

Marks Tey Neighbourhood Plan Examination

Response from Marks Tey Parish Council to the Examiner's Clarifying Questions to Marks Tey Parish Council and Colchester Borough Council 10 September 2021

The Steering Group, on behalf of Marks Tey Parish Council, has considered the Examiner's questions since receiving them on 24th August. Our response is being sent independently of Colchester Borough Council's response and is set out below.

Question 1: In Policy MT02 para 2 the intention of the bracketed section of the clause is not clear. What is meant to be the intent here?

Marks Tey PC response:

1.1 For very small proposals such as infill schemes, pedestrian and cycle access may already be provided as part of existing street infrastructure. The text is intended to refer to such scenarios.

Question 2: Is the reference to the Local Plan in paragraph 4 of Policy MT04 (starting 'development proposals in Marks Tey Parish coming forward...') intended to mean both the adopted and emerging Local Plan?

Marks Tey PC response:

2.1 Yes.

Question 3: In Policy MT06 and Table 6.9, for the policy to operate correctly the table should include straplines for each view indicating what is important – what is the element to be respected?

Marks Tey PC response:

3.1 The views are mapped on Maps 4.3, 4.4, 4.5, 4.6 and 4.7. Proposed straplines for each view indicating what is important is provided in red font below. Photographs of the views are provided in Appendix G to the Character Assessment. These could be appended to the Neighbourhood Plan?

Table 6.9 - Viewpoints identified in Marks Tey Character Assessment and West Colchester Growth Option Environment Audit, 2015	
Locally Important Views	Viewpoint in the West Colchester Growth Area Option Environmental Audit 2015
View 1a) – Long Green {This is a locally valued view shown on Map 4.4 View from the railway line pedestrian bridge looking out towards Long Green. Key contributing features to sense of place and to be respected are	Viewpoints 16a and 16b

Table 6.9 - Viewpoints identified in Marks Tey Character Assessment and West Colchester Growth Option Environment Audit, 2015

Locally Important Views	Viewpoint in the West Colchester Growth Area Option Environmental Audit 2015
<p>a) the site of the historic village green at Long Green. This is now listed as a monument and connects the listed buildings of “The Green” and “Samsons Cottage” and</p> <p>b) the locally valued landscape feature of Granger’s Lane (a tree and hedgerow-lined ancient lane and (since April 2021) also a public right of way. (a historic site of the village green)</p> <p>View 1b) – looking south of railway line. This is a locally valued view shown on Map 4.5. A key contributing feature to sense of place and to be respected is the view of the Fields looking towards Potts Green & Easthorpe. These fields were once part of an area that was classed as the seed producing capital of the world.</p> <p>Resident quote during consultation work: <i>“A typical Essex landscape. Brilliant area for both train spotting and dog walking.”</i></p>	
<p>View 2 – Wilsons Lane - footpath to Elm Lane (View from Wilsons Lane looking out over the footpath towards Elm Lane)</p> <p>This is a locally valued landscape view shown on map 4.4. The view is enjoyed from the public footpath across the fields from Wilsons Lane towards Elm Lane. Key contributing features to sense of place and to be respected are the open space and sky, alongside the hedges which line the fields which are all clearly marked on the 1843 Tithe Map.</p> <p>Resident quote during consultation work: <i>“We have always appreciated the view, the open space and sky. This is a very popular place.”</i></p>	Viewpoint 15
<p>View 3a)– Little Tey A wide landscape view looking north, east and west from <u>Church Lane</u> the northern point of Little Tey</p> <p>This is a locally valued landscape view shown on Map 4.3. The viewpoint is along Church Lane close to the car park (a little further north from View 3b (below). This is a landscape view looking westwards and eastwards. The key contributing feature to sense of place and to be respected is the vast open</p>	View 10 is view from Little Tey looking east towards open countryside

Table 6.9 - Viewpoints identified in Marks Tey Character Assessment and West Colchester Growth Option Environment Audit, 2015

Locally Important Views	Viewpoint in the West Colchester Growth Area Option Environmental Audit 2015
<p>countryside, representing Little Tey’s rural background.</p> <p>View 3b) – Little Tey towards St. James the Less Church A view taken on Church Lane looking towards the Grade 1 listed church</p> <p>This is a locally valued view towards an important heritage asset in the parish shown on Map 4.3. The key contributing features to sense of place and to be respected is the view of the Grade 1 listed St. James the Less Church, together with the characterful lane, the pond and trees which are all part of the setting of this important heritage asset.</p> <p>Resident quote during consultation work: <i>“This has been the focus of village life for centuries. A village view of a lovely historic church”</i></p>	
<p>View 4 – Motts Lane bridleway A wide landscape view looking north, east and west from Mott’s Lane Bridleway</p> <p>This is a locally valued view across open landscape and also encompassing heritage assets. The view is shown on Map 4.4. Key contributing features to sense of place and to be respected are</p> <ul style="list-style-type: none"> a) the Motts Lane bridleway itself b) views across the fields to a small copse which are enjoyed from the bridleway. c) views towards the three Tey Churches (Grade I listed St. James the Less, Grade I listed St Andrews Church and the Grade I listed St. Barnabas Church (located in Great Tey Parish https://historicengland.org.uk/listing/the-list/list-entry/1223408) <p>Resident quote during consultation work: <i>“The three Tey churches viewed from one spot. Priceless.”</i></p>	Not assessed
<p>View 5 – St. Andrews Church from the A120 Coggeshall Road From Ashbury Drive roundabout on A120 looking north towards Aldham and towards the Grade 1 listed church</p>	Views 12, 13 and 14 look at views northwards from Coggeshall Road where view 14 matches as the view towards St Andrews Church

Table 6.9 - Viewpoints identified in Marks Tey Character Assessment and West Colchester Growth Option Environment Audit, 2015

Locally Important Views	Viewpoint in the West Colchester Growth Area Option Environmental Audit 2015
<p>This is a locally valued view towards open landscape and towards a key heritage asset, the Grade I listed St Andrews Church. Key contributing features to sense of place and to be respected are:</p> <ul style="list-style-type: none"> a) the rolling countryside of Aldham, b) the Grade I listed St. Andrew’s Church Marks Tey. c) the view of the Site of Special Scientific Interest (SSSI) at the brickpit which is described as a unique site in the UK and one of ‘World Heritage’ importance. <p>Resident quote during consultation work: <i>“Probably the most unspoilt and uplifting view in Marks Tey. It’s an open view and probably the only one everyone can enjoy”.</i></p>	
<p>View 6a –St. Andrews Church from road bridge This view is enjoyed from the road bridge that crosses over the railway line looking north towards the Grade I listed church. It is also enjoyed from trains pulling out of the station, just before going under the A120 road bridge.</p> <p>This is a locally valued view towards an important heritage asset in the parish, the Grade I listed St. Andrew’s Church</p> <p>Key contributing features to sense of place and to be respected are the:</p> <ul style="list-style-type: none"> a) Grade I listed St Andrews Church in the foreground b) the open rural landscape against which the church is framed and c) the rolling countryside of Aldham in the background Marks Tey. <p>Resident quote during consultation: <i>“Beautiful view of the church with distant views of countryside and farming activity.”</i></p>	Not assessed
<p>View 7 – Aldham This view is enjoyed from the railway station footbridge looking north towards Aldham</p>	Viewpoint 9

Table 6.9 - Viewpoints identified in Marks Tey Character Assessment and West Colchester Growth Option Environment Audit, 2015

Locally Important Views	Viewpoint in the West Colchester Growth Area Option Environmental Audit 2015
<p>This is a locally valued landscape view shown on Map 4.6. Key contributing features to sense of place and therefore to be respected are:</p> <ul style="list-style-type: none"> a) the view northward to the Roman River Valley b) the rolling countryside of Aldham c) the hedges which can be found on the 1843 title map 	
<p>View 8 - Roman River Valley This is a view looking east and west from the little bridge over the Roman River on North Lane.</p> <p>This is a locally valued landscape view shown on Map 4.6. Key contributing features to sense of place and therefore to be respected are the Roman River Valley and the farmland in which it is set.</p>	Viewpoint 7
<p>View 9 – Wooded area south of Methodist church This is view on Point Chase is to the south of the Methodist Church looking south over wooded <u>area</u>.</p> <p>This is a locally valued landscape view shown on Map 4.7. Key contributing features to sense of place and therefore to be respected are the wooded landscape. It is the last remaining wooded area in the parish.</p> <p>Resident quote during consultation <i>“This was an old orchard. It has wonderful drifts of snowdrops. A truly natural area”</i></p>	Outside scope of the West Colchester Growth Area Option Environmental Audit
<p>View 10 – Marks Tey Hall This is a view from the public footpath looking west towards the Grade II listed building.</p> <p>This is a locally valued views towards a heritage feature, the Grade II listed Marks Tey Hall. Key contributing features to sense of place and therefore to be respected is Marks Tey Hall and its setting.</p>	Not assessed
<p>View 11 - Potts Green - site of village green This is a wide landscape view taken from the public footpath on Doggetts Lane towards the south overlooking the historic village green .</p> <p>This is a locally valued landscape view shown on Map 4.5. Key contributing features to sense of place and therefore to be respected are</p>	Not assessed

Table 6.9 - Viewpoints identified in Marks Tey Character Assessment and West Colchester Growth Option Environment Audit, 2015

Locally Important Views	Viewpoint in the West Colchester Growth Area Option Environmental Audit 2015
<p>a) the open views looking southeast across fields towards Easthorpe</p> <p>b) the site of the historic green itself</p> <p>c) the remaining hedges which can still be found on the 1843 tithe maps giving them ancient status.</p>	

3.2 Please note, we have also spotted typographical errors in the Policy text for views 3a, 6a and view 9 which we would like to correct. St. Andrew’s Church is Grade I listed and not Grade II listed. The text under View 9 should not be referring to Point Chase.

View 3a)-Little Tey (See Map 4.3)

A wide landscape view looking north, east and west from the Church Lane

View 6a –St. Andrews Church from road bridge (See Map 4.6)

This view is enjoyed from the road bridge that crosses over the railway line looking north towards the Grade 2 I listed church. It is also enjoyed from trains pulling out of the station, just before going under the A120 road bridge.

View 9 – Wooded area south of Methodist church (see Map 4.7)

This is view a on Point Chase is to the south of the Methodist Church looking south over wooded area

3.3 Further, we have spotted an error on Map 4.3 which we would like the opportunity to correct. The locally valued landscape view is in the wrong place. It is currently located north of the church when in fact it should be placed south of the church along Church Lane at the point at which the church car park is located. Here, there are long distance views to the west and east.

Question 4: In Policy MT13 Para 2 is ‘safe’ the right word – what is the intention - would ‘viable’ more accurately reflect the intention?

Marks Tey PC response:

4.1 We would be comfortable with this.

Question 5: What is the justification for including part of the Livelihoods site in the London Road Centre boundary – given the owner’s objection? Is it simply that there are business uses currently occupying that strip of land?

Marks Tey PC response:

5.1 This was included as part of a wider mix of retail, and business activities that spreads along London Road. If the A12 southern junction still runs along London Road and past these facilities it is important to encourage such uses. However, the whole road is a mix of commercial and residential and this is seen as advantageous with use of future sites for either purpose but always in the village centre context.

Question 6: Was a formal call for housing sites carried out as part of preparing the plan and was the need for sites reconsidered after the ‘plug was pulled’ on the CBB Garden Community proposal? Or was the view that there was still too much uncertainty in terms of the possible routes of the A12 and A120, such that any question of further housing provision would be better left to a review of the MTNP?

Marks Tey PC response:

6.1 The latter. There is still too much uncertainty in terms of possible routes of the A12 and the A120 *and* the implications that this will have on traffic congestion in and around Marks Tey. Furthermore, there is little known about delivery timescales for the A120 improvements. What we do know is that traffic volumes through Marks Tey will continue to be high. This is indicated by the A120 Feasibility Study which predicts that 82% of current traffic will still move through Marks Tey with the A120 rerouted – please see site reference 14 on page 44 of Essex County Council’s 2017 consultation document ‘*A120 Braintree to A12 Consultation on Route Options 17 January – 14 March 2017*’, available to download here: http://a120essex.co.uk/wp-content/uploads/2017/01/A120_Consultation_web_170130.pdf A pdf of this document is attached as Appendix 1 to this response. Meanwhile, according to a figure shown on page 39 of Highways England’s June to August 2021 consultation brochure (See Appendix 4 and discussed further below), traffic volumes along the A120 are predicted to increase by a further 7% and 6% in the morning and afternoon peak respectively at the opening of the proposed new A12 (2027).

6.2 Work on the Marks Tey Neighbourhood Plan began in 2015. In the same year, Colchester Borough Council had received submissions from landowners and agents in response to a borough-level call for sites. Nearly all the land surrounding the Marks Tey settlement was submitted by various parties as part of this exercise. As information on the potentially available sites in the parish was known from the outset there was no need to undertake a parish-level call for sites in the early stages of plan development.

6.3 The Local Plan was submitted in 2017 and included the Colchester/Braintree Borders Garden Community for which the entirety of Marks Tey parish had been identified as an area of search. Whilst, against this previously emerging strategic context, the Marks Tey NP had an important role to play in articulating clearly what the priorities for future development are, there was little support for further development from Marks Tey residents.

6.4 The reason for this lack of support was a combination of strategic growth coming forward as part of the previously emerging strategic plan but also the significant constraints placed on the community through the existing strategic road infrastructure (two railway lines, the A12 and the A120) and well-established issues relating to capacity on the A12 and A120.

6.5 As per paragraph 5.3 of the NP, *“the NP steering group do not consider it prudent to identify development sites until the implications of the planned strategic transport infrastructure measures are understood in more detail. For instance, it is unknown how Highways Englands proposals for a revised Junction 25 on the A12 will impact land around the London Road centre and the Parish Hall recreation ground.”*

6.6 The extent of the problem on the A12 and A120 is recognised by Highways England who specifically stated in response to our Regulation 14 consultation: *“We recognise the current A120 between Braintree and Marks Tey is running close to capacity and suffers from congestion and flow breakdown can occur at times. Similarly, the A12 is also suffering from capacity issues these are to be addressed by the scheme to widen, the most stressed parts, between J19 and J25, this work is currently scheduled to commence in 2023; subject to completion of statutory process and funding.”* Furthermore, as noted (see page 3 and 4) in the Regulation 14 consultation response from Essex County Council, traffic volume along the A120 is expected to increase even without any additional development coming forward in Marks Tey parish.

6.7 The responses from and Highways England and Essex County Council to our regulation 14 consultation is appended to this document as Appendix 2 and 3 respectively.

Question 7: P55 (3), (6), (7) and (8) – the bracketed definition present in the other paragraphs is missing in these – please supply.

Marks Tey Parish Council response:

7.1 The bracketed definitions provided in some of the paragraphs is taken from the definitions applied in the Out Design report by way of explanation. The Out Design report does not provide definitions for characteristics 3, 6, 7 and 8. If it is useful the text shown in italics below could be used. The text is taken from the Design Companion for Planning and Place Making (RIBA 2017).

3. Being fit for purpose, accommodate uses well

A basic yet vital question is to consider how well a place works – for the people who live or work there, who use it and who pass by.

6. An appealing place that is easy to understand

The functional and aesthetic characteristics of a place are closely related to one another. Planners will be concerned with the visual appearance of places at a variety of scales. These will relate to townscapes, skylines, distant views, landmarks, local streetscape, relationship with neighbours, close-up views, proportions and buildings details.

7. A place with a mix of uses and activities

Uses - the activities, occupations, businesses or operations carried out in building or on a tract of land – determine the life of the place

8. Being efficient in how land and other resources are used.

The efficient use of resources (including space, energy, materials and water) is an essential element of design quality. Irrespective of climate change, well-designed places are efficient. They do not waste land, water or energy, or create unnecessary requirements for people to travel.

Questions to Colchester Borough Council

Question 12: Is it possible to send a diagrammatic representation of the current proposed route of the A12 and A120 and position of Junction 25, given that some of the Regulation 16 representations are stating that the preferred routes are now fixed?

Marks Tey Parish Council response:

12.1 Whilst we note this is a question directed to Colchester Borough Council, we can provide some information which could be helpful. The following is a link to Highways England's recent consultation brochure for the current proposed widening of the A12 from Chelmsford to Marks Tey: [A12 Chelmsford to A120 Widening Scheme Preliminary Design Public Consultation Brochure June 2021.PDF \(citizenspace.com\)](#). Proposals relating to Junction 25 is illustrated on pages 16, 48 and 49.

To assist we append a copy of Highways England recent consultation brochure. See Appendix 4 to this response. See Appendix 5 for an enlarged image (extracted by Marks Tey Parish Council) of Junction 25 as shown on page 16 of the Highways England 2021 document.

Question 15: Is Andrew Martin's point in their Regulation 16 representation correct that there is now certainty regarding the A12 /A120 routes?

15.1 No. Highways England have just concluded consulting on the A12 prior to applying for a Development Consent Order. <https://highwaysengland.co.uk/our-work/east/a12-chelmsford-to-a120-widening-scheme/> Thus significant detail and some layout could still change.

15.2 On the A120, as mentioned above (under question 6), Highways England commissioned Essex County Council to do a feasibility for the various routes for a replacement dualled A120 between the A12 and Braintree. This feasibility study was published in 2017 and is available to view at Appendix 1 to this document or at the link shown above under question 6.

15.3 In June 2018, Essex County Council made a decision in Cabinet to choose route D (out of routes A to D) as the Essex County Council 'favoured' route (only Highways England and the Government can formally select a 'preferred' route). The work was then passed back to Highways England in the hope that the A120 improvement would be included in the 2020-25 RIS2 construction programme. This it failed to do, only gaining funding to continue investigation.

15.4 No possible junctions are shown for the proposed route D for the A120 on the current A12 improvement scheme.

Appendices to this response:

Appendix 1: A120 Braintree to A12 Consultation on Route Options 17 January – 14 March 2017

Appendix 2: Response from Highways England to Marks Tey Parish Council at NP Regulation 14 stage

Appendix 3: Response from Essex County Council to Marks Tey Parish Council at NP Regulation 14 stage

Appendix 4: Highways England A12 Chelmsford to A120 widening public consultation June 2021

Appendix 5: Enlarged image of proposals for A12 Junction 25 from page 16 of Highways England 2021 brochure.