

### Summary of West Bergholt Neighbourhood Plan Representations

Respondent	NP Chapter/ Policy	Summary	Response
Natural England	Introduction	<p>The West Bergholt neighbourhood plan follows previous consultation with Natural England on the Colchester Local Plan. At this time Natural England advised that the emerging strategic solution, the Essex Coast Recreational Avoidance and Mitigation Strategy (Essex RAMS) is a key consideration in the context of the Habitats Regulation Assessment. The Essex RAMS seeks to mitigate the recreational impacts as a result of new development, in-combination with other plans and projects within the Zones of Influence (Zol). We would direct you to Natural England's most recent letter to your Local Planning Authority, reference 244199 (dated 16 August 2018) for further guidance on the Essex RAMS in the interim period.</p> <p>Natural England previously commented on the West Bergholt Neighbourhood plan through the letters dated 20 July 2018 (reference 248882) and 5<sup>th</sup> June 2018 (reference 245220), however we note that the position on neighbourhood plans falling within the strategic solution has since changed.</p>	Noted
Natural England	Introduction	<p>The West Bergholt Parish falls in its entirety within one or more of the Zol. There is therefore <b>residential development within the parish area which will be subject to the requirements of this strategic solution</b>. This will be in accordance with the RAMS supplementary planning document once adopted.</p> <p>As stated in our comments previously, any windfall applications which would be in excess of what has been assessed in the Neighbourhood Plan Habitats Regulation Assessment (HRA), would need to be</p>	Noted

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		subject to their own, project level HRA.	
Essex County Council	Introduction	Thank you for consulting Essex County Council (ECC) on the Submission version of the Neighbourhood Plan for West Bergholt. ECC supports the proposals set out in the Plan and does not seek any amendments. ECC looks forward to engaging constructively, actively and on an ongoing basis with the Parish Council and Colchester Borough Council to facilitate the Plan's delivery for those areas where responsibility lies with ECC.	Noted
Telent	Introduction	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.	Noted
Historic England	Sustainable Growth: A Framework for the Future of West Bergholt	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.	Noted
Natural England	Sustainable Growth: A Framework for the Future of West Bergholt	Plan framework table - Environment – Scope - Natural England supports the inclusion of protection of the natural environment, but this should also reflect enhancement as per the requirements of the NPPF paragraphs 170d, 118. Whilst we note that reference has been made to enhancement later in the plan, for consistency we would recommend this be updated.	Noted
Gladman	Vision	The Framework seeks to promote sustainable development to meet identified housing needs and states that local planning authorities should set out the strategic priorities for an area in a Local Plan. The WBNP should therefore seek to promote these interests and ensure that strategic priorities, set out within the adopted and emerging Development Plans	Noted

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		are given due regard and consideration, ensuring that sustainable development opportunities are fully Supported. There is a need for the vision of the Plan to be locally distinctive and therefore Gladman supports the proposed vision that seeks to ensure that West Bergholt will be a prosperous community.	
Robert Carney	PP1: Sustainable Development	Point 3. The proposed sites A & B on PP13 would detract from the village character. It would greatly reduce the green spaces on view within the settlement boundary of the West Bergholt.	The proposed site allocations are not considered to be contrary to this policy.
Pegasus on behalf of Hopkins and Moore	PP1: Sustainable Development	Clarification is required as to the aim and purpose of bullet point 4 of Policy PP1: Sustainable Development. As currently drafted bullet point 4 is in need of amendments to make it a legible and useable as a policy tool, as such, at present bullet point 4 could not be effectively applied or considered as part of preparing or assessing development proposals. <b>Proposed Policy Change:</b> Delete bullet point 4 of Policy PP1: Sustainable Development.	Agree that clarification is required but not deletion. Possible wording change to bullet point 4: <b>All the above aspects (1 – 3) are considered to be necessary to make Developments sustainable and acceptable, relate directly to the Development and fairly and reasonably relate to its setting.</b>
Robert Carney	Village Society & Community Facilities Policy PP2: Community Facilities	This wording causes concern. It seems to imply that the existing football pitch and complex at Orpen and Lampon Halls could be replaced if a better alternative is found elsewhere. This would leave a large potential building plot within the settlement boundary. Looking at the WBNP it appears to be heading that way. There is no need for the two new playing fields proposed near the existing cricket pitch as football pitches exist at Orpen Hall and Heathlands School. One would assume that the owner of the proposed site is willing to give up this land in return for planning permission elsewhere.	Policy PP2 protects existing community facilities unless they are no longer needed or an equivalent or better facility replaces them.
Gladman	Village Society & Community Facilities	Gladman do not support the inclusion of policies that seek to apply such rigid requirements without recognition that compliance should be subject to	Do not agree with the deletion of this policy. The aim of this policy is to protect existing community facilities. There are no implications for viability.

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	Policy PP2: Community Facilities	viability. In seeking to apply this principle wholly, sustainable development opportunities could be missed over genuine concerns for viability. Further, we consider it essential that sufficient detail is provided in either the policy or the supporting text to address the application of the policy and enable decisions makers to apply the policy consistently. Gladman recommend that Policy PP2 is deleted.	Please also see comments below in relation to the next representation made.
Pegasus on behalf of Hopkins and Moore	Village Society & Community Facilities Policy PP2: Community Facilities	This policy requires all development to demonstrate an enhancement to the quality of life and wellbeing of the local community. It is not clear how this is to be measured or the relevant justification for a future development to improve on an existing situation. The policy is unnecessarily subjective and open to wide interpretation. The NPG provides detailed advice on the requirements for neighbourhood plan policies. The above requirements of the PPG are not met by the current wording of Policy PP2, therefore, it is recommended that Policy PP2 is amended in order for the SNP to comply with basic condition A (having regard to national policies and advice contained in guidance by the Secretary of State). It is recommended Policy PP2 is amended as follows: <b>Proposed Policy Change:</b> Replace the first half of the first sentence of this policy to read: <i>'All development proposals must ensure that they do not give rise to adverse impacts on the quality of life and wellbeing of the local community and provide enhancements wherever possible...'</i>	The suggested revision to this policy is acceptable to the Parish Council if the Examiner considers it necessary to meet the basic conditions.
Robert Carney	Environment PP4: Open Spaces	The proposed development sites on PP13/2 would reduce the amount of space and harm the character of the village. Resident wildlife (especially deer) would also be affected. All of the above would contravene WBNP's definition of PP4.	Policy PP4 protects existing open spaces.

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Natural England	Environment PP4: Open Spaces	Natural England supports the inclusion of a policy reflecting the requirement for green infrastructure (GI), with wider links to a GI network and the need to demonstrate environmental gains within new development. The creation of suitable green infrastructure within new development is important to create robust environmental linkages to the wider natural environment and on-site mitigation; for instance appropriate GI forms part of the requirements for the Essex RAMS strategic solution to ensure mitigation for recreational impacts (in-combination) is met.	Noted
Robert Carney	Environment PP5: Local Green Space	If planning is to be granted on the proposed development sites A & B in PP13/2 then surely they should be surrounded with new LGSs. PP5 – states “Proposals for any development on Local Green Spaces will be resisted other than in very special circumstances” So not impossible. What would be the very special circumstance? Maybe if the Football pitch currently in LGS 2 is no longer being used because of the newly created pitches in WBNP?	The LGS policy is in line with the advice in the NPPF. Very special circumstances are not defined. The areas around the proposed development sites are situated in the proposed area of separation. When the Plan is reviewed any new LGSs or other candidates for additional LGSs can be considered.
Gladman	Environment PP5: Local Green Space	Gladman suggest that the evidence that has been produced to support the designations of LGS is not considered robust or detailed enough and instead demonstrates how LGS1 Hillhouse Wood is considered to be an extensive tract of land and therefore do not meet the requirements of the Framework.	The supporting document provides significant evidence on each proposed LGS. There is no definition of what might be regarded as an extensive tract of land in the NPPF. In the case of LGS1, this is a woodland and wildlife area that forms one cohesive whole; it would be impractical and undesirable to divide it up into smaller areas.
Robert Carney	Environment PP6: Character Area	What a shame this is thought to be the Character Area of the village after all the development behind The Queens Head. There are also more characteristic areas in the village. Site A for one on PP13/2. This area formed part of the old heath surrounded by many old houses that would have	This policy relates to the built environment and the Character Area was one of those areas ( <b>D The Lanes</b> ) originally designated in the Village Design Statement which was subsequently adopted by Colchester Borough Council (see Appendix 2 (O)).

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		stood on the open heathland and the White Hart public house which was a place to rest and water livestock.	
Gladman	Environment PP6: Character Area	Gladman have been unable to locate any evidence to support the inclusion of any such designation in the submission version of the Plan. If indeed evidence has been produces to support this policy, it is essential that this is made obviously available for public review and comment. We suggest that the Parish Council revisit this policy and ensure sufficient evidence is provided to demonstrate consistency with the requirements of the Framework.	See above.
Robert Carney	Environment PP8: Trees and Hedgerows	Site A on PP13/2 would destroy hedgerows, and trees. The proposed cemetery would also condemn the fruit from the trees in the surrounding orchard. It is therefore hard to see how the WBNP can say “the loss of trees or hedgerows of arboricultural and amenity value will not normally be supported.”	Disagree as detailed proposals have not yet been submitted and the retention of hedgerows would be supported. The orchard is a commercial concern and is not a natural feature.
Natural England	Environment PP9: Natural Environment	Natural England supports the aims of this policy which is consistent with paragraph’s 118, 170 & 174 of the NPPF. The wording at present states that ‘all development should protect and where appropriate enhance biodiversity’. Whilst it is later referenced in point e), to strengthen this policy we advise that the phrasing ‘where appropriate’ is removed from the introductory sentence. As previously stated Natural England otherwise welcomes this policy.	The Parish Council is happy for an amendment in line with this representation to be made by the Examiner if that is considered necessary.
Gladman	Environment PP9: Natural Environment	Paragraph 113 of the Framework refers to the need for criteria-based policies in relation to proposals affecting protected wildlife or geodiversity sites or landscape areas, and that protection should be commensurate with their status which gives appropriate weight to their importance and contributions to wider networks. As currently drafted,	The NPPF is clear that the planning system should contribute to and enhance the natural environment (paragraph 109). Whilst the NPPF does indicate that the hierarchy of designated sites should be identified in policies that affecting wildlife sites or landscape areas, Policy PP9 does this through its criteria by setting out the expectations for each category of

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		<p>Gladman do not believe this policy fully aligns with the Framework. The policy fails to make a distinction and recognise that there are two separate balancing exercises which need to be undertaken for national and local designated sites and their settings. We therefore suggest that the policy is revisited to ensure that it is consistent with the approach set out within the Framework.</p>	<p>natural environment and biodiversity. Supporting text explains those sites in the Parish.</p>
<p>Anglian Water Services</p>	<p>Environment PP9: Natural Environment</p>	<p>Reference is made to adopting best practice in sustainable urban drainage.            Anglian Water has previously sought changes to the West Bergholt Neighbourhood Plan to strengthen this policy is strengthened to make it clear that Sustainable Drainage Systems (SuDSs) will be utilised for surface water disposal on development sites in the parish unless it can be shown to be technically unfeasible. We note that additional text has been included in paragraph 14.3.9 which states that where appropriate developments sites will be expected to provide their own SuDS. However the policy wording has not been amended. The Revised National Planning Policy Framework (February 2019) states that major developments sites will be expected to incorporate SuDS unless it can be shown to be technically unfeasible. It is therefore proposed that Policy PP9 be amended as follows:</p> <p><b>'f) Adopting best practice in sustainable urban drainage with development proposals incorporating the provision of Sustainable Drainage Systems (SuDS) unless it can be demonstrated to be technically unfeasible.'</b></p>	<p>It is noted that the NDP will be examined against an earlier NPPF. Policy PP9 and its supporting text refers to all development and takes account of the most recent NPPF in that it refers to “where appropriate” and “adopting best practice” so we feel the point made by Anglian Water is covered satisfactorily.</p> <p>However, no objection is raised to amending the wording in principle as long as the wording applies to all development adopting SuDs as appropriate.</p> <p>For information, the relevant paragraph in the NPPF February 2019 is paragraph 165 which states: “Major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate.” Therefore the wording put forward by Anglian Water is not quite right and would only apply to major development whereas the current policy applies to all development but appropriately. SuDs are an important issue for the Parish and we would like to encourage them in all developments.</p>
<p>Robert Carney</p>	<p>Environment</p>	<p>Site A on PP13/2 would destroy hedgerow, grassland and orchards. It would not promote the migration,</p>	<p>See comments above relating to Environment Policy PP8.</p>

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	PP9: Natural Environment	preservation, restoration and recreation of wildlife habitats, which is promoted in PP9.	
Natural England	Environment PP10: Recreational disturbance Avoidance & Mitigation Strategy (RAMS)	Natural England supports the inclusion of a RAMS policy within the West Bergholt Neighbourhood plan and welcomes the requirement for developments to mitigate for the recreational impacts which is consistent with the Colchester Local Plan and its accompanying HRA.	Noted
Robert Carney	Environment PP11: Area of Separation	I find it strange that the two proposed development areas in PP13/2 are currently in the narrowest part of the “Area of Separation”. With the lack of LGSs around both Sites and the probable condemnation of the apples in the surrounding orchard, it won’t be long before we creep towards our closest neighbour, Great Horkesley.	Noted but the sites chosen come from the ‘Report on Assessment of Potential Housing Sites’ (Appendix 2 (L)). The “Area of Separation” will prevent the creep towards our closest neighbour, Great Horkesley”.
Gladman	Environment PP11: Area of Separation	The identification of land as an ‘Area of Separation’ would create an unnecessary policy constraint to future development, effectively preventing growth on the edge of West Bergholt. It would essentially also offer similar level of protection to that imposed on land subject to national designations. As stated by PPG paragraph 074, a neighbourhood plan should not attempt to introduce strategic policies, such as this, which would undermine the strategic policies as set out in the development plan. Again, Gladman have been unable to identify any evidence to support the inclusion of any such policy. It is essential that evidence to support any such policy is made available for review by anyone wishing to comment on the consultation.	This is not a strategic policy. Evidence has been provided through community feedback to the many surveys carried out (Appendix 2 (E)).



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Pegasus on behalf of Hopkins and Moore	Environment PP11: Area of Separation	<p>The principle of protecting the landscape value of important parts of the parish is supported, however, in respect of extending the designation to the north of the settlement there is a clear conflict. In light of the above described conflict with the emerging CBC Local Plan and the lack of justification/evidence base underpinning for the designation of the 'Area of Separation' basic condition E (general conformity with the strategic policies contained in the development plan) and basic condition A (having regard to national policies and advice contained in guidance by the Secretary of State) are not met. The following amendments to the Plan are recommended:</p> <p><b>Proposed Change:</b> It is recommended that the land to the north of the settlement boundary is removed from the 'Area of Separation' designation. This would align with SNP strategy to allocate development in this location and be in accordance with Policy Map accompanying emerging Policy SS15 of emerging Local Plan.</p>	<p>There is an objection to the inclusion of the land interest by this developer who has indicated that they would like to see further development on this site. The Parish Council is clear that the policy and area of separation is important and is justified. The NDP is not examined against the detail of policies in the emerging Local Plan which may yet be subject to significant change. The NDP has though taken account of the evidence base underpinning the emerging Local Plan such as housing growth and sought to accommodate this. The suggested change is not therefore acceptable to the Parish Council.</p>
Robert Carney	Environment PP12: Key Views	<p>I notice that there are no view arrows pointing in the direction of the proposed development sites, yet these views give the concept of openness and a village feel enjoyed not only by those living around it but those passing by. View 2 on PP12 however, is enjoyed by very few people. Planning Application No. 173127 would go a long way to fulfilling the number of houses required by CBC and would mean that View 2 would not be lost but enjoyed by several more. The neighbourhood planning committee should be working with these developers to find an ideal compromise.</p>	<p>No views were identified close to the development sites.</p>

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Gladman	Environment PP12: Key Views	<p>We again submit that new development can often be located in areas without eroding the views considered to be important to the local community and can be appropriately designed to take into consideration the wider landscape features of a surrounding area to provide new vistas and views. In addition, as set out in case law, to be valued, a view would need to have some form of physical attribute. This policy must allow a decision maker to come to a view as to whether particular locations contains physical attributes that would 'take it out of the ordinary' rather than selecting views which may not have any landscape significance and are based solely on community support. Opinions on landscape are highly subjective, therefore, without much more robust evidence to demonstrate why these views and landscape areas are considered special, the policy in its current form will likely lead to inconsistencies in the decision-making process.</p>	<p>Map PP2 indicates the location of the 'Key Views'. It should be noted that the policy does not prevent or preclude any development per se. It is carefully worded to ensure that it is the key features of the views that should continue to be enjoyed. With the right level of evidence such as landscape appraisals that Gladman refer to in their letter, it will be possible to identify the key features and taking a careful approach to development comply with this policy.</p>
Environment Agency	Environment	<p>Section 14.3.9 Flooding and Sustainable Urban Drainage Systems discusses future development in flood zones 2 and 3 stating that they do not think any will be occur and if so they will require a flood risk assessment. This could be enhanced by adding further information that we provided in our previous response. We also feel this should be included as a policy, as the Neighbourhood plan is for the period 2018-2033 it cannot be said for certain that it is thought no development will happen in an area, unless it is developed into a policy for this period in time. A policy would be more definitive in what should happen if development is proposed in areas of fluvial flooding.</p>	<p>The Parish Council is happy for any amendments in line with this representation to be made by the Examiner if that is considered necessary.</p>

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Robert Carney	Housing and Planning PP13: Housing Sites	<p>I believe the new proposed settlement and development area Site A &amp; B are in the wrong part of the village for the following reasons.</p> <ol style="list-style-type: none"> <li>1. The cemetery will condemn the surrounding fruit trees.</li> <li>2. Site B would be a better place for the cemetery opposite The Treble Tile.</li> <li>3. No need for more football pitches unless the existing pitches are to be built on.</li> <li>4. More traffic onto a road near the school, causing pollution and danger.</li> <li>5. Better sites have been proposed and with some co-operation could have worked.</li> <li>6. All the large sites proposed last year were objected to on the grounds of the pressure it would put on the doctors surgery, Heathlands School etc. yet the 120 houses on the WBNP will do exactly the same. Once the green light has been given no builder will take their time and houses gradually as currently suggested.</li> <li>7. These proposed sites are also on the narrowest part of the area of separation.</li> </ol> <p>I would also question the need for West Bergholt to build all these houses at the beginning of the 15 year period, as organically several houses are built each year within the village settlement boundary. There are so many houses being built within a few miles of us, Mylands, Severalls, Stanway etc. Colchester Borough's housing grew by 31% between 1991 and 2011 it is also set to grow by 30% between 2001 and 2020.</p>	The Parish has considered its housing need and selected through a rigorous process, its preferred sites.
Gladman	Housing and Planning	In respect of Policy PP13, Gladman refer to our above concerns regarding the site selection process and the SEA appraisal of alternatives.	Dealt with elsewhere.

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	PP13: Housing Sites		
Pegasus on behalf of Hopkins and Moore	Housing and Planning PP13: Housing Sites	Support the allocation of site B and recommend that additional adjacent land is allocated as a reserve site. Numerous comments and proposed wording changes to policy PP13.	<p>We consider that Policy PP13 should remain as it is. The number of dwellings across Sites A and B is expressed as a minimum and therefore does not constrain a design-led solution or mean that the NDP would constrain strategic housing figures. Indeed the site allocations seek to fulfill the Parish's commitment to accommodating necessary growth. We are pleased to see that the representation confirms the availability, suitability and deliverability of the site.</p> <p>Housing size and tenure is discussed in Chapter 10 of the NDP. The policy is worded flexibly and indicates the size and tenure of housing that will be particularly welcomed and meet local needs.</p> <p>In relation to the specific wording changes put forward, we consider that there is no need to change the wording as it has sufficient flexibility and is justified by the evidence base.</p> <p>However if the Examiner considers it necessary to meet the basic conditions, we would accept the revised wording suggested for paragraph 2, we would accept the revised wording suggested for paragraph 3 as long as the density range is retained as between 20 – 25 dwellings per hectare (and not 30 as put forward) as this is based on the character work carried out during the evolution of the NDP.</p> <p>In relation to affordable housing, the requirements are flexible and respond to the latest available</p>

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			<p>evidence at strategic level. It should not be the case that the NDP selects those elements of the emerging Local Plan that suits it and not those that do not.</p> <p>Paragraph 7 sets out an expectation that landscaping will be incorporated and sets out clearly what the Parish expects. This is to avoid any uncertainty for the developer. It will also avoid the situation arising where the factors influencing the acceptability of development on this site from a Parish perspective are not considered at an early stage by the developer and can be incorporated into the viability and deliverability of the site. Therefore the suggested rewording of paragraph 7 is not acceptable to the Parish.</p> <p>There is no need for a reserve site to be identified as the NDP has liaised with Colchester Borough Council throughout the process to ensure that emerging evidence of housing need is addressed.</p>
Gladman	Housing and Planning PP14: Design	Gladman therefore suggest that more flexibility is provided in the policy wording to ensure that a high quality and inclusive design is not compromised by aesthetic requirements alone. We consider that to do so could act to impact on the viability of proposed residential developments. Once again we suggest that regard should be had to paragraph 60 of the NPPF.	The Village Design Statement is still valid. The policy clearly indicates that account should be taken of it rather than it be slavishly adhered to. The policy sets out a range of factors important to ensure development is of a high quality and reinforces local distinctiveness. It is sufficiently flexible.
Gladman	Housing and Planning PP22: Coalescence	Gladman consider this to be a strategic policy that should be determined by the Local Planning Authority. Full implementation of the policy would result in a blanket restriction on development to the east of West Bergholt and would effectively offer a	Many other neighbourhood plans include similar policies and designations and it is not strategic in nature as Colchester Borough Council are unlikely to designate such areas throughout the Borough at such a local level. It is considered that this is exactly

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		<p>similar level of protection as Green Belt land without undertaking the necessary exceptional circumstances test for the designation. Gladman would refer the Parish Council to paragraph 074 of the PPG, which states that neighbourhood plans should not attempt to introduce strategic policies, which would undermine the strategic policies set out in the development plan. Gladman have been unable to identify any specific evidence to support the inclusion of this policy in the Neighbourhood Plan. It is vital that all of the evidence that underpins policies within the plan are available for review by anyone wishing to comment on the consultation. Further, Gladman have land interest in an area that is located within the proposed designation, and we would like to draw the Parish Council's attentions to the consultee response received from CBC's Landscape Officer in response to our proposal for residential development (details of which have been previously set out in these representations). As the Landscape Officer raised no objection to the proposals on grounds of coalescence, we question the necessity for such a designation.</p>	<p>the type of issue local communities should be able to address through neighbourhood plans. It is carefully crafted to ensure that it does not introduce a blanket ban on development.</p>
<p>Pegasus on behalf of Hopkins and Moore</p>	<p>Housing and Planning PP24: Highways Network</p>	<p>Policy PP24 specifies the detailed highway requirements arising from the new housing development sites identified in the Neighbourhood Plan. This is an inappropriate level of detail to include in a planning policy, especially given the absence of any detailed proposals to test and demonstrate the requirements listed. Furthermore, the plan is intended to cover the period up to 2033 and it is reasonable to assume that highway requirements will change during that time. It is noted that the detailed requirements are expected to be funded by the</p>	<p>The community feels strongly that improvements to the highway will be necessary as a result of the proposed developments. It is not the intention of the policy to compel the developer to address pre-existing issues or to render the development undeliverable. It should be pointed out that for these sites to be successfully integrated with facilities, such as the school, some pedestrian and cycle crossings will be required to promote sustainable and safe travel.</p>

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		<p>allocated sites despite the fact that some of the requirements appear to be required to address existing issues. This is an inappropriate requirement that will undermine the deliverability of these sites. There is no evidence that the detailed highway measures (within the adopted public highway) are necessary, safe or acceptable to the Local Highway Authority.</p> <p><b>Proposed Change:</b> The policy should be amended by deleting the second sentence in its entirety and amending the third sentence by adding '<i>where appropriate</i>' at the end.</p>	<p>However, if changes to the policy were to be made, it should be clear that these are subject to viability considerations as well as site specific needs which would be subject to further detailed work at the planning application stage, but might include such measures listed in the policy.</p>
Pegasus on behalf of Hopkins and Moore	Housing and Planning PP25: Infrastructure	<p>In its current form Policy PP25 and the associated list of infrastructure projects has the potential to undermine the deliverability of site allocations in the SNP. Paragraph 34 of the NPPF makes it clear that Plans should set out the contributions expected from development, but this should not undermine the deliverability of plan. On that basis, basic condition A (having regard to national policies and advice contained in guidance by the Secretary of State) is not met. The following amendments to the Policy are recommended:</p> <p><b>Proposed Change:</b> The Policy should also clarify what scale of development is expected to deliver local infrastructure and outline the need for all planning obligations to be accordance with the CIL Regulations.</p>	<p>It is not considered that this policy would undermine deliverability. It is clear that what is sought through the infrastructure list of priorities in the NDP Appendix 2 (J) either through planning agreements or CIL and any other infrastructure that is required on a site specific basis will be dealt with via condition or S106 in the usual way.</p>
Dr and Mrs Elrington	Housing and Planning	<p>Insufficient consideration has been given to the potential to build to the West of the village without detriment to the character of the village and the declared aims of the NP. The settlement boundary should be extended to the west to include our land and that of a neighbour. Our site is 0.6ha approx. and</p>	<p>Consideration was given and is explained in the Plan to how the settlement boundary could be revised in liaison with CBC. A number of specific sites, including this one, were also considered. (See Appendix 2 (L) page 76).</p>

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		if the site at no.42a is included 0.8ha. Access can be achieved from Lexden Rd, impact on street scene is minimal, principles for new sites are met, no stated objection to development to the west in the NP.	
Gladman	Housing and Planning	Gladman have previously sought allocation of the site for residential development for up to 97 dwellings within the Neighbourhood Plan. The proposed development has been the subject of a planning application and is now the subject to a live planning appeal (appeal ref. 3207626). We continue to consider that this site presents an ideal opportunity to create a sustainable, high quality residential development located in a sought-after location.	Given that there is a current appeal on the site, the Parish Council does not wish to comment further.
Suzanne Bothwell	Housing and Planning	We object to the location of site A, we must make it clear from the start that Colchester Road is currently a very busy and dangerous road, with cars far exceeding the current 30mph limit more often than achieving it. Pedestrians using the road are currently in danger due to the lack of speed control measures. Any proposed developments along this road must take significant steps to improve the quality and safety of the road none of which are currently in place.	The sites have been selected through a rigorous process. Policies PP13 and PP24 recognise the need for access to be satisfactory and for other traffic management issues to be implemented.
Anthony Elliot	Housing and Planning	We object to the location of site A, we must make it clear from the start that Colchester Road is currently a very busy and dangerous road, with cars far exceeding the current 30mph limit more often than achieving it. Pedestrians using the road are currently in danger due to the lack of speed control measures. Any proposed developments along this road must take significant steps to improve the quality and safety of the road none of which are currently in place.	The sites have been selected through a rigorous process. Policies PP13 and PP24 recognise the need for access to be satisfactory and for other traffic management issues to be implemented.



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Chris Davies	Housing and Planning	We object to the location of site A, we must make it clear from the start that Colchester Road is currently a very busy and dangerous road, with cars far exceeding the current 30mph limit more often than achieving it. Pedestrians using the road are currently in danger due to the lack of speed control measures. Any proposed developments along this road must take significant steps to improve the quality and safety of the road none of which are currently in place.	The sites have been selected through a rigorous process. Policies PP13 and PP24 recognise the need for access to be satisfactory and for other traffic management issues to be implemented.
Boyer Planning on behalf of Mr Harrington	Housing and Planning	Whilst the housing objectives of the draft WBNP are supported, the draft Plan places reliance on the delivery of all housing required to 2033 on just two sites, and should the delivery of those sites not be achieved, the village would be left in a vulnerable position. By including a selection of different sites from local land owners whose aspirations align with that of the village, would place the village in a more secure and sustainable position. An alternative option should be incorporated in the Plan through the inclusion of land at Barn End as a reserve site. This would provide the village with a stable alternative to ensure that houses are delivered to meet local need should the sites proposed for allocation fail to be delivered in the plan period. On this basis, and having undertaken a detailed review of the draft DNP and its supporting documents, it is our view that it is not appropriate for the WBNP to be 'made' at this time.	Both housing sites are deliverable and the preferred way forward to meet housing needs. Other sites, including this one (See Appendix 2 (L) page 64), were considered during the site selection process. The Parish Council has worked hard to agree a strategy acceptable to Colchester Borough Council and the direction of travel of the emerging Local Plan to ensure, as far as it can, that the emerging evidence of housing need is addressed. There is therefore no need to allocate reserve sites at the present time.
Gladman	Housing and Planning	Having reviewed the 'Report on the Assessment of Potential Housing Sites', Gladman are concerned that a number of inconsistencies within the site assessment process are evident and as such query the use of the report to support the proposed allocations in the submission version of the WBNP.	The site assessment and selection process is documented in the evidence base.

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		<p>Gladman note that the land it has interest in, and which is subject of a planning application and currently a live planning appeal (appeal ref: APP/A1530/W/18/3207626) has been assessed as part of two parcels/sites. The Council and the Parish Council have been aware of the proposed development in question for a considerable amount of time, and as such we are disappointed to note that the site assessment report does not consider the site as one, using the defined site boundary. Beyond the inconsistencies set out above, Gladman have been able to identify numerous inconsistencies relating to flood risk, impact of neighbouring uses, impact on archaeological and heritage assets, drainage, views and distance to amenities. Considering the above, Gladman consider the site assessment process that has been undertaken to be fundamentally flawed and potentially, pre-determined. We object to the use of the Report on the Assessment of Potential Housing Sites to justify the proposed allocations, and suggest that it is necessary for the Parish Council to undertake the assessment again, adopting an unbiased approach to assess each site.</p>	
Pegasus on behalf of Hopkins and Moore	Sport and Recreation PP30: New Sports Facilities	<p>Policy PP30 requires Site B to deliver the sports facilities adjacent to the cricket pitch as shown on Map PP13/2. This is an onerous requirement that exceeds any requirements generated by residential element of this site allocation. The expense of this provision will have a significant and detrimental impact on the viability of this site such that it will be undeliverable. Previous discussions between my client and WBPC have made it clear that the provision of such facilities could not be financed by such a modest development and would need to be</p>	<p>Disagree with policy change. The provision of land for future sports facilities is an important element of the acceptability of the site by the Parish Council.</p>

Respondent	NP Chapter/ Policy	Summary	Response
		<p>integrated as part of a wider scheme on neighbouring land that may come forward in the future under a review of the Plan. It is inappropriate to reserve significant areas of land for Public Open Space/ Recreational Use where those areas are also demonstrably and evidentially suitable for residential development as indicated on Local Plan Policy Map SS15.</p> <p>Proposed change:  <i>“Map PP13/2 identifies an aspiration for the provision of sports facilities (team ball sports) on land adjacent to the cricket club. Proposals that deliver such facilities will be supported. The redevelopment of Site B must ensure that it does not fetter the future delivery of this provision by ensuring that the potential for future access is maintained.”</i></p>	
Gladman	Community Safety PP31: Designing Out Crime	As currently worded, Gladman do not consider that the policy could be applied on a consistent basis by decision makers, given that neither the policy or the supporting text provide any detail or guidance in respect of how this requirement can be achieved or indeed measured.	Policy PP31 is a short and simply worded policy designed to raise awareness of the importance of designing out crime. This should be regarded as good practice and would be applied on a case by case basis. There is therefore no issue over any potential for inconsistency and it is in line with the NPPF.
Gladman	Communications Network	We do however wish to remind the Council that the inclusion of digital infrastructure such as broadband digital connectivity, is not within the direct control of the development industry, and as such it is considered that this policy could create deliverability issues for development and developers. We consider that service providers are the only ones who can confirm access to infrastructure.	Policy PP33 seeks to ensure that any new development provides the opportunity for high quality communications infrastructure to be provided rather than the actual provision of it. Viability is referred to in the policy. Therefore deliverability should not be an issue for the development industry.
Gladman	Habitat Regulations Assessment	The HRA is found to be out-of-date, inconsistent with Neighbourhood Planning Regulations and inconsistent in respect of the conclusions drawn in	The HRA is not out of date or inconsistent with Neighbourhood Plan Regulations. Prior to the Submission of the Neighbourhood Plan there was

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		<p>the Strategic Environmental Report. Gladman consider that the production of an AA constitutes a significant change in the evidence base supporting the WBNP and as such are very concerned that the AA was not published for the public to view until the 13th February 2019, some 3 weeks into the 6 week consultation. Gladman strongly suggest that it is necessary for the Council to consult on the evidence base changes for a further six-week period.</p>	<p>uncertainty over whether an appropriate assessment could be carried out for neighbourhood plans. The relevant basic condition was amended on 28 December 2018. Following Natural England's advice, an appropriate assessment was not prepared prior to this date. The LPA prepared an appropriate assessment of the implications of the plan in January 2019. This appropriate assessment is consistent with the appropriate assessments of the emerging Local Plan and the Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS).</p> <p>Natural England were consulted on the appropriate assessment in accordance with Regulation 63(3) of the Conservation of Habitats and Species Regulations 2017. Natural England agrees that subject to the identified mitigation and emerging strategic solution, that this will be sufficient to avoid adverse effects on the integrity of the Essex coast designated sites.</p> <p>Regulation 63(4) states that the competent authority must take the opinion of the general public if it considers it appropriate. There is therefore no requirement to consult the public. The appropriate assessment was published on the Neighbourhood Plan pages of the LPAs website during the 6 week public consultation period. Regulation 63(3), which relates to consultation with Natural England, does not specify that consultation must be 6 weeks, but that this should be 'within such reasonable time as the authority specifies'.</p>

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Natural England	Habitats Regulation Assessment	<p>Having reviewed the Habitats Regulations Assessment, Natural England agrees with the conclusion that the West Bergholt Neighbourhood plan is unlikely to have likely significant effects on internationally designated sites when considered alone.</p> <p>It has been identified that there are likely to be significant effects through recreational disturbance (to both species and habitats). Further assessment on this matter has been considered in-combination with other plans and projects which is consistent with Natural England's advice on the Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy. The assessment has identified that mitigation to these impacts will be provided in accordance with the emerging strategic solution, in particular through the requirement for residential developments to provide an appropriate financial contribution, which Natural England supports.</p> <p>Reference should also be made to the importance of on-site mitigation measures in addition to the off-site financial contribution as per our letter reference 244199 in providing adequate mitigation for these coastal designated sites. Natural England would otherwise agree that subject to the identified mitigation and emerging strategic solution, that this will be sufficient to avoid adverse effects on the integrity of the Essex coast designated sites.</p>	Noted
Gladman	Strategic Environmental Assessment Report	In respect of the SEA, Gladman wish to express some concerns regarding the assessment of Policy PP13: Housing Sites. The SEA appraises the proposed allocations for residential development,	As explained in the SEA Report, the SEA has been prepared due to unusual circumstances. The LPA drafted an SEA screening opinion which concluded that the neighbourhood plan will not lead to likely

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		<p>along with 15 alternatives. As part of the planning application a supplementary assessment has been prepared on the advice of CBC's Landscape Officer, which concluded <i>inter alia</i> that development would not alter or damage the experience of leaving Colchester or entering West Bergholt and that the gap between the settlements could accommodate the Development promoted by Gladman. Gladman therefore question the conclusions drawn in the SEA and suggest that the appraisal of alternative sites is inconsistent with the expert advice provided by CBC's Landscape Officer. Gladman fail to see how the proposed allocations would have a positive impact on heritage, and rather suggest that it should be considered that the sites would either have either a nil or a neutral impact on heritage assets. Gladman suggest that in respect of the assessment of alternative sites, the SEA should be reviewed so as to ensure that all sites have been assessed consistently, and in line with other documented evidence.</p>	<p>significant effects and therefore a SEA is not required. Natural England and Historic England agreed with this view. However, an appropriate assessment has been prepared, following changes to the basic condition, and SEA is usually undertaken when an appropriate assessment is required.</p> <p>Whilst the SEA has not been prepared during plan preparation it has been approached with an open mind. Regard has been had to Article 5 of the SEA Directive, which lists the following factors to consider in deciding what information to include: the information that may reasonably be required taking into account current knowledge and methods of assessment; the contents and level of detail of the plan; the objectives and geographical scope of the plan; the stage reached in the decision making process; and the extent to which it would be more appropriate to assess certain matters elsewhere in the decision making process.</p> <p>Gladman are concerned with the findings of the SEA in relation to the site they are promoting and refer to a live appeal. SEA is a high level assessment and does not go into the level of detail necessary for a planning application. It is a reasonable assumption that development of land outside of the settlement boundary is likely to significantly affect landscape character, and this assumption has been consistently applied in the appraisal of alternative sites.</p>
Natural England	Strategic Environmental Assessment	Natural England acknowledges that previously the advice sought on the SEA screening indicated that no further assessment was required. Following changes to the legislation to allow for Neighbourhood	Noted. The Parish Council and Borough Council are happy to discuss this representation further if the Examiner considers this necessary.

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		<p>Plans to proceed to Appropriate Assessment when conducting a HRA, in the case of the West Bergholt Neighbourhood Plan an SEA is now required following the need for an AA in light of the identified recreational disturbance issues to the Essex Coast designated sites. We welcome the further opportunity to comment on this report and note that within the SEA Framework Objective 7 refers to the protection and conservation of the natural environment.</p> <p>It is welcomed that the SEA includes objectives aimed towards conserving and enhancing the natural environment, opportunities to create new areas of open space and the integration of developments with the natural environment or environmental setting. Natural England supports the intention of these objectives but would recommend a wider scope of indicators in relation to the natural environment as at present, this only extends to the Essex RAMS and a measure of the received financial contributions.</p>	