

Marks Neighbourhood Plan

Basic Conditions Statement

Prepared on the behalf of the Marks Tey Neighbourhood Plan Group

December 2020

Contents

Chapter		Page
1	Introduction	3
2	An overview of the neighbourhood plan	5
3	How the neighbourhood plan policies are appropriate having regard to national policies and guidance	9
4	How the neighbourhood plan contributes towards the achievement of sustainable development	21
5	General conformity with the strategic policies of the Local Plan	24
6	Compatibility with EU Obligations and Legislation	67

List of Tables		Page
2.1	The Marks Tey neighbourhood plan themes and objectives	6
2.2	The Marks Tey neighbourhood plan planning policies and a summary of what they do	6
3.1	Neighbourhood plan objectives and the NPPF goals they seek to address.	9
3.2	NPPF primary principles and how the neighbourhood plan policies are appropriate having regard to these.	13
4.1	How the neighbourhood plan contributes towards the achievement of sustainable development (as defined by the NPPF)	21
4.2	An analysis of neighbourhood plan policies against sustainable development goals	22
5.1	NP policies which provide an additional level of detail/a distinct local approach to that set out in the Local Plan policies	28
5.2	ADOPTED LOCAL PLAN. How do the Neighbourhood Plan policies sit alongside the Local Plan Policies	31
5.3	NP policies which provide an additional level of detail/a distinct local approach to that set out in the EMERGING Local Plan policies	48
5.4	EMERGING Local Plan. How do the Neighbourhood Plan policies sit alongside the emerging Local Plan Policies	51
6.1	Assessment of NP against protected characteristics	68

1 Introduction

- 1.1 This Basic Conditions Statement has been prepared by Modicum Planning Ltd on behalf of the Marks Tey neighbourhood plan group to accompany its submission to the local planning authority, Colchester Borough Council, of the Marks Tey Neighbourhood Plan ("the NP") under Regulation 15 of the Neighbourhood Planning (General) Regulations 2012 ("the Regulations").
- 1.2 The NP has been prepared by the neighbourhood plan group on the behalf of Marks Tey Parish Council. Marks Tey Parish Council is the qualifying body for the Marks Tey neighbourhood plan area. The area includes the entirety of the civil parish of Marks Tey. See Figure 1 for a map of the designated NP area.
- 1.3 On 16 September 2015, Colchester Borough Council's Head of Commercial Services approved, via approved delegated powers, the designation of the plan area for the Marks Tey Neighbourhood Plan.
- 1.4 The submission version of the Marks Tey NP was agreed by Marks Tey Parish Council on 14 December 2020.
- 1.5 The policies in the neighbourhood plan relate to the development and use of land in the plan area. The plan period of the Neighbourhood Plan is 2020 - 2033 and it does not contain policies relating to excluded development in accordance with the Regulations.
- 1.6 This statement addresses each of the 'basic conditions' required by the Regulations and explains how the submitted neighbourhood plan meets the requirements of paragraph 8 of Schedule 4B to the 1990 Town & Country Planning Act.
- 1.7 Paragraph 8 of Schedule 4B of the Town and Country Planning Act 1990 states that a draft neighbourhood development order meets the basic conditions if:
 - i. having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the order;
 - ii. the making of the order contributes to the achievement of sustainable development;
 - iii. 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);
 - iv. the making of the order does not breach, and is otherwise compatible with, EU obligations; and
 - v. prescribed conditions are met in relation to the order and prescribed matters have been complied with in connection with the proposal for the order.
- 1.8 Schedule 2 to the Regulations also confirms that the following basic condition is prescribed for the purpose of paragraph 8(2) (g) of Schedule 4B to the 1990 Act (included as item v. above).

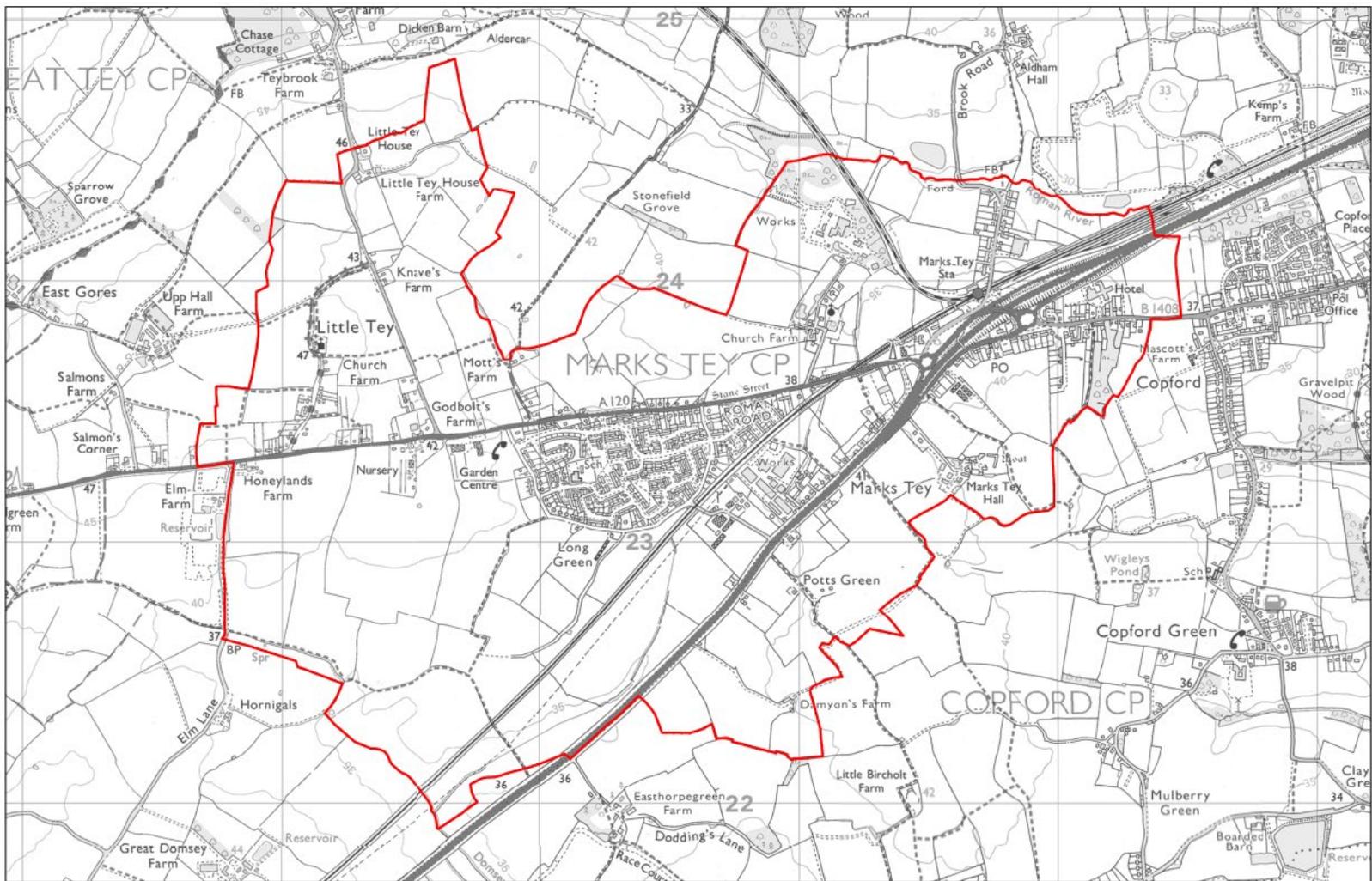
- *The making of the neighbourhood development plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017*

1.9 An overview of the neighbourhood plan is provided in section 2 of this report.

1.10 This document outlines how the plan meets all of the above basic conditions and addresses these requirements in five sections:

- Section 3 demonstrates the policies in the neighbourhood plan are appropriate having regard to national policies;
- Section 4 shows how the plan will contribute towards achieving sustainable development;
- Section 5 demonstrates the conformity of the plan with the Local Plan policies applicable in Colchester Borough;
- Section 6 demonstrates compliance with the appropriate EU obligations including the SEA Directive and obligation relating to Human Rights; and
- Section 7 gives details of how the *making of the neighbourhood development plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017*

Figure 1 The Neighbourhood Plan Area



Contains Ordnance Survey data © Crown copyright and database right 2014.

2 An overview of the Neighbourhood Plan

2.1 The neighbourhood plan contains a vision, six themes, nine objectives, fifteen planning policies and a further range of community aspirations (set out in standalone chapter 7).

2.2 The neighbourhood plan vision is:

"A sensitive sustainable community reflecting the housing and employment needs of the locality; helping to build cohesion in the village, maintaining and strengthening a sense of place across the parish, whilst maintaining our countryside surroundings (including access to it) and improving highways, paths and cycleways to gain better access to our surrounding environment."

2.3 The six themes and nine objectives are:

Theme	Objectives
Getting around	1. Existing severe congestion and traffic volumes are not made worse through new development in the parish.
	2. Create a more connected and cohesive community
Sense of place	3. Maintain and strengthen sense of place
	4. Preserving and enhancing our designated and non-designated heritage assets.
A stronger community	5. Existing community facilities including open space will be protected and opportunities to improve existing provision will be realised.
A healthier environment	6. Protect and foster the natural environment for the benefits of people, flora and wildlife.
	7. Noise, air and light pollution will be effectively managed.
Housing	8. New housing developments will include variety and choice and will meet existing local needs (in terms of type and tenure)
Business and employment	9. Businesses will continue to thrive in the parish

Table 2.1 Marks Tey neighbourhood plan themes and objectives

2.4 Table 2.2 lists the 15 planning policies and a summary of these.

Table 2.2 The Marks Tey neighbourhood plan planning policies and a summary of what they do.		
Policy name and reference		What does this policy do?
Getting Around		
MT01	A12, A120 and Station Infrastructure Improvements.	This policy specifies that no new developments generating any significant additional vehicle movements in the parish will be permitted before the A12 road widening scheme and a dualled A120 from Braintree to the A12 has been delivered. Once the infrastructure is in place, the policy requires proposals to demonstrate that road capacity is in place and that appropriate mitigation measures are in place as necessary to protect the residential and street-scene environment along the A120.

Table 2.2 The Marks Tey neighbourhood plan planning policies and a summary of what they do.

Policy name and reference		What does this policy do?
		<p>With respect to all other proposals, they must show that vehicle movements will have no unacceptable adverse impacts on amenity, street scene, air pollution, or road safety, for all users.</p> <p>The policy supports increased use of Marks Tey station but specifies that any station proposals must be assessed for their impact on road safety, pedestrian safety, and residential amenity.</p>
Policy MTo2	Creating walking and cycling friendly neighbourhoods	<p>Policy MTo2 requires all new developments to incorporate safe and attractive walking and cycling routes and seeks that proposals increase, where possible, the attractiveness of walking and cycling in the parish as a whole.</p> <p>This policy is supported by two tables. Table 1 identifies priorities for improving pedestrian and cyclist connectivity in the plan area and Table 2 identifies priorities for improving accessibility for those with restricted mobility.</p>
Policy MTo3	A120: Coggeshall Road: A quality street for all	<p>This policy applies to development proposals which will lead to additional traffic movements along the Coggeshall Road. The policy states that such development proposals must implement or contribute to Coggeshall Road street scene improvements or demonstrate no adverse impacts. The policy is supported by information setting out proposed Coggeshall Road environmental enhancement measures.</p>
Sense of Place		
Policy MTo4	Village settlement boundaries	<p>This policy supports in principle proposals for development in the village settlement boundaries which are defined in the local plan.</p> <p>The policy provides restricted criteria for what would be supported outside the village settlement boundaries.</p>
Policy MTo5	Local character and design	<p>This policy requires that all development should be designed and in a positive and innovative way to the quality of the built environment. The policy specifies key recommendations for each character area in the plan area.</p> <p>The policy is supported by the Marks Tey Character Assessment and the Marks Tey Masterplanning support document.</p>
Policy MTo6	Landscape character, views and setting	<p>This policy supports development which recognise, maintain and where possible enhance landscape character in Marks Tey parish.</p> <p>As part of this the policy specifies areas of open land to be protected between Marks Tey and Copford, between Marks Tey and Little Tey and between Marks Tey and Easthorpe.</p>

Table 2.2 The Marks Tey neighbourhood plan planning policies and a summary of what they do.		
Policy name and reference		What does this policy do?
		The policy also identifies locally valued views which all proposals should maintain or enhance the setting of.
Policy MT07	Non-designated heritage assets	The policy states that proposals should seek to conserve or enhance the significance of non-designated heritage assets in the parish. The policy helpfully lists those non-designated heritage assets as identified through the NP making process.
Policy MT08	Rural Lanes	This policy identifies five rural lanes in the parish as important features of local value and seeks to protect or enhance their amenity, biodiversity and landscape value to the parish.
A stronger community		
Policy MT09	Local Green Spaces	This policy identifies four areas of open space for protection as Local Green Space as per the NPPF.
Policy MT10	Maintaining and improving the quality and quantity of our green infrastructure	This policy sets out that new development will be expected to contribute to the provision of green infrastructure in the parish in terms of both quality and quantity. The policy lists priorities and aspirations relevant when new schemes are to be considered.
Policy MT11	Protecting and enhancing our natural environment	This policy identifies specific sites of biodiversity value in the parish as well as particular habitat types. The policy establishes that all new proposals will be expected to provide a net gain in biodiversity value.
Policy MT12	Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy	In line with strategic policy and to reflect the ecological sensitivity of the Essex Coast, this policy requires from all residential proposals within the zone of influence of the Essex Coast designated area, financial contributions towards mitigation measures as detailed in the Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy (RAMS).
Housing		
Policy MT13	Housing mix and housing choice	This policy seeks housing mix on new development proposals to provide a mix and choice and to reflect the latest available evidence on local needs. The policy requires provision of self-build or custom build plots from larger schemes (schemes of 30 or more).
Policy MT14	London Road Centre	This policy defines an area referred to as the London Road Centre on a map and requires of all proposals coming forward in this area to be compatible with the commercial activity in the area whilst also maintaining or enhancing residential amenity.
Policy MT15	Anderson Employment Sites	This policy allocates the Anderson Employment site (as shown on accompanying policy map) for new employment uses to come forward once current access constraints and highway constraints on the A12 and A120 have been addressed. The policy also safeguards the former by-pass nursery site as a valued employment site, subject to any future uses being consistent with the existing edge of settlement rural location.

3 How the NP policies are appropriate having regard to national policies and guidance

- 3.1 It is required that the neighbourhood plan policies are appropriate having regard to national planning policy and guidance. This is principally provided by the National Planning Policy Framework (NPPF) published in February 2019 but also provided by planning practice guidance.
- 3.2 The NPPF provides a framework within which local communities can produce neighbourhood development plans for their area and sets out how planning should help achieve sustainable development.
- 3.3 This section demonstrates that the plan has regard to the relevant policies in the NPPF in relation to:
- Achieving sustainable development (NPPF Chapter 2)
 - Plan-making (NPPF Chapter 3)
 - Decision-making (NPPF Chapter 4)
 - Delivering a sufficient supply of homes (NPPF Chapter 5)
 - Building a strong, competitive economy including Supporting a prosperous rural economy (NPPF Chapter 6)
 - Ensuring the vitality of town centres (NPPF Chapter 7)
 - Promoting healthy and safe communities (NPPF Chapter 8)
 - Promoting sustainable transport (NPPF Chapter 9)
 - Supporting high quality communications (NPPF Chapter 10)
 - Making effective use of land (NPPF Chapter 11)
 - Achieving well-designed places (NPPF Chapter 12)
 - Meeting the challenge of climate change, flooding and coastal change (NPPF Chapter 14)
 - Conserving and enhancing the natural environment (NPPF Chapter 15)
 - Conserving and enhancing the historic environment (NPPF Chapter 16)
- 3.4 Firstly, Table 3.1 runs through the Marks Tey neighbourhood plan objectives and policies and explores how these relate to applicable paragraphs in the NPPF. Secondly, and following this, Table 3.2 lists out the primary principles in the NPPF (in order of the NPPF) and explains how the Marks Tey neighbourhood plan policies relate to them.

Table 3.1: Neighbourhood Plan objectives and the NPPF goals they seek to address.	
NP Objective and relevant NP policies	Relevant NPPF chapters
<p>1.Existing severe congestion and traffic volumes are not made worse through new development in the parish.</p> <p>- Policy MT01: Large schemes and transport infrastructure requirements</p>	<p>Chapter 9: Promoting sustainable transport</p> <p>Commentary: Policies MT01, MT02 and MT03 are consistent with Paragraph 102 of the NPPF which states that transport issues should be considered from the earliest stage of plan making so that, inter alia, "d) <i>the environmental impacts of traffic and transport infrastructure can be identified, assessed and taken into account – including appropriate opportunities for avoiding and mitigating any adverse effects, and for net environmental gains</i>" and so that "e) <i>patterns of movement, streets, parking and other</i></p>

Table 3.1: Neighbourhood Plan objectives and the NPPF goals they seek to address.	
NP Objective and relevant NP policies	Relevant NPPF chapters
<ul style="list-style-type: none"> - Policy MT02: Create walking and cycling friendly neighbourhoods - Policy MT03: A120 Coggeshall Road: A Quality Street for All 	<p><i>transport considerations are integral to the design of schemes, and contribute to making high quality places"</i></p> <p>The Marks Tey NP group have directly consulted both the County Council and Highways Authority in the drafting of the plan which is consistent with paragraph 104 of the NPPF which states in section b) that planning policies should <i>"be prepared with active involvement of local highways authorities, other transport infrastructure providers and operators and neighbouring councils, so that strategies and investments for supporting sustainable transport and development patterns are aligned."</i></p> <p>Policy MT02 is consistent with Paragraph 110 of the NPPF which states that development should <i>"give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas"</i></p>
<p>2. Create a more connected and cohesive community</p> <ul style="list-style-type: none"> - Policy MT01: Large schemes and transport infrastructure requirements - Policy MT02: Create walking and cycling friendly neighbourhoods - Policy MT03: A120 Coggeshall Road: A Quality Street for All 	<p>Chapter 8. Promoting health and safe communities</p> <p>Commentary: Policies MT01, MT02 and MT03 are particularly consistent with paragraph 91 of the NPPF which states that planning policies should aim to achieve healthy, inclusive and safe places which, inter alia, <i>"promote social interaction, including opportunities for meetings between people who might not otherwise come into contact with each other – for example through mixed use developments, strong neighbourhood centres, street layouts that allow for easy pedestrian and cycle connections within and between neighbourhoods, and active street frontages"</i></p> <p>Policies MT01, MT02 and MT03 do this in the way they are underpinned and refer back to identified priorities for improving pedestrian and cycle connectivity (Table 6.1), priorities for improving accessibility for those with restricted mobility (Table 6.2) and Coggeshall Road environmental enhancement measures in paragraph 4.3.4. A key project which would deliver significant benefit is the implementation of a Green Bridge to span the A12 and A120 road interchange and connecting Marks Tey station with the London Road centre.</p>
<p>3. Maintain and strengthen sense of place</p> <ul style="list-style-type: none"> - Policy MT04: Village settlement boundaries - Policy MT05: Local character and design - Policy MT06: Landscape character views and setting - Policy MT07: Non-designated heritage assets - Policy MT08: Rural Lanes 	<p>Chapter 12 – Achieving well-designed places.</p> <p>Commentary: Paragraph 124 in the NPPF asserts that the creation of high-quality buildings and places is fundamental to what the planning and development process should achieve. Paragraph 125 states that design policies should be developed with local communities so they reflect local aspirations, and are grounded in an understanding and evaluation of each area's defining characteristics. It also states that Neighbourhood plans can play</p>

Table 3.1: Neighbourhood Plan objectives and the NPPF goals they seek to address.

NP Objective and relevant NP policies	Relevant NPPF chapters
	<p>an important role in identifying the special qualities of each area and explaining how this should be reflected in development.</p> <p>The Marks Tey NP group have worked hard on preparing the Marks Tey Character Assessment and working with Out Design on the Marks Tey Masterplanning report. They have both been consulted on. Policies MTo4, MTo5, MTo6, MTo7 and MTo8 in particular have been informed by the characterisation undertaken as part of these two studies.</p> <p>Chapter 15. Conserving and Enhancing the natural environment.</p> <p>Commentary: Paragraph 170 of the NPPF states that planning policies should contribute to and enhance the natural and local environment by, amongst other things, <i>"a) protecting and enhancing valued landscapes"</i> Policy MTo6 in the NPPF is consistent with this.</p>
<p>4. Preserving and enhancing our designated and non-designated heritage assets.</p> <p>- Policy MTo7: Non-designated heritage assets</p>	<p>Chapter 16. Conserving and enhancing this historic environment.</p> <p>Commentary: Paragraph 184 clarifies that heritage assets range from sites and building of local historic value to those of the highest significance. It states that all assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance. Policy MTo7 in the NP is consistent in this approach</p>
<p>5. Existing community facilities including open space will be protected and opportunities to improve existing provision will be realised.</p> <p>- Policy MTo9 Local Green Spaces</p> <p>- Policy MT10 Maintaining and improving the quality and quantity of our green infrastructure</p>	<p>Chapter 8. Promoting health and safe communities.</p> <p>Commentary: Policy MTo9 is consistent with paragraph 99 and 100 of the NPPF which provides the basis for the designation of Local Green Spaces.</p> <p>Opportunities for green infrastructure improvement in the parish has been identified in the Out Design masterplanning support document and in the Marks Tey Character assessment. The purpose of Policy MT10 is to highlight existing priorities and aspirations regarding future green infrastructure provision in the parish. This is consistent with Paragraph 91 c) in the NPPF which states that planning policies should aim to achieve healthy, inclusive and safe places which <i>"enable and support healthy lifestyles, especially where this would address identified local health and well-being needs – for example through the provision of safe and accessible green infrastructure, sports facilities, local shops, access to healthier food, allotments and layouts that encourage walking and cycling."</i></p>
<p>6. Protect and foster the natural environment for the</p>	<p>Chapter 15. Conserving and enhancing the natural environment.</p> <p>Commentary:</p>

Table 3.1: Neighbourhood Plan objectives and the NPPF goals they seek to address.

NP Objective and relevant NP policies	Relevant NPPF chapters
<p>benefits of people, flora and wildlife.</p> <ul style="list-style-type: none"> - Policy MT11 Protecting and enhancing our natural environment - Policy MT12 Essex Coast Recreational Disturbance Avoidance Mitigation Strategy 	<p>Policy MT11 and MT12 are consistent with paragraph 170 of the NPPF which states planning policies should contribute to and enhance the natural and local environment by protecting and enhancing (inter alia) sites of biodiversity value and minimise impacts on and provide net gains for biodiversity.</p> <p>The last paragraph in Policy MT11 is applicable to land that is potentially contaminated. The approach taken is appropriate having regard to Paragraph 178 of the NPPF.</p>
<p>7. Noise, air and light pollution will be effectively managed.</p> <ul style="list-style-type: none"> - Policy MT12 Essex Coast Recreational Disturbance Avoidance Mitigation Strategy - Policy MT03: A120 Coggeshall Road: A quality street for all - Policy MT 10 Maintaining and improving the quality and quantity of our green infrastructure 	<p>Chapter 15. Conserving and enhancing the natural environment. Commentary:</p> <p>There are no additional planning policies in the NP sitting exclusively under objective 7 (of the Marks Tey NP). However Policies MT12, MT03 and MT 10 will contribute to achieving objective 7.</p> <p>Policy MT03 is particularly appropriate given paragraph 180 in the NPPF which states <i>"Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should: a) mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life..."</i></p> <p>Policy MT10 which highlights the opportunities for improving green infrastructure is particularly appropriate when having regard to paragraph 181 of the NPPF which states: <i>"Opportunities to improve air quality or mitigate impacts should be identified, such as through traffic and travel management, and green infrastructure provision and enhancement."</i></p>
<p>8. New housing developments will include variety and choice and will meet existing local needs (in terms of type and tenure)</p> <ul style="list-style-type: none"> - Policy MT13: Housing mix and housing choice. 	<p>Chapter 5: Delivering a sufficient supply of homes.</p> <p>Policy MT13 is appropriate having regard to paragraph 61 of the NPPF which states that <i>"the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies (including, but not limited to, those who require affordable housing, families with children, older people, students, people with disabilities, service families, travellers, people who rent their homes and people wishing to commission or build their own homes)."</i></p>

NP Objective and relevant NP policies	Relevant NPPF chapters
<p>9. Businesses will continue to thrive in the parish</p> <ul style="list-style-type: none"> - Policy MT14 London Road Centre - Policy MT15 Anderson Employment site 	<p>Chapter 6: Building a strong, competitive economy.</p> <p>Commentary: Policy MT14 and MT15 are consistent with paragraph 80 of the NPPF which states that planning policies should help create the conditions in which businesses can invest, expand and adapt.</p> <p>Chapter 12: Achieving well-designed places Commentary: The two policies are however also consistent with paragraph 127 of the NPPF which states that planning policies should ensure that developments “<i>function well and add to the overall quality of the area</i>”</p> <p>Chapter 9: Promoting sustainable transport Commentary: Policy MT15 Anderson employment site is particularly appropriate having regard to paragraph 102 a) of the NPPF in that it requires delivery of the planned and necessary road infrastructure ahead of the delivery of increased employment use of this site that is currently dependent on an inadequate access link to the A12.</p> <p>Chapter 7: Ensuring the vitality of town centres Commentary: Policy MT14 is appropriate having regard to Paragraph 85 of the NPPF which emphasise that planning policies should take a positive approach to the growth, management and adaptation of town centres. In this case the London Road centre functions as a town centre for purpose of Chapter 7 of the NPPF.</p>

3.5 Table 3.2 identifies the NPPF primary principles and explores how the NP policies are appropriate having regard for these.

NPPF primary principles	Relevant NP policies	How the draft NP has regard to the NPPF
<p>Chapter 2 – Achieving Sustainable Development</p> <p>Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways:</p> <ul style="list-style-type: none"> - an economic objective; - a social objective; and - an environmental objective 	All	<p>Economic Goal: The Marks Tey neighbourhood plan recognises the important role the strategic transport infrastructure in the parish (the train station, the A12 and A120) has for the wider area. The NP takes into account how this role will evolve during the plan period. The NP specifically supports further expansion of the train station subject to local constraints being considered and overcome. Reflecting the parish’s accessible location in the strategic road network, the NP</p>

Table 3.2: NPPF Primary Principles and how the Neighbourhood Plan Policies are appropriate having regard to these.

NPPF primary principles	Relevant NP policies	How the draft NP has regard to the NPPF
<p>“The application of the presumption has implications for the way communities engage in neighbourhood planning. Neighbourhood plans should support the delivery of strategic policies contained in local plans or spatial development strategies; and should shape and direct development that is outside of these strategic policies”</p>		<p>recognises and values the role of its wide range of employment uses and commercial areas. This is seen in Policy MT14 – London Road Centre and Policy MT15 – Anderson Employment site.</p> <p>Other than the Anderson Employment site allocation, the NP does not allocate other sites for development. This is due to the current road transport capacity constraints along the A12 and A120 and the current environmental challenges that current traffic volumes present along the Coggeshall Road. If and once traffic constraints are overcome, the NP could be reviewed to consider the most optimum sustainable approach to growth.</p> <p>Social Goal: A key principle (See Objective 2 and 3) underpinning the Marks Tey is to address the current severance issues across the parish (created by the transport infrastructure corridors (one railway line and two strategic roads through the village) through highlighting constraints but also opportunities for creating a more cohesive community such as through better non-motorised connections including a green bridge to span the current A12/120 junction interchange.</p> <p>Environmental Goal: The Marks Tey neighbourhood plan identifies existing environmental challenges (air quality, noise and visual) facing the parish as a result of transport infrastructure. It also highlights the preciousness of its natural assets including areas of landscape value to be protected and locally valued natural and heritage assets.</p>
<p>Chapter 3 Plan Making: Planning should be genuinely planned. Succinct and up to date plans should provide a positive vision for the future of each area; a framework for addressing housing needs and other economic, social and</p>	<p>All</p>	<p>The NP includes a positive vision for the plan area and highlights the need to address current transport capacity constraints and deliver environmental improvements prior to planning for new growth.</p>

Table 3.2: NPPF Primary Principles and how the Neighbourhood Plan Policies are appropriate having regard to these.

NPPF primary principles	Relevant NP policies	How the draft NP has regard to the NPPF
environmental priorities; and a platform for local people to shape their surroundings.		
<p>Chapter 3: Plan Making.</p> <p>“Neighbourhood planning gives communities the power to develop a shared vision for their area. Neighbourhood plans can shape, direct and help deliver sustainable development, by influencing local planning decisions as part of the statutory development plan. Neighbourhood plans should not promote less development than set out in the strategic policies for the area or undermine those strategic policies.”</p> <p>“Plans should set out the contributions expected from development. This should include setting out the levels and types of affordable provision required along with other infrastructure (such as that needed for education, health, transport, flood and water management, green and digital infrastructure). Such policies should not undermine the deliverability of the plan.”</p>		<p>The community has been fully involved in developing the NP vision, themes and objectives. The Marks Tey neighbourhood plan seeks to shape new development in a way which reflect community priorities as expressed in the consultation process and is appropriate having regard to the Marks Tey specific evidence set out in the Character Assessment and Out Design masterplanning report.</p>
<p>Chapter 4: “Planning obligations must only be sought where they meet all of the following tests:</p> <ul style="list-style-type: none"> - necessary to make the development acceptable in planning terms; - directly related to the development; and - fairly and reasonably related in scale and kind to the development 	<p>MT01, MT02 and MT03</p>	<p>These three planning policies all emphasise the requirement for the environmental impact of development proposals to be appropriately mitigated. This is to ensure proposals are acceptable in planning terms although the policies do not specifically refer to the use of planning obligations. This will be a matter for the decision-making stage.</p>
<p>Chapter 5: Delivering a sufficient supply of homes</p> <p>“strategic policies should also set a housing requirement for designated neighbourhood areas which reflects</p>	<p>MT04 MT13</p>	<p>The Marks Tey neighbourhood plan does not allocate new housing sites. This is in light of current capacity constraints along the A12 and A120 alongside the environmental impacts that current transport infrastructure has on the parish.</p>

Table 3.2: NPPF Primary Principles and how the Neighbourhood Plan Policies are appropriate having regard to these.

NPPF primary principles	Relevant NP policies	How the draft NP has regard to the NPPF
<p>the overall strategy for the pattern and scale of development and any relevant allocations”</p> <p>“Neighbourhood planning groups should also consider the opportunities for allocating small and medium sized sites suitable for housing in their area”</p>		<p>Policy MT13 is consistent with paragraph 61 in the NPPF which states “... <i>the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies</i>” by referring both to the need to provide housing choice that reflects local needs and through its support for self-build plots. The policy itself is supported by locally collected information on housing needs.</p> <p>Policy MT04 incorporates flexibility beyond that set out in the Local Plan by allowing for some housing on the edge of the settlement subject to meeting criteria.</p>
<p>Chapter 6: Building a strong, competitive economy</p> <p>Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt.</p>	<p>Policy MT01 Policy MT14 Policy MT15</p>	<p>The neighbourhood plan as a whole embraces the potential and opportunities for economic growth in the plan area to reflect its location along strategic transport corridors. This is reflected in policies MT14 and MT15 and MT01 which supports increased capacity at Marks Tey train station.</p>
<p>Chapter 7. Ensuring the vitality of town centres</p> <p>Planning policies and decisions should support the role that town centres play at the heart of local communities</p>	<p>Policy MT14 Policy MT02</p>	<p>Policy MT14 is appropriate having regard to Paragraph 85 of the NPPF which emphasise that planning policies should take a positive approach to the growth, management and adaptation of town centres. In this case the London Road centre functions as a town centre for purpose of Chapter 7 of the NPPF.</p> <p>In addition. Policy MT02 refers to opportunities to improve overall connectivity between the London Road Centre and Marks Tey station that should be sought as part of larger schemes.</p>
<p>Chapter 8. Promoting healthy and safe communities</p> <p>Planning policies and decisions should aim to achieve healthy, inclusive and safe places which a) promote social interaction... b) are safe and accessible.... and c) enable and support healthy lifestyles</p>	<p>Policy MT01 Policy MT02 Policy MT03 Policy MT09</p>	<p>Policies MT01, MT02 and MT03 are particularly consistent with paragraph 91 of the NPPF</p> <p>Policies MT01, MT02 and MT03 do this in they way they are underpinned and refer back to identified priorities for improving pedestrian and cycle connectivity (Table 6.1), priorities for improving accessibility for those with restricted mobility (Table 6.2) and Coggeshall Road environmental</p>

Table 3.2: NPPF Primary Principles and how the Neighbourhood Plan Policies are appropriate having regard to these.

NPPF primary principles	Relevant NP policies	How the draft NP has regard to the NPPF
<p>Access to a network of high quality open spaces and opportunities for sport and physical activity is important for the health and wellbeing of communities. Planning policies should be based on robust and up to date assessments of the need for open space, sport and recreation facilities and opportunities for new provision.</p> <p>Planning policies and decisions should protect and enhance public rights of way and access, including taking opportunities to provide better facilities for users, for example by adding links to existing rights of way networks...</p> <p>The designation of land as Local Green Space through local and neighbourhood plans allows communities to identify and protect green areas of particular importance to them. Designating land as Local Green Space should be consistent with the local planning of sustainable development and complement investment in sufficient homes, jobs and other essential services.</p>	<p>Policy MT10</p>	<p>enhancement measures in paragraph 4.3.4. A key project which would deliver significant benefit is the implementation of a Green Bridge to span the A12 and A120 road interchange and connecting Marks Tey station with the London Road centre.</p> <p>Policy MT09 is consistent with paragraph 99 and 100 of the NPPF which provides the basis for the designation of Local Green Spaces.</p> <p>Opportunities for green infrastructure improvement in the parish has been identified in the Out Design masterplanning support document and in the Marks Tey Character assessment.</p> <p>The purpose of Policy MT10 is to highlight existing priorities and aspirations regarding future green infrastructure provision in the parish. This is consistent with Paragraph 91 c) in the NPPF.</p>
<p>Chapter 9: Promoting sustainable transport</p> <p>Transport issues should be considered from the earliest stages of plan-making and development proposals so that:</p> <ul style="list-style-type: none"> a) the potential impacts of development on transport networks can be addressed b) opportunities from existing or proposed transport infrastructure, and in changing transport technology and usage, are realised- for example in relation to the scale, 	<p>Policy MT01 Policy MT02 Policy MT03</p>	<p>Policies MT01. MT02 and MT03 are consistent with Paragraph 102 of the NPPF which states that transport issues should be considered from the earliest stage of plan making.</p> <p>In addition, the Marks Tey neighbourhood plan group have directly consulted both the County Council and Highways Authority in the drafting of the plan which is consistent with paragraph 104 of the NPPF which states in section b) that planning policies should <i>"be prepared with active involvement of local highways authorities, other transport infrastructure providers and operators and neighbouring councils, so that strategies and</i></p>

Table 3.2: NPPF Primary Principles and how the Neighbourhood Plan Policies are appropriate having regard to these.

NPPF primary principles	Relevant NP policies	How the draft NP has regard to the NPPF
<p>location or density of development that can be accommodated</p> <p>c) opportunities to promote walking, cycling and public transport are identified and pursued;</p> <p>d) the environmental impacts of traffic and transport infrastructure can be identified, assessed and taken into account – including appropriate opportunities for avoiding and mitigating any adverse effects, and for net environmental gains; and</p> <p>e) patterns of movement, streets, parking and other transport considerations are integral to the design of schemes, and contribute to making high quality places</p>		<p><i>investments for supporting sustainable transport and development patterns are aligned.</i></p> <p>Policy MT02 is consistent with Paragraph 110 of the NPPF which states that development should “give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas”</p>
Chapter 10: Supporting High Quality Communications		Whilst the NP policies do not conflict with the policies set out in Chapter 10 of the NPPF, the policies are not generally directly applicable to this chapter.
Chapter 11: Making effective use of land Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions		Whilst the NP policies do not conflict with the policies set out in Chapter 11 of the NPPF, the policies are not generally directly applicable to this chapter.
Chapter 12: Achieving well-designed places The creation of high-quality buildings and places is fundamental to what the planning and development process should achieve. Paragraph 125 states that design policies should be developed with local communities so the reflect	Policy MT04 Policy MT05 Policy MT06 Policy MT07 Policy MT08	Chapter 12 – Achieving well-designed places. The Marks Tey NP group have worked hard on preparing the Marks Tey Character Assessment and working with Out Design on the Marks Tey Masterplanning report. They have both been consulted on. Policies MT04, MT05, MT06, MT07 and MT08 in particular

Table 3.2: NPPF Primary Principles and how the Neighbourhood Plan Policies are appropriate having regard to these.

NPPF primary principles	Relevant NP policies	How the draft NP has regard to the NPPF
<p>local aspirations and are grounded in an understanding and evaluation of each area’s defining characteristics. It also states that Neighbourhood plans can play an important role in identifying the special qualities of each area and explaining how this should be reflected in development.</p>		<p>have been informed by the characterisation undertaken as part of these two studies.</p>
<p>Chapter 13: Green Belt</p>		<p>No green belt in Marks Tey parish.</p>
<p>Chapter 14: Meeting the challenge of climate change, flooding and coastal change</p> <p>Support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including conversion of existing buildings, and support renewable or low carbon energy and associated infrastructure</p>	<p>Policy MT05 Policy MT10 Policy MT02 Policy MT03</p>	<p>Whilst there are areas of flood risk in the NP area, there are no specific flood related policies in the NP and instead, applications will need to comply with Local Plan and NPPF policies with respect to flood risk.</p> <p>Policy MT05 (Local Character and Design) encourages development proposals which adopt innovative approaches to low carbon homes and buildings which demonstrate sustainable use of resources and high energy efficiency levels. The NP is limited in its influence to dictate standards to developers but supports Colchester-borough led planning policies (e.g. emerging Local Plan Policy CC:1 Climate Change) and initiatives in this respect. Meanwhile the Marks Tey NP focuses on improving connectivity with a view to giving local people more choice in terms of non-motorised journeys (MT02 and MT03). It also focuses on protecting green infrastructure and improving access to green infrastructure (MT10). These are both important parts of addressing climate change.</p>
<p>Chapter 15. Conserving and enhancing the natural environment</p> <p>Paragraph 170 of the NPPF states planning policies should contribute to and enhance the natural and local environment by protecting and enhancing (inter alia) sites of biodiversity value and minimise impacts on and provide net gains for biodiversity</p>	<p>Policy MT11 Policy MT12</p>	<p>Policy MT11 and MT12 are consistent with the NPPF.</p> <p>The last paragraph in Policy MT11 is applicable to land that is potentially contaminated. The approach taken is appropriate having regard to Paragraph 178 of the NPPF</p>

Table 3.2: NPPF Primary Principles and how the Neighbourhood Plan Policies are appropriate having regard to these.

NPPF primary principles	Relevant NP policies	How the draft NP has regard to the NPPF
<p>Chapter 16. Conserving and Enhancing the historic environment</p> <p>Heritage assets range from sites and buildings of local historic value to those of the highest significance, such as World Heritage Sites which are internationally recognised to be of Outstanding Universal Value. These assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.</p>	<p>Policy MT07</p>	<p>The Marks Tey Character Assessment has resulted in the identification of locally valued and locally important heritage assets. These are all identified in Policy MT07 which seeks to preserve and enhance the significance of these assets in line with the approach taken in the NPPF.</p>
<p>Chapter 17. Facilitating the sustainable use of minerals</p>		<p>There are no NP policies of direct relevance here. However, the Marks Tey neighbourhood plan recognises the importance of current sites in the parish which are important in terms of mineral resources and refers in Chapter 3 to the applicable designations in the Essex Minerals Local Plan.</p>

4 How the Neighbourhood Plan contributes towards the achievement of sustainable development

- 4.1 The NPPF states in paragraph 11 that plans and decisions should apply a presumption in favour of sustainable development.
- 4.2 Paragraph 8 of the NPPF explains that to achieve sustainable development the planning system has three overarching objectives (economic, social and environmental) which are interdependent and need to be pursued in mutually supportive ways.

The three overarching objectives in the planning system as defined in the NPPF:
<p>An economic objective</p> <p><i>to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure</i></p>
<p>A social objective</p> <p><i>to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and</i></p>
<p>An environmental objective</p> <p><i>to contribute to protecting and enhancing our natural, built and historic environment, including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.</i></p>

- 4.3 Table 4.1 below provides an overview as to how the plan as whole contributes towards the sustainable development goals as defined in the NPPF.

Table 4.1 How the Neighbourhood Plan contributes towards the achievement of sustainable development (as defined by the NPPF)	
The Sustainable Development Goals	NP Dimension
Economic	The Marks Tey NP recognises the important role the strategic transport infrastructure in the parish (the train station, the A12 and A120) has for the wider area. The NP takes into account how this role will evolve during the plan period. The NP specifically supports further expansion of the train station subject to local constraints being considered and overcome. Reflecting the parish's accessible location in the strategic road network, the NP recognises and values the role of its wide range of employment uses and commercial areas. This is seen in Policy MT14 – London Road Centre and Policy MT15 – Anderson Employment site.

The Sustainable Development Goals	NP Dimension
	Other than the Anderson Employment site allocation, the NP does not allocate other sites for development. This is due to the current road transport capacity constraints along the A12 and A120 and the current environmental challenges that current traffic volumes present along the Coggeshall Road. If and once traffic constraints are overcome, the NP could be reviewed to consider the most optimum sustainable approach to growth.
Social	A key principle (See Objective 2 and 3) underpinning the Marks Tey is to address the current severance issues across the parish (created by the transport infrastructure corridors (one railway line and two strategic roads through the village) through highlighting constraints but also opportunities for creating a more cohesive community such as through better non-motorised connections including a green bridge to span the current A12/120 junction interchange.
Environmental	The Marks Tey NP identifies existing environmental challenges (air quality, noise and visual) facing the parish as a result of transport infrastructure. It also highlights the preciousness of its natural assets including areas of landscape value to be protected and locally valued natural and heritage assets

4.4 Table 4.2 below provides an analysis as to how individual NP policies contribute towards achieving the sustainable development goals in the NPPF.

NP policies	Economic goal	Social	Environmental
MT01: A12, A120 and station infrastructure improvements	✓	✓	✓
MT02: Creating walking and cycling friendly neighbourhoods		✓	✓
MT03: A120: Coggeshall Road: A quality street for all		✓	✓
MT04: Village settlement boundaries	✓	✓	✓
MT05: Local character and design		✓	✓
MT06: Landscape character, views and setting			✓
Policy MT07: Non-designated heritage assets		✓	✓
Policy MT08: Rural Lane		✓	✓

NP policies	Economic goal	Social	Environmental
Policy MT09: Local Green Spaces		✓	
Policy MT10: Maintaining and improving the quality and quantity of our green infrastructure		✓	✓
Policy MT11: Protecting and enhancing our natural environment			✓
Policy MT12: Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy			✓
Policy MT13: Housing mix and housing choice		✓	
Policy MT14: London Road centre	✓	✓	
Policy MT15: Anderson employment site	✓	✓	✓

5 General Conformity with the Strategic Policies of the Local Plan

- 5.1 The parish of Marks Tey falls within the Colchester Borough Council (CBC) local planning authority area. The Local Plan relevant to the neighbourhood plan is therefore the Adopted Local Plan 2001 to 2021. This comprises
- Local Plan Focused Review (July 2014).
 - Core Strategy (adopted 2008 but updated in July 2014 as part of the Local Plan Focused Review).
 - Policy ENV2 – Rural Communities. Marks Tey village falls within the Rural Community category of the borough-wide settlement hierarchy and Policy ENV2 provides principles for development proposals coming forward in these locations.
 - Site Allocations DPD (2010) which allocates in the NP area:
 - an area of 8.03 hectares of land suitable for employment use;
 - an area of 2.5 hectares of land suitable for nursery use;and identifies:
 - London Road, Marks Tey as a Neighbourhood Centre where shopping/amenity uses are protected by policy DP7 in the Local Plan;
 - Marks Tey Brick Pit SSSI as designated under the Wildlife and Countryside Act 1981 with additional protection provided under Countryside and Rights of Way Act 2000.
 - Development Policies Development Plan Document (adopted 2010 and updated in July 2014 as part of the Local Plan Focused Review).
 - Proposals Map 2010.
- 5.2 The statutory Development Plan applicable to Marks Tey also includes the Essex Minerals Local Plan produced in July 2014 and the Essex and Southend-on-Sea Waste Local Plan (2017).
- 5.3 The Minerals Local safeguards the following two sites in the Marks Tey NP area:
- Marks Tey Brickworks for brick clay extraction and brickmaking (Policy S8 – Safeguarding mineral resources and mineral reserves).
 - Marks Tey Rail Depot which is a minerals transshipment (Policy S9 -Safeguarding mineral transshipment sites and secondary processing facilities).
- 5.4 The Essex and Southend-on-Sea Waste Local Plan (WLP) sets out how Essex and Southend-on-Sea aim to manage waste up to 2032. It safeguards the following site:
- Honeylands Farm Waste Transfer Station for the recycling of waste arising from highway gullies, including the construction of concrete pads, sumps, ancillary equipment, office and welfare facilities. This site is located on the western boundary of the NP area.

Emerging Local Plan 2017 to 2033

- 5.5 Colchester Borough Council is relatively advanced with the progression of its new Local Plan and is currently at examination stage. The examination into Part 1 of the Local Plan commenced in October 2017 and is expected to be closed later in 2020. In July 2018, progress

was halted following findings from the Planning Inspectorate. Significant modifications to Part 1 of the Local Plan have since been prepared and been subject to further consultation. Part 1 of the Local Plan does not include a housing requirement figure to be delivered through the Marks Tey Neighbourhood Plan.

- 5.6 Due to the advanced stage of the emerging Local Plan, an assessment has been undertaken of the Marks Tey neighbourhood plan against both the adopted Local Plan and the emerging Local Plan. Table 5.2 provides an assessment of the neighbourhood plan policies against the adopted Local Plan. The emerging Local Plan is discussed later in this document after Table 5.2

Compatibility Assessment of the Marks Tey Neighbourhood plan with the adopted Local Plan

- 5.7 The National Planning Policy Guidance provides a definition of what is meant by 'general conformity':

"When considering whether a policy is in general conformity a qualifying body, independent examiner, or local planning authority, should consider the following:

- whether the neighbourhood plan policy or development proposal supports and upholds the general principle that the strategic policy is concerned with
- the degree, if any, of conflict between the draft neighbourhood plan policy or development proposal and the strategic policy
- whether the draft neighbourhood plan policy or development proposal provides an additional level of detail and/or a distinct local approach to that set out in the strategic policy without undermining that policy
- the rationale for the approach taken in the draft neighbourhood plan or order and the evidence to justify that approach."

Paragraph: 074 Reference ID: 41-074-20140306
Revision date: 06 03 2014

- 5.8 In the case of the adopted Local Plan, the assessment finds:
- that there are four areas of tension;
 - there are a number of areas where the NP policies supports and upholds the general principle that a strategic policy is concerned with (these can be found in Table 5.2); and a
 - a number of areas where the where the neighbourhood plan provides an additional level of detail to that set out in the Local Plan.

- 5.9 Areas of tension have been identified in relation to:
- **Neighbourhood plan policy MT14 and adopted Local Plan Policy CE2** (Centres and employment classification). The Marks Tey neighbourhood plan recognises the important role the London Road parade has but has identified, through Policy MT14, a wider area as being suitable for designation as the London Road Centre. This is to reflect the variety of land uses in this part of the plan area and to reflect the importance of the area to the wider parish. The intent of Policy 14 is to encourage new uses where these will help

strengthen the commercial viability of the London Road centre and thereby secure the provision of essential services to parish residents. It is also to encourage improvements to the quality of the pedestrian environment in the area. The NP designation is informed by an up to date analysis of the units which is shown in Appendix 1 to the plan. It includes employment uses as well as shop use which is appropriate considering the new land use class E since the changes to the use class system on 21 July 2020 through the Town and County Planning (Use Classes) (Amendment) (England) Regulation 2020. This resulted in the revocation (as at 31 August 2020) of the Use Classes A, B1 and D and introduced the new Use Class E (Commercial Business and Service) and F.1 (Learning and non-residential institutions) and F.2 (Local Community Uses). As at 30 September 2020, Use Class A4 (pub/drinking establishment) and A5 (hot food takeaway) are now both sui-generis uses.

- **Neighbourhood Plan Policy MT14 – London Road Centre and Policy DP7: Local Centres and Individual Shops.** Policy MT14 – London Road Centre takes a different approach to DP7. It applies to an area larger than the London Road Parade to reflect the concentration and variety of town centre uses in the area. Policy MT14 does not safeguard retail uses as such but supports proposals where these will help strengthen the commercial viability of the area and thereby secure the provision of essential services such as the post office. The policy also seeks environmental and street scene improvements across the area. The intention was for Policy MT14 to sit alongside Local Plan Policy DP7 but Policy DP7 is expected to no longer be effective given changes to the Use Classes order whereby Use Classes A1, B1 and D have been subsumed into one class

- **Neighbourhood Plan Policy MTo4 – Village Settlement Boundaries and Policy ENV2 – Rural Communities (updated through the Adopted Focus Review July 2014)** This policy is a highly relevant policy to the Marks Tey Neighbourhood Plan. This policy states:
 1. The Borough Council will enhance the vitality of rural communities by supporting appropriate development of infill sites and previously developed land (PDL) within the settlement development boundaries of villages.
 2. The design and construction of new village development must be high quality in all respects, including design, sustainability and compatibility with the distinctive character of the locality.
 3. Development should also contribute to the local community through the provision of relevant community needs such as affordable housing, open space, local employment, and community facilities.
 4. Outside village boundaries, the Council will favourably consider sustainable small-scale rural business, leisure and tourism schemes that are of an appropriate scale and which help meet appropriate to local employment needs, minimise negative environmental impacts, and harmonise with the local character and surrounding natural environment.
 5. Development outside but contiguous to village settlement boundaries may be supported, primarily where it constitutes an exception to meet identified local affordable housing needs.
 6. Towns and villages are encouraged to plan for the specific needs of their communities through Neighbourhood Plans

The first three points will apply alongside the NP.

The fourth point is consistent with the approach in Policy MTo4 – village settlement boundaries. Other policies in the NP such as Policy MTo5, MTo6, MTo7, MTo8 and MTo9 will help ensure development in the parish comes forward in line with the broader requirements set out in this Local Plan policy.

With regards to the fifth point, the approach taken in Policy MTo4 could, in principle, undermine the possibility for the delivery of rural exception sites since it takes a more flexible approach towards development on the edge of the Marks Tey settlement boundary (although not to Little Tey). This is because Policy MTo4 allows, in exceptional cases for sensitively designed small-scale minor development on the edge of the defined Marks Tey settlement boundary and for larger scale developments subject to the delivery of significant community benefits being delivered to the Marks Tey community. In practice, however it is not considered a likely prospect that land will come forward on the edge of the Marks Tey settlement boundary for the purpose of delivering rural exceptions housing. This has not come forward in the past and it is difficult, given the current context (in particular the ongoing development pressure), to envisage a scenario that one will come forward in the future. Policy MTo4 in the Neighbourhood Plan would not prejudice a rural exceptions site coming forward in Little Tey.

With regards to the 6th point, it has not been appropriate for the Marks Tey NP to determine a strategy for new residential sites. This is due to the current constraints on the highway network (A120 and A12). It is considered prudent to consider future locations for growth once there is more certainty with regards to how the community will be impacted in more detail through the planned works along the A120 and A12.

To conclude the approach taken in Policy MTo4 of the neighbourhood plan is considered to be in broad conformity with the approach established at the more strategic level. The departure from the Local Plan is considered to be slight and not to undermine the strategic objective underpinning ENVo2 rural communities and is considered appropriate taking into account the specific circumstances in Marks Tey. This includes a) the geographical context of the Marks Tey settlement (the status of the Marks Tey settlement as a sustainable settlement in the emerging Colchester Local Plan reflects this) by) the semi-rural character (rather than rural) around the principal parts of the built up environment and urban character in others (such as near to the London Road centre and the railway station) and c) the potential for the built environment to be improved in particular around the transport interchanges and the London Road centre.

- Neighbourhood Plan Policy MT15 – Anderson Employment Site and Local Plan Site Allocations document 2010 (Anderson Employment site)

Policy MT15 in the Neighbourhood Plan includes an updated site allocation policy for the Anderson Employment site. The criteria in the NP policy is in broad conformity with the adopted Local Plan site allocation but it also includes some differences as follows:

It includes the following criteria to be met which have been informed by the evidence and consultation work undertaken as part of the neighbourhood plan work.

- The incorporation of a new pedestrian and cycle way connection providing a safe and attractive route from Marks Tey Parish Hall through to Dobbies Lane
- access to and from the site is via an improved direct access on to the A12 and once the planned improvements to the A12 by Highways England have been implemented and the adjacent existing road has been detrunked.

Policy MT15 also includes an area of land (the Bypass nurseries site) to be safeguarded for employment use adjacent to the Anderson employment site.

Policy MT15 also allows for limited residential development as part of the Anderson site if this is needed to help the redevelopment of the site viable.

Policy MT15 in the neighbourhood plan is in broad conformity with the approach to this site taken in the adopted Local Plan. The additional criteria and requirements are appropriate having regard to a) the importance of ensuring all schemes utilise opportunities to link up gaps in pedestrian connectivity (as evidenced by the characterisation work undertaken in the Out Design masterplanning work) b) traffic constraints relating to the A12 as highlighted by Highways England and other stakeholders c) the current nature of the land on the Bypass nurseries site) and d) building in an element of flexibility by allowing for limited residential development in specific circumstances.

- 5.10 The assessment has also found that that there are several areas where the neighbourhood plan provides an additional level of detail to that set out in the Local Plan. For ease of reference these are singled out in Table 5.1 below.

Local Plan Policy	Neighbourhood Plan policy
SD2	The Marks Tey NP complements the approach in Policies MT01, MT02 and MT03 which require the impact of proposals to be appropriately mitigated.
SD3	The Marks Tey NP complements the approach in Policies MT01, MT02 and MT03 which require the impact of proposals to be appropriately mitigated and provides helpful list of possible mitigation measures. The NP as a whole provides a strategy as to how new development could be appropriately mitigated in the parish. (see Tables 6.1, 6.2) and also Policy MT10 (improving and maintaining the quality and quantity of green infrastructure).
CE2 – Mixed Use Centres (2010 Core Strategy)	NP Policy MT14 complements the approach taken in Policy CE2 by responding to specific circumstances at London Road Centre.
CE2c – Local Centres (2010 Core Strategy)	The London Road parade is perhaps different to many of the other centres in the borough since, due to its location off the A12, its catchment goes beyond that of the parish. This has had an influence on the types of uses in the parade but it has also created challenges in terms of existing poor pedestrian environment and the particular barriers facing residents (road infrastructure and traffic volume) in accessing the parade. NP Policy MT14 complements the approach taken in Policy CE2c by responding to specific circumstances at London Road Centre. Policy MT14 also takes into account that use classes A1, B1 and D have been subsumed into one use class E.
CE3 – Employment Zones (2010 Core Strategy)	The NP defers to the Local Plan on the Poplar Nurseries site but includes a land allocation for employment at the Andersons employment site (subject to existing traffic constraints being first overcome).

Table 5.1 Neighbourhood Plan Policies which provide an additional level of detail/a distinct local approach to that set out in the adopted Local Plan policies

Local Plan Policy	Neighbourhood Plan policy
Policy H3 – Housing Diversity (updated through the Adopted Focus Review July 2014)	Policy MT13 – Housing Mix and Housing Choice complements the strategic approach and states that in Marks Tey parish proposals will be expected to provide a choice of housing mix and tenure and the mix should reflect latest evidence on local housing needs. Policy MT13 also requires provision of self-build plots on schemes of 30 or more.
UR2 – Built Design and Character (2010 Core Strategy)	The NP policy MT05 Local Character and Design is in broad conformity with Policy UR2. The NP complements the approach taken at the strategic level by providing the context applicable at the parish level. Both policies require design-led approaches to new schemes.
PR1 – Open space (2010 Core Strategy)	This policy will apply alongside the NP policies. The NP Policy MT10 complements the borough wide approach by stating that new development will be expected to contribute to the provision of green infrastructure in the parish in terms of both quality and quantity. The policy lists priorities and aspirations relevant when new schemes are to be considered.
PR2 – People friendly streets (2010 Core Strategy)	Resonates particularly with what the NP is seeking to achieve with MT03 – Coggeshall Road: A quality street for all.
TA1 – Accessibility and Changing Travel Behaviour (2010 Core Strategy)	The Marks Tey NP illustrates well the severance issues in the parish and identifies priorities for addressing these.
TA2- Walking and Cycling (2010 Core Strategy)	The Marks Tey NP complements the strategic policy in particular through Policy MT02 Create Walking and Cycle Friendly Neighbourhoods and Policy MT03 : A120 Coggeshall Road: A quality street for all.
TA4 – Roads and Traffic (2010 Core Strategy)	The Marks Tey NP complements the strategic policy but seeks specific solutions through Policy MT02 Create Walking and Cycle Friendly Neighbourhoods and Policy MT03 : A120 Coggeshall Road: A quality street for all. The NP also includes a list of initiatives (informed through the masterplanning that would address some of the key issues in the parish).
TA5 – Parking (2010 Core Strategy)	This policy is directly relevant to MT01 and MT14 which both seek to address existing parking issues at the London Road parade and around Marks Tey train station.
ENV 1 – Environment (2010 Core Strategy)	NP Policy MT11 Protecting and enhancing our natural environment is in broad conformity. NP Policy MT12 –Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy reflects the updated position with regards the Essex Coast RAMS.
Policy DP1 – Design and Amenity	This policy will apply alongside the NP. A number of the NP policies will apply a level of additional detail to the broader requirements specified here including:

Table 5.1 Neighbourhood Plan Policies which provide an additional level of detail/a distinct local approach to that set out in the adopted Local Plan policies

Local Plan Policy	Neighbourhood Plan policy
(Development Policies)	<ul style="list-style-type: none"> Policy MT11 (protecting and enhancing our natural environment). Policy MT07 (Local character and design)
Policy DP14: Historic Environment Assets	Policy MT07 – Non-designated heritage assets will add to the context provided by DP14
DP15 – Retention of Open Space and Indoor Sports Facilities (updated through the Focused Review 2014)	<p>Policy MT09 – Local Green Spaces provides some added context by designating key spaces as Local Green Space.</p> <p>Policy MT10 (Protecting and enhancing the quality and quantity of green infrastructure) provides added context by identifying aspirations for future provision of green infrastructure in the parish.</p>
Policy DP21: Nature Conservation and Protected Lanes	<p>Policy MT11 (Protecting and enhancing our natural environment) provides parish specific context to this policy.</p> <p>The policy will sit alongside the NP.</p>

Table 5.2: ADOPTED LOCAL PLAN. How do the Neighbourhood Plan policies sit alongside the Local Plan Policies			
Colchester Borough Local Plan	Description (where applicable to Marks Tey NP area)	Specific implication to Marks Tey NP area?	Comment regarding broad conformity
SD1- Sustainable Development Locations (Updated through the Adopted Focus Review July 2014)	<p>Key points about this policy:</p> <ul style="list-style-type: none"> - sets out job requirements up to 2021 and housing requirements up to 2023. - growth will be located at the most accessible and sustainable locations in accordance with the Settlement Hierarchy - promotes high quality design - states development will be expected to achieve a high standard of design, sustainability and compatibility with local character. <p>The policy is supported by Table SD1 which has three levels of settlement as follows:</p> <ol style="list-style-type: none"> 1. Regional Centre – Colchester Town and Stanway 2. District Settlements – Tiptree, West Mersea and Wivenhoe 3. Rural Communities – the other settlements in the borough. 	Marks Tey is defined as a rural community.	The Marks Tey NP recognises its role as a rural community in the area.
SD2 – Delivering Facilities and Infrastructure (Updated through the Adopted Focus Review July 2014)	<p>Key points about this policy:</p> <ul style="list-style-type: none"> - Requires new development to provide necessary community facilities, open space, transport infrastructure and other requirements to meet the community needs arising from the proposal - States the infrastructure delivery could be via CIL or S106 contributions 	Policy will apply alongside NP	The Marks Tey NP complements the approach in Policies MT01, MT02 and MT03 which require the impact of proposals to be appropriately mitigated.

Table 5.2: ADOPTED LOCAL PLAN. How do the Neighbourhood Plan policies sit alongside the Local Plan Policies			
Colchester Borough Local Plan	Description (where applicable to Marks Tey NP area)	Specific implication to Marks Tey NP area?	Comment regarding broad conformity
SD3 – Community Facilities (Updated through the Adopted Focus Review July 2014)	<p>This policy It states:</p> <ul style="list-style-type: none"> - The Council will work with partners to deliver key community facilities - The Council will provide facilities for local communities. It does also clarify that new development will be required to provide, or contribute towards the provision of, community facilities to meet the needs of new communities and mitigate impacts on existing communities. - As part of this, it states safe, direct routes for walking and cycling and appropriate bus services will be established to serve existing and new pre-school, primary, and secondary school communities 	Policy will apply alongside LSNP policies	The Marks Tey NP complements the approach in Policies MT01, MT02 and MT03 which require the impact of proposals to be appropriately mitigated and provides helpful list of possible mitigation measures. The NP as a whole provides a strategy as to how new development could be appropriately mitigated in the parish. (see Tables 6.1, 6.2) and also Policy MT10 (improving and maintaining the quality and quantity of green infrastructure).
CE1 – Centres and Employment Classification and Hierarchy (2010 Core Strategy)	This policy establishes a hierarchy for mixed use centres across the district (town centres, edge of centre, district centres and neighbourhood or local centres). The policy supports a wide range of compatible uses in the centres where the scale of development must be compatible with the status of the centre in the borough hierarchy.	London Road parade in Marks Tey is designated as a neighbourhood centre in the Local Plan proposals maps	The Marks Tey neighbourhood plan recognises the important role the London Road parade has but has identified, through Policy MT14, a wider area as being suitable for designation as the London Road Commercial Centre. This is to reflect the variety of land uses in this part of the plan area and to reflect the importance of the area to the wider parish. The intent of Policy 14 is to encourage new uses where these will help strengthen the commercial viability of the London Road centre and thereby secure the provision of essential services to parish residents. It is also to encourage improvements to the quality of the pedestrian environment in the area. The NP designation is informed by an

Table 5.2: ADOPTED LOCAL PLAN. How do the Neighbourhood Plan policies sit alongside the Local Plan Policies			
Colchester Borough Local Plan	Description (where applicable to Marks Tey NP area)	Specific implication to Marks Tey NP area?	Comment regarding broad conformity
			up to date analysis of the units which is shown in Appendix 1 to the plan. It includes employment uses as well as shop use which is appropriate considering the new land use class E since the changes to the use class system on 21 July 2020 through the Town and County Planning (Use Classes) (Amendment) (England) Regulation 2020. This resulted in the revocation (as at 31 August 2020) of the Use Classes A, B1 and D and introduced the new Use Class E (Commercial Business and Service) and F.1 (Learning and non-residential institutions) and F.2 (Local Community Uses). As at 30 September 2020, Use Class A4 (pub/drinking establishment) and A5 (hot food takeaway) are now both sui-generis uses.
CE2 – Mixed Use Centres (2010 Core Strategy)	A policy focused on what should come forward in mixed use centres. It includes, amongst other things, an expectation that development “ <i>should make efficient use of land, optimise employment delivery and be sympathetic to local character. Centre developments should also present active human-scale frontages and provide adaptable spaces to ensure they can accommodate different uses over time</i> ”	Applicable to London Road parade	NP Policy MT14 complements the approach taken in Policy CE2 by responding to specific circumstances at London Road Centre.
CE2a – Town Centre CE2b – District Centres	Not applicable to Marks Tey parish		
CE2c – Local Centres (2010 Core Strategy)	This policy states that Neighbourhood Centres will be protected and enhanced to provide small scale	Applicable to London Road parade	The London Road parade is perhaps different to many of the other centres in the borough since, due to its location off the A12, its catchment

Table 5.2: ADOPTED LOCAL PLAN. How do the Neighbourhood Plan policies sit alongside the Local Plan Policies			
Colchester Borough Local Plan	Description (where applicable to Marks Tey NP area)	Specific implication to Marks Tey NP area?	Comment regarding broad conformity
	shops, services and community facilities for local residents. It states that developments within Neighbourhood Centres should be designed to meet the needs of the local catchment and encourage sustainable travel behaviour.		goes beyond that of the parish. This has had an influence on the types of uses in the parade but it has also created challenges in terms of existing poor pedestrian environment and the particular barriers facing residents (road infrastructure and traffic volume) in accessing the parade. NP Policy MT14 complements the approach taken in Policy CE2c by responding to specific circumstances at London Road Centre. Policy MT14 also takes into account that use classes A1, B1 and D have been subsumed into one use class E.
CE3 – Employment Zones (2010 Core Strategy)	This policy states that employment zones will accommodate employment uses that are not suited to Mixed Use Centres.	Marks Tey has two employment zones; one at Andersons Employment site and one off the A120 at Poplar Nurseries	The NP defers to the Local Plan on the Poplar Nurseries site but includes a land allocation for employment at the Andersons employment site (subject to existing traffic constraints being first overcome).
Policy H1 – Housing Delivery (2010 Core Strategy)	This policy sets out expected housing delivery across the borough between 2001 and 2023. The policy is currently out of date. Growth is focused in Town Centre, North Growth Area, East Growth Area, South Growth Area and Stanway Growth Area.	Marks Tey parish is not an area focused for growth.	No issues identified albeit it is recognised this policy is out of date.
Policy H2 – Housing Density	This policy: 1. supports proposals which make efficient use of land and relate well to local context.	Policy will apply alongside LSNP policies	No issues identified.

Table 5.2: ADOPTED LOCAL PLAN. How do the Neighbourhood Plan policies sit alongside the Local Plan Policies			
Colchester Borough Local Plan	Description (where applicable to Marks Tey NP area)	Specific implication to Marks Tey NP area?	Comment regarding broad conformity
(updated through the Adopted Focus Review July 2014)	2. Expects higher densities in town centres and urban gateways		
Policy H3 – Housing Diversity (updated through the Adopted Focus Review July 2014)	This policy concerns housing mix. The policy states that developments should mix of housing types to suit a range of different households, whilst also realising the opportunities presented by accessible locations. The mix of housing types should be guided by an appraisal of community context and housing need. Housing developments will also need to contribute to the provision of affordable housing and homes that are suitable to the needs of older persons, persons with disabilities and those with special needs.	Policy take a strategic approach and the NP policy provides parish specific approach.	Policy MT13 – Housing Mix and Housing Choice complements the strategic approach and states that in Marks Tey parish proposals will be expected to provide a choice of housing mix and tenure and the mix should reflect latest evidence on local housing needs. Policy MT13 also requires provision of self-build plots on schemes of 30 or more.
Policy H4 – Affordable Housing (updated through the Adopted Focus Review July 2014)	This policy establishes that on residential sites in the borough, 20% should be brought forward as affordable housing. The threshold set for villages is for all schemes of 5 or more. The policy also supports the delivery of rural exception sites in the rural area of the borough.	Policy will apply alongside LSNP policies.	Marks Tey NP defers to Local Plan with regards to affordable housing targets and thresholds.
H5 – Gypsies, Travellers, and Travelling Showpeople (updated through the Adopted Focus Review July 2014)	This is a strategic policy establishing the strategy for meeting needs of travellers and travelling showpeople.	Policy will apply alongside LSNP policies	No implications for NP policies.
H6- Rural Workers Dwellings (updated through the Adopted Focus Review July 2014)	This policy provides a development management approach for residential planning applications for rural workers.	Policy will apply alongside LSNP policies	No implications for NP policies.

Table 5.2: ADOPTED LOCAL PLAN. How do the Neighbourhood Plan policies sit alongside the Local Plan Policies			
Colchester Borough Local Plan	Description (where applicable to Marks Tey NP area)	Specific implication to Marks Tey NP area?	Comment regarding broad conformity
UR1 – Regeneration Areas (2010 Core Strategy)	Not applicable to Marks Tey parish	NA	NA
UR2 – Built Design and Character (2010 Core Strategy)	A strategic design policy to apply to all developments in the borough	Yes	The NP policy MT05 Local Character and Design is in broad conformity with Policy UR2. The NP complements the approach taken at the strategic level by providing the context applicable at the parish level. Both policies require design-led approaches to new schemes.
PR1 – Open space (2010 Core Strategy)	A strategic policy establishing that: <ul style="list-style-type: none"> - Public open space will be protected - New development must provide for the recreational needs of new communities and mitigate the impact on existing communities. - All new homes are expected to provide easy access to private/communal open space 	Yes	This policy will apply alongside the NP policies. The NP Policy MT10 complements the borough wide approach by stating that new development will be expected to contribute to the provision of green infrastructure in the parish in terms of both quality and quantity. The policy lists priorities and aspirations relevant when new schemes are to be considered.
PR2 – People friendly streets (2010 Core Strategy)	This policy recognises the importance of streets as important public spaces that should be designed to suit people of all ages and degrees of mobility. The policy includes a list of potential improvements that could be implemented along streets. It also states that new developments will be required to contribute towards public realm improvements and states that development should	Yes	Resonates particularly with what the NP is seeking to achieve with MT03 – Coggeshall Road: A quality street for all.

Table 5.2: ADOPTED LOCAL PLAN. How do the Neighbourhood Plan policies sit alongside the Local Plan Policies			
Colchester Borough Local Plan	Description (where applicable to Marks Tey NP area)	Specific implication to Marks Tey NP area?	Comment regarding broad conformity
	also provide active street frontages to create attractive and safe street environments.		
TA1 – Accessibility and Changing Travel Behaviour (2010 Core Strategy)	<p>A borough wide policy setting out the borough’s strategy to improve accessibility.</p> <p>The second paragraph states that the Council will seek to prioritise the movement of sustainable transport and that innovative solutions will also be implemented to overcome severance that is currently inflicted by busy roads.</p>	Yes. Severance issues in Marks Tey parish created by the A12 the A120 and the railway line.	The Marks Tey NP illustrates well the severance issues in the parish and identifies priorities for addressing these.
TA2- Walking and Cycling (2010 Core Strategy)	A borough wide policy seeking to improve walking and cycling connections in the borough when new development comes forward	Yes	The Marks Tey NP complements the strategic policy in particular through Policy MT02 Create Walking and Cycle Friendly Neighbourhoods and Policy MT03: A120 Coggeshall Road: A quality street for all.
TA3 – Public Transport (2010 Core Strategy)	A strategic policy setting out how the borough will work with stakeholders to improve public transport	No.	No issues identified.
TA4 – Roads and Traffic (2010 Core Strategy)	<p>This policy states the borough will support improvements to the strategic road network. The table supporting the policy identifies both the A12 and A120 planned schemes as infrastructure the borough supports.</p> <p>The policy also states that <i>The demand for car travel will be managed to prevent adverse impacts on sustainable transportation, air quality, local amenity and built character. Streets and junctions should be designed to provide people-friendly street environments and to give priority to sustainable transport.</i></p>	Yes. The A120 and A12 do have adverse effects on sustainable transportation (especially cycles), air quality, noise quality, local amenity and the built environment.	The Marks Tey NP complements the strategic policy but seeks specific solutions through Policy MT02 Create Walking and Cycle Friendly Neighbourhoods and Policy MT03: A120 Coggeshall Road: A quality street for all. The NP also includes a list of initiatives (informed through the masterplanning that would address some of the key issues in the parish).

Table 5.2: ADOPTED LOCAL PLAN. How do the Neighbourhood Plan policies sit alongside the Local Plan Policies			
Colchester Borough Local Plan	Description (where applicable to Marks Tey NP area)	Specific implication to Marks Tey NP area?	Comment regarding broad conformity
TA5 – Parking (2010 Core Strategy)	A borough wide policy establishing the priorities with regards to parking. The third paragraph states: <i>Within Centres and other accessible locations, car parking should be minimised and located underground, under deck and behind buildings. Redevelopment of existing surface car parking will also be encouraged to make efficient use of land and improve the townscape.</i>	Yes. The street scene environment around the London Road parade would be improved were car parking to be located behind buildings.	No conformity issues. This policy is directly relevant to MTO1 and MT14 which both seek to address existing parking issues at the London Road parade and around Marks Tey train station.
ENV 1 – Environment (2010 Core Strategy)	A borough wide policy setting out a strategy for protecting the environment.	Yes. Marks Tey parish falls within the Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy Area, created in September 2017	NP Policy MT11 Protecting and enhancing our natural environment is in broad conformity. NP Policy MT12 –Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy reflects the updated position with regards the Essex Coast RAMS.
ENV2 – Rural Communities (updated through the Adopted Focus Review July 2014)	This policy states <ul style="list-style-type: none"> 7. the Borough Council will enhance the vitality of rural communities by supporting appropriate development of infill sites and previously developed land (PDL) within the settlement development boundaries of villages. 8. The design and construction of new village development must be high quality in all respects, including design, sustainability and compatibility with the distinctive character of the locality. 9. Development should also contribute to the local community through the provision of relevant community needs such as 	Directly relevant.	This policy is a highly relevant policy to the Marks Tey Neighbourhood Plan. The first three points will apply alongside the NP. The fourth point is consistent with the approach in Policy MTO4 – village settlement boundaries. Other policies in the NP such as Policy MTO5, MTO6, MTO7, MTO8 and MTO9 will help ensure development in the parish comes forward in line with the broader requirements set out in this Local Plan policy. With regards to the fifth point , the approach taken in Policy MTO4 may undermine the possibility for the delivery of rural exception

Table 5.2: ADOPTED LOCAL PLAN. How do the Neighbourhood Plan policies sit alongside the Local Plan Policies			
Colchester Borough Local Plan	Description (where applicable to Marks Tey NP area)	Specific implication to Marks Tey NP area?	Comment regarding broad conformity
	<p>affordable housing, open space, local employment, and community facilities.</p> <p>10. Outside village boundaries, the Council will favourably consider sustainable small-scale rural business, leisure and tourism schemes that are of an appropriate scale and which help meet appropriate to local employment needs, minimise negative environmental impacts, and harmonise with the local character and surrounding natural environment.</p> <p>11. Development outside but contiguous to village settlement boundaries may be supported, primarily where it constitutes an exception to meet identified local affordable housing needs.</p> <p>12. Towns and villages are encouraged to plan for the specific needs of their communities through Neighbourhood Plans.</p>		<p>sites since it allows for sensitively designed small-scale minor development on the edge of the defined Marks Tey settlement boundary. Where significant community benefits are being delivered, Policy MTO4 allows for large edge of settlement schemes in exceptional circumstances.</p> <p>With regards to the 6th point, it has not been appropriate for the Marks Tey NP to determine a strategy for new residential sites. This is due to the current constraints on the highway network (A120 and A12). It is considered prudent to consider future locations for growth once there is more certainty with regards to how the community will be impacted in more detail through the planned works along the A120 and A12.</p>
ER1 Energy, Resources, Waste, Water and Recycling (2010 Core Strategy)	<p>This is a strategic policy setting out the Council's strategy on the efficient use of energy and resources, waste minimisation and recycling.</p> <p>The policy states the council will encourage the delivery of renewable energy projects, including micro-generation, to reduce Colchester's carbon footprint. The policy also promotes:</p> <ul style="list-style-type: none"> - Sustainable construction techniques - high quality design and materials to reduce energy demand, waste and the use of 	None. It is noted that building regulations standards have since been raised in terms of building performance.	No conformity issues.

Table 5.2: ADOPTED LOCAL PLAN. How do the Neighbourhood Plan policies sit alongside the Local Plan Policies			
Colchester Borough Local Plan	Description (where applicable to Marks Tey NP area)	Specific implication to Marks Tey NP area?	Comment regarding broad conformity
	<p>natural resources, including the sustainable management of the Borough's water resources.</p> <ul style="list-style-type: none"> - Residential dwellings to achieve a minimum 3 star rating in accordance with the Code for Sustainable Homes. - Non-residential developments to achieve a minimum BREEAM rating of 'Very Good'. - developments that reduce carbon emissions by 25% from 2010, 44% from 2013 and zero carbon homes from 2016 in accordance with national building regulations. 		
Policy DP1 – Design and Amenity (Development Policies)	This policy sets standards that all development must adhere to. The standards relate to amenity and social, economic and environmental sustainability.	No.	<p>This policy will apply alongside the NP. Several the NP policies will apply a level of additional detail to the broader requirements specified here including:</p> <ul style="list-style-type: none"> • Policy MT11 (protecting and enhancing our natural environment). • Policy MT07 (Local character and design)
Policy Dp2 – Health assessments (Development Policies)	This policy states that all development should be designed to help promote healthy lifestyles and avoid causing adverse impacts on public health. The policy requires the undertaking of Health Impact Assessments (HIA) for all residential development in excess of 50 units and non-residential development in excess of 1,000 square metres	Development in the parish does have health impacts where they exacerbate existing traffic volumes and congestion	The policy will apply alongside the Marks Tey NP.

Table 5.2: ADOPTED LOCAL PLAN. How do the Neighbourhood Plan policies sit alongside the Local Plan Policies			
Colchester Borough Local Plan	Description (where applicable to Marks Tey NP area)	Specific implication to Marks Tey NP area?	Comment regarding broad conformity
Policy DP3: Planning Obligations and the Community Infrastructure Levy (Development Policies updated through the Adopted Focus Review July 2014)	This policy states the borough may bring forward a CIL charging schedule.	No charging schedule brought forward	NA
Policy DP4: Community Facilities (Development Policies updated through the Adopted Focus Review July 2014)	This policy supports: <ul style="list-style-type: none"> the provision of new community facilities the retention and enhancement of new community facilities provides an development approach for assessing proposals involving the loss of community facilities. 	Policy will apply alongside LSNP policies	No issues identified.
Policy DP5: Appropriate Employment Uses and Protection of Employment Land and Existing Businesses	This policy states what land uses would be appropriate inside designated employment zones	Yes. The adopted Local Plan identifies two employment zones in Marks Tey parish (The Poplar Nurseries Site and the Anderson's Employment Site).	No issues identified
Policy DP6: Colchester Town Centre Uses	NA	NA	NA
Policy DP7: Local Centres and Individual Shops	This policy states that Neighbourhood Centres as defined on the Proposals Map will provide shops and some other local services for the needs of residents in the local neighbourhood. The policy states that within the Neighbourhood Centres (and	Yes. The policy applies to the London Road Parade as defined on the Local Plan proposals map.	Policy MT14 – London Road Centre takes a different approach to DP7. It applies to an area larger than the London Road Parade to reflect the concentration and variety of town centre uses in the area. Policy MT14 does not safeguard retail uses as such but supports

Table 5.2: ADOPTED LOCAL PLAN. How do the Neighbourhood Plan policies sit alongside the Local Plan Policies			
Colchester Borough Local Plan	Description (where applicable to Marks Tey NP area)	Specific implication to Marks Tey NP area?	Comment regarding broad conformity
	the Rural District Centres) the primary retail role of the centre will be safeguarded.		<p>proposals where these will help strengthen the commercial viability of the area and thereby secure the provision of essential services such as the post office. The Policy also seeks environmental and street scene improvements across the area.</p> <p>The intention was for Policy MT14 to sit alongside Local Plan Policy DP7 but Policy DP7 is expected to no longer be effective given changes to the Use Classes order whereby Use Classes A1, B1 and D have been subsumed into one class.</p>
Policy DP8: Agricultural Development and Diversification	This policy allows for farm diversification subject to criteria	None identified.	The policy will sit alongside the NP.
Policy DP9: Employment Uses in the Countryside	<p>This policy allows for employment uses in the countryside subject to criteria including:</p> <ul style="list-style-type: none"> the proposal contributes to the local rural economy and help sustains rural communities. the proposed use is a small scale that does not harm the rural character of the area either by the nature and level of activity (including the amount of additional traffic generation on rural roads) or, any other detrimental effects such as noise and pollution. 	Applicable to By pass Nurseries.	The approach taken in Policy MT15 is in broad conformity with the approach in Local Plan policy DP9 in that it safeguards the Bypass nursery site for employment uses subject to the uses being consistent with the existing edge of settlement rural location.

Table 5.2: ADOPTED LOCAL PLAN. How do the Neighbourhood Plan policies sit alongside the Local Plan Policies			
Colchester Borough Local Plan	Description (where applicable to Marks Tey NP area)	Specific implication to Marks Tey NP area?	Comment regarding broad conformity
Policy DP10: Tourism, Leisure and Culture	Policy provides a decision making framework to be applied to planning applications for tourism, leisure and culture uses.	None identified.	The policy will sit alongside the NP
Policy DP11: Flat Conversions	Policy provides a decision making framework to be applied to planning applications for converting dwellings into flats	None identified.	The policy will sit alongside the NP
Policy DP12: Dwelling Standards	Policy requires certain standards car parking and storage and internal space to be applied to all residential development.	None identified	The policy will sit alongside the NP
Policy DP13: Dwelling Alterations, Extensions and Replacement Dwellings	Policy provides a decision making framework to be applied to planning applications for altering, extending or replacing dwellings within settlement limits.	None identified	The policy will sit alongside the NP
Policy DP14: Historic Environment Assets	Policy provides a decision making framework to be applied to planning applications which affect the historic environment (heritage assets)	A number of heritage assets in NP area	Policy MT07 – Non-designated heritage assets will add to the context provided by DP14
Development Policy DP15 – Retention of Open Space and Indoor Sports Facilities (updated through the Focused Review 2014)	This policy applies provides a decision making framework to be applied to planning applications affecting existing areas of open space and indoor sports facilities.	Yes. A number of areas of public open space including the Parish Hall recreation ground in the parish.	Policy MT09 – Local Green Spaces provides some added context by designating key spaces as Local Green Space. Policy MT10 (Protecting and enhancing the quality and quantity of green infrastructure) provides added context by identifying aspirations for future provision of green infrastructure in the parish.
Policy DP16: Private Amenity Space and Open Space Provision for New Residential Development	This policy provides quantitative standards for the provision of external amenity space when new residential proposals come forward.	None identified.	The policy will sit alongside the NP.

Table 5.2: ADOPTED LOCAL PLAN. How do the Neighbourhood Plan policies sit alongside the Local Plan Policies			
Colchester Borough Local Plan	Description (where applicable to Marks Tey NP area)	Specific implication to Marks Tey NP area?	Comment regarding broad conformity
(updated through the Focused Review 2014)			
Policy DP17: Accessibility and Access	A development management policy establishing what is required on access and accessibility when new development comes forward.	None identified.	The policy will sit alongside the NP.
Policy DP18: Transport Infrastructure Proposals	A policy setting out expectations when proposals for transport infrastructure come forwards	Yes. Due to Marks Tey railway station. Proposals for A12 improvements and dualling of the A120	The policy will sit alongside the NP.
Policy DP19: Parking Standards	A policy setting out parking standards	Yes. Parking is a key concern in the Marks Tey station area and around the London Road Parade.	The policy will sit alongside the NP
Policy DP20: Flood Risk and Management of Surface Water Drainage	A policy clarifying requirements in relation to proposals and surface water management.	Some areas in the parish at risk of surface water flooding.	The policy will sit alongside the NP
Policy DP21: Nature Conservation and Protected Lanes	A development management policy establishing what is required on proposals in relation to protecting and enhancing biodiversity.	None identified.	Policy MT11 (Protecting and enhancing our natural environment) provides parish specific context to this policy. The policy will sit alongside the NP.
Policy DP22: Dedham Vale Area of Outstanding Natural Beauty	NA	NA	NA
Policy DP23: Coastal Areas	NA	NA	NA
DP25: Renewable Energy	The policy establishes that the borough will support renewable energy schemes and encourage renewable energy technology to be incorporated into new proposals.	None identified.	Policy will sit alongside the NP.

Table 5.2: ADOPTED LOCAL PLAN. How do the Neighbourhood Plan policies sit alongside the Local Plan Policies			
Colchester Borough Local Plan	Description (where applicable to Marks Tey NP area)	Specific implication to Marks Tey NP area?	Comment regarding broad conformity
Anderson's Site, Marks Tey (8.03 hectares) (Local Plan Site Allocations, October 2010)	<p>Site specific requirements: Existing site and new extension Further development of site will require;</p> <ul style="list-style-type: none"> • Contributions to assist with any junction improvements required by Highways Agency and Essex County Council. Improvements / contributions towards public transport, cycling and walking links • Travel Plan • Contributions to increase capacity of Copford Sewerage Treatment Works. • Retention of hedgerows • Incorporation of SuDS scheme 	Yes.	<p>Policy MT15 in the Neighbourhood Plan includes an updated site allocation policy for the Anderson Employment site. The criteria in the NP policy is in broad conformity with the adopted Local Plan site allocation but it also includes additional criteria which must be met. It includes the following requirements which have been informed by the evidence and consultation work undertaken as part of the neighbourhood plan work.</p> <ul style="list-style-type: none"> • The incorporation of a new pedestrian and cycle way connection providing a safe and attractive route from Marks Tey Parish Hall through to Dobbies Lane • access to and from the site is via an improved direct access on to the A12 and once the planned improvements to the A12 by Highways England have been implemented and the adjacent existing road has been detrunked. <p>Policy MT15 also includes an area of land to be safeguarded for employment use adjacent to the Anderson employment site. Policy MT15 also allows for limited residential development as part of the Anderson site if this is needed to help the redevelopment of the site viable.</p>

Table 5.2: ADOPTED LOCAL PLAN. How do the Neighbourhood Plan policies sit alongside the Local Plan Policies			
Colchester Borough Local Plan	Description (where applicable to Marks Tey NP area)	Specific implication to Marks Tey NP area?	Comment regarding broad conformity
Poplar Nurseries, Coggeshall Road, Marks Tey (2.5 hectares) (Local Plan Site Allocations, October 2010)	New allocation <ul style="list-style-type: none"> • limited to cover the existing permanent buildings on the site. • Site to be well screened to limit the impact any future uses have on the landscape. 	Yes.	This policy will apply alongside the NP. It is noted that this site is not included as an employment site in the emerging Local Plan.
London Road Marks Tey defined as Neighbourhood Centre	This defines the area of land designated as a neighbourhood centre.	Yes.	The NP includes a larger extent for the London Road centre. See commentary above under Local Plan Policy DP7.

Compatibility Assessment of the Marks Tey neighbourhood plan against the EMERGING Local Plan context.

5.11 In the case of the emerging Local Plan, the assessment finds:

- that there are four areas of tension;
- there are a number of areas where the NP policies supports and upholds the general principle that a strategic policy is concerned with (see Table 5.4 below); and a
- a number of areas where the where the neighbourhood plan provides an additional level of detail to that set out in the Local Plan.

5.12 Areas of tension or conflict has been identified in relation to:

- **Neighbourhood Plan Policy MT14 -London Road Centre and emerging Local Plan (Part 2) Policy SG5: Centre Hierarchy and Part 2: Policy SG6a Local Centres.** Emerging Local Plan Policy SG5 establishes a hierarchy of town centres as follows 1) Town Centre 2) District Centre and 3) Local Centre. Emerging Local Plan policy SG6a Local Centres defines a smaller area (as with the adopted Local Plan) as the Marks Tey Local Centre. The Marks Tey neighbourhood plan recognises the important role the London Road parade has but has identified, through Policy MT14, a wider area as being suitable for designation as the London Road centre. This is to reflect the variety of land uses in this part of the plan area and to reflect the importance of the area to the wider parish. The intent of Policy 14 is to encourage new uses where these will help strengthen the commercial viability of the London Road centre and thereby secure the provision of essential services to parish residents. It is also to encourage improvements to the quality of the pedestrian environment in the area. The NP designation is informed by an up to date analysis of the units which is shown in Appendix 1 to the plan. It includes employment uses as well as shop use which is appropriate considering the new land use class E since the changes to the use class system on 21 July 2020 through the Town and County Planning (Use Classes) (Amendment) (England) Regulation 2020. This resulted in the revocation (as at 31 August 2020) of the Use Classes A, B1 and D and introduced the new Use Class E (Commercial Business and Service) and F.1 (Learning and non-residential institutions) and F.2 (Local Community Uses). As at 30 September 2020, Use Class A4 (pub/drinking establishment) and A5 (hot food takeaway) are now both sui-generis uses.
- **Neighbourhood plan policy MTo4 – Village Settlement Boundaries and Part 2: Policy OV2: Countryside.** Tension with MTo4. Emerging Local Plan policy OV2: Countryside would treat the area of land in Marks Tey but outside the settlement boundary as countryside. This would in theory restrict development coming forward here to rural type employment use, recreational uses or rural exceptions housing. The neighbourhood plan takes a more nuanced and flexible approach towards development on the edge of the Marks Tey settlement boundary (although not to Little Tey). This is because Policy MTo4 allows, in exceptional cases for sensitively designed small-scale minor development on the edge of the defined Marks Tey settlement boundary and for larger scale developments subject to the delivery of significant community benefits. This could also in theory undermine the prospect of rural exceptions housing coming forward in Marks Tey. In practice, however it is not considered a likely prospect that land will come forward on the edge of the Marks Tey settlement boundary for the purpose of delivering rural

exceptions housing. This has not come forward in the past and it is difficult, given the current context (in particular the ongoing development pressure), to envisage a scenario that one will come forward in the future. Policy MTo4 in the Neighbourhood Plan would not prejudice a rural exceptions site coming forward in Little Tey.

The approach taken in Policy MTo4 of the Neighbourhood Plan is considered to be in broad conformity with Policy OT2. The departure from the Local Plan is considered to be slight and inkeeping with Marks Tey status as a sustainable settlement in Part 1 of the Local Plan. It is also considered appropriate taking into account the specific circumstances in Marks Tey including a) the semi-rural character (rather than rural) around the principal parts of the built up environment and urban character in others (such as near to the London Road centre and the railway station) and b) the potential for the built environment to be improved in particular around the transport interchanges and the London Road centre.

- **Neighbourhood plan policy MT15 and Part 2: Policy DM6: Economic Development in Rural Areas and the Countryside.** The Bypass Nursery site would be a countryside location so new proposals for employment use would be restricted. Some tension here is identified with the approach taken on the By-pass nursery site. Policy MT15 safeguards the Bypass nursery site for employment uses subject to the uses being consistent with the existing edge of settlement rural location. The approach taken in the Neighbourhood Plan however is considered to be in general conformity with the strategic approach in the emerging Local Plan and appropriate taking into account the current uses and character of the area of land on the site of the Bypass nurseries site.

5.13 The assessment has also found that that there are a number of areas where the neighbourhood plan provides an additional level of detail to that set out in the Local Plan. For ease of reference these are singled out in Table 5.3 below.

Local Plan Policy	Neighbourhood Plan policy
Part 1: Policy SP6 – Place Shaping Principles (as per Modifications August 2020)	The Marks Tey Character Assessment and the Out Design Masterplanning support document will assist with the implementation of this aspect of Policy SP6.
Part 2 - Policy SG4: Local Economic Areas)	Policy MT15 – Marks Tey provides an additional level of detail and is in broad conformity with the draft policy SG4.
Part 2 - Policy SG7: Infrastructure Delivery and Impact Mitigation	This policy will work alongside NP policies in particular: Policy MTo1 (A12, A120 and Station Infrastructure Improvements, MTo2 Create walking and cycle friendly neighbourhoods, MTo2: A120 Coggeshall Road: A quality street for all.
Part 2 - Policy ENV1: Environment	NP Policy MT11 Protecting and enhancing our natural environment is in broad conformity. NP Policy MT12 –Essex Coast Recreational Disturbance

Table 5.3 Neighbourhood Plan Policies which provide an additional level of detail/a distinct local approach to that set out in the EMERGING Local Plan policies

Local Plan Policy	Neighbourhood Plan policy
	Avoidance and Mitigation Strategy reflects the updated position with regards the Essex Coast RAMS.
Part 2 – Policy ENV3: Green Infrastructure	Policy MT10 (Protecting and enhancing the quality and quantity of green infrastructure) provides added context by identifying aspirations for future provision of green infrastructure in the parish.
Part 2 - Policy ENV5: Pollution and Contaminated Land	Policy MT11 includes a proviso relating to land that may be affected by contamination. No conformity issues identified.
Part 2 - Policy CC1: Climate Change	Policy MT04 and Policy MT05 complement the borough level approach by encouraging proposals which adopt innovative approaches to the construction of low carbon homes.
Part 2 - Policy PP1: Generic Infrastructure and Mitigation Requirements	This policy will work alongside NP policies in particular: Policy MT01 (A12, A120 and Station Infrastructure Improvements, MT02 Create walking and cycle friendly neighbourhoods, MT02: A120 Coggeshall Road: A quality street for all.
Part 2: Place Specific Policies Sustainable Settlements SS11 – Marks Tey	Note that this policy is due to be revised as part of the examination in order to reflect the withdrawal of the garden community from Part 1 of the Local Plan. In other respects the Marks Tey neighbourhood plan adds local context and detail to the Local Plan policy SS11. For example, Policy MT15 allocates the Anderson Employment site as suitable for new employment uses but includes additional site specific requirements to take into account existing transport constraints in the parish.
Part 2: Policy DM15: Design and Amenity	This policy will apply alongside the NP. A number of the NP policies will apply a level of additional detail to the broader requirements specified here including: <ul style="list-style-type: none"> • Policy MT11 (protecting and enhancing our natural environment). Policy MT07 (Local character and design)
Part 2: Policy DM17: Retention of Open Space and Recreation Facilities	Policy MT09 – Local Green Spaces provides some added context by designating key spaces as Local Green Space. Policy MT10 (Protecting and enhancing the quality and quantity of green infrastructure) provides added context by identifying aspirations for future provision of green infrastructure in the parish
Part 2: Policy DM20: Promoting Sustainable Transport and Changing Travel Behaviour	The Marks Tey NP illustrates well the severance issues in the parish and identifies priorities for addressing these.
Part 2: Policy DM21: Sustainable	The Marks Tey NP complements the strategic policy in particular through Policy MT02 Create Walking and Cycle Friendly Neighbourhoods and Policy MT03 : A120 Coggeshall Road: A quality street for all.

Table 5.3 Neighbourhood Plan Policies which provide an additional level of detail/a distinct local approach to that set out in the EMERGING Local Plan policies

Local Plan Policy	Neighbourhood Plan policy
Access to Development	

Table 5.4: EMERGING Local Plan. How do the Neighbourhood Plan policies sit alongside the emerging Local Plan Policies			
Colchester Borough Emerging Local Plan	Description (where applicable to Marks Tey NP area)	Specific implication to Marks Tey NP area?	Comment regarding broad conformity
Part 1: Policy SP1 Presumption in favour of sustainable development (as per modifications August 2020)	<p>This policy is a high level strategic policy with relevance to all three planning authorities Braintree, Colchester and Tendring.</p> <p>“When considering development proposals the Local Planning Authorities will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. They will always work pro-actively with applicants jointly to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area”</p>	None.	No issues identified.
Part 1: Policy SP1A – Recreational disturbance Avoidance and Mitigation Strategy (RAMS)	“Contributions will be secured from development towards mitigation measures in accordance with the Essex Coast Recreational disturbance Avoidance and Mitigation Strategy 2018-2038 (RAMS)”	Yes. The parish falls within the area identified by the Essex Coast RAMS.	Marks Tey NP Policy MT12 – Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy complies with this.
Part 1 Policy SP2 – Spatial Strategy for North Essex (as per Modifications August 2020)	<p>This policy provides the strategic spatial strategy across the North Essex Authorities area (Colchester, Braintree and Tendring.</p> <p>The policy states the following:</p> <ul style="list-style-type: none"> Existing settlements will be the principal focus for additional growth 	Note that the status of Marks Tey is set out in Part 2 of the emerging Colchester Local Plan	No conformity issues.

Table 5.4: EMERGING Local Plan. How do the Neighbourhood Plan policies sit alongside the emerging Local Plan Policies			
Colchester Borough Emerging Local Plan	Description (where applicable to Marks Tey NP area)	Specific implication to Marks Tey NP area?	Comment regarding broad conformity
	<ul style="list-style-type: none"> • Development will be accommodated within or adjoining settlements according to their scale, sustainability and existing role both within each individual district and, where relevant, across the wider strategic area • Future growth will be planned to ensure existing settlements maintain their distinctive character and role, to avoid coalescence between them and to conserve their setting. • Re-use of previously development land within settlements is an important objective <p>It also confirms that the hierarchy of settlements in each local planning authority will be set out in Part 2 of the Local Plan</p> <p>Beyond the main settlements the authorities will support diversification of the rural economy and conservation and enhancement of the natural environment.</p> <p>As part of the sustainable strategy for growth, the Tendring / Colchester Borders Garden Community will be developed and delivered as part of the sustainable strategy for growth.</p>		
Part 1: Policy SP3 – Meeting Housing Needs (as per Modifications August 2020)	Housing requirement for Colchester per annum is 920		

Table 5.4: EMERGING Local Plan. How do the Neighbourhood Plan policies sit alongside the emerging Local Plan Policies			
Colchester Borough Emerging Local Plan	Description (where applicable to Marks Tey NP area)	Specific implication to Marks Tey NP area?	Comment regarding broad conformity
Part 1: Policy SP4 – Providing for Employment (as per Modifications August 2020)	States there is a requirement for 22 to 30 hectares of employment land in Colchester		
Part 1: Policy SP5 – Infrastructure and Connectivity (as per Modifications August 2020)	<p>Clarifies that all development will be expected to be supported by the provision of infrastructure, services and facilities that are required by the development.</p> <p>Paragraph B concerns Transportation and Travel. This section states the local planning authorities will work with partners to deliver, among other things :</p> <ul style="list-style-type: none"> - Changes in travel behaviour - A comprehensive network of segregated walking and cycling routes - Improved urban and inter urban improved public transport - Increased rail capacity, reliability and punctuality - New and improved road infrastructure along the A12, the A120 and the A133 	Yes. A12, A120 and commitment to increase rail capacity may impact Marks Tey station	Policy MT01 of the Neighbourhood Plan supports in principle plans to increase the capacity of Marks Tey train station. No conformity issues identified.
Part 1: Policy SP6 – Place Shaping Principles (as per	This policy sets out place shaping principles to be met by all proposals. It includes the requirement for development to <i>respond positively to local character and</i>	None noted.	The Marks Tey Character Assessment and the Out Design Masterplanning support document will assist with the implementation of this aspect of Policy SP6.

Table 5.4: EMERGING Local Plan. How do the Neighbourhood Plan policies sit alongside the emerging Local Plan Policies			
Colchester Borough Emerging Local Plan	Description (where applicable to Marks Tey NP area)	Specific implication to Marks Tey NP area?	Comment regarding broad conformity
Modifications August 2020)	<i>context to preserve and enhance the quality of the existign places and the environs.</i>		
Part 1: Policy SP7 – Development and Delivery of a New Garden Community in North Essex (as per Modifications August 2020)	Concerns the allocation of the new Garden Community at Tendring	None noted	No issues.
Part 1: Policy SP8 – Tendring Garden Community (as per Modifications August 2020)	Concerns the allocation of the new Garden Community at Tendring.	None noted	No issues.
Note on Part 1 of the Local Plan:	Due to supersede the following Colchester Local Plan Policies: H1, CE1 and SD2		
Part 2 – SG1 Colchester’s Spatial Strategy	This policy sets out the spatial strategy for the borough. It states that: growth will be located at the most accessible and sustainable locations in accordance with the spatial strategy for North Essex set out in Section One of the Plan and with the spatial hierarchy in Table SG.1	Marks Tey is a sustainable settlement but there is no growth requirement for the parish under the Local Plan	Policy MTo4 – Village settlement boundaries refers to the settlement boundaries as defined in the Local Plan which means the policy stays in line once the emerging Local Plan becomes adopted. Policy MTo4 however includes references to the settlement boundary around Little Tey in order that it the policy is valid

Table 5.4: EMERGING Local Plan. How do the Neighbourhood Plan policies sit alongside the emerging Local Plan Policies			
Colchester Borough Emerging Local Plan	Description (where applicable to Marks Tey NP area)	Specific implication to Marks Tey NP area?	Comment regarding broad conformity
	<p>Table SG.1 sets out the following hierarchy:</p> <ul style="list-style-type: none"> - Urban area of Colchester - Central Colchester - South, East, North and West Colchester including Stanway, Mailand and Braiswick - Sustainable Settlements - Other villages - The countryside <p>Policy SG1 states that sustainable settlements will be planned for appropriate growth</p>	Little Tey is countryside.	<p>whilst the current Local Plan is in place. Policy MTo4 – village settlement boundaries is very clear that no development will be allowed outside of the Little Tey boundary.</p> <p>No conformity issues.</p>
Part 2 – SG1 Colchester’s Spatial Strategy	<p>This policy establishes housing targets for different settlements in the hierarchy.</p> <p>It is accompanied by a table which identifies no housing for the sustainable settlement of Marks Tey.</p>	No housing allocated for Marks Tey	No issues.
Part 2 - Policy SG3: Economic Growth Provision	<p>A strategic policy setting out targets for economic growth provision. Includes targets associated with the Braintree Borders Garden Community which is now longer in Part 1 of the Local Plan.</p> <p>Policy states existing economic uses will be safeguardd.</p>	Applicable to employment areas in Marks Tey plan area as noted on the draft Proposals Map.	No issues.
Part 2 - Policy SG4: Local Economic Areas)	This is a strategic policy identifying and safeguarding existing local economic areas.	Timber Yard (Anderson Employment site) in Marks Tey identified as a local economic area.	Policy MT15 – Marks Tey provides an additional level of detail and is in broad conformity with the draft policy SG4.

Table 5.4: EMERGING Local Plan. How do the Neighbourhood Plan policies sit alongside the emerging Local Plan Policies			
Colchester Borough Emerging Local Plan	Description (where applicable to Marks Tey NP area)	Specific implication to Marks Tey NP area?	Comment regarding broad conformity
Part 2 - Policy SG5: Centre Hierarchy	<p>This policy establishes a hierarchy of town centres as follows 1) Town Centre 2) District Centre and 3) Local Centre.</p> <p>A Local Centre is described as having an essential role providing a range of small shops and services to meet the basic needs of local communities, serving a small catchment.</p> <p>The Marks Tey Parade is identified as Local Centre.</p>	Marks Tey Parade	Tension with Policy MT ₁₄ -London Road Centre
Part 2: Policy SG6: Town Centre Uses	Not applicable to Marks Tey parish	NA	NA
Part 2: Policy SG6a Local Centres	<p>This policy states that Local centres will be protected and enhanced to provide shops, services and community facilities for local communities.</p> <p>It states that proposals involving the change of use within the local centres will need to demonstrate the proposals will provide a retail use, retail service, community use, financial/ businesses service or a leisure service and will meet the basic needs of local communities. The policy supports proposals to expand a local centre where it can be demonstrated that the use is small scale proportionate to the role and function of such centres and will serve the basic needs of local communities.</p> <p>The policy requires proposals to demonstrate that they will not adversely affect residential amenity, particularly in terms of car parking,</p>	Applicable to the London Road Parade	Tension here with MT ₁₄ which identifies a larger area. In the NP area, Policy MT ₁₄ would apply instead of Policy SG6a: Local Centres.

Table 5.4: EMERGING Local Plan. How do the Neighbourhood Plan policies sit alongside the emerging Local Plan Policies			
Colchester Borough Emerging Local Plan	Description (where applicable to Marks Tey NP area)	Specific implication to Marks Tey NP area?	Comment regarding broad conformity
	noise and hours of operation and that proposals should take every opportunity to promote sustainable travel behaviour.		
Part 2 - Policy SG7: Infrastructure Delivery and Impact Mitigation	<p>Policy states that all development should be supported by, and have good access to, all necessary infrastructure.</p> <p>The policy provides a development management approach to securing necessary infrastructure to support a development as part of the proposal. Where a development proposal requires additional infrastructure capacity, to be deemed acceptable, mitigation measures must be agreed with the Local Planning Authority and the appropriate infrastructure provider. Such measures may include (not exclusively): (i) Financial contributions towards new or expanded facilities and the maintenance thereof; (ii) On-site provision (which may include building works); (iii) Off-site capacity improvement works; and/or (iv) The provision of land.</p>	Yes	This policy will work alongside NP policies in particular: Policy MT01 (A12, A120 and Station Infrastructure Improvements, MT02 Create walking and cycle friendly neighbourhoods, MT02: A120 Coggeshall Road: A quality street for all.
Part 2 - Policy SG8: Neighbourhood Plans	A policy where the borough expresses support for Neighbourhood Plans.	Yes	No issues identified.
Part 2 - Policy ENV1: Environment	A development management policy setting out the approach for determining proposals which impact on the natural environment	Yes	NP Policy MT11 Protecting and enhancing our natural environment is in broad conformity. NP Policy MT12 –Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy reflects the updated position with regards the Essex Coast RAMS.
Part 2 – Policy ENV2: Coastal Area	NA	NA	NA

Table 5.4: EMERGING Local Plan. How do the Neighbourhood Plan policies sit alongside the emerging Local Plan Policies			
Colchester Borough Emerging Local Plan	Description (where applicable to Marks Tey NP area)	Specific implication to Marks Tey NP area?	Comment regarding broad conformity
Part 2 – Policy ENV3: Green Infrastructure	A policy providing a strategic approach to planning green infrastructure across the borough. As part of this, the policy seeks to <i>protect and enhance the existing network of green and blue infrastructure features and to secure the delivery of new green infrastructure where deficiencies and gaps are identified that will benefit communities, wildlife and the environment</i>	Yes	Policy MT10 (Protecting and enhancing the quality and quantity of green infrastructure) provides added context by identifying aspirations for future provision of green infrastructure in the parish.
Part 2 - Policy ENV4: Dedham Vale Area of Outstanding Natural Beauty	NA	NA	NA
Part 2 - Policy ENV5: Pollution and Contaminated Land	This policy establishes requirements from development proposals which will impact on an Air Quality Management Area or by contaminated land	Yes. Marks Tey parish affected adversely by traffic generated air pollution and there are also areas of land that may be contaminated.	Policy MT11 includes a proviso relating to land that may be affected by contamination. No conformity issues identified.
Part 2 - Policy CC1: Climate Change	A strategic policy setting out how the borough will adopt strategies to mitigate and adapt to climate change.	No.	Policy MT04 and Policy MT05 complement the borough level approach by encouraging proposals which adopt innovative approaches to the construction of low carbon homes.
Part 2 - Policy PP1: Generic Infrastructure and Mitigation Requirements	This policy clarifies that all development proposals will be required to make contributions to the cost of infrastructure improvements and/or community facilities as required and supported by up-to-date evidence from appropriate sources including the Infrastructure Delivery Plan (IDP), Parish Council, or specially commissioned work.	No.	This policy will work alongside NP policies in particular: Policy MT01 (A12, A120 and Station Infrastructure Improvements, MT02 Create walking and cycle friendly neighbourhoods, MT02: A120 Coggeshall Road: A quality street for all.

Table 5.4: EMERGING Local Plan. How do the Neighbourhood Plan policies sit alongside the emerging Local Plan Policies			
Colchester Borough Emerging Local Plan	Description (where applicable to Marks Tey NP area)	Specific implication to Marks Tey NP area?	Comment regarding broad conformity
	<p>The policy identifies specific borough wide requirements as being:</p> <ul style="list-style-type: none"> (i) Adequate wastewater treatment and sewage infrastructure enhancements for the relevant catchment area; (ii) (Appropriate SuDS for managing surface water runoff within the overall design and layout of the site; (iii) Proportionate mitigation for area-wide transport issues as identified in the policies for North, East, South and West Colchester contained in the 'Places' section of the plan; (iv) Safe pedestrian access from the site to existing footways to enhance connectivity; (v) Suitable design and screening/landscaping to minimise any negative impact on the surrounding landscape and/or listed buildings; and (vi) Potential archaeological significance of the site as required, by way of predetermination evaluation (geophysical survey and trial trenching). 		
Part 2: Place Specific Policies for Colchester,	NA	NA	NA
Part 2: Place Specific Policies Sustainable Settlements SS1 to SS10	NA	NA	NA

Table 5.4: EMERGING Local Plan. How do the Neighbourhood Plan policies sit alongside the emerging Local Plan Policies

Colchester Borough Emerging Local Plan	Description (where applicable to Marks Tey NP area)	Specific implication to Marks Tey NP area?	Comment regarding broad conformity
Part 2: Place Specific Policies Sustainable Settlements SS11 – Marks Tey	<p>Policy SS11: Marks Tey Growth within the Marks Tey area will largely be guided by the following documents in addition to this Local Plan:</p> <ul style="list-style-type: none"> (i) The Joint Plan Development Plan document to be prepared with Braintree District Council for development of a new Garden Community, as provided in Section 1 Policy SP9. (ii) The Marks Tey Neighbourhood Plan to be developed to include policies to guide the relationship between the existing community of Marks Tey and the gradual development of a Garden Community, and will provide flexibility, including the scope for the allocation of any small parcels of land for development outside with the Garden Community to be considered in the Neighbourhood Plan at the appropriate time. <p>The Anderson’s site is allocated as a Local Economic Area as shown on the Policies Map.</p> <p>This policy should be read in conjunction with the generic Neighbourhood Planning policy SG8.</p>	Yes. Note the Garden Community is no longer part of Part 1 of the local Plan.	Policy MT15 allocates the Anderson Employment site as suitable for new employment uses but includes additional site-specific requirements to take into account existing transport constraints in the parish.
Part 2: Place Specific Policies Sustainable Settlements SS12 to SS16	NA	NA	NA
Part 2: Policy OV1: Development in Other Villages	This policy supports proposals in other villages where these <i>enhance the vitality of rural communities and help</i>	Apply to Little Tey	This policy will sit alongside the NP.

Table 5.4: EMERGING Local Plan. How do the Neighbourhood Plan policies sit alongside the emerging Local Plan Policies			
Colchester Borough Emerging Local Plan	Description (where applicable to Marks Tey NP area)	Specific implication to Marks Tey NP area?	Comment regarding broad conformity
	<i>maintain the sense of community provided by smaller rural villages and in rural areas.</i>		
Part 2: Policy OV2: Countryside	This policy sets out what would be supported in countryside locations. With regards to residential the policy states development will be restricted outside the defined settlement boundaries to <i>small scale rural exception sites needed to meet local affordable housing needs. Schemes will only be considered favourably on appropriate sites where they are supported by a Local Housing Needs Assessment. Where there is an identified need for certain types of housing, schemes must demonstrate how these needs have been met. Proposals should be supported by the relevant Parish Council.</i>	Yes	Tension with MTo4. Policy MTo4 may undermine the possibility for the delivery of rural exception sites since it allows for sensitively designed small-scale minor development on the edge of the defined Marks Tey settlement boundary. Where significant community benefits are being delivered, Policy MTo4 allows for large edge of settlement schemes in exceptional circumstances.
Part 2: DM1 – Health and Wellbeing	<p>This policy states that all development should be designed to help promote healthy lifestyles and avoid causing adverse impacts on public health through a range of measures (listed in the policy)</p> <p>The policy requires the completion of health impact assessments for all residential development in excess of 100 units and non-residential development in excess of 2500 square metres and for other developments where the proposal is likely to have a significant impact on health and wellbeing.</p> <p>The policy clarifies that all developments with the potential to cause a deterioration in air quality will be required to provide comply with Policy ENV5.</p>	Yes particularly in relation to the sensitivity of the parish to increasing traffic volumes along the A12 and the A120.	No conformity issues.

Table 5.4: EMERGING Local Plan. How do the Neighbourhood Plan policies sit alongside the emerging Local Plan Policies			
Colchester Borough Emerging Local Plan	Description (where applicable to Marks Tey NP area)	Specific implication to Marks Tey NP area?	Comment regarding broad conformity
	Measures to mitigate any adverse impacts of the development will be provided and / or secured by planning conditions, Section 106 contributions or CIL. Developments which will have an unacceptable significant adverse impact on health and wellbeing which cannot be mitigated, or that fail to offer reasonable provisions, will not be permitted		
Part 2 Policy DM2: Community Facilities	This policy supports: <ul style="list-style-type: none"> the provision of new community facilities the retention and enhancement of new community facilities provides a development approach for assessing proposals involving the loss of community facilities. 	No.	No issues identified.
Part 2: Policy DM3: Education Provision	Protects sites in educational use.	No	No
Part 2: Policy DM4: Sports Provision	A strategic policy providing a decision-making framework for proposals affecting sports provision	No	No
Part 2: Policy DM5: Tourism, Leisure, Culture and Heritage	Policy provides a decision making framework to be applied to planning applications for tourism, leisure and culture uses.	None identified	None identified.
Part 2: Policy DM6: Economic Development in Rural Areas and the Countryside	This policy protects local economic areas in the countryside. The policy also provides criteria for development proposals for other employment use in the countryside. With regards to new proposals the criteria states: <i>(D) New rural employment buildings: Proposals will only be supported in exceptional cases where there are no appropriate existing buildings, there is no</i>	Local economic area designation applies to the Anderson Site The Bypass Nursery site would be a countryside location so new proposals for	Tension here identified with approach taken on the By pass site. Policy MT15 safeguards the Bypass nursery site for employment uses subject to the uses being consistent with the existing edge of settlement rural location.

Table 5.4: EMERGING Local Plan. How do the Neighbourhood Plan policies sit alongside the emerging Local Plan Policies			
Colchester Borough Emerging Local Plan	Description (where applicable to Marks Tey NP area)	Specific implication to Marks Tey NP area?	Comment regarding broad conformity
	<i>available employment land in the locality and a site/area specific business need has been adequately demonstrated.</i>	employment use would be restricted.	
Part 2: Policy DM7: Agricultural Development and Diversification	This policy allows for farm diversification subject to criteria	None identified	No issues identified.
Part 2: Policy DM8: Affordable Housing	This policy provides a 30% affordable housing target on development proposals.	None identified	Policy MT13 (Housing mix and housing choice) will be in broad conformity with this.
Part 2: Policy DM9: Development Density	This policy provides a borough wide approach on density	None identified.	No issues identified.
Part 2: Policy DM10: Housing Diversity	This policy provides a borough wide approach on density	Relevant to Policy MT13	Policy MT13 (Housing mix and housing choice) will be in broad conformity with this.
Part 2: Policy DM11: Gypsies, Travellers, and Travelling Showpeople	This policy provides the borough wide approach on planning for needs of gypsies, travellers and travelling showpeople	None identified	No issues identified.
Part 2: Policy DM12: Housing Standards	<p>Policy requires certain standards applicable to light, overlooking, overshadowing, storage, car parking and storage and internal space to be applied to all residential development.</p> <p>Of note, the policy requires</p> <ul style="list-style-type: none"> - Internal space standards to be in accordance with the National Described Space Standards (DCLG, 2015) or any future replacement of this; - A minimum of 10% of market housing and 95% of affordable housing to meet Building Regulations 2015 Part M4 (2) accessible and 206 adaptable standards and 5% of affordable homes to be Part M4 (3)(2)(b) wheelchair user standards 	None identified	Policy will apply alongside the NP policies.

Table 5.4: EMERGING Local Plan. How do the Neighbourhood Plan policies sit alongside the emerging Local Plan Policies			
Colchester Borough Emerging Local Plan	Description (where applicable to Marks Tey NP area)	Specific implication to Marks Tey NP area?	Comment regarding broad conformity
Part 2: Policy DM13: Domestic development Residential alterations, extensions and outbuildings	Policy provides a decision making framework to be applied to planning applications for altering, extending or replacing dwellings within settlement limits.	None identified.	No issues.
Part 2: Policy DM14: Rural Workers' Housing	Policy provides a decision making framework for considering rural housing applications	None identified	No issues
Part 2: Policy DM15: Design and Amenity	This is a detailed design policy setting out 10 generic standards of design to be met by new proposals. First criteria is: <i>Respect and, wherever possible, enhance the character of the site, its context and surroundings in terms of its layout, architectural approach, height, scale, form, massing, density, proportions, materials, townscape and/or landscape qualities, and detailed design features. Wherever possible development should positively integrate the existing built environment and other landscape, heritage, biodiversity and arboricultural assets and remove problems as part of the overall development proposal</i>	First criteria is relevant to the NP.	This policy will apply alongside the NP. A number of the NP policies will apply a level of additional detail to the broader requirements specified here including: <ul style="list-style-type: none"> Policy MT11 (protecting and enhancing our natural environment). Policy MT07 (Local character and design)
Part 2: Policy DM16: Historic Environment	Policy provides a decision making framework to be applied to planning applications which affect the historic environment (heritage assets)	A number of heritage assets in the parish	Policy MT07 – Non-designated heritage assets will add to the context provided by DP14
Part 2: Policy DM17: Retention of Open Space and Recreation Facilities	This policy applies provides a decision making framework to be applied to planning applications affecting existing areas of open space and indoor sports facilities.	Yes. A number of areas of public open space including the Parish Hall recreation ground in the parish.	Policy MT09 – Local Green Spaces provides some added context by designating key spaces as Local Green Space. Policy MT10 (Protecting and enhancing the quality and quantity of green infrastructure) provides added context by identifying

Table 5.4: EMERGING Local Plan. How do the Neighbourhood Plan policies sit alongside the emerging Local Plan Policies			
Colchester Borough Emerging Local Plan	Description (where applicable to Marks Tey NP area)	Specific implication to Marks Tey NP area?	Comment regarding broad conformity
			aspirations for future provision of green infrastructure in the parish
Part 2: Policy DM18: Provision of Public Open Space			
Part 2: Policy DM19: Private Amenity Space	This policy provides quantitative standards for the provision of external amenity space when new residential proposals come forward.	None identified.	No issues.
Part 2: Policy DM20: Promoting Sustainable Transport and Changing Travel Behaviour	A borough wide policy setting out the borough's strategy to promoting sustainable transport and changing travel behaviour. The policy states that this will be achieved through, amongst other criteria: <i>(ii) Focusing new walking and cycling improvements on areas of employment, education and health facilities, and on the town centre and public transport interchanges;</i>	Yes. Severance issues in Marks Tey parish created by the A12 the A120 and the railway line.	The Marks Tey NP illustrates well the severance issues in the parish and identifies priorities for addressing these.
Part 2: Policy DM21: Sustainable Access to Development	This policy states that all new developments should seek to enhance accessibility for sustainable modes of transport. The policy sets out a range of criteria that new development should meet. (including as examples giving priority to the movement of people walking and cycling and incorporating charging facilities for electric and other ultra-low emission vehicles The policy states that development will only be allowed where there is physical and environmental capacity to accommodate the type and amount of traffic generated in a safe manner.	Could be applicable to proposals that exacerbate existing issues along the A120?	The Marks Tey NP complements the strategic policy in particular through Policy MT02 Create Walking and Cycle Friendly Neighbourhoods and Policy MT03 : A120 Coggeshall Road: A quality street for all.
Part 2: Policy DM22: Parking	A borough wide policy establishing the priorities with regards to parking.	Yes. The street scene environment around	No conformity issues. This policy is directly relevant to MT01 and MT14, which both seek

Table 5.4: EMERGING Local Plan. How do the Neighbourhood Plan policies sit alongside the emerging Local Plan Policies			
Colchester Borough Emerging Local Plan	Description (where applicable to Marks Tey NP area)	Specific implication to Marks Tey NP area?	Comment regarding broad conformity
		the London Road parade would be improved were car parking to be located behind buildings.	to address existing parking issues at the London Road parade and around Marks Tey train station.
Part 2: Policy DM23: Flood Risk and Water Management	A policy clarifying requirements in relation to proposals and surface water management.	Some areas at risk of surface water flooding in the parish	No identified issues.
Part 2: Policy DM24: Sustainable Urban Drainage Systems	A policy concerning the design and delivery of SuDs which are required from all development	None identified	No identified issues.
Part 2: Policy DM25: Renewable Energy, Water, Waste and Recycling	<p>The policy establishes that the borough will support renewable energy schemes and encourage renewable energy technology to be incorporated into new proposals.</p> <p>The policy also sets out the Councils strategy on the water, waste minimisation and recycling.</p>	None identified	No identified issues.

6 Compatibility with EU Obligations and Legislation

SEA

- 6.1 European Union Directive 2001/42/EC requires a Strategic Environmental Assessment (SEA) to be undertaken for certain types of plans or programmes that would have a significant environmental effect. The EU Directive has been transposed into UK legislation through the Environmental Assessment of Plans and Programmes Regulations 2004 (the Regulations). Regulation 9 states that the responsible body (the local planning authority) shall determine whether or not a plan is likely to have a significant effect and that before making such a determination it shall take into account the criteria set out in Schedule 1 of the Regulations and consult the consultation bodies (Natural England, Historic England and the Environment Agency).
- 6.2 The NP steering group submitted a formal screening request to Colchester Borough Council regarding the need for a Strategic Environmental Assessment (SEA) in late 2019. In April 2020, Colchester Borough Council produced a report concluding that the pre-submission version of the Marks Tey Neighbourhood Plan will not require an assessment of the significant environmental effects under the SEA Directive. As the Marks Tey Neighbourhood Plan has not changed significantly since the pre-submission stage this SEA screening opinion is still valid.
- 6.3 In December 2020, Colchester Borough Council published the SEA screening determination and sent this to the three statutory consultees.
- 6.4 In line with Regulation 15 of the Neighbourhood Planning (General) Regulations 2012 (as amended) the SEA determination report is also submitted alongside the Neighbourhood Plan.

HRA

- 6.5 Colchester Borough Council prepared a Habitats Regulations Assessment (HRA) screening report in April 2020 and consulted Natural England on this report. The April 2020 report concludes that *as the Mark's Tey Neighbourhood Plan 2020-2033, Pre-submission Consultation Draft Feb 2020, does not allocate land for housing the plan alone and in-combination will not adversely affect the integrity of any Habitats sites. The basic condition set out in Schedule 2 of The Neighbourhood Planning (General) Regulations 2012 that the making of the neighbourhood development plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017 is therefore met.*
- 6.6 It is therefore concluded that the making of the neighbourhood development plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017.

Human Rights and Equalities

- 6.7 The Neighbourhood Plan has been prepared having regard to the fundamental rights and freedom guaranteed under the European Convention on Human Rights

6.8 An assessment has been carried out to assess the potential impacts of the Marks Tey NP in relation to the protected characteristics as identified in the Equality Act 2010. This assessment is shown in Table 6.1 and shows that the draft Neighbourhood Plan is not likely to lead to increased inequalities or discrimination in the plan area. Some of the policies are identified as having positive impacts on people who may experience disadvantage by virtue of their age or disability.

Protected Characteristic	Impact	Commentary
Age	+ Positive	Policy MT13 'Housing mix and housing choice' may benefit young and old if there is an identified housing need in this age bracket. The range of policies (MT01 'A12, A120 and station infrastructure improvements', MT02 'Creating walking and cycling friendly neighbourhoods', MT02 'A120: Coggeshall Road: a quality street for all' and Policy MT10 'Maintaining and improving the quality and quantity of our green infrastructure') aimed at managing the environmental impact of traffic in the parish and securing better pedestrian connectivity will benefit all ages but particularly those who don't have the choice to travel by car. ,.
Disability	+ Positive	The range of policies (MT01 'A12, A120 and station infrastructure improvements', MT02 'Creating walking and cycling friendly neighbourhoods', MT02 'A120: Coggeshall Road: a quality street for all' and Policy MT10 'Maintaining and improving the quality and quantity of our green infrastructure') aimed at managing the environmental impact of traffic in the parish and securing better pedestrian connectivity may benefit those with disabilities. Policy MT02 specifically is supported by Table 6.2 which identifies priorities for improving accessibility for those with restricted mobility.
Gender Reassignment	o Neutral	
Marriage and civil partnership	o Neutral	
Pregnancy and maternity	o Neutral	
Race	o Neutral	
Religion or belief	o Neutral	
Sex	o Neutral	
Sexual orientation	o Neutral	