but NOT at the expense of the proposed change to “at least”. To argue that “..the allocation of a single site is ...not in general conformity with the strategic policies contained within the emerging Colchester Borough Local Plan is specious. This **Objection** lays bare that it is not just about the argument set out by Hopkins Homes that, in their view, site 226 is not the right site but that they want yet more housing to be placed on their site 039 in addition. But we still came back to the bottom line that site 039 came bottom of the village ranking exercise. That simple fact cannot be airbrushed away.*
- Chapter 9 b. of the NP - Fiddlers Field (formerly Site 226) development
- One **Objection** from Hopkins Homes (Robert Eburne) represented by Pegasus Group (Nicky Parsons):-

Policy SG2 of the ELP identifies a borough wide need to accommodate "at least 14,720" new homes between 2017 and 2033, as such, the allocation of 150 dwellings in the ELP should be viewed as a minimum number. This approach accords with paragraph 59 of the NPPF that states the Government's objective to significantly boost the supply of homes.

Paragraph 33 of the NPPF states that plans are likely to require early review if local housing need is expected to change significantly in the near future. If site 226 does remain the preferred site then it is recommended that my client's site be identified as a preferred option for the future growth of the village. Given the proximity of Eight Ash Green to Colchester it is inevitable that it is an area where growth will be directed in the future.

Whilst Policy SS5 identifies that the allocation can be at a site or sites the Site Selection Process document demonstrates that significant weight was given to the allocation of a single site during the Neighbourhood Plan allocation process. The allocation of a single site to accommodate the requirement of at least 150 dwellings does not provide the necessary flexibility to allow for other residential development to be delivered elsewhere in the village if through valid design and place making reasons the allocation at site 226 does not come forward. Moreover, Policy FF1 does not allow any flexibility if, through the examination of the emerging Colchester Local Plan the allocation numbers were to increase.

The selection process has given a disproportionate amount of weight to the delivery of the entire allocation at a single site. This has resulted in a less sustainable site being allocated. As such my client believes that the SNP conflicts with Basic Conditions A and D.

# EIGHT ASH GREEN NEIGHBOURHOOD PLAN

- *Comment from the NP Group*
  - *There is nothing really new in this **Objection**. In requesting that their site should be "...identified as a preferred option for the future growth in the village" completely fails to recognise:-*
    - *Site 155 is the preferred "second" option; and*
    - *Their site was bottom of the poll.*

- Chapter 9 b. of the NP - Fiddlers Field (formerly Site 226) development

- One Comment in **Support** from Colchester Borough Council (Miss Bethany Jones):-

To provide clarity of the proposed extent of the allocation, a policies map should be included.

Clause FF14 should be updated to provide greater flexibility of how developer contributions could be secured. This clause should be updated to "A Section 106 Agreement and/or, through a Community Infrastructure Levy (CIL) payment or other planning obligation".

As noted in the Eight Ash Green Strategic Environmental Assessment (SEA) Report (January 2019), an additional clause should be added to the Fiddlers Field Policy in relation to the adjacent Local Wildlife Site (LWS). This clause could read as:

FF15 - Without adversely affecting the Local Wildlife Site, provision of sufficient open space to meet the daily needs of future residents.

- *Comment from the NP Group*
  - *We are more than happy to both acknowledge and accept these suggestions.*

- Chapter 9 b. of the NP - Fiddlers Field (formerly Site 226) development

- One **Objection** from Anglia Water Services (Stewart Patience):-

Reference is made to the preparation of a scheme to demonstrate appropriate surface water drainage is provided within the allocation site.

The Revised National Planning Policy Framework (February 2019) states that major development sites will be expected to incorporate Sustainable Drainage Systems (SuDS) unless it can shown to be technically unfeasible.

Anglia Water supports the requirement for applicants to include the provision of Sustainable Drainage Systems (SuDS) so as not to increase flood risk and to reduce flood risk where possible. The use of SuDS would help to reduce the risk of surface water and sewer flooding.

# EIGHT ASH GREEN NEIGHBOURHOOD PLAN

We therefore ask that Policy FF10 be amended to refer to the provision of Sustainable Drainage Systems as follows:

'f) Adopting best practice in sustainable drainage with development proposals incorporating the provision of Sustainable Drainage Systems (SuDS) unless it can be demonstrated to be technically unfeasible.

- *Comment from the NP Group*
  - *We are more than happy to both acknowledge and accept this suggestion.*
- Chapter 9 b. of the NP - Fiddlers Field (formerly Site 226) development
  - One **Objection** from Essex County Council (Matthew Jericho):-

Essex County Council (ECC) makes the following comment on Policy FF14. This may be read as a comprehensive list of infrastructure requirements. ECC as Local Education Authority may, for example, also require a secondary school contribution. It should be made clear that these are the priorities of the Parish Council and that other parties may seek other contributions, through the planning process (via the Local Planning Authority).
  - *Comment from the NP Group*
    - *We are more than happy to both acknowledge and accept this suggestion.*
- Chapter 9 b. of the NP - Fiddlers Field (formerly Site 226) development
  - One **Objection** from Essex County Council (Matthew Jericho):-

Policy FF10. Essex County Council as Lead Local Flood Authority request the following additional wording to FF10 '... in line with the Essex SuDS guide. Where possible SuDS should incorporate above ground features to maximise the provision multifunctional green infrastructure.
  - *Comment from the NP Group*
    - *We are more than happy to both acknowledge and accept this suggestion taking into account the proposed revision from Anglia Water.*
- Chapter 9 b. of the NP - Fiddlers Field (formerly Site 226) development
  - Two **Objections** [Four points – highlighted in blue shading] from Mrs Emily Bewg:-
    - The introduction of a mini-roundabout + a bus stop at the entrance to the development on the A1124 side will increase the amount of standing traffic outside of the existing houses (particularly Choats cottages to the south of the development). This will be a detrimental impact to existing residents.

# EIGHT ASH GREEN NEIGHBOURHOOD PLAN

While those residents currently experience high speed traffic - at least it is not sitting idle outside of homes.

- *Comment from the NP Group*
  - *This Objection relates to Policies FF4 (access via priority junctions) and FF8 (bus stops .... within 50 metres of the site entrance). Depending on the precise location of the priority junction (yet to be determined), Yes, there may be standing traffic outside Choats cottages should there be a large number of vehicles travelling along the A1124 towards Halstead. However, the proposed bus stop should not result in any standing traffic on the A114 because as Policy FF8 makes clear, there is to be a lay for the buses to enter thereby coming off and not blocking the main road.*
  - The plans are still unclear as to how traffic will access the existing businesses at Fiddlers farm. Will there be a route through the new housing development or will there be access directly from Fordham road?
- *Comment from the NP Group*
  - *The exact road layout of the site has yet to be determined (for discussion with the developer and CBC in due course) but it is not anticipated there will be direct access from Fordham Road.*
  - We contest that residents were aware of the tiered voting process to determine the final site location. The notices/newsletters/website did not make it clear at the point when 9 sites were selected that there would be a ranking process and voting. The consultation sessions were advertised as awareness sessions not voting.
- *Comment from the NP Group*
  - *The complaint about the residents not being aware of the tiered voting process is rather puzzling. Given that nine sites were put forward by the landowners for potential development, how else would a preferred site for the village, or unacceptable sites, come to the fore without some form of voting or ranking? Would the complainant have preferred either the NP Group and/or the Parish Council working together or alone to come to a decision without consulting the village? Hardly a democratic process.*
  - *A whole village meeting was held on 30<sup>th</sup> April 2016 (all households invited – 153 people attended) to enable the village to express their views about the nine sites where the purpose of the meeting was clearly set out in the March 2016 village newsletter (distributed to every dwelling). The newsletter said:-*
    - *“The aim of the meeting will be a) to hear about and see the results of the survey the Neighbourhood Plan Group has undertaken on all of the nine Call for Sites locations; b) to provide feedback from our various meetings with the landowners; and c) to provide feedback from two Focus Group meetings that will take place in March and April where an invited audience will be asked to give us their views about the suitability (or otherwise) of the nine sites. At this village meeting on 30<sup>th</sup> April, we will also be asking for your views about the potential number and types of houses that may be built in our village and over what timescale”.*

# EIGHT ASH GREEN NEIGHBOURHOOD PLAN

- *In addition, the flyer advertising the meeting of 30<sup>th</sup> April 2016, distributed to every dwelling in week commencing 11<sup>th</sup> April said:-*
- *“This is your chance to have a say on the number and types of houses and most importantly on which site they should be built”.*
- *To supplement both the newsletter and the flyer, the NP Group managed to get a short article inserted in the “Community Life” section of the Gazette over two weeks, 22<sup>nd</sup> April and 29<sup>th</sup> April which respectively, said:-*
- *“Eight Ash Green – drop in meeting on Saturday April 30...villagers to ...hear about the call for sites exercise ...and have a say on the future development in the village”.*
- *“Eight Ash Green – drop in meeting tomorrow at the village hall.... to look at the possible future building sites in our village. Come and have your say”.*
- *Finally, at the whole village meeting on 30<sup>th</sup> April 2016, when the villagers entered the village hall, we explained to each of them in turn what documents were on display at each of the nine “site” tables and that they would be asked to “rank” the sites from 1 (best choice) to 9 (worst choice) giving brief reasons for their choices. **At NO TIME, then or since, has anyone complained that there would be some form of ranking and/or a voting process.***
- *We also contest that describing site 226 as a single site is mis-leading with the plan to establish an HGV traffic link road right through the middle of the development. There seem to be two developments here - one on one side of the road and one on the other. This will squish the housing into small pockets and will be less appealing for residents and will not join the village together.*
- *Comment from the NP Group*
  - *To describe site 226 as a single site is not misleading at all for the following reasons:-*
    - *When the Heathfields site was developed in the 1970’s, it was described as a single site despite the fact that it has a road running right through the middle of it. The Walk has a similar layout.*
    - *At this stage, no-one knows where precisely the proposed HGV link road will be placed – it could be in the middle or to one side – that is a matter for future discussion between CBC and the developer.*
    - *Use of the word “single site” is used to distinguish it from development of housing across multiple sites in the village e.g. sites 226 + 155 + 063 etc*
- *Chapter 9 b. of the NP - Fiddlers Field (formerly Site 226) development*
  - *One **Objection** [Four points – highlighted in blue shading] from Mr Prestwich:-*
  - *I write on the subject of the Eight Ash Green Neighbourhood Plan and the proposed adoption of Site 226 for development.*

*My major concern is the increase in traffic that any such development would cause and if the proposal is to go ahead mitigating factors must be implemented.*
- *Comment from the NP Group*
  - *We recognise that ANY new housing in the village of the order we are being asked to take (150 dwellings) will increase the volume of traffic coming into and going*

## EIGHT ASH GREEN NEIGHBOURHOOD PLAN

out of the village. It will be for CBC, working in conjunction with Essex Highways to manage or help mitigate this. At our level, we have tackled this by way of policies FF7 (a pedestrian through route on Fiddlers Field so parents and children can access the primary school without having to drive) and FF 8 (the proposed introduction of new bus stops to help encourage residents to use public transport).

Firstly, I would like to complain about this process which, in and of itself, has all along precluded options which would have minimised the impact of additional traffic; clearly, a village the size of Eight Ash Green, and its associated road infrastructure, would more easily accommodate additional houses if they were spread over several sites. However, it has always been presented as a choice of a site in an "all or nothing" manner.

- *Comment from the NP Group*
  - *Having the proposed 150 additional dwellings spread across the village does not, of itself, reduce the overall burden on the road infrastructure – it just spreads it across the village – “equal misery for all” perhaps?*
  - *However, the major problem of spreading the 150 dwellings throughout the village is that it would then become very difficult, if not impossible to limit the additional number of new dwellings **over and above the 150** we are expected to absorb in the future. In due course, developers will press very hard by way of repeated planning applications to extend their particular plot/area from X (small) number of houses to Y (medium) numbers and then Z (larger) numbers. This would lead to urban sprawl throughout the whole village and/or ribbon development which in turn, will mean an **even greater number of vehicles** coming into and going out of the village and yet more pressure on the road infrastructure over time.*
  - *It is not correct to say that “it has always been presented as a choice of a site in an all or nothing manner”. Yes, the villagers were made aware of the proposal to have a single Strategic Site for development of the 150 dwellings the village is expected to absorb as part of the CBC Local Plan, but they were also given the opportunity to express a different view i.e. that the proposed development should be spread across the village. For example:-*
    - *At the NP Group AGM on 16<sup>th</sup> November 2016*
      - *those present agreed to accept up to 150 houses only on one Strategic Site (i.e. those present were against any additional housing stemming from the CBC Call for Sites exercise being spread throughout the village)*
    - *A second village consultation meeting was held on 21<sup>st</sup> January 2017, where the “ranking form” made reference to the single “strategic site “ option:-*
      - *“Your ranking choices and reasons will help us to determine which single strategic site is chosen for the development of up to 150 houses in Eight Ash Green for the planning period 2017-2033.”*
    - *Following the 21<sup>st</sup> January 2017 consultation meeting, the village newsletter of March 2017 contained the following statement:-*
      - *“The development of “up to 150 houses” is to take place only on a single Strategic Site in the village i.e. Site 226”*
    - *The NP questionnaire distributed in March 2017 to every dwelling in the village, contained the following question (No 8):-*

# EIGHT ASH GREEN NEIGHBOURHOOD PLAN

- *"The financial contribution to the village by a developer is maximised if the proposed 150 houses are all built on one site. Do you support this?" [Some 73 per cent of respondents were in favour]*
- *It was one of the displays at the subsequent open village meeting on 6<sup>th</sup> May 2017:-*
  - *"The development of "up to 150 houses" is to take place only on a single Strategic Site in the village i.e. Site 226"*
- *It was included in v17 of the NP also available for inspection on 6<sup>th</sup> May 2017. The Rationale to what was then Site 226 Policy 1 said:-*
  - *"We do not want the proposed additional housing of "up to 150 dwellings" scattered across numerous sites or plots around the village. At its meeting on 8<sup>th</sup> February 2017, the Parish Council decided that as our Chosen Site, Site 226 should be the single Strategic Site for the development of "up to 150" new dwellings (which represents a 22% increase in our current housing stock) and was to be the Site promoted in the NP".*
- *As can be seen above, there has been numerous opportunities for everyone to express their opinion at a variety of village/public meetings that they did not agree to the proposal of having a single Strategic Site for the development of 150 dwellings. Throughout the whole process of developing a NP, it has been driven by the wishes of the villagers – it has not been driven by the NP Group working or operating on its own without regard to what the village wants to see happen in Eight Ash Green.*
- *At the village consultation meeting on 21<sup>st</sup> January 2017, one person did complain that the NP Group misled the village in that we did not tell the villagers about the proposal for a single Strategic Site when we undertook the earlier consultation in April 2016 but the NP Group were telling the villagers now in January 2017. When the NP Group undertook the consultation exercise in April 2016, we did not know the number of houses the village was expected to take as our contribution to the CBC Local Plan. Therefore, the issue of whether the houses should be built on a single or multiple sites could and did not arise at the time. [The NP Group only became aware of the 150 figure on 27<sup>th</sup> May 2016].*
- *There are already significant problems of traffic in the evenings caused by cars wanting to turn right onto Spring Lane and Wood Lane. The Spring Lane junction is a particular problem and traffic can back up as far as the A12 roundabout. Clearly, this will be exacerbated by any more traffic trying to reach any part of the village. Mini-roundabouts are required at the Spring Lane and Wood Lane junctions to reduce the back up of traffic. The cost of this should fall to the Council as it is an existing problem.*
- *Comment from the NP Group*
  - *The issue of mini-roundabouts at both the Spring and Wood Lane junctions with the A1124, was covered in the 2013 Village Design Statement – Design Guide 38 (Spring Lane) and Design Guide 48 (Wood Lane).*

# EIGHT ASH GREEN NEIGHBOURHOOD PLAN

I am also firmly of the view that if Site 226 is to be developed then a footpath is needed all the way from Fiddlers Folly down to Fiddlers Farm so that pedestrians have a chance of getting to Fordham via footpaths with less of a risk of being run over. The cost of this should fall to the developer

- *Comment from the NP Group*
  - *To a certain extent, this has been covered by our policy FF7 - a pedestrian through route linking the Fiddlers Folly development to the Holy Trinity school. (At present, a pavement does extend from Fiddlers Folly along Fiddlers Hill, but not as far as the anticipated new development). The NP Group would support such a proposal as a new pavement would then make a link with the Public Right of Way that runs E-W through Fiddler's Farm in Grid square TL 9326.*
- Chapter 9 c. of the NP – Future domestic housing
  - One **Comment** in **Support** from Colchester Borough Council (Miss Bethany Jones)
    - It is common practise for policy to be written in present tense. Within Policy DH1 "be able to" and "it should" should be deleted.
  - *Comment from the NP Group*
    - *We are more than happy to both acknowledge and accept this suggestion.*
- Chapter 9 d. of the NP – Environment
  - One **Objection** from Hopkins Homes (Robert Eburne) represented by Pegasus Group (Nicky Parsons):-
    - Policy EP2 identifies the importance of green spaces within the village. The Neighbourhood Plan offers an opportunity to bring the different parts of the village together whilst still according with the vision of continuing to enjoy wide open spaces within the village with uninterrupted views of the countryside.

Through the site assessment process it was acknowledged that my client's site would not result in coalescence as it is screened from views from the north by the existing, mature landscaping. However, the Neighbourhood Plan Group site assessments table in Annex P of the Site Selection Process document shows that site 039 failed to meet one of the four Primary Criteria due to loss of open views.

The amenity land to the west that my client has proposed would secure an important part of the green separation in perpetuity and avoid ribbon development along the A1124. Site 039 is also capable of meeting the other objectives of the Neighbourhood Plan and would perform better than site 226 with regards to reducing the environmental impact of travel and supporting local businesses and facilities. Therefore, an alternative development site to

# EIGHT ASH GREEN NEIGHBOURHOOD PLAN

meet future housing need, or if the numbers cannot be successfully accommodated on site 226, should also be proposed at site 039.

The selection process has given a disproportionate amount of weight to the protection of the green space at the centre of the village. This has resulted in a less sustainable site being allocated. As such my client believes that the SNP conflicts with Basic Conditions A and D.

Proposed Change: The wording of Policy EP2 needs to allow greater flexibility for the future development of some of the villages green spaces where there would be clear public benefits to accommodating new homes in the most sustainable locations.

- *Comment from the NP Group*
  - *Another example of being told that the Site Selection Process “has given disproportionate weight to ....” [this time, to the protection of the green space at the centre of the village]. Apart from being a personal opinion of a party with a vested interest in promoting their site 039, it strikes us how wonderful it must be to have insight to the thinking and actions of the villagers when they undertook their ranking exercise that they know the said villagers “gave disproportionate weight”. This statement could be described as typical of an organisation not fully understanding the importance of something to a community (the large open space in the centre of the village in our case) nor appreciating that as adults, they are able to make a conscious decision according to their feelings and wishes. We reject the proposed change and we do not accept the bland statement regarding “clear public benefits” – clearly the villagers don’t agree!*
- Chapter 9 d. of the NP – Environment
  - One **Comment in Support** from Colchester Borough Council (Miss Bethany Jones)

## Policy EP3 - Hedgerows, Trees and Woods

The term "village" should be updated to "Neighbourhood Plan Area" to provide greater clarity and consistency. [this particular element also applies to Policy EP 2]

To be consistent with the NPPF, the policy wording should be updated to:

"Any development in the Neighbourhood Plan Area that may result in the destruction and/or removal of existing hedgerows, trees or woods, will only be permitted if these elements are replaced with equivalent features, on the same site or plot."

- *Comment from the NP Group*

# EIGHT ASH GREEN NEIGHBOURHOOD PLAN

- *We are more than happy to both acknowledge and accept these suggestions.*
- Chapter 9 d. of the NP – Environment
  - One **Objection** from Essex County Council (Matthew Jericho)
  - Environment Policy 5 (EP 5): - The following comment is made by Essex County Council as Lead Local Flood Authority.

Policy EP5 addresses works affecting Ordinary Watercourses. Permission to carry out works should not be considered a planning matter and must be dealt with under section 23 of the Land Drainage Act. Works to any ordinary watercourse must be approved by the Lead Local Flood Authority before work can take place. A range of issues will be taken into consideration when assessing an application for ordinary watercourse consent including flood risk but also covering topics such as biodiversity and amenity. It is expected that where ordinary watercourses are within the boundary of a proposed development, they should form part of the wider green infrastructure of that development. Maintenance of the existing ditch network is the responsibility of riparian owners of those ditches; failure to carry out necessary maintenance may lead to enforcement action.

Consideration of flood risk associated with development within the plan area should not just include risk associated with the plan area but should take into account wider flood risk. These techniques should encompass the four pillars of SuDS that are addressing water quantity, water quality, biodiversity and amenity. In order to achieve these results the use of above ground SuDS should be promoted. Where possible, these features should be multifunctional, not only providing flood risk mitigation but also enhancing green infrastructure within the plan area.

All drainage strategies for major development within the plan area should be based on the Essex SuDS Guide. It is recommended that developers engage in pre-applications discussions with the Lead Local Flood Authority to ensure that any recommendations can be incorporated into site design as early into the planning process as possible. While the lead Local Flood Authority is not currently a statutory consultee on minor application it is still recommended that the principles of the Essex SuDS design guide are implemented on smaller sites to ensure that the cumulative effect of multiple smaller developments does not have a significant increase downstream flood risk.

- *Comment from the NP Group*
  - *Given the earlier **Objections** regarding flooding/water issues, this is a matter we will need to discuss with CBC so as to get a consistent message across in the NP.*
- Chapter 9 d. of the NP – Environment

# EIGHT ASH GREEN NEIGHBOURHOOD PLAN

- One **Comment** from the Environment Agency (Miss Natalie Kermath)

Thank you for your letter relating to the Eight Ash Green Neighbourhood Plan. We have assessed the draft Neighbourhood Plan as submitted and our letter contains our response and information in relation to environmental issues that should be considered during the development of the Neighbourhood Plan.

Our principal aims are to protect and improve the environment, and to promote sustainable development, we:

- Act to reduce climate change and its consequences
- Protect and improve water, land and air
- Work with people and communities to create better places
- Work with businesses and other organisations to use resources wisely

You may find the following two documents useful. They explain our role in the planning process in more detail and describe how we work with others; they provide:

- An overview of our role in development and when you should contact us.
- Initial advice on how to manage the environmental impact and opportunities of development.
- Signposting to further information which will help you with development.
- Links to the consents and permits you or developers may need from us.

Our role in development and how we can help:  
[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/289894/LIT\\_2745\\_c8ed3d.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/289894/LIT_2745_c8ed3d.pdf)

Environment Policy 5 refers to surface water flooding and does not involve fluvial flooding. The supporting text rationalises that the fluvial flood risk is a narrow strip along the boundary. However, we wish to highlight that the statutory main river 'Tributary of the Colne' is currently unmodelled and may be modelled in the future by ourselves. If any planning applications are received within 16 meters of the main river we may request that the applicant models the river themselves in order to determine the flood risk.

Please note that the view expressed in this letter by the Environment Agency is a response to the proposed Neighbourhood Development Plan only and does not represent our final view in relation to any future planning or permit applications that may come forward. We reserve the right to change our position in relation to any such application.

# EIGHT ASH GREEN NEIGHBOURHOOD PLAN

Please contact me on the details below should you have any questions or would wish to contact any of our specialist advisors. Please continue to keep us advised on the progress of the plan.

We trust this advice is helpful.

- *Comment from the NP Group*
  - We note the **Comments** made.
- Chapter 9 d. of the NP – Environment
  - One **Comment** in **Support** from Colchester Borough Council (Miss Bethany Jones)

## Policy EP5 - Prevention of Flooding

The term "village" should be updated to "Neighbourhood Plan Area" to provide greater clarity and consistency.

Work which may affect an ordinary watercourse (which can include drainage ditches) or main river, may require consent under the Land Drainage Act 1991 from Essex County Council as the Lead Local Flood Authority (LLFA) for ordinary watercourses or the Environment Agency for main rivers. As such it is not appropriate for the policy to support the stopping up or diverting of drainage ditches to enable development if no additional flood risk is created. The policy should be updated as below:

Development will be supported where it is shown that it will not negatively impact upon the existing network of drainage ditches within the Neighbourhood Plan Area. The protection and enhancement of these facilities is encouraged. Where it is necessary to enable development, any changes to a watercourse may require consent from Essex County Council as the Lead Local Flood Authority (LLFA) for an ordinary watercourse, or the Environment Agency for main rivers. Developers should contact the LLFA or Environment Agency for further advice.

- *Comment from the NP Group*
  - Given the earlier **Objections** and **Comment** regarding flooding/water issues; this is a matter we will need to discuss with CBC so as to get a consistent message across in the NP.
- Chapter 9 e. of the NP – Heritage
  - One **Comment** in **Support** from Colchester Borough Council (Miss Bethany Jones)

# EIGHT ASH GREEN NEIGHBOURHOOD PLAN

## Policy HER1 – Heritage

As noted in the Eight Ash Green Strategic Environmental Assessment (SEA) Report (January 2019), to be consistent with the NPPF, "historic asset" should be replaced with "heritage asset".

- *Comment from the NP Group*
  - *We are more than happy to both acknowledge and accept this suggestion.*
- Chapter 9 g. of the NP – Local businesses
  - One **Comment** in **Support** from Colchester Borough Council (Miss Bethany Jones)

## Policy BP1 - Moat Farm

As noted in the Eight Ash Green Strategic Environmental Assessment (SEA) Report (January 2019), wording should be included in policy BP1 to ensure sufficient mitigation for extension of employment sites. Policy BP1 should be updated to include the following clause:

Moat Farm (shown above) is designated as a new business area. Proposals for the enhancement of existing facilities or for new business premises on the site will be supported provided they are of suitable design provide satisfactory car parking for staff and visitors, have implemented a strategy for the contaminant and subsequent disposal of waste, and sufficiently mitigate any negative effects resulting from the expansion of existing employment areas.

A boundary should be added to the policy map to clearly outline the extent of the Moat Farm business area.

- *Comment from the NP Group*
  - *We are more than happy to both acknowledge and accept these suggestions.*
- Chapter 9 g. of the NP – Local businesses
  - One **Comment** in **Support** from Colchester Borough Council (Miss Bethany Jones)

## Policy BP2 - Fiddlers Farm

A boundary should be added to the policy map to clearly outline the extent of the Fiddlers Farm business area.

- *Comment from the NP Group*

# EIGHT ASH GREEN NEIGHBOURHOOD PLAN

- *We are more than happy to both acknowledge and accept this suggestion.*

- Chapter 9 h. of the NP – Community amenities

- One **Comment** in **Support** from Colchester Borough Council (Miss Bethany Jones)

Policy CA1 - Community Amenities

To ensure consistency with the NPPF, the policy should be updated to ensure sufficient provision of the community facility. The policy should be updated to the following:

"To protect and enhance the allotments site (as shown below) from any future potential development."

A boundary should be added to the policy map to clearly outline the extent of the allotments area.

- *Comment from the NP Group*

- *We are more than happy to both acknowledge and accept this suggestion.*

- Chapter 9 h. of the NP – Community amenities

- One **Comment** in **Support** from Colchester Borough Council (Miss Bethany Jones)

CS1 - Community Site

A boundary should be added to the policy map to clearly outline the area designated for a new Community Hub/Hall.

- *Comment from the NP Group*

- *We are more than happy to both acknowledge and accept this suggestion.*

- Chapter 9 h. of the NP – Community amenities

- One **Comment** in **Support** from Hopkins Homes (Robert Eburne) represented by Pegasus Group (Nicky Parsons)

The objective to introduce new amenity facilities within the central part of the village needs to be supported by new residential development that will result in new residents being within easy walking and cycling distance of them. Site 039 clearly meets this objective better than site 226 for the reasons mentioned previously.

# EIGHT ASH GREEN NEIGHBOURHOOD PLAN

As the proposed community facility will be partly funded by developer contributions it is critical that other financial burdens placed on development to make them acceptable are reduced. This reinforces the concern that development on the Fiddlers Field site is so heavily dependent on delivering the new road and priority junctions that the development will offer little in the way of wider community benefits.

Proposed Change: None

- *Comment from the NP Group*  
*We note the **Comments** being made.*
- Chapter 11 of the NP – Projects
  - One **Comment** in **Support** from Colchester Borough Council (Miss Bethany Jones):-

Project boxes should be highlighted in a different colour from the policies and objectives of the Neighbourhood Plan to clearly demonstrate their differences.

- *Comment from the NP Group*
  - *We are more than happy to both acknowledge and accept this suggestion.*
- Chapter 14 of the NP – Annex B – The type/number and style/number of properties that may be built on Site 226 (now known as Fiddlers Field)
  - One **Comment** in **Support** from Colchester Borough Council (Miss Bethany Jones)

Although it is noted this Annex is intended as an indication of the type, style and number of properties to be built at the site allocation of Fiddlers Field, the affordable housing provision should be updated to 30% to reflect the figure being pursued in the Emerging Colchester Local Plan.

- *Comment from the NP Group*
  - *We are more than happy to both acknowledge and accept this suggestion.*

John Allcock Vice Chair EAG NPG

10<sup>th</sup> March 2019