

Appeal Reference:- APP/A1530/W/22/3305697 - amended 31st October 2022 changes highlighted in yellow.

Wivenhoe Town Council - Appeal Statement

1 Introduction

1.1 The Wivenhoe Neighbourhood Plan site allocations for dwellings

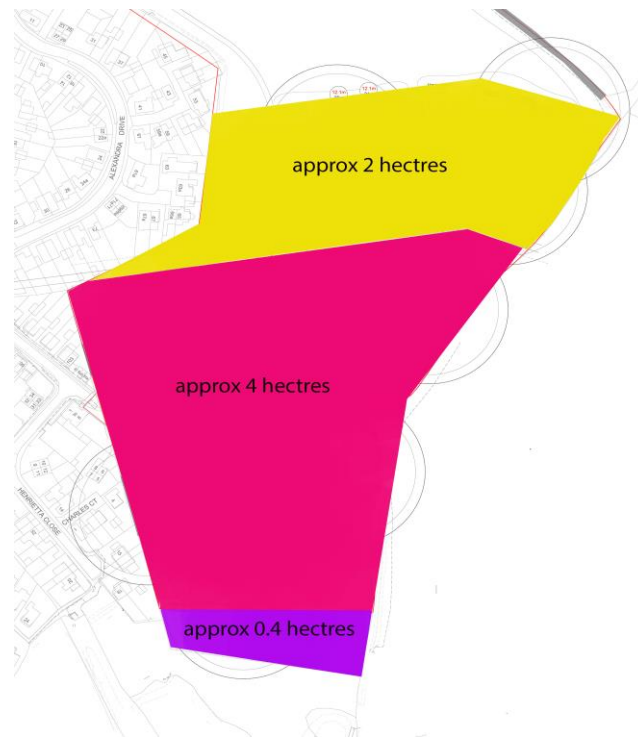
It was considered necessary that the Wivenhoe Neighbourhood Plan (WNP) should make provision for some additional housing. A total of 250 dwellings were thought appropriate. There were numerous constraints affecting possible locations for these. The Plan had to pay regard to the existing Local Plan (revised 2014) which included a Coastal Protection Area, open space designations and local wildlife sites. Some of the land in Wivenhoe was subject to mineral safeguarding. There was also a need to protect land to prevent settlement coalescence with both the University and the proposed new garden settlement to the north. The Strategic Environmental Assessment (SEA - one of the submission documents) set out objectives against which the sustainability of the proposals should be judged and Table 5 set out assessment questions and indicators.

1.2 Land Behind Broadfields

The call for sites yielded five locations. The Taylor Wimpey application falls within site 180 shown on page 88 of the WNP. This land was being farmed with the possible exception of the wild life site which lies of the east of the parcel. All of this parcel, with the exception of the wildlife site, was shown as open space in the Local Plan. It was decided that some land designated as open space in the Local Plan would have to be used if the target of 250 dwellings in total was to be reached. A site of 4.06 hectares was allocated for dwellings in the Plan to the south east of the site and there was a requirement that 2 hectares of land for playing fields to the north of the housing allocation should be provided. This gives a total of 6.06 hectares. In Paragraph 5.15 of their appeal statement Taylor Wimpey summarise Policy WIV 29 but this incorrectly states that the site allocation is 11.58 hectares. To repeat the WNP allocates 4.06 hectares of land for housing and 2 hectares for playing fields. The location for the playing field site was agreed verbally with the landowner in discussion. At the time he wished to retain the land to the northwest (shown as open space in the diagram reproduced on page 18 of the appeal Statement) in accordance with the Local Plan designation.

One of the objectives in the SEA (Objective 2 on page 38) was to make efficient use of land and the indicator was that the number of dwellings should be at least 30 per hectare (including any incidental open spaces). Three other sites were also allocated for housing in the WNP. Policy WIV 31 allocated 2.7 hectares for a minimum of 80 dwellings (80 dwellings would represent a density of 29.6). It is worth noting that the outline planning application for this site proposes 88 dwellings on the land allocated. Policy WIV 30 allocated 0.93 hectares for a minimum of 25 dwellings (25 dwellings gives a density of 27.9 dwellings per hectare). The fourth site WIV 28 allocated 1.35 hectares for 25 residential dwellings and a potential care home. The proposals put forward by Taylor Wimpey for the land beside Broadfields do not meet the SEA criterion of at least 30 dwellings per hectare. The density figures they give in their Appeal Statement do not include incidental spaces but just look at the land take of the footfall of the actual dwellings. The envelope of the land that would be used for dwellings i.e., the land to the south and the land to the north

of the pylons is around 6 hectares. Therefore 6 hectares of agricultural land would be used for 120 dwellings which is a density of only 20 dwellings per hectare.



The southernmost part of site 180 (excluding the wildlife site) was selected because it was adjacent to the existing Henrietta Close Recreational Area and making use of pedestrian links across this recreational area, would give the shortest average walking distances for those living on the site to shops, buses and other community facilities. It also had the potential for a cycling route linking other areas of Wivenhoe via an existing public footpath leading to the Cross with the Broad Lane Playing fields. One of the objectives in the SEA states that 'Location of new development should encourage walking and use of sustainable transport and minimise impact on current traffic congestion'. The proposals put forward by Taylor Wimpey do not meet this objective because the site they propose, which excludes the southernmost part of the WNP site allocation, does not provide for any pedestrian or cycle links to connect with the Henrietta Close land and hence onward to other parts of Wivenhoe.

At some point in negotiations, presumably between Taylor Wimpey and the landowner, it emerged that, despite having been farmed for many years, the landowner did not own the southernmost part of the site put forward in the call for sites. The land in question is shown in the above plan colour coded in purple. The land had been given to Colchester Borough around 1980 for recreational land along with the remainder of the Henrietta Close recreational area and subsequently became subject to a deed in dedication held by Fields in Trust. The Borough haven't maintained it and did not appear to know that they were the owners. In 2020 it was acquired by the landowner of the rest of the site by adverse possession. Now the appellants make much of the 'constraint' the deed of dedication has imposed. According to Fields in Trust (we have seen written confirmation of this – see appendix 1) there is a clause in the dedication which allows it to be set aside if alternative, suitably located, land of an equal or better quality is provided. Indeed, Fields in trust's Policy guidance on disposal of protected recreational land under a Field Change Request is straight forward and accessible via a simple google search. (See appendix 2)

Given that it was never used as a recreational area and that there is provision for playing fields to the north this should not present any problem. In principle, provided the landowner is willing to sell, there

would seem no reason why all of the land allocated in the WNP for housing should not be used for this purpose. This would reduce the need to build to the north of the pylons and would satisfy the WNP requirements for a cycle track connection to the south.

Policy WIV 29 sets out requirements for dwelling sizes. It is noted that Taylor Wimpey meets the requirements. However WIV 29 sets out a minimum for one to two bedroomed dwellings not a maximum and sets out a maximum for dwellings with four or more bedrooms not a minimum. No one bedroomed homes are proposed; no flats are proposed. The density of the development could be increased by altering the size mix and by greater use of terracing.

Taylor Wimpey overemphasises the constraints on the land to the south of the pylons in arguing that there should be building to the north, which conflicts with the settlement boundary specified in the WNP.

One constraint, they argued is that some land is lost to the west because of water attenuation for Broadfields.

A second constraint are the tree roots to the east of the site. Building needs to avoid tree roots but some of the land under the tree canopy could easily be included in private amenity space.

The water attenuation basin is a constraint of Taylor Wimpey's own making. There are alternatives to putting the water attenuation basin on land allocated for housing

1: to provide underground water storage tanks both for individual properties and under the roads

2: to locate a water attenuation on the Wildlife site. A water source for wildlife being a positive addition to a wildlife rich area.

3. It is not clear from the maps whether there is already a sinkhole/water attenuation basin for the Broadfields estate rainwater system and what the capacity of this is. A water attenuation basin or the existing feature if one already exists (enlarged if it is subject to capacity constraint), could be used located to the south east of the site adjacent to the proposed link to the Anglia water sewer shown on the map in appendix F of the Flood risk assessment document. This would require third party consent. Please see our appendix 3 for further explanation.

Note:- We are still unsure if Anglian water have concerns with the proposals as the original planning submission would have caused flooding lower in the village.

A third constraint is that a gap adjacent to the pylons must be provided. They do not state the total hectares lost to the south of the pylons.

Finally, removal of the constraint imposed by the deed in dedication which is discussed above.

2 Response to the appeal

2.1 Site constraints and land allocation

The appellant claims that the Neighbourhood Plan allocation was not fully tested when made, and that it was not based on any technical analysis. However, the typography of the area – flood risk, presence of trees, and the location of the pylons are straight forward physical constraints that do not justify in depth analysis. Those that prepared the plan, Colchester Borough Council Planning officers and the Government

Inspector were all aware of how these would restrict development. We believe any experienced developer would have been able to make reasonable assessment without any in depth analysis regarding what these constraints meant for the developable area prior to purchase of the site. Therefore, the only unknown on the site was the parcel of land at the southern end of the site with the hectarage of approx. 0.43 hectares. It is our opinion that inclusion of this parcel of land could be resolved by negotiation with the landowner and Fields in Trust. Additionally, we do not believe its removal begins to remotely justify a land take of approx. 2 hectares (over 4 times the size of the original parcel). Wivenhoe Town Council made it very clear in all pre app meetings that an increase in density would be acceptable but an extension beyond the town envelope would not be.

As it is not a requirement to own the land to seek a planning application on it; and the southern strip is now in the ownership of the original party that sold the developer the rest of the plot, we do not believe it impossible for the two parties to come to agreement and produce an acceptable planning application. The southern strip can yield 12 homes either now or in the future. Taylor Wimpey's have told the Town Council they believe the landowner intends to do that at some point and so had agreed a road spur accessing the plot within their plans.

We would also note that according to local knowledge, to date this site has never been subject to flooding.

From correspondence with Fields in Trust we believe it would be easy to lift the existing covenant and reallocate their allocation. Either to the north or the east of the site.

2.2 Densities

WNP states that there is a strong preference for smaller properties for single occupants of any age and for young couples as all local and regional evidence identifies these types of accommodations are our greatest need.

By introducing an element of one bedroom dwellings and terrace style properties the applicant could have addressed density and place making effectively. Wivenhoe is a vibrant and sought-after area that demands higher prices for homes than in other areas of Colchester and this is potentially why the applicant is choosing two bedroom dwellings over one bedroom, because they will of course gain more return. However, this excludes those single people, or first time buyers, from being able to afford to stay in their own hometown. Assisting existing residents in this manner was one of the foundations of the WNP and something that was woven throughout the plan at every iteration and we are disappointed that the core benefit we sought from six years of developing the plan could be lost at the first hurdle. We should also note that providing smaller dwellings to first time buyers was a key benefit presented to residents at Referendum.

2.3 Wivenhoe Neighbourhood Plan

There were over 3000 votes from Wivenhoe residents when the plan came to referendum. That's the equivalent of one vote for every home in Wivenhoe. The vast majority of people do not want to see any new development at all, but they accept the necessity to build and were reassured that if development was part of a neighbourhood plan it will be respectful of and deliver to, local needs.

Ours and other neighbourhood plans require hundreds and hundreds of hours of time, thousands of pounds and considerable effort from planning officers to produce. Given that 89% of Wivenhoe residents accepted development in their town they are not prepared to accept that our carefully considered red

lines could subsequently be ignored. The vote Yes campaign which ran ahead of the May 2019 Referendum made the case in favour of the plan using the following phrase “A Yes vote will ensure that our plan will have legal effect in planning decisions for Wivenhoe”. Residents voted for this plan on the basis that the plan they voted for would be delivered and that it would be protected in planning decisions.

There is considerable concern, shared by the Town Council, that if the plan failed to have legal effect on this occasion, then it would have no hope of protecting the plans intent on other sites.

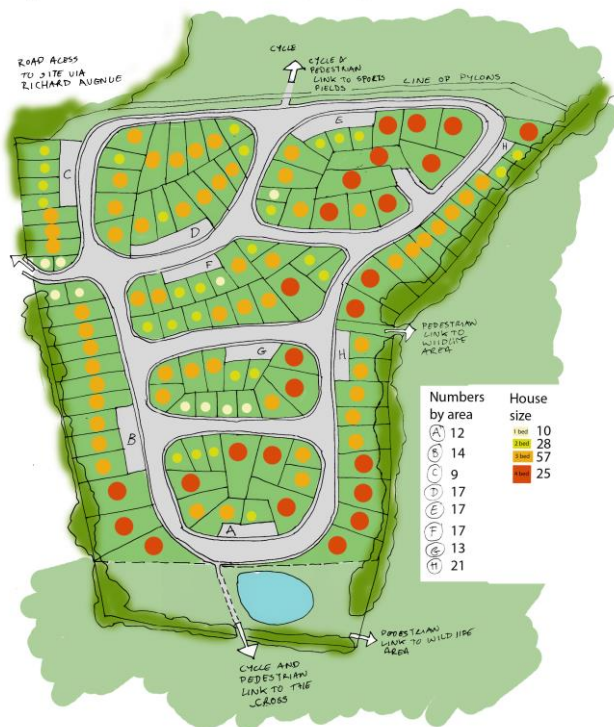
There are further implications that add to the balance of what it achieved here. Neighbourhood plans across the region, if not the country, are at risk of being hamstrung by any precedents set during the inquiry. We believe that community engagement is essential to good planning and neighbourhood plans offer the only route open to communities to effectively manage development. Eroding community engagement and trust by renegeing on a democratic vote will significantly weaken neighbourhood plans and the desire to have one.

2.4 Layouts

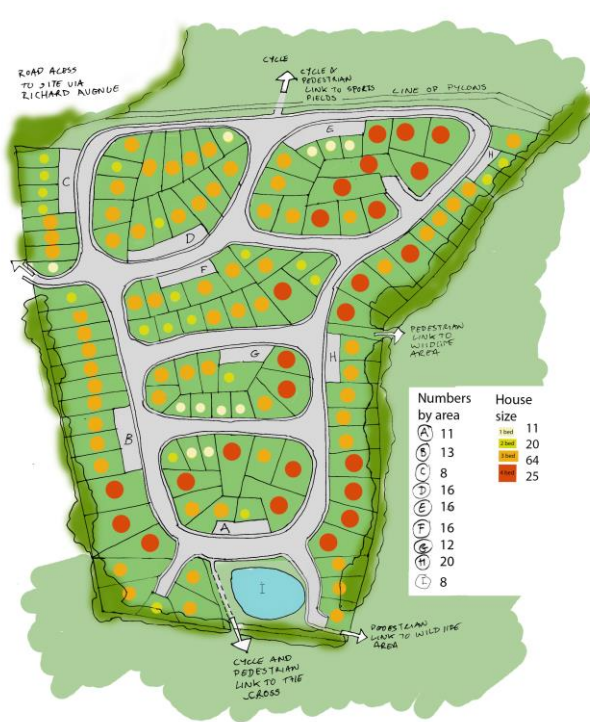
Currently 35 of the 120 houses proposed are outside of the ‘defined settlement limit’ which translates as 29% of the total housing. A simple planning exercise; where you move the attenuation feature, make small increases to the density in prescribed areas, and accept that 12 homes (either now or a subsequent date) can fit of the 0.43 hectares at the south of the site, would deliver a scheme acceptable to all.

Example of layouts that deliver the required number of homes within the land allocated in the plan

Option 1 - Area - 4 hectares - Density - 30 dph



Option 2 - Area - 4.43 hectares - Density - 27 dph



2.5 Connectivity and sustainability

Connectivity is key to the sustainability of this site and the current proposals with a cycle path that leads to a dead end does not yield connectivity. The Wivenhoe Neighbourhood plan sets out that;

(ix) a shared-use footpath and cycle track shall be provided directly linking the development to the facilities at Broad Lane Sports Ground and linking with the public footpath to the south of the site; and

(x) a contribution shall be paid towards the creation of a combined footpath/cycle track linking the new development to the public footpath (FP No. 14) from The Cross.

Travel distances in the neighbourhood plan are critical to sustainability. This contributes to our opposition of dwellings being north of the pylons. As they will exceed maximum walking distances to shops, schools and other services. There is also a need to safely and healthily get people, (especially young people) from the bottom of the town up to the top to access the facilities and clubs at the football ground.



There appears to be no legitimate reason stated by the developer for the non-provision of the cycle path to the south of the site. If agreement will be sort for new drainage layouts across this area why not a path?

2.6 Additional planning concerns

The Police 'designing out crime' document provides guidance as to where to put cycle paths within new estates and it is recommended that they should not be to the rear of properties. Currently the footpath and cycle path position go against Tutoring this guide. This is easily rectified.

Currently there is no provision for parking, or at the very least access for emergency vehicles, adjacent to the new sports pitches.

3 Summary of harm caused by the scheme

3.1 landscape

The town has always enjoyed uninterrupted views of the open countryside from Elmstead road in this area. This open space at the edge of the 'Town envelope' provides a clear break that signifies the end of the Town and marks leavening or entering our settlement. This area is demonstrably special to a local community and holds a particular local significance. It is also currently very rich in wildlife.

Any mitigation proposed by new planting will take decades to mature and ignore what the value of this part of the landscape provides currently. Which is a long and interrupted vista of open countryside.

The intrusion of the proposed dwellings within this view represents non-compliance with relevant policy of the neighbourhood plan and Local plan that constitutes landscape harm.

The local plan policy SS16 states that development outside the settlement boundary will not be supported unless the neighbourhood plan or other local plan policies specifically allows for it. All development proposals in Wivenhoe neighbourhood area will be determined against the requirement to comply with policies in the neighbourhood plan and any relevant local plan policies.

3.2 Neighbourhood plans

To grant permission for this application that does not comply with the Neighbourhood plan, not only sets a precedent for this plan, it also sets a precedent across the Borough and beyond as outlined above.

4 Relevant local and national Planning policy.

4.1 Wivenhoe Neighbourhood plan WIV29

These proposals do not comply with Wivenhoe Neighbourhood plan WIV29 with reference to -

land allocation and land allocation maps.

cycle and footpath provision reference -

(ix) a shared-use footpath and cycle track shall be provided directly linking the development to the facilities at Broad Lane Sports Ground and linking with the public footpath to the south of the site; and

(x) a contribution shall be paid towards the creation of a combined footpath/cycle track linking the new development to the public footpath (FP No. 14) from The Cross

4.2 Local Development plan - Policy - SS16

Although not formally adopted at the time it was at a very advanced stage. And was therefore in line with the NPPF - Determining applications - 48. *Local planning authorities may give weight to relevant policies in emerging plans according to: a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given.*

Policy - SS16: Wivenhoe

Proposals for development outside of the settlement boundary will not be supported unless the Neighbourhood Plan or other Local Plan policy specifically allows for it. All development proposals in Wivenhoe Neighbourhood Plan Area will be determined against and be required to comply with policies in the Wivenhoe Neighbourhood Plan and any relevant Local Plan policies.

4.3 National Planning Policy framework

We believe the following sections of the NPPF were relevant to the determination of the application.

Achieving sustainable development

12. The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision-making. Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted.

CBC conform to all relevant stipulations in the NPPF regarding the 5 year supply etc and therefore there are no pressing imperatives for a deviation from local policy.

Rural housing

78. In rural areas, planning policies and decisions should be responsive to local circumstances and support housing developments that reflect local needs.

Open space and recreation

99. Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:

a) an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements;

101. 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. Local Green Spaces should only be designated when a plan is prepared or updated, and be capable of enduring beyond the end of the plan period.

Making effective use of land

125. Achieving appropriate densities

a) plans should contain policies to optimise the use of land in their area and meet as much of the identified need for housing as possible. This will be tested robustly at examination, and should include the use of minimum density standards for city and town centres and other locations that are well served by public transport. These standards should seek a significant uplift in the average density of residential development within these areas, unless it can be shown that there are strong reasons why this would be inappropriate;

Promoting healthy and safe communities

92. Planning policies and decisions should aim to achieve healthy, inclusive and safe places which:

b) are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion – for example through the use of attractive, well-designed, clear and legible pedestrian and cycle routes, and high quality public space, which encourage the active and continual use of public areas; and

c) 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.

Conclusion

The simple fact is that the proposed changes are not part of our plan. We had a vision as a community and approved by the community for development to provide for local need, be acceptable and set within our settlement envelope. The Neighbourhood Planning section of Gov.uk states that “neighbourhood planning gives communities direct power to develop a shared vision..., to choose where they want new homes..., have their say on what those new building should look like... and for local people to plan the types of development” These proposals are therefore deeply out of alignment with these principles, our plan and the democratic process.

We are particularly keen to ensure that new development has connectivity and is sustainable, not simply another estate reliant on the car. The issue around distance to amenities, including schools and the provision of active travel options are essential to the success of this development.

We believe that there is no material need to deviate from our approved Neighbourhood Plan. We do not believe that arguments to the contrary stand up to scrutiny or policy as described in this submission. Nor does radical deviation from the plan sit comfortably alongside the future of our plan, and others.

Appendix 1

07/10/2022, 07:20

> To: Fields in Trust <info@fieldsintrust.org>

> Subject: Henrietta Close

>

> Good morning

>

> Your organisation holds land in trust in Wivenhoe, Henrietta Close Open Sapce, CO7 9HF.

>

> As a result of a recent development proposal it came to light that the extent of the Open Space was greater than that shown on the Borough map. The landowner selling the development site had farmed some of the land but when he came to sell it was found that the boundary of his land further to the north than he had thought. Do you have a map of the land that Colchester passed over to Fields in Trust? The Wivenhoe Society wishes to make representations about the planning application and it would be useful to have accurate information about the area in question.

> The Wivenhoe Neighbourhood Plan which allocated the site has requirements for the provision of a cycle path so the land ownership issue is relevant to sorting this. The developer is also proposing to provide a road link to the area for possible future development but if the land is held by Fields in Trust such development would be ruled out.

>

> Regards

>

> [Redacted signature]

>

> 74 Old Ferry Road, Wivenhoe, Essex

>

> [Redacted signature]

Fri, Oct 7, 2022 at 7:15 AM

[Quoted text hidden]



Fwd: Henrietta Close

2 messages

To: [redacted]

----- Forwarded Message -----

Subject:Henrietta Close

Date:Thu, 29 Apr 2021 12:35:11 +0000

From:Angela Lewis <angela.lewis@fieldsintrust.org>

To:[redacted]

Hi [redacted]

Please see my comments below:

Kind regards

Angela

-----Original Message-----

From:[redacted]

Sent: 29 April 2021 10:17

To: Angela Lewis <angela.lewis@fieldsintrust.org>

Subject: Re: FW: Henrietta Close

Good morning Angela

Thank you for the useful map.

i am not a lawyer and I am hazy about land held in trust. [Our name is a bit misleading, and the land we protect is not held in trust by us, but rather protected in perpetuity through contract law through a Deed of Dedication.](#)

The issue for the particular, Henrietta Close, site is that the landowner had been farming the strip of land to the north of the field boundary shown on the map and was under the impression he owned it. Colchester Borough Council has maintained the area to the south which is used partly as a children's play area and partly as open space for walking and informal recreation. [So are you happy that from the map he's not farming the protected area?](#)

Your website says that you work in partnership with Councils and other bodies. I am not clear how management works. Fields in Trust also holds the King George V playing fields in Wicenhoe. For Henrietta Cloce the management organisation is Colchester Borough Council and for the King George V fields it is Wivenhoe Town Council. Am I correct in assuming that it is the management organisation that pays for the cost of maintenance? **Yes, these two organisations are the landowners of the land in question.** What powers does the management organisation have with respect to how the land is used? **We call them management organisations on our website as people were always calling us about management issues. So the MO/Landowner (usually one and the same) own the land and can decide what to do with the land according to the user clause in the Deed, which is usually something like 'a public recreation ground'.** In this particular case of Henrietta Close the issue is about creating a cycle track and footpaths across the land held in trust. So, provided it can get the funding is the provision of these is this something that Colchester borough Council can decide to do? **Yes we would regard footpaths and cycle tracks as ancillary so our consent would probably not be required. We do like landowners to let us know about their plans so as we can confirm this.** Connectivity of the proposed development to both the open space area and the access points leading into it is vital.

Would CBC be allowed to use it for other purposes e.g. building socially rented housing (which would not seem to accord with preservation as open space. CBC has expressed no such intention so this is a hypothetical question)? Can land held in trust have its status removed if an alternative site is provided? **Yes there is a clause in the Deed to allow for disposal of the land but the landowner has to protect a piece of land for the same community at least as big and of the same quality or better.**

A fear has been voiced that the farmer may try to claim the strip to the north via the adverse possession route though I think this is more difficult to do for community owned land.

Sorry to bombard you with questions.

Regards

James Black

On 27/04/2021 11:20, Angela Lewis wrote:

> Hi [redacted]

> Thank you for your email. Here is a document showing the area to be protected, which matches the plan in the signed Deed. Please do send me more details as appropriate.

> Kind regards

> Angela

> -----Original Message-----

> From: James [redacted] <jamesblack@btinternet.com>

> Sent: 23 April 2021 11:17

Appendix 2



Number of UK spaces legally protected **2891**

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[Home](#) > [Support](#) > [Field Change Requests](#) > [Disposal Policy](#)



Policy guidance on disposal of protected recreational land under a Field Change Request.

This guidance sets out the criteria that we expect to be met for any proposed disposal or sale of land that Fields in Trust legally protects. Fields in Trust is responsive to local change and flexible in its dealings with landowners, provided that betterment for local communities in terms of outdoor sport, recreation or play can be demonstrated. Management and control of these vital resources should, where possible, remain with the local community, through their elected representatives who are best placed to meet local need and respond to changes in community circumstances. If the disposal relates to a transfer of the land where the continued use will be for public recreation then we may not seek replacement land, although a new Deed of Dedication or Minute of Agreement will need to be entered into with the new landowner.

Wherever Fields in Trust legally protects recreational land, its prior, written consent is required if land is to be disposed of. This consent is necessary irrespective of any other legal requirements in the respective home nations such as planning permission for change of use, educational legislation, or playing field legislation.

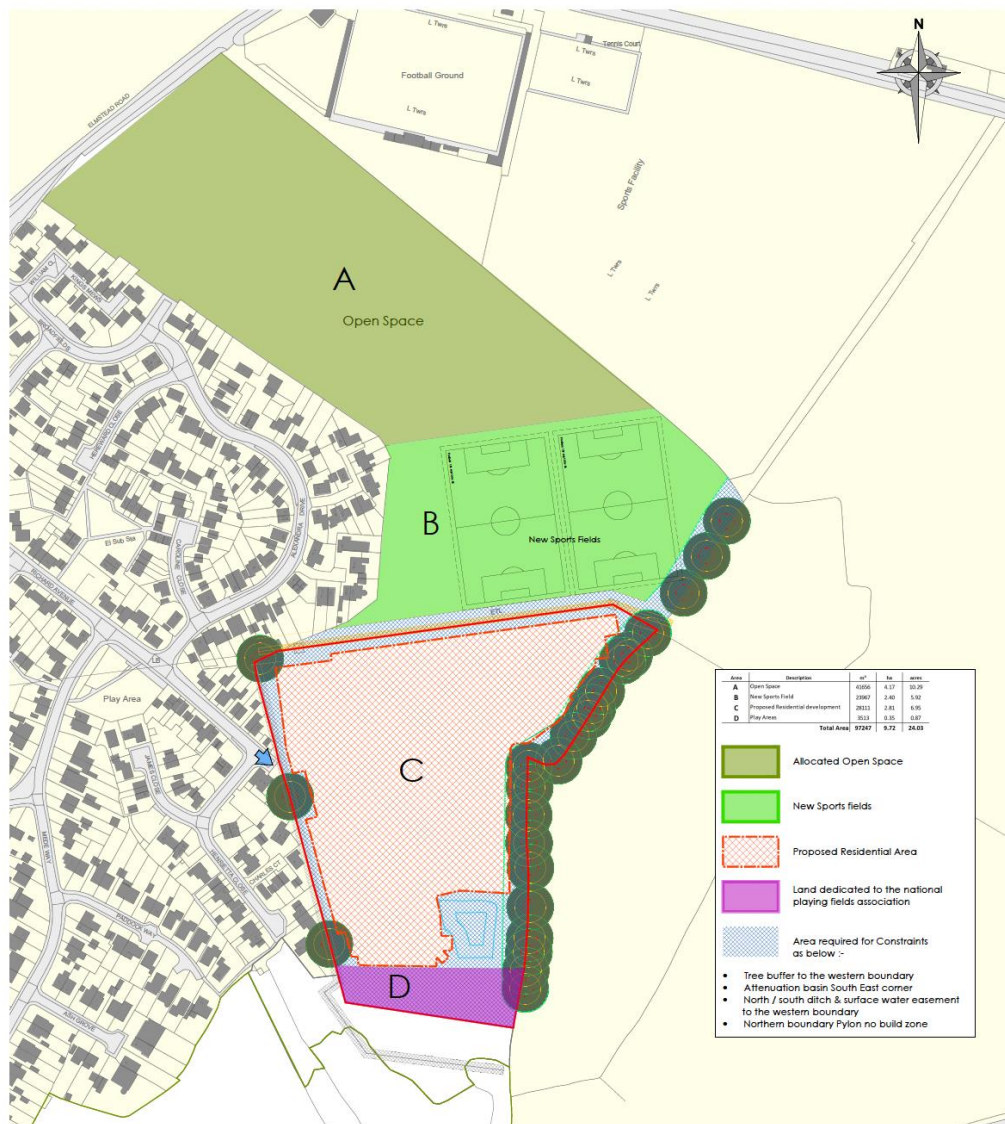
The exchange criteria apply to any means of disposal be it a freehold transfer, a leasehold transfer or otherwise. Land exchanges may be agreed, subject to the following criteria being met:

- The quantity of land to be newly protected must be no less than that to be released. This equivalent size criterion normally applies to the replacement land being land newly brought into recreational use. In certain circumstances, land already in recreational use might be acceptable for exchange but it would need to be substantially greater in size than the land being released.
- The quality of the land and facilities to be newly protected should be better than that being released.
- The replacement facilities should serve the same catchment area as those being released. The definition of the catchment area will vary with the specific circumstances of each transaction and the type of facilities provided. For example, an athletics track will probably have a larger catchment area than a MUGA (multi-use games area).
- The replacement land and facilities must have at least the same level of public access as those being released.
- The landowner must apply as much of the proceeds from the sale as are necessary to acquire and lay-out the replacement land and/or facilities.
- In exceptional circumstances and where replacement land is not available Fields in Trust may accept payment of a premium for the release of land in order that it can continue its work of protecting parks and green space throughout the UK.
- Where land, within England and Wales, is owned by a charity, or is itself registered as a charity, the requirements of the 2011 Charities Acts and the Charities' (Qualified Surveyors' Reports) Regulations 1992 must be followed. For example, disposal must be in the best interests of the charity and an independent survey, including a valuation, by a surveyor is required. Proceeds must be reinvested in the stated trust purposes. Guidance is available in CC28 – "Sales, leases, transfers or mortgages: What trustees need to know about disposing of charity land" available from the Charity Commission.
- A new Deed of Dedication or Minute of Agreement protecting the replacement site(s) must be entered into. Conditions may be set relating to the future use of the land to be disposed of.
- Fields in Trust's own costs and professional fees must be met by the organisation requesting the disposal or exchange.

This policy was last updated in January 2019.

Appendix 3

In the Appeal statement Appendix 3 there is a constraints plan (Drawing no TW027-AP-05). This shows a line of grey cross hatching travelling down the western side of the site, that is then shown crossing west / east below the site. The key is poor in explanation, but we believe this to be some kind of existing water easement system. We would like to know why the new development could connect to this?



Project:-
 Wivenhoe, Land South of Elmstead Road, off Richard Avenue
 Drawing:-
Proposed revised Allocation Plan

Scale:-
 NTS @ A2
 Date:-
 Nov 2021
 Dwg no:-
 TW027-AP-05
 Revision:-
 00

Appendix F of the FLOOD RISK ASSESSMENT (posted onto CBC website on 19/04/21), shows a red dashed line (marked in the key as - PROPOSED FOUL WATER SEWER) to the south of the site. This line exits the site and runs across the land currently owned by a third party and notation on it says – '3rd PARTY LANDOWNER APPROVAL OR SEWER REQUISITION REQUIRED FOR FW SEWERS LAID OUTSIDE OF SITE BOUNDARY.'

There is also a blue dashed line on this plan (marked in the key as - PROPOSED SURFACE WATER SEWER) which also travels across the 3rd party land to something labelled MH6051. We assume this to be a manhole and part of the existing system. Indeed, the notation here reads - PROPOSED SW SEWER CONNECTION SECTION 106 APPROVAL REQUIRED FROM ANGLIAN WATER FOR SEWER CONNECTION. Therefore, we make the point that if consent can be achieved to run these connections with the land owner why can't consent be negotiated for a footpath and cycle track?



