
Rebuttal Proof of James Firth (Planning)

PINS reference: APP/A1530/W/22/3305697

LPA reference : 210965

Our reference: 615247

Site Address: Land at Broadfields, Wivenhoe, Colchester

Appellant: Taylor Wimpey UK Ltd

LPA: Colchester Borough Council

Inquiry Start Date: 13th December 2022

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Rebuttal Appendix 1- Stroud District Council Vs. SoS CLG and Gladman Developments Limited in February 2015 by Mr Justice Ouseley

Rebuttal Appendix 2- Wivenhoe Neighbourhood Plan Strategic Environmental Assessment (SEA) (August 2016)

Rebuttal Appendix 3: APP/A1530/W/19/3223010

1. Introduction

- 1.1 This rebuttal addresses certain of the points raised in Ms Alison Hutchinson's (AH) Proof of Evidence in respect of appeal APP/A1530/W/22/3305697.
- 1.2 Where points have been addressed in my original proof of evidence I do not seek to duplicate. Where however I consider additional comment may assist the Inspector's consideration of the appeal I set out a response below and append supporting information where appropriate.
- 1.3 I have sought to structure the comments around the matters in dispute as set out in the SOCG as well as those raised in the AH proof of evidence. The SOCG identifies the matters in dispute as:
- Whether the proposed development is in conflict with the adopted Colchester Borough Council Development Plan or not;
 - Whether the land proposed for residential development outside of the site allocation would cause demonstrable landscape harm;
 - Whether the Colchester Local Plan Sections 1 and 2 and the Wivenhoe Neighbourhood Plan are consistent with the Framework.

2. Development Plan

- 2.1 The identification of relevant policies within the Development Plan is set out in Chapter 3 of AH's Proof.
- 2.2 At 3.5 AH clarifies the policies in relation to the reasons for refusal.
- 2.3 This states that Policies SP2 and SP6 of the Section 1 Local Plan are relevant only to the second reason for refusal, that now dealt with through the proposed section 106 legal agreement.
- 2.4 The remaining policies in relation to the substantive matters are listed as SP1 and SP3 Section 1 Local Plan, SG2 and SS16 Section 2 Local Plan and WIV29 Wivenhoe Neighbourhood Plan.

Policy ENV1 – Revised Policy Wording

- 2.5 At paragraph 3.6 AH states that Policy ENV1 has now replaced Core Strategy ENV1 and is very similar in its content. The proof then goes on to state AH considers it relevant and will refer to its content.
- 2.6 Whilst I would agree ENV1 in the Section 2 Local Plan will be relevant, I disagree that the policies are very similar. The wording of the policies is different. I understand that these changes are in part as a result of the need to ensure ENV1 remains consistent with the framework with previously appeal decisions including Gladman Tiptree (PINS Ref: APP/A1530/W/19/3223010) (Rebuttal **Appendix 3**) finding at paragraph 145 that ENV1 was somewhat more onerous than the framework.
- 2.7 I would note in particular that Core Strategy ENV1 previously stated that:

“Unallocated greenfield land outside of settlement boundaries (to be defined/reviewed in the Site Allocations DPD) will be protected and where possible enhanced, in accordance with the Landscape Character Assessment. Within such areas development will be strictly controlled to conserve the environmental assets and open character of the Borough.”

- 2.8 The revised wording of ENV1 within the Section 2 Local Plan does not include a statement on general protection of unallocated greenfield land outside of settlement boundaries. It instead focuses on the protection of the ‘intrinsic character and beauty’ of the countryside, stating:

“E. Countryside

The local planning authority will carefully balance the requirement for new development within the countryside to meet identified development needs in accordance with Colchester’s spatial strategy, and to support the vitality of rural communities, whilst ensuring that development does not have an adverse impact on the different roles, the relationship between and separate identities of settlements, valued landscapes, the intrinsic character and beauty of the countryside and visual amenity.

The intrinsic character and beauty of the countryside will be recognised and assessed, and development will only be permitted where it would not adversely affect the intrinsic character and beauty of the countryside

and complies with other relevant policies. Within valued landscapes, development will only be permitted where it would not impact upon and would protect and enhance the factors that contribute to valued landscapes.”

- 2.9 This is of course of potential relevance to the appeal proposals given that development outside of a settlement boundary would not specifically conflict with the new wording of ENV1 provided it would not adversely affect the intrinsic character and beauty of the countryside and complies with other relevant policies.

Principle of Development

Consideration of the Development Plan as whole

- 2.10 In my proof of evidence I set out the proper consideration of the proposals against the development plan in relation to principle of development .
- 2.11 This requires consideration of the development plan as a whole in accord with NPPF paragraph 11 and Section 38(6).
- 2.12 At Paragraph 3.7 AH sets out that she intends to consider how the development conflicts with the identified policies. The fact that at paragraph 3.7 the intent is only to consider conflict with policies and not the overall degree of conformity with those policies or indeed with the plan is indicative in my view of a flawed assessment, that fails to properly consider the development as a whole.

Application of Strategic Policies

- 2.13 At paragraph 3.8 AH accepts that the principle of development of the site allocated for housing is in line with the strategic policies of the Local Plan Section 1.
- 2.14 Given Policies SP1 and SP3 of the Section 1 LP, and Policy SG2 of the Section 2 Local Plan deal with strategic issues including spatial strategy, it is not set out by AH why the change to the disposition of uses within the allocation site including the area of residential to the north of the previously intended allocation represents a conflict with this strategic approach. These policies deal with the broad strategic approach to development and not with site specific or detailed allocation matters.
- 2.15 Section 1 policies are strategic policies within the Development Plan. The role of the Section 1 Local Plan is set out by paragraph 1.13 of the Section 1 Local Plan. This includes setting a strategic vision, set out numbers of additional homes, and highlighting key strategic growth locations.
- 2.16 Wivenhoe and indeed this area of Wivenhoe is identified as a location for growth in the Strategic Policies within the section 2 plan.
- 2.17 To seek to say the disposition of uses and the minor extent of development beyond the settlement boundary results in development being contrary to the overall spatial strategy for the borough is in my view not justified.

- 2.18 With regards to the specific policies identified, AH does not provide explanation of why they are considered to be in conflict.
- 2.19 Policy SP1 simply sets out a presumption in favour of sustainable development. Having reviewed the policy wording there is no conflict with the proposals.
- 2.20 Policy SP3 sets out the Spatial Strategy for North Essex. This states (emphasis added): “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.”
- 2.21 There is no conflict with SP3, nor does AH explain why she considers there is.
- 2.22 Policy SG2 in the Section in the Section 2 Local Plan identifies Wivenhoe as a sustainable settlement and identified new allocations of 250 dwellings as acknowledged by AH in paragraph 3.12. There is again no conflict with this policy wording, nor is it clear from the AH proof of evidence why conflict is alleged with Policy SG2.
- 2.23 The AH proof of evidence therefore fails to set out why there is conflict with the Strategic Policies identified in the reasons for refusal, including Policies SP1 and SP3 of the Section 1 LP, and Policy SG2 of the Section 2 Local Plan. It is clear there is no conflict with these policies.

'Issue for the Council at the Inquiry'

- 2.24 At paragraph 3.9 AH sets out the issue for the Council is the proposals for 39 of the 120 dwellings outside the allocated area. The text refers to the allocation of the land for open space / sport fields and also refers to alleged conflict with Section 2 LP and the Wivenhoe NP.
- 2.25 In this context I consider it important to note that I understand the council are not seeking to argue there is a deficiency in sports pitches or open space provision, the application was not refused on this basis, and suitability of the open space and sports pitches is accepted in the SOCG (Core Document 6.1 paragraph 7.10).
- 2.26 AH goes on to set out that “Section 2 and the Wivenhoe Neighbourhood Plan states that development will not be supported unless a policy in either document specifically allows for it.” This wording is from Policy SS16 and not from the Wivenhoe Neighbourhood Plan.

Open Space – Policy DM17

- 2.27 AH at paragraph 3.16, describes the provision of the Neighbourhood Plan around open space. It is important in this context to consider that the designated public open space, will only become publically accessible via the planning permission if granted. The site is in private ownership at present with no formal provision for public access.
- 2.28 Linked to this point, at Paragraph 3.19-3.20 AH references Policy DM17 (Section 2 Local Plan).

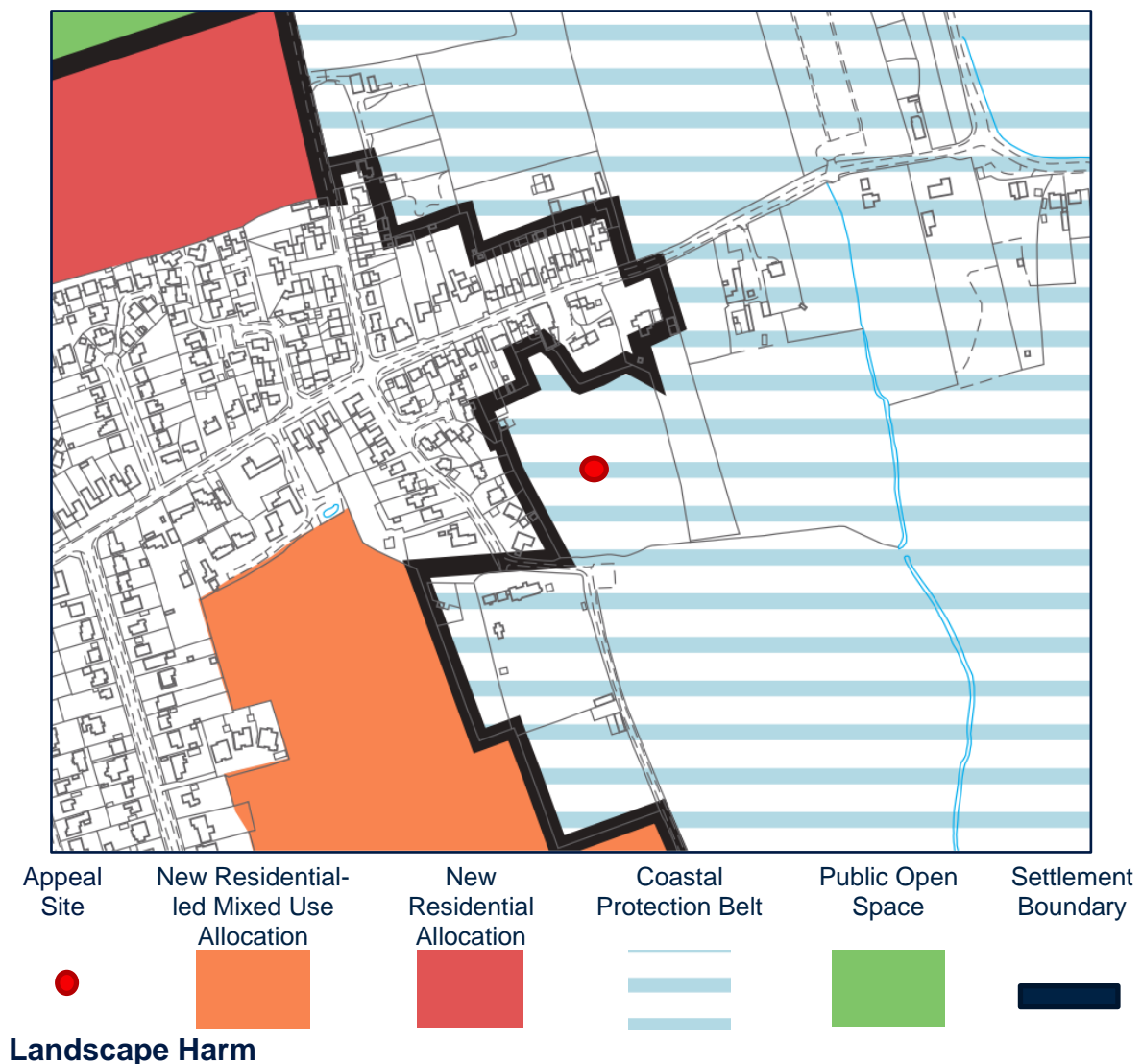
- 2.29 Policy DM17 or loss of open space are not included in the reason for refusal, nor it is applicable to this proposal, as the policy provides guidance on the retention of existing or proposed open spaces and recreation facilities.
- 2.30 The proposal doesn't create a loss of open space, as I confirmed above, the site is private land and the grant of planning permission would only enable publically accessible space to be provided.
- 2.31 It is stated by AH that this is relevant and that the proposal "does not provide the alternative and improved provision required by Policy DM17".
- 2.32 The approach adopted by AH fails to recognise that the whole of the application site is no longer designated as open space, and it is of course in a large part allocated for residential use. The area outside of the residential allocation is allocated as open space, but alternative provision is provided as part of the scheme to result in no overall loss of open space.
- 2.33 The proposal would provide more open space than the allocation requires, both with the LOWS and without the LOWS counted.
- 2.34 As shown in JF original proof of evidence appendix 1 and the agreed in paragraph 2.4 of the SOCG (**Core Document 6.1**) the area of open space provided by the scheme is 4.96ha.
- 2.35 Paragraph 7.8 of the SOCG additionally states it is agreed the area for open space and wildlife site combined is 9.28 ha. This includes 4.32ha for the wildlife site, which results in a remaining open space area of 4.96ha. At paragraph 4.31 AH also agrees that the SUDS can be used in part as open space and hence is included in this figure also.
- 2.36 CCC has therefore agreed the open space provision as part of the scheme is 4.96ha.
- 2.37 Paragraph 7.10 of the SOCG additionally states that CBC and the appellant agree the "principle of providing public open spaces and the provision of land for sports pitches, is agreed between the parties, as is their location."
- 2.38 Appendix 4 of the JF proof of evidence sets out the areas of the allocations in the Neighbourhood Plan, as measured by JCN. This shows an area of 4.6 ha of open space with the land for the playing fields in addition.
- 2.39 The proposed open space as part of the appeal proposals therefore exceeds the open space provision as set out the Neighbourhood Plan, and additionally the current provision on site given there is currently no formal public access to the main application site.
- 2.40 When the additional benefit of the playing fields and access to the wildlife site is considered the benefit and level of compliance with DM17 is even greater.
- 2.41 I therefore do not consider the policy to be triggered and even if it were the criteria within the policy are met by the application proposals.

Relevance of Policy OV2

2.42 At 3.22 onward, AH comments on Policy OV2. I consider this policy in my original Proof of Evidence. I highlight that the policy provides criteria to assess development outside settlement boundaries.

2.43 In the context of Policy OV2 AH makes reference to her Appendix 1 an appeal decision for a site in West Mersea, within CBC's authority. I consider the context for these appeals to be very different and not comparable. The West Mersea site was entirely outside of the defined settlement boundary in the wider countryside, was not identified as a growth location in the plan. An extract of the Council's policy maps is below at **Figure 2.1**.

Figure 2.1: Extract from CBC Policies Map & Key



2.44 It is stated by AH at 3.27 that "It is considered that the harmful extension of the northern residential element of the scheme is contrary to Policy ENV1 as well as WNP Policy WIV29 and Local Plan Policy SS16." The proof however similarly to the Strategic Policies dealt with above, AH does not identify what the actual conflict with the wording of these policies is considered to be.

Valued Landscapes

- 2.45 At paragraph 3.29 AH notes that Ms Westover considers the LOWs to be a “valued landscape”.
- 2.46 In the absence of a definition of a “valued landscape” in the NPPF, I disagree with this categorisation of the LOWs, as its physical attributes have not been evidenced or demonstrated by the LPA. Just because the site is designated as a LOWs that doesn’t automatically mean that it is valued, the two “designation” and “value” are not the same. This was outlined in the case of *Stroud District Council Vs. SoS CLG and Gladman Developments Limited in February 2015 by Mr Justice Ouseley* (see **Rebuttal Appendix 1**) and paragraph 13.
- 2.47 In any case the built development proposed does not extent to the LOWs and the proposals instead provide an opportunity for improvement management and controlled public access to this area.

Landscape Impact

- 2.48 At paragraph 3.30 AH quotes Ms Westover, and notes that the development will result in “cumulative adverse harm *to this setting when considered against the effects arising from development of the allocated site.*”. The reference to ‘cumulative’ harm is unclear, and it appears this is double counting, as the principle of residential on the allocated part of the site is accepted via the site allocation.
- 2.49 Ms Westover notes the northern area of built form to be visible from Brightlingsea Road and Elmstead Road and this would replace the views of the open countryside, however they do not acknowledge the backdrop of residential which either exists or is allocated. Nor character of these areas would change in from their described ‘open countryside’ in any event through their use as managed open space associated with development and/or playing fields.
- 2.50 The quote at AH 3.30 also notes that the proposal relocates the proposed land for sports pitches, the relevance of this is unclear, given that this is matter not in dispute as per the SOCG). It also fails to mention that there is in fact an increase in the overall amount of open space on the site (including and excluding the LOWs).
- 2.51 Within paragraph 3.31 AH also seeks to consider impact on “the rights of way, users of the open space to the south and east of the site, including the LoWS”. The site is private land with no public access or public viewpoints from these areas. References to existing receptors such as PROW are unclear given that there will be a lack of impact as a result of the proposal.
- 2.52 At paragraph 3.32 AH again quoting Ms Westover, also refers to landscape fragmentation but fails to provide detail on this.

Landscape Benefits

- 2.53 The passage from Ms Westover quoted by AH also claims “*The proposed development does not include any landscape benefits*”. This is particularly concerning given that at 3.28 AH confirms that she relies on the

evidence of Ms Westover in reaching her conclusions. As set out in the application that are significant landscape benefits as a result of the proposal including the significant new areas of open space, the new sports pitches for the public, the new public routes over the site, access into the LOWs and management of the LOWs, as well as new tree planting and increase in tree canopy cover.

Policy ENV1

- 2.54 At paragraphs 3.33 and 3.34 AG quotes sections of Policy ENV1 but does not provide detail on why the proposal is considered by her to conflict with the policy instead referring back to the spatial strategy.
- 2.55 Policy ENV1 sets out “development will only be permitted where it would not adversely affect the intrinsic character and beauty of the countryside”. AH refer to AW conclusions that the “development is not compatible with local landscape character and setting as required by Policy ENV1”. They therefore fail to directly apply the correct policy test as now set out within the Section 2 LP version of Policy ENV1.
- 2.56 At 3.35 AH concludes there is adversely affect to the intrinsic character and beauty of the countryside however it is unclear why this is the case, especially given that the areas identified for development are already allocated in the Neighbourhood Plan for supporting open space and playing field uses, rather than forming part of wider open countryside. With regards to landscape harm Policy ENV1 (LP Section 2) similarly places significant emphasis on consideration of the value of landscape and specifically seeks to protect those landscapes that are identified as valued. The approach adopted by CCC appears to fail to consider these policy requirements.
- 2.57 The conclusions reached by AH, are of course, also in conflict with those previously reached by the Council’s Planning Officers. Paragraph 3.35 of the AH proof of evidence in particular contradicts officer’s committee report (**Core Document 1.1** paragraphs 16.56-16.57), with AH on behalf of the Council now considering the proposal to cause demonstrable harm.

Wivenhoe Neighbourhood Plan

- 2.58 In assessing compliance with the Development Plan and policy considerations, the AH proof of evidence additionally appears to fail to consider the development proposals against the development plan as a whole.
- 2.59 AH doesn’t expressly consider the proposals against Policy WIV29 as a whole of the Neighbourhood Plan, nor set out the high level of conformity with the majority of the policy requirements in WIV29 and across the Neighbourhood Plan more widely.
- 2.60 In fact in paragraph 4.45 AH appears to accept the proposals meet the requirements in Policy WIV29. Stating that “While I accept that they have adhered to most of the eleven criteria contained in Policy WIV29, they have not sought to meet those within the allocated site.”
- 2.61 In relation to consideration of the Neighbourhood Plan at 4.22 and 4.23 of the AH proof, AH doesn’t explain she considers it a “sensible option” for the development to be located to the south of the pylons. **Core**

Document 8.1, sets out National Grid’s guidance for permitting development close to or under pylons, common in many built up areas, including the housing to the west of the site.

- 2.62 Notwithstanding whether CBC and the town council did or did not know about the site constraints (paragraph 4.22 AH’s 1st sentence) they are now known constraints which AH appears to accept in paragraphs 4.28 onwards. These are material considerations and must be taken into account.
- 2.63 I consider the Neighbourhood Plan further below when considering the NPPF and weight to be attributed to the development plan in line with AH’s proof.

Conclusions on Policy

- 2.64 In seeking to reach conclusions on policy, AH at paragraph 3.43 sets out that :*“I have shown above, there are no other Local Plan or Neighbourhood Plan policies that allow this form and level of development in this location “*. This assessment is as I have shown above in my original proof of evidence fails to properly consider the wording of other relevant policies within the development plan, in particular those which may be engaged by development outside of defined settlement boundaries. In this case of course the land is already identified as part of the wider development area providing open space and playing fields, and not part of the wider countryside beyond. It is accepted by the Council there is acceptable open space provision. Notwithstanding this AH still concludes there is policy conflict.
- 2.65 Furthermore in considering compliance with the development plan as a whole it is necessary to consider the wider policy context. The approach adopted by AH fails to provide consideration of other relevant policies or set out the extent of compliance with the Development Plan, only the conflict, as confirmed by that statement at paragraph 3.7.

3. Material Considerations

3.1 With regards to Material Considerations AH identifies the main considerations as:

- A. Implications of the NPPF
- B. Restrictions of the Allocation Site
- C. Impact upon Local Infrastructure
- D. Other Matters

A.) Implications of the NPPF

3.2 I am in agreement with AH that the NPPF is a material consideration relevant to the application.

3.3 The reasoning contained in paragraph 4.6 of the AH proof makes the assumption that the most important policies for determining the appeal not out of date simply because they have been adopted recently.

3.4 As set out in my proof of evidence, policies can be out of date for a number of reasons including that they have been if overtaken by events or otherwise fails to accord with the NPPF. Just because the local plan is recently adopted does necessarily not mean it is up to date. Footnote 8 of the NPPF is not the only reason why policies can be out of date.

3.5 In this case however I am in agreement that taken as a whole the most important policies of the development plan are not out of date and provide a framework for assessment of the application proposals. There are however elements of Policy WIV29 in particular that have been overtaken by events now that additional information on the technical constraints relating to the application site is now available.

3.6 Notwithstanding the comments of AH at paragraph 4.9, the fact that being consistent with national policy is one of the tests of soundness does not remove the need to consider the framework and material considerations in the context of site specific proposals at application stage or section 78 appeal.

3.7 With regards to Policy WIV29 as this was examined as part of a Neighbourhood Plan it was only necessary to meet basic conditions as set out by Schedule 4B of the Town and Country Planning Act 1990. This includes only "having regard to national policies..... it is appropriate to make the order".

3.8 At paragraph 4.23 of her proof evidence AH states that the "*preparation and examination of a Neighbourhood Plan is set at a lower bar than a Local Plan and there is not the requirement for the extensive weight of evidence that is required in Local Plan examinations*". I would agree this with.

3.9 In light of the above I believe it inappropriate to seek to rely on an argument that the Neighbourhood Plan was considered at examination stage in order to fail to give proper regard to other material considerations that are now before the decision maker at application or section 78 appeal. These material considerations must of course be considered as required by Section 38(6).

- 3.10 It is also stated by AH at paragraph 4.22 (emphasis added) “*Whilst I accept that there was no evidence submitted to demonstrate why the housing was to be position in the location it is, I would suggest that simply visiting the site makes it clear that siting housing development south of the electricity lines is the sensible option and that pylons and electricity lines extending through a development is not undesirable for a number of reasons.*”
- 3.11 Notwithstanding the above the Wivenhoe Neighbourhood Plan and Policy WIV29 set out a detailed list of site specific requirements and additionally seeks to direct particular land uses within the growth area as shown on Figure 35. This is a high level of policy prescription given that it would be common to leave such matters to application stage or through a site master planning process once more information on technical constraints and opportunities is available. The Neighbourhood Plan does not do this and as a result its detailed requirements are now in a degree of conflict with the reality of the technical constraints on the site.
- 3.12 Given the wording of both Policy WIV29 and SS16 fail to allow for flexibility in this regard, this results in the need to consider these material considerations under Section 38(6) and Paragraph 12 of the NPPF.

B.) Restrictions of the Allocation Site

Physical Constraints

- 3.13 Within paragraphs 4.28 to 4.32 of her proof of evidence, AH sets out what she describes as physical constraints.
- 3.14 It is notable that this section of the proof does not appear to dispute the existence of these constraints. Instead the reasoning focuses on the fact that these constraint’s should in the view of AH been known about and/or are not unusual (see paragraph 4.32 in particular).
- 3.15 It does however acknowledge that the constraints exist and are therefore now a constraint on the scheme that can be taken forward on the site.
- 3.16 When or if the constraints were known about does not the change the fact they now exist and need to be considered as material considerations.
- 3.17 Notwithstanding the above, the focus of this section also appears to be that Taylor Wimpey should have known about constraints. Taylor Wimpey were not promoting or involved in the application site at the time the Neighbourhood Plan or Local Plan policy was formulated. The policy has been developed by the Neighbourhood Plan group and CBC and not be Taylor Wimpey, and therefore if there was a requirement to consider constraints this should have been considered by WNP and CBC.

Pylons

- 3.18 I am in disagreement with AH’s claim at paragraph 4.28 of her Proof that the pylons and associated power lines would have been taken into account in the allocation of the site. If that were the case then I am unclear why constrained land would be allocated for residential, as it cannot be developed. There is no evidence to

suggest the limitations of the power lines were taken into account by the authors of the Neighbourhood Plan, and AH appears to confirm this stating at paragraph 4.22 “Whilst I accept that there was no evidence submitted to demonstrate why the housing was to be position in the location it is”.

Tree Buffer

- 3.19 Moving on to AH’s paragraph 4.29, Taylor Wimpey has the knowledge to understand that trees of such categorisation are a constraint and will reduce the development area. It is not the appellant that set the minimum requirement of 120 new homes in the site allocation, that was the Neighbourhood Plan (and its examiner) and the Local Plan Section 2.

Easements and Amenity Considerations

- 3.20 AH agrees at paragraph 4.30 that the easement and amenity considerations are both relevant consideration which reduce the developable area. The SOCG additionally states at 7.28 that the findings of the utilities and services assessment are agreed.

Drainage

- 3.21 I welcome that AH accepts at paragraph 4.31 that the attenuation land can be used in part as open space. This is exactly what has been proposed. It should therefore be included in the calculation of open space, which results in 4.96ha of open space being provided as per the agreed SOCG.
- 3.22 AH appears to accept that the above are constraints, and considers that the appellant should have been known about them. That point is not relevant in this Inquiry. If CBC accepts they are constraints, which it appears they do from paragraphs 4.28 to 4.32, then they do in turn accept that they reduce the developable area and therefore need to be taken into account as a material considerations
- 3.23 I am unclear as to why AH consider it relevant whether the constraints are unusual at paragraph 4.32. Furthermore AH accepts at paragraph 4.22 there was no evidence to show why the housing was located in the position it is. If they were known constraints, then why would the Neighbourhood Plan still seek to allocate these areas for residential.

Ownership Constraint

- 3.24 AH opens a short sub-section on ownership constraints but AH doesn’t confirm that aside from ownership, there are legal constraints associated with the dedication to Fields in Trust. To correct AH’s paragraph 4.34, I understand CBC dedicated not transferred the land to the south to Fields in Trust.
- 3.25 The dates identified in AH’s paragraph 4.36 are all prior to this issue coming to light. Of note is AH’s comments at paragraph 4.37-38 which explains the town council used CBC’s evidence base to prepare the WNP. If this is the case the CBC evidence base itself must have incorrect, as CBC themselves had the land dedicated so it were not available for development. This is in the form of a deed and restriction on the title.

- 3.26 In relation to the transfer of ownership referred to in paragraph 4.39. Whilst AH states this is dated 8 October 2020 I understand the transfer was backdated to this date, and that the issue on ownership / title was not dealt with until earlier this year (2022). Notwithstanding this the restrictions on dedication remain. As set out in my original proof at paragraph 4.40 the land is dedicated to Fields in Trust, and this is why the appellant is not capable of bringing forward a comprehensive scheme.
- 3.27 Given these issues I understand the site did not meet the necessary title requirements of Taylor Wimpey to proceed with a land purchase and hence was not included in the land taken forward in the planning application.
- 3.28 A further important consideration that AH does not properly acknowledge is that even if the constraints on this land parcel could be resolved and this area of land come forward for development, the scheme architects have confirmed that its area is only sufficient to provide up to 8 units. Due to the other site constraints above there are 35 homes proposed to the north of the allocation. It is therefore clear that in order to achieve the required minimum of 120 homes, that additional development would be required outside of the originally intended residential allocation notwithstanding if this area of the site is included or not.

'Lack of Compliance' with Policy WIV29

- 3.29 AH considers the above from paragraph 4.42 onwards. Of note is that a paragraph 4.45 AH accepts that the appellant has adhered to most of the eleven criteria contained in Policy WIV29: *"While I accept that they have adhered to most of the eleven criteria contained in Policy WIV29, they have not sought to meet those within the allocated site."*
- 3.30 From the text that follows in the AH proof of evidence it appears that the alleged lack of compliance with the criteria in Policy WIV29 is focused on two main areas; small units and footpath/cycle links.
- 3.31 At paragraph 4.45 AH sets out reasons why the criteria set out in WIV29 are "not complied with" as referenced in 4.43. This includes that the minimum requirement for 45 small dwellings has been "simply met". The proposals are compliant with the policy in this regard as AH appears to acknowledge whilst simultaneously seeking to make an argument they are not.
- 3.32 AH also proceeds to claim that 63% three or four bed homes would result in a dominance of larger housing, contrary to the neighbourhood plan. This also fails to recognised that the appeal scheme doesn't not provide more than 25 four bedroom dwellings as per part ii of WIV 29. There is no guidance in the policy on three bed provision. The provision accords with the requirements of the neighbourhood plan and Local Plan.
- 3.33 With regards to footpath / cycle linkages I can confirm that with regards to AH's point at paragraph 4.46 such provision can now be provided for. This will allow the scheme to connect into the play area and then onwards into the footpath. The appellant has secured landowner agreement for this and we would suggest this can be secured through condition or legal agreement as part of the appeal proposals along with a reasonable financial contribution as required.

3.34 The CBC proof otherwise accepts the majority of the prescriptive criteria contained in WIV29 have been adhered to.

Potential Changes Suggested by CBC

3.35 The proof of evidence provided by AH claims that there “has been no demonstration to show that a policy compliant development on the allocated site is unacceptable or unachievable”. As set out above the CBC proof of evidence also accepts that there are constraints on development within the allocated site.

Density (AH Paragraph 4.51)

3.36 If it is accepted that part of the land is constrained (as above) the only other argument which would appear reasonable to consider is whether 120 units can be provided on the remaining available land area.

3.37 The remaining available land extends to 2.98ha as per Appendix 7 of my proof.

3.38 A minimum of 120 homes would require a *gross* density of 40.3 dwellings per hectare to achieve 120 units.

3.39 I would consider such density would be incongruous with the local context and at odds with the density advice set out at paragraph 17.33 of the Wivenhoe Neighbourhood Plan which seeks an average density of 30 dwellings per hectare.

3.40 AH also considers density at paragraph 4.51 I agree with AH that there may be no policy conflict with a higher density per se, but a scheme must still meet the criteria in Policy DM9 (in particular part i and vii) and other policies on amenity and housing standards for example.

3.41 The requirements of DMP9 haven't been addressed in detail by AH on the “alternative scheme”. It is clear to me that DM9 only permits higher density in specific circumstances and also when other Local Plan policies such as residential amenity etc can also still be met.

3.42 Consideration of density in the preparation of the WNP is evident through the inclusion of paragraph 17.33. The Submission stage Wivenhoe Neighbourhood Plan Strategic Environmental Assessment (SEA) (August 2016) sets out the SEA objectives use to assess the suitability of sites (**Appendix 2**). At Table 5 this sets out that in order to ensure development to makes an efficient use of land (2) the indicator will be: ‘Number of dwellings at least 30 per hectare’. WNP therefore assessed their own plan based on 30 dpa representing the efficient use of land. This proposed scheme is consistent with this.

Mix of Smaller Dwellings (AH Paragraph 4.52)

3.43 The appeal scheme includes a provision of 37% of one or two bed units, as is agreed in AH's evidence also. AH does not properly acknowledge that Policy WIV29 policy does not require 1 bed and the scheme is policy compliant. Bungalows are suggested by AH however these are lower density and would only serve to reduce density further. The Colchester SHMA indicates demand for both 1 and 2 bed properties.

3.44 The SHMA 2015 (Core Document 3.14) at page 125 Table 4.4c sets out size of new owner-occupied accommodation required in Colchester over the next 22 years. For owner occupied this is 4.9% one bed and 33.3% two bed, so total of 38.2% one or two bed. On Page 126 Table 4.4d it sets this out for private rented as 2.2% one bed and 26.1% two bed so total 28.3% one or two bed. For affordable rent at page 142 figure 5.1c the SHMA shows greatest need for affordable rent is for 2 beds and for social rented it is 3 beds. The provision in the appeal scheme of 37% of one or two bed units is therefore in line with this evidence also.

Variation in Built Form (AH paragraph 4.54)

3.45 Although entitled variation in built form this comment appears to essentially suggest an increase in storey heights.

3.46 CBC officers previously stated the scale of 2.5 storey units was “at odds with surrounding built form” (Comments raised by Alistair Day and Benjy Firth, received 28th July 2021).

3.47 Also with regards to landscape, AH states at 4.49 “Ms Westover confirms there would be adverse impacts of developing the allocated site. However, that was to be expected and would have been accepted when allocating the site.” Given AW suggests there are already adverse landscape impacts from the allocated site, if this is accepted, any suggestion of an increase in height might have the potential to further increase to these impacts.

3.48 There is of course also a need to consider design and character in additional to landscape impact.

3.49 Notwithstanding the above, AH concludes that two, two and a half, and three storeys may be considered subject to location and impact.

Potential for Reduced Parking Provision With Smaller Dwellings (AH paragraph 4.55)

3.50 Whilst proposing one bed units would require a lower minimum parking provision there is not a policy prescriptive requirement of WIV 29 to provide 1 bed units.

Other Issues

3.51 Pedestrian and cycle links are also provided by the appeal scheme, particularly given that a pedestrian and cycle access to the south can now be secured by the appellant (agreed via a deed of easement with the third party owner).

3.52 Paragraph 4.58, 4.59 and 4.60 of AH’s proof demonstrate that AH agrees SUDS, landscape buffers, a easements for pylons and electric lines, are all requirements or constraints that impact on developable area.

Alleged Benefits of Alternative Scheme

3.53 AH considers the benefits of CBC’s ‘alternative scheme’ at paragraph 4.61. It should be noted that no drawing has been provided demonstrating how such a scheme is actually achievable. It is the appeal scheme that is before the Inspector not an alternative scheme that is provided as written description. Without being drawn

on this curious approach, I comment as follows on the bullet points identified as 'benefits' at 4.61. Of course any benefit is only actually provided if a scheme is delivered and I have seen no evidence that this alternative scheme is deliverable.

- The provision of smaller units in the appeal scheme is in line with the neighbourhood plan and consistent with the evidence in the SHMA. The SHMA indicates that need varies dependant on unit types. Private rented for example has higher levels of need for larger units (Page 126 Table 4.4d SHMA 2015 – **Core Document 3.14**). I do not consider further smaller units to be a particular benefit.
- AH does not demonstrate why the alternative scheme would provide more open space. The proposed scheme already includes more open space than policy requirements. As set out above AH also accepts that SUDS can be used in part as open space. This is what the appeal scheme does.
- An alternative scheme of the type described would not remove the electricity lines. They would still be located adjoining developed as with the proposed scheme and impact would be the same on residents using the open space, sports pitches. It should be noted the pylons over sail the existing development to the west also.
- AH doesn't explain how the alternative layout would provide better and more direct linkages to the neighbouring or surrounding area. Access to the south can now be achieved by the appeal proposals via an agreed deed on easement with the third party landowner-
- The dispositions of the proposed open spaces and sports pitches are agreed as acceptable in the SOCG. This is a benefit at all, and they can be redesigned anyway if needed.

3.54 Above all the 'alternative scheme' would appear unable to accommodate the minimum 120 units required by policy resulting in conflict with Policy WIV29.

3.55 AH then goes on a paragraph 4.62 to claim that it has not been demonstrated that the allocated housing land cannot accommodate the 120 dwellings required by the policy. The submitted constraints plan, information provided in application package and the proof of evidence does this.

3.56 We therefore disagree on conflict with Policies WIV29 and SS16. Furthermore AH doesn't explain why she considers there to be a conflict with Policy SP1 of the Section 1 Local Plan.

C) Impact on Local Infrastructure

3.57 Impacts on Local Infrastructure raised between 4.63 and 4.68 are dealt with through the SOCG and Section 106 agreement.

D) Other matters

Wem Appeal

- 3.58 AH at 4.70 states Wem is not relevant due to age of the Development Plan. This is not relevant, the age of the development plan was not important to the Inspector's reasoning in the Wem appeal decision.
- 3.59 The allocation for WEM page 222 of the Shropshire Site Allocations , states "The design of the site may include additional land for community facilities". See extract at Figure 3.1 below.

Figure 3.1: Extract from Shropshire Site Allocations and Management of Development Plan (2015)

Allocated sites	Development Guidelines	Provision
Land off Pyms Road (WEM003)	Development subject to an appropriate contribution to traffic management measures, appropriate drainage design and appropriate biodiversity and archaeology surveys. The design of the site may include additional land for community facilities.	100

- 3.60 The allocation does not provide further detail on what these communities facilities are, however, I do not consider this dissimilar to the Wivenhoe case where Policy WIV29 Land Behind Broadfields includes details of other community facilities such as playing fields to be delivered outside of the residential allocation.
- 3.61 The Wem inspector at paragraph 14 sets out that following allocation , the gap pipe constraint was identified, and in that case the council recognise this as a constraint.
- 3.62 This is similarly the case with Wivenhoe, with regards to electricity easement, utilities easement, tree buffer, and the dedication constraint on the land to the south.

4. Planning Balance

- 4.1 An updated planning balance assessment is included in my proof, this supersedes the appellant's appeal statement.
- 4.2 Whilst benefits that would be delivered by any other scheme are still beneficial, in my proof I have focused on those additional benefits beyond policy that should be given particular weight in the planning balance, as set out in Table 3.1.

Table 4.1: Comparison of Planning Benefits

Planning Benefit	James Firth, Savills	Alison Hutchinson, on behalf of CBC
Delivery of 120 new homes	Very substantial weight	Unclear
Affordable Homes	Very substantial weight	Significant weight to provision of affordable housing but WIV29 requirement so both schemes provide it.
Social and environmental benefits of very substantial quantum of new publicly accessible high quality realm and landscape	Very substantial weight	Moderate weight: policy presumption against loss of landscape features and wildlife and for improved biodiversity.
Economic Benefits and New jobs during construction phase	Significant Weight	No comment provided
Biodiversity Net Gain of 35.88%	Significant Weight	Moderate weight: policy presumption against loss of landscape features and wildlife and for improved biodiversity. NPPF requirement for improved biodiversity and net gain.

- 4.3 In Section 9 of my Proof I explain my given weighting for each of the planning benefits, I reiterate these below:

- Contribution to CBC's borough wide housing targets ;

- Delivers housing in Wivenhoe where there is an unmet housing;
- Delivers housing in Wivenhoe where there is an unmet affordable housing need;
- Delivers in line with the housing requirements for the site allocation;
- Delivery of a substantial quantum of new publically accessible open space of high quality, including formalised access to the LoWs and generous tree planting and soft landscaping;
- Economic benefits as demonstrated in my appendix JF16;and
- Biodiversity net gains notably exceeding the emerging requirements.

4.4 The assessment from AH at Table 1 (page 37) attempts to set out if the benefits are considered benefits, are the benefits specific to the appeal proposal and if this would be a benefit of a 'policy compliant scheme'. It then also comments on weight.

4.5 The CBC alternative / 'policy compliant' scheme is not before the inquiry and the evidence submitted by the appellant demonstrates why the constraints are such that the disposition of uses and all of the requirements of WIV29 cannot be met. This 'alternative scheme' is not deliverable as it would not achieve 120 units and therefore would not be policy compliant. The alternative may therefore be the delivery of no scheme at all, which would therefore not deliver any of the many public benefits of the proposals.

4.6 At 5.5 AH refers to benefits justifying the setting aside of the development plan. I have seen no argument from the appellant that the development plan should be set aside and my proof and evidence contains full consideration of the Development Plan as a whole as well as material consideration as of course is a statutory requirement. Notwithstanding this AH provides no explanation as to why the alleged 'setting aside' would be 'very substantially harmful in itself'.

4.7 At 5.6 AH states "I consider that the appeal proposal results in some dis-benefits when compared with a development just on the allocated site with the limited linkage to the land to the south, the reduced area of open space and the limited provision of small dwellings."

4.8 Taking the above in turn,

- the linkage to the land to the south has now been secured by the appellant. (via a deed of easement with the third party landowner)
- The open space area extend to 9.28ha has been demonstrated to be greater than that shown in Figure 35. The scale and scope of the figure is agreed by CBC in the SOCG (**Core Document 6.1** paragraph 7.8).
- It is not accepted by the appellant that the provision of small dwellings is 'limited'. The proposed provision is in line with the WNP policy requirements and consistent with the SHMA. There is no policy conflict here also.

Rebuttal Appendix 1- Stroud District Council Vs. SoS CLG and Gladman Developments Limited in February 2015 by Mr Justice Ouseley

CO/4082/2014

Neutral Citation Number: [2015] EWHC 488 (Admin)
IN THE HIGH COURT OF JUSTICE
QUEEN'S BENCH DIVISION
THE ADMINISTRATIVE COURT

Royal Courts of Justice
Strand
London WC2A 2LL

Friday, 6 February 2015

B e f o r e:

MR JUSTICE OUSELEY

Between:

STROUD DISTRICT COUNCIL_

Claimant

v

SECRETARY OF STATE FOR COMMUNITIES AND LOCAL GOVERNMENT_
Defendant

GLADMAN DEVELOPMENTS LIMITED

Interested Party

Computer-Aided Transcript of the Stenograph Notes of
WordWave International Limited
A Merrill Communications Company
165 Fleet Street London EC4A 2DY
Tel No: 020 7404 1400 Fax No: 020 7404 1424
(Official Shorthand Writers to the Court)

Miss J Wigley (instructed by Stroud District Council) appeared on behalf of the **Claimant**
The Defendant did not attend and was not represented
Mr P Goatley (instructed by Irwin Mitchell) appeared on behalf of the **Interested Party**

J U D G M E N T
(Approved)
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1. MR JUSTICE OUSELEY: This is a challenge under section 288 of the Town and Country Planning Act 1990 to a decision of an Inspector dated 21 July 2014 whereby he allowed an appeal against the decision of Stroud District Council refusing permission for a development of some 150 houses in land lying between King's Stanley and Leonard Stanley within the River Frome valley at the foot of the escarpment to the Cotswold Hills. It lay between 50 and 150 metres outside the boundaries of the Cotswold Area of Outstanding Natural Beauty ("AONB"). Three footpaths cross the site. From the footpaths, views towards the escarpment of the Cotswolds could be obtained. The Inspector defined the main issues as being the effect of the proposals on (a) the character and appearance of the area; (b) the natural beauty of the Cotswold's AONB; (c) coalescence between the two villages I have referred to; and (d) the balance between harm and benefit.

2. In paragraphs 10 to 12 he dealt with the first issue. He recognised that the development of the 8 hectares of agricultural land between the two settlements and outside the defined settlement boundaries would cause "some harm to the landscape". He said in 12:

"From my visit, I agree that there would be some harm to the character and appearance to the immediate vicinity including much more restricted views from the footpaths crossing the site."

3. The next section of his decision turned to the AONB. He described the views that he had obtained of the site from the AONB. He referred to the popular Cotswolds Way running roughly parallel with the boundary to the AONB; the appeal site was easily visible from nearby advantage points within the AONB; houses would be seen in front of those in the two villages. He had viewed the site along this section of the Cotswold Way just below Stanley Wood:

"In my assessment, initially at least, the new roofs and other finishes would be likely to stand out, and to jar, and have a significant impact on views across the valley from this section of the Cotswolds Way."

He went on, however, to say that with time and landscaping the development proposals would soften:

"Consequently, from just below Stanley Wood I find that in time the scheme would not cause significant harm to views out of the AONB."

He referred to other viewpoints from which he concluded that harm would either be minimal or the assertion of harm not credible.

4. In paragraph 16 he said that around half of Stroud District was within the AONB. Of the remainder, most of the land in it can probably be seen in views from somewhere within the AONB. Given the need for additional housing, it followed that views from the AONB were very likely to be affected by new housing development wherever it went.

5. He then dealt specifically with two paragraphs of the National Planning Policy Framework, paragraphs 115 and 116. I shall return to the former. Paragraph 116 dealt

with major developments "in" AONBs. That does not apply to this case because no part of the development is "in" the AONB.

6. He was referred in the post-Inquiry submissions to the decision of the Court of Appeal in R(Cherkley Campaign Limited) v Mole Valley District Council [2014] EWCA Civ 567 and paragraph 44 in particular. In that case the Court of Appeal was concerned with the development abutting, and to a small extent actually falling within, an AONB. Richards LJ said at paragraph 44:

"The *relevance* of the golf course as a whole for the AONB, including such matters as its impact on visual perspectives, is not in doubt. It forms an aspect of the landscape issues covered *inter alia* by paragraph 115 of the NPPF and Policy REC12 of the Local Plan. The question here, however, is whether the golf course as a whole can properly be regarded as a development to which paragraph 116 of the NPPF applies."

It is plain that the thrust of that judgment deals with an NPPF policy irrelevant in these proceedings. Accordingly, the Inspector rightly recognised that Cherkley was of limited relevance.

7. He recorded in paragraph 17 that the Council had argued with reference to the statutory purpose and duty of the Cotswold's Conservation Board that the scenic beauty of the AONBs can also include their settings and views out and that Cherkley could be relevant in this context. He continued:

"I accept that, in extreme circumstances, a major development outside an AONB which caused a considerable harmful impact to its immediate landscape could have an adverse impact on the landscape and scenic beauty of an adjoining AONB. However, I have found that the impact would be less than significant in views out of the AONB and therefore give limited weight to this concern."

The penultimate sentence of that quote finds an ally in paragraph 11 of the Cotswold Conservation Board position statement, which is not a policy document with any statutory status.

8. The statutory duty to which he referred is section 85 of the Countryside and Rights of Way Act 2000, which provides that (for example in relation to planning decisions) a planning authority, and for that matter the Secretary of State, "shall have regard to the purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty".
9. The Inspector then considered an argument in relation to another paragraph, paragraph 109, of the NPPF:

"The planning system should contribute to and enhance the natural and local environment by:

- protecting and enhancing valued landscapes ... "

It had been argued, as he recorded it, that the site is a valued landscape "as it is valued by neighbouring residents". He continued:

"I accept that, currently, there is no agreed definition of valued as used in this paragraph. In the absence of any formal guidance on this point, I consider that to be valued would require the site to show some demonstrable physical attribute rather than just popularity. In the absence of any such designation, I find that paragraph 109 is not applicable to the appeal site. Similarly, I have studied footnote 9 to the NPPF but again note that it refers to land designated as an AONB which the appeal site is not."

10. Local Plan Policy NE8 only permitted development affecting the setting of the AONB if a number of criteria, including nature, siting and scale being in sympathy with the landscape, were satisfied. The policy has as a tailpiece the following:

"Major development will not be permitted unless it is demonstrated to be in the national interest and that there is a lack of alternative sites."

He said of this in paragraph 19:

"Although the proposed houses would undoubtedly have some impact, as detailed design and facing materials would be subject to reserved matters, landscape features and trees would be retained, and as the scheme would not cause significant harm to views out of the AONB, it would comply with the above criteria. Even if it were deemed to amount to major development, given the Council's lack of a 5 year HLS, there is a lack of alternative sites. On this issue, I conclude that the proximity of the AONB to the site should not be a bar to development."

He rejected next the coalescence argument. On sustainability, which included the question of the environmental role of the site, he said:

" ... There would be some harm to the landscape, including immediate views, and this harm counts against the proposals."

In paragraph 28:

"Looked at in the round, I conclude that the moderate harm to the character and appearance of the area, the limited harm to the AONB, and the moderate harm (on balance) through wider accessibility difficulties, would not outweigh the economic and social benefits of new housing."

Overall, and returning to paragraph 14 of the NPPF, he concluded that the adverse impacts of granting permission would not "significantly and demonstrably outweigh the benefits" and he affirmed that in paragraph 40.

11. Miss Wigley appeared for the Council to argue four grounds. Ground 1 related to the Inspector's approach to valued landscape. Ground 2 related to the policy basis for the consideration of views towards the AONB but from outside it. Ground 3 related to the

way he had described harm as moderate having found it as significant, initially at least. Ground 4 concerned the Inspector's approach to a major development in the setting of the AONB in Development Plan Policy NE8.

12. The Secretary of State did not appear, having indicated his willingness to concede that the decision should be quashed because of the way the Inspector had dealt with Policy NE8. He said he accepted that the decision should be quashed on the ground "that it is not evident on the face of the decision letter that the defendant's Inspector fully considered all elements of Local Plan Policy NE8". I take that as a reference to ground 4.
13. I deal first with ground 1. It is important to understand what the issue at the Inquiry actually was. It was not primarily about the definition of valued landscape but about the evidential basis upon which this land could be concluded to have demonstrable physical attributes. Nonetheless, it is contended that the Inspector erred in paragraph 18 because he appears to have equated valued landscape with designated landscape. There is no question but that this land has no landscape designation. It does not rank even within the landscape designation that is designed to protect the boundaries of the AONB and apparently its setting, which is NE9, a policy derived from the Structure Plan. It is not a Local Green Space within policies 75 and 76 of the NPPF. It has no designation at all. The Inspector, if he had concluded, however, that designation was the same as valued landscape, would have fallen into error. The NPPF is clear: that designation is used when designation is meant and valued is used when valued is meant and the two words are not the same.
14. The next question is whether the Inspector did in fact make the error attributed to him. There is some scope for debate, particularly in the light of the last two sentences of paragraph 18. But in the end I am satisfied that the Inspector did not make that error. In particular, the key passage is in the third sentence of paragraph 18, in which he said that the site to be valued had to show some demonstrable physical attribute rather than just popularity. If he had regarded designation as the start and finish of the debate that sentence simply would not have appeared. What he means, as I read it, in the next sentence by the words "in the absence of any such designation" is in the absence of any such demonstrated physical attribute. I appreciate that the final sentence refers to "again" noting that the land is not "designated" (in a formal sense), but he refers to any "such designation" in the penultimate sentence, by which stage he has not referred to any formal designation at all. It is clear that there is a verbal infelicity in that paragraph but not one which shows to me that he has adopted an unlawful approach to the meaning of "valued".
15. There had been a certain amount of interplay at the Inquiry, and here, about the extent to which paragraph 109 of the NPPF had even featured as a significant point given that it was not cited as a reason for refusal, and there was some criticism of the paucity of the evidence about the value of the site produced by the Council. I can deal with those aspects briefly. A contention that the Inspector has dealt with valued as simply being "valued" by neighbouring residents, as if that was the sum total of the argument is, I think, going too far. Again, if he had meant to discount in that comment in the first sentence at paragraph 18 the points made on behalf of the Council, he would have ignored

certain factors which they prayed in aid. But on the other hand, the Inspector was entitled to conclude on the evidence he had before him that there had been no demonstrated physical attributes to make the land "valued". I have been taken to that which was referred to; there are certain limitations to that evidence which the Inspector was plainly recognising. He had before him evidence from consultants engaged by the Council which had not supported any particular physical attributes. More importantly, the Inspector had the evidence of Ms Kirby for the Council. Her evidence drew upon views from the footpaths in paragraph 41 and wider and more distant views from the site in paragraph 42, as well as, significantly, the views of the site from the AONB. She described the local landscape and amenity issues, again referring to the three public footpaths and the sense of open country starting before one even entered the site.

16. It is not difficult to see that the sort of demonstrable physical attributes which would take this site beyond mere countryside, if I can put it that way, but into something below that which was designated had not been made out in the Inspector's mind. The closing submissions of Miss Wigley referred to a number of features and it is helpful just to pick those up here. The views of the site from the AONB were carefully considered by the Inspector. There can be no doubt but that those aspects were dealt with and he did not regard those as making the land a valued piece of landscape. That is a conclusion to which he was entitled to come.
17. The first point raised by Miss Wigley was the visibility of the site in the wider landscape from the AONB. It is in the setting of the AONB, she submitted. But that issue, as I have said, was properly dealt with. It is difficult to see why that should be a demonstrable physical attribute when the site has not fallen within the policy designation designed to protect land beyond the AONB which is said to be important for them.
18. It is then said that the land represents a wedge of countryside extending right into the hearts of the settlement. But that issue itself was considered in relation to coalescence. It is a feature of the land but it is impossible to see that the Inspector would not have had that aspect in mind if he thought it was something that demonstrated its attributes. It was crisscrossed by well-used public footpaths and from those public footpaths it is evident that you can see the escarpment of the Cotswolds AONB and that the housing development on the site was going to impose considerable limitations. But the Inspector was entitled to regard that sort of factor as falling below the level required for demonstrable physical attributes in order for countryside to be "valued" but not designated countryside. The Inspector did not specifically refer to those factors in this context but I have no doubt that in paragraph 18, in his description of demonstrable physical attributes needing to be shown rather than just popularity, he was not remotely persuaded that the points made by Ms Kirby demonstrated that it had attributes that took it out of the ordinary, but did not warrant formal policy designation.
19. I do not quash the decision on ground 1.
20. Ground 2 concerns the policy significance of the treatment of views out of the site towards the AONB. Paragraph 12 represents the Inspector's consideration of this issue. It is clear that paragraph 115 of the NPPF was raised as the policy basis upon which submissions about the effect of views onto the site from the AONB and from the site of

the AONB were to be judged and given weight. The competing position of the parties at the inquiry was that Mr Goatley for the interested party here and for the appellant at the Inquiry contended that the word "in" in paragraph 115 meant "in" and views from the AONB to land outside it and vice versa were not subject to 115. Miss Wigley contended that views from the AONB to land outside and from land outside onto the AONB were covered by policy 115. Policy 115 says this:

"Great weight should be given to conserving landscape and scenic beauty in ... Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty."

Conservation considerations in those areas should be given great weight in National Parks and the Broads.

Harking back for a moment to the Cherkley Campaign case, paragraph 116 reads:

"Planning permission should be refused for major developments in these designated areas except in exceptional circumstances ... "

21. It is evident, reading the decision as the whole, that the Inspector adopted neither party's point of view. He does not explain why he rejected both Mr Goatley's submissions and Miss Wigley's. It is clear from paragraph 17, the final sentence and his consideration of the views from the AONB, and paragraph 19 that he took the view that the AONB within 115 included the views from the AONB into the surrounding landscape, effectively taking the view that the beauty in the AONB would be harmed if looking out of it one saw ugliness. Mr Goatley sought to pursue the submissions he made to the Inspector by way of defending the decision against Miss Wigley's contention that 115 could not cover views from outside into the AONB.
22. In my judgment, the Inspector would have been unrealistic in adopting so narrow a view as to ignore for the purposes of paragraph 115 views out of the AONB and the effect of development upon them. I do not find it easy to accept that those have the same policy significance as views into the AONB from outside. It seems to me that there is a very considerable distinction to be drawn between the two. Before I reach the final conclusion on that point, however, I should refer to other policy matters in relation to that point.
23. Miss Wigley says that views into the AONB are important because the planning policy guidance on landscape of March 2014 refers to the duty in section 85 of the Countryside and Rights of Way Act as being relevant in considering development proposals outside an AONB but which might have "an impact on the setting of and implementation of the statutory purposes of those protected areas". The setting, she submits, includes the views in and the views out of the AONB. She also points to the need for planning bodies to have regard to the Management Plan. The Management Plan of the Cotswold Conservation Board refers to the special qualities of the Cotswolds as including the Cotswolds escarpment "including views to and from it".

24. I pause there to say it is entirely unclear whether that is referring to views inside the AONB of the escarpment or not, because much of the land within the AONB includes land that is beyond the foothills of the escarpment. The management plan also includes a statement that the surroundings are important to the landscape and that views into and out of the AONB can be very significant. The position statement, not a policy statement, of the Conservation Board says that interference with views of the AONB from public viewpoints is an adverse impact on the setting of the AONB. Miss Wigley says that either individually or all together there is a policy basis for the consideration of views into the AONB as being a factor of significance.
25. The only point, however, that it seems to me from a consideration of those policy documents which arises is whether it is a matter to which great weight is required to be given under paragraph 115. The Inspector clearly has treated those impacts (though not set out at any great length, that is to say the impacts on views from outside looking in) as material consideration, as paragraph 12 of the decision later shows. That is the significance of his reference to the development meaning that there would be much more restricted views from the footpaths crossing the site which would be of harm to the character and appearance of the immediate vicinity.
26. So the question is whether on the proper interpretation of paragraph 115 views of the AONB from outside the AONB fall within its scope. It is my judgment that that is not what policy 115 is intended to cover. It certainly covers the impact on the scenic beauty of the land actually within the AONB. It seems to me that it would be unduly restrictive to say that it could not cover the impact of land viewed in conjunction with the AONB from the AONB. But to go so far as to say that it must also cover land from which the AONB can be seen and great weight must be given to the conservation of beauty in the AONB by reference to that impact reads too much into paragraph 115. The effect of Miss Wigley's approach would be to give very widespread protection to land outside the AONB and not significant in views from the AONB. The Inspector noted that almost everywhere in Stroud District would fall into that category. That could not be, in my judgment, the correct interpretation of paragraph 115, and the word "in". If there was an error by the Inspector, it was an error against Mr Goatley rather than an error against Miss Wigley.
27. Accordingly, I reject ground 2.
28. Ground 3 contends that the references to limited harm to the AONB in paragraphs 28 and 40 and some harm in paragraph 26 show that the Inspector has ignored, when he came to the balance, the significant harm that he has found there would be on views from a section of the Cotswold Way just below Stanley Wood in the initial years while the roofs mellowed and landscaping softened the effect of the development.
29. I am not persuaded that the Inspector had overlooked the earlier conclusions to which he had come, when he came to deal with the overall round-up conclusions in paragraph 28 and 40. Although I understand why the argument is put forward, it seems to me most unlikely that the Inspector has simply ignored that harm which he has identified, and the references to "limited harm" and "some" harm are references to the insignificant harm in

the future from the views from below Stanley Wood coupled with the fact that the significant harm that he describes would be limited in time.

30. I reject ground 3.
31. Ground 4, which is the one upon which the Secretary of State threw in his hand, concerns an aspect of Policy NE8. I observe that Policy NE8 is not put forward as the policy basis either for the valued landscape argument nor for the debate about whether views into the AONB are a breach of policy. The sole point that is put forward in relation to NE8 concerns the way the Inspector dealt with the 150 houses as a major development.
32. The first observation I make is that the question of whether the development was a major development at all did not make it to Miss Wigley's closing submissions, as a major point. Indeed, it appears to have received no elaboration at all in the evidence of the Council. There was nothing to explain why this development would be a major development. A major development under that policy would require to be justified by the national interest to the extent that it was harmful. That gives an indication of the scale envisaged.
33. The second observation I make, but which reinforces the conclusions I have come to in the first and second grounds, is that the phraseology "development within or affecting the setting of the AONB will only be permitted if all the following criteria are met" and referring there to the setting of the AONB, is not what was relied on in the earlier grounds concerning views into the AONB from outside. The language of the major development tailpiece is not itself clear as to whether it applies to development within or merely development affecting the setting of the AONB, which is the highest that it could be said is the position of this development. The text accompanying that policy states that it is proposals for major development within the AONB which will only be permitted where it is in the national interest and there is a lack of alternative sites, as with paragraph 116 of the NPPF.
34. Mr Goatley makes the point that that means that the major development tailpiece did not fall for consideration here at all. He may very well be right in his interpretation of the plan but he attributes error to the Inspector in that respect in order to defend him because the Inspector clearly took the view that major development could be development outside the AONB, which might affect the setting of the AONB, viewed from inside.
35. The Inspector, in my judgment, considered this policy by reference to the first part of paragraph 19 and concluded that the criteria were met: it would not cause significant harm to views out of the AONB and thus would not affect its setting. The next aspect in his judgment in paragraph 19 is that the major development issue did not arise because this was not major development. By the sentence "even if it were deemed to amount to major development" in the context of paragraph 19, he is saying that he does not think it is. I can see no other proper interpretation of paragraph 19. Unless he had rejected the notion that this was major development he would have gone straight to deal with major development. In my judgment, the Inspector was entitled, absent any other guidance, to conclude that this development did not amount to major development and was entitled to resolve the matter in paragraph 19 in the way he did, up to his consideration of major development. If it were major development within the policy however then the

Inspector has erred because he does not consider the national interest. But if that arises as an error only on the basis that the policy applies to development outside an AONB but affecting views from within it, it is an error that has no impact on the decision because the Inspector has reached a perfectly lawful conclusion that the development could not cause significant harm to views out of the AONB and would comply thereby with the criteria in Policy NE8. As I have said, NE8 was not said to be the policy which applied to protect views of the AONB from outside it.

36. The Secretary of State's letter gives no real clue as to why he threw in his hand. It is not, I would respectfully suggest, sufficient simply to say that it is not evident on the face of the letter that all elements of Local Plan Policy NE8 have not been considered. By itself that does not amount to a decision of error of law at all.
37. Finally in reply Miss Wigley developed a little further the argument, which the effect of the NPPF has sometimes given rise to, that the Inspector has not considered compliance with Development Plan Policy. This often arises where, as is said here, Policy NE8 is not wholly consistent with policy paragraphs 115 and 116 of the NPPF. Be that as it may, and accepting that the Inspector has not cast his decision in terms of whether the development accorded with the Development Plan or not, he has concluded that the development complied with the policies about which issue has been taken in these proceedings. So far as there is an error in formulation, it does not go to the substance of the decision.
38. Accordingly, I reject this application.
39. MR GOATLEY: My Lord, thank you for that. I do not believe that any schedules have been agreed on costs but I would ask for my costs on this matter.
40. MR JUSTICE OUSELEY: Do you resist an order for costs?
41. MISS WIGLEY: My Lord, I cannot resist an order for costs in this appeal.
42. MR JUSTICE OUSELEY: There will be an order for costs in favour of the interested party to be subject to detailed assessment if not agreed.
43. MR GOATLEY: My Lord, thank you.
44. MISS WIGLEY: My Lord, I do have an application for permission to appeal. In relation to the first ground, my Lord, in my submission, with respect to your Lordship's judgment, it is arguable for the reasons I have given today that the Inspector did restrict his consideration to designated --
45. MR JUSTICE OUSELEY: Miss Wigley, I have got another matter to attend to, so I will take it shortly. I am going to refuse you permission to appeal because although your grounds were attractively presented, I think at the end of it all when one looks at the reality of the decision as opposed to the forensic play that may be made with words, the decision is perfectly reasonable and you would not, in fact, even if you were right on 115, it is difficult to see that that would in reality get you anywhere in the light of the evidence

you provided and the conclusion he has come to. So I refuse you permission. If you want to renew it, without meaning to be offensive, you know where to go.

46. MISS WIGLEY: My Lord, could I have an extension of time from when the transcript comes out?
47. MR JUSTICE OUSELEY: Your current time is, what, 14 days?
48. MISS WIGLEY: I think it is 21.
49. MR JUSTICE OUSELEY: I extend time for 21 days for you to lodge the notice of appeal, if I have power to do so. You must make sure that that order is correct. There have been one or two difficulties about such formulations recently. So I am not going to draft it for you, you must make sure it is correct. But I will give you a period of 21 days from when the transcript comes out in which to lodge any application for permission to appeal.
50. MISS WIGLEY: I am grateful.
51. MR GOATLEY: My Lord, I am not sure, do we need to ask for expedition of the transcript?
52. MR JUSTICE OUSELEY: Well, you can ask but I do not know when it will get there, you must ask the shorthand writer what she is doing.
53. MR GOATLEY: If I do not ask, I do not get, so therefore I ask for it.
54. MR JUSTICE OUSELEY: I have no objection to expedition.
55. MR GOATLEY: Thank you, my Lord.

Rebuttal Appendix 2- Wivenhoe Neighbourhood Plan Strategic Environmental Assessment (SEA) (August 2016)

The logo for 'place services' is located in the top left corner. It consists of a solid blue square with the words 'place' and 'services' stacked vertically in a white, lowercase, sans-serif font.

Wivenhoe Neighbourhood Plan

Strategic Environmental Assessment (SEA)

Environmental Report

August 2016

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Annexes

SEA Environmental Report – August 2016

Annex A: Plans and Programmes

Annex B: Baseline Information

Glossary of Acronyms

ANGSt	Accessible Natural Greenspace Standard
AQMA	Air Quality Management Area
BAP	Biodiversity Action Plan
BARR	Buildings At Risk Register
CPZ	Countryside Protection Zone
DCLG	Department for Communities and Local Government
DEFRA	Department for Environment, Food and Rural Affairs
DPD	Development Plan Document
EA	Environment Agency
EC	European Community
ECC	Essex County Council
EEC	European Economic Community
EU	European Union
IMD	Index of Multiple Deprivations
KSI	Killed or Seriously Injured
LDF	Local Development Framework
LoWS	Local Wildlife Sites
LPA	Local Planning Authority
NPPF	National Planning Policy Framework
OAN	Objectively Assessed Need
ODPM	Office of the Deputy Prime Minister
ONS	Office for National Statistics
PDL	Previously Developed Land
PPG	Planning Policy Guidance
SA	Sustainability Appraisal
SA/SEA	Sustainability Appraisal incorporating the Strategic Environmental Assessment
SEA	Strategic Environmental Assessment
S(H)LAA	Strategic (Housing) Land Availability Assessment
SHMA	Strategic Housing Market Assessment
SPD	Supplementary Planning Document
SSSI	Site of Special Scientific Interest
TPO	Tree Preservation Order

1 Non-Technical Summary

1.1 The Plan's Vision

There will be significant positive impacts on a wide range of sustainability themes resulting from the success in achieving the Plan's Vision.

The plan's policies in conjunction with Colchester Borough Council (as the Local Planning Authority [LPA]) policies will ensure that a wider range of sustainability aspirations will be met.

1.2 The Plan's Objectives

Particularly strong positive impacts will be experienced in regards to building a sustainable community with good education, health and social outcomes and preserving and enhancing access to green spaces, the open countryside and the river. There will be no negative impacts resulting from the Plan's Objectives.

1.3 The Plan's policies

The Plan's policies would have a range of positive impacts, and no negative impacts, associated with their implementation. As can be seen, none of the Plan's policies will give rise to negative effects. As a whole, the plan's policies can be seen to have the following broad impacts on the following themes:

- **Housing:** There will be a large amount of positive impacts associated with the Plan's housing allocations and specific requirements to meet needs regarding particular shortages of housing types, such as starter homes and homes for the elderly.
- **Sustainable Transport:** There will be significant positive impacts on promoting sustainable transport methods through the locational-criteria elements of policies and their general, more direct, requirements.
- **Design, townscape and landscape:** There will be strong positive impacts associated through a range of policy requirements to ensure high quality design is forthcoming in the Plan Area and also the focus on the redevelopment of some areas within some policies.
- **Education, health and community facilities:** The Plan's policies will have positive impacts, through a focus of many policies ensuring that current services and facilities do not have capacity issues resulting from new development. Similarly, some policies set requirements or aspirations of new developments to provide infrastructure improvements directly or through appropriate contributions.
- **Rurality, green spaces and the setting of the River Colne:** The preservation of Wivenhoe's rural nature, the green setting of the river and access to green spaces and the countryside will be ensured through a number of the Plan's policies, either directly or indirectly through focusing development to the existing settlement boundary or extensions thereof. In addition specific policies with such a focus ensure that there will be strong positive impacts in unison.
- **Heritage and the historic environment:** There are strong links between those positive impacts regarding design and townscape with the preservation of heritage assets. As such there will be significant positive impacts resulting from the Plan's policies.
- **Business growth:** Positive impacts on business growth will be realised through those policies that singularly focus on new employment development or redevelopment schemes and look to the safeguarding of existing uses.

1.4 The Plan's site allocations

1.4.1 Policy WIV28: Land off Croquet Gardens

The site will generally have positive impacts on providing affordable and appropriate housing, transport and congestion, good design of dwellings, protection of community facilities and the inclusion of additional provisions, the rural nature of Wivenhoe, preservation of the setting of the River Colne, protection of heritage assets and alleviation of flood risk.

Of the uncertain or negligible impacts that could be expected, these predominantly relate to the efficient use of land, the preservation of access to open spaces, protection of biodiversity and the protection and enhancement of the townscape however it should be noted that the site's policy conditions alleviate these potential issues suitably and effectively.

1.4.2 Policy WIV29: Land behind Broadfields

The site will generally have positive impacts on affordable and appropriate housing, transport and congestion, good design of dwellings, protection of existing community facilities and inclusion of additional provisions, the rural nature of Wivenhoe, the preservation of the setting of the River Colne, protection of heritage assets and alleviation of flood risk.

Of the uncertain or negligible impacts that could be expected, these predominantly relate to the efficient use of land, access to health services, access to open spaces, the protection of biodiversity, and protection of the townscape. It should be acknowledged however that the site's policy conditions alleviate these potential issues suitably and effectively.

1.4.3 Policy WIV30: Land off Elmstead Road

The site will generally have positive impacts on affordable and appropriate housing, transport and congestion, good design, protection of existing community facilities and inclusion of additional provisions, the rural nature of Wivenhoe, preservation of the setting of the River Colne, protection of Wivenhoe's heritage assets and flood risk from the river.

Of the uncertain or negligible impacts that could be expected, these predominantly relate to the efficient use of land, access to health services, access to open space, protection of biodiversity, protection of the townscape and flood risk from surface water. It should be noted however that the site's policy conditions alleviate these potential issues suitably and effectively, and the presence of a specific flood risk policy in the Plan will act to mitigate any negative impacts in this regard.

1.4.4 Policy WIV31: Land behind the Fire Station

The site will generally have positive impacts on affordable and appropriate housing, transport and congestion, good design of dwellings, protection of existing community facilities and inclusion of additional provisions, protection of heritage assets and alleviation of flood risk.

Of the uncertain or negligible impacts that could be expected, these predominantly relate to the efficient use of land, the rural nature of Wivenhoe, the preservation of the setting of the river, access to green spaces, protecting biodiversity and protecting and enhancing the townscape. It should be noted however that the site's policy conditions alleviate these potential issues suitably and effectively.

1.4.5 Alternative sites

The Neighbourhood Plan identifies two alternative sites that were considered throughout the plan-making process. These are 'Land Adjoining Millfields School' and 'Edge of Wivenhoe Woods.'

The land at the Edge of Wivenhoe Woods was not considered suitable as its dwelling yield is considered too small to allocate. In addition to this, the site was also ruled out according to the Plan's site assessment criteria due to being on the edge of Wivenhoe Woods, the Colne Nature Reserve, and presently being covered as part of the Coastal Protection Belt. Although fenced since it was privately acquired, it is generally considered to be part of the green area of the woods and it should be protected from development in the future.

The only other alternative site considered reasonable for allocation, would be to allocate land adjoining to Millfields School. The site has been principally rejected due to the land being too far from local shops and services and sufficiently more so than the allocated sites. The land's close proximity to, and subsequent impact on the school was also considered a significant reason for rejection alongside traffic impacts with access to wider services being directed through to the settlement's most congested roads and Conservation Area. In addition, the land is rated highly for its views across and towards the River Colne and its estuary. The Neighbourhood Plan Group also have concerns regarding the site being within 0.8 km of the Colne Estuary (mid Essex Coast phase 2) SPA, and that development could lead to increased dog-walking adjacent to the SPA which would run contrary to the SPA's protection objectives.

2 Introduction

2.1 Background

The Wivenhoe Neighbourhood Plan Group (WNPG) commissioned Place Services of Essex County Council to undertake an independent Strategic Environmental Assessment (SEA) on the Wivenhoe Neighbourhood Plan.

2.2 The Neighbourhood Plan

The Wivenhoe Neighbourhood Plan (referred to hereafter as the Plan) is a new type of planning document responding to the Localism Act of April 2012 which aims to give local people more say about what gets built in their area. Colchester Borough Council continues to be the Local Planning Authority (LPA).

The principal purpose of the Neighbourhood Plan is to guide development within the Plan Area and provide guidance to anyone wishing to submit a planning application for development within it. The Plan provides a vision for the future of the Plan Area, and sets out clear policies, principles and objectives to realise this. These policies accord with higher policy, namely the National Planning Policy Framework (referred to hereafter as the NPPF) and the Borough Council's Local Plan Focused Review 2014 as required by the Localism Act.

The Plan has been developed through extensive consultation with the people of Wivenhoe and others with an interest in the town. The principal purpose of the Neighbourhood Plan is to guide development within the Neighbourhood Plan area and provide guidance to anyone wishing to submit a planning application for development within the Neighbourhood Plan area

The Plan is for the Plan Area as a whole and looks at a wide range of issues, including:

- The conservation and enhancement of Wivenhoe's heritage assets and townscape
- The maintenance of Wivenhoe's rural setting
- The preservation and improvement of access to green spaces, countryside and the river
- Ensuring new residential development meets the needs of the local community
- The encouragement of the use of sustainable modes of transport and reduce reliance on the private car
- The protection and improvement of existing community facilities and the negotiation of additional facilities in consequence of new development.
- Ensuring Wivenhoe's infrastructure is adequate to meet the need of its residents
- The protection of Wivenhoe's natural environment for the benefit of people, flora and wildlife
- The creation of more employment opportunities for local people
- Fostering a more engaged relationship with the University of Essex.

2.3 Strategic Environmental Assessment (SEA) and SEA Screening

SEA originates from the European Directive 2001/42/EC “on the assessment of the effects of certain plans and programmes on the environment” (the ‘SEA Directive’) which came into force in 2001. It seeks to increase the level of protection for the environment; integrate environmental considerations into the preparation and adoption of plans and programmes; and promote sustainable development.

National Planning Practice Guidance (NPPG) on Strategic Environmental Assessment requirements for neighbourhood plans states that, ‘In some limited circumstances, where a neighbourhood plan is likely to have significant environmental effects, it may require a strategic environmental assessment. Draft neighbourhood plan proposals should be assessed to determine whether the plan is likely to have significant environmental effects. This process is commonly referred to as a “screening” assessment and the requirements are set out in regulation 9 of the Environmental Assessment of Plans and Programmes Regulations 2004.’

‘The local planning authority, as part of its duty to advice or assist, should consider putting in place processes to determine whether the proposed neighbourhood plan will require a strategic environmental assessment. The qualifying body should work with the local planning authority to be sure that the authority has the information it needs.’

NPPG continues ‘if likely significant environmental effects are identified, an environmental report must be prepared in accordance with paragraphs (2) and (3) of regulation 12 of those Regulations. Whether a neighbourhood plan proposal requires a strategic environmental assessment, and (if so) the level of detail needed, will depend on what is proposed. A strategic environmental assessment may be required, for example, where:

- a neighbourhood plan allocates sites for development
- the neighbourhood area contains sensitive natural or heritage assets that may be affected by the proposals in the plan
- the neighbourhood plan is likely to have significant environmental effects that have not already been considered and dealt with through a sustainability appraisal of the Local Plan.

Colchester Borough Council, in line with their duty to assist, have deemed that the content of the emerging Neighbourhood Plan is such that an SEA should be undertaken due to the likelihood of significant effects on the environment. This is due to the Plan allocating sites for development.

2.4 The SEA Methodology

The methodology adopted for the SEA of the Wivenhoe Neighbourhood Plan at this stage follows that of the Strategic Environmental Assessment process. Stage A (Screening) has been undertaken by Colchester Borough Council as the LPA. The following 5 sequential stages are documented below.

The Scoping Report, responding to Stage B of the SEA process in Table 1, was undertaken by the WNPG and subject to review and where necessary amendment, by Place Services.

Table 1: Stages in the SEA Process and their purpose

Stage B: Setting the context and objectives, establishing the baseline and deciding on the scope
1 Identify other relevant policies, plans and programmes, and SEA objectives
2 Collect baseline information
3 Identify sustainability issues and problems
4 Develop the strategic environmental assessment framework
5 Consult the environmental assessment consultation bodies on the scope of the SEA
Stage C: Developing and refining alternatives and assessing effects
1 Test the neighbourhood plan objectives against the SEA framework
2 Develop the neighbourhood plan options using reasonable alternatives
3 Evaluate the likely effects of the neighbourhood plan and alternatives
4 Consider ways of mitigating adverse effects and maximising beneficial effects
5 Propose measures to monitor the significant effects of implementing the neighbourhood plan
Stage D: Prepare the Environmental Report
Prepare the Environmental Report
Stage E: Publish and consult the consultation bodies and the public on the Environmental Report
Publish and consult the consultation bodies and the public on the Environmental Report
Stage F: Post making reporting and monitoring
1 Prepare and publish post-adoption statement
2 Monitor significant effects of implementing the neighbourhood plan
3 Respond to adverse effects

3 Sustainability Context, Baseline and Objectives

3.1 Introduction

The following section outlines the plans and programmes, the baseline information profile for the Plan Area, together with the SEA Objectives and Site Pro Forma formulated.

3.2 Plans and Programmes (Stage B1)

The Plan must comply with existing policies, plans and programmes at national and local levels and strengthen and support other local plans and strategies. It is therefore important to identify and review those policies, plans and programmes and SEA objectives which are likely to influence the Plan. Local supporting documents which form the evidence base of the higher level planning documents have also been included within this list where relevant as they will shape policies and decisions in the Plan Area.

It is recognised that no list of plans or programmes can be definitive and as a result this report describes only the key documents which influence the Plan. Table 2 outlines the key documents, whilst a comprehensive description of these documents together with their relevance to the Plan is provided within Annex A.

Table 2: Key Documents

International and National Plans and Programmes
Planning Practice Guidance (March 2014)
The Localism Act 2011
National Planning Policy Framework (March 2012)
Building a Greener Future: Policy Statement (July 2007)
Community Infrastructure Levy An Overview, CLG (9th May 2011)
Underground, Under Threat - Groundwater protection: policy and practice (GP3)
Model Procedures for the Management of Land Contamination – Contaminated Land Report 11 (September 2004)
Natural Environment and Rural Communities Act 2006
Countryside and Rights of Way Act 2000
Environmental Assessment of Plans and Programmes Regulations 2004 (the SEA Regulations).
Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora
Directive 2009/147/EC on the conservation of wild birds
Planning and Compulsory Purchase Act 2004
The Conservation of Habitats and Species Regulations (2010) and the Joint Nature Conservation Committee

National Planning Practice Guidance (PPG)
Historic England Good Practice in Planning Advice Notes - No 1: Local Plans
Historic England Good Practice in Planning Advice Notes - No 2: Significance
Historic England Good Practice in Planning Advice Notes - No 3: Setting of Heritage Assets
Historic England Historic Environment and Site Allocations in Local Plans (Consultation Draft - June 2015).
JNCC/Defra UK Post-2010 Biodiversity Framework (2012)
Defra Flood and Water Management Act (2009)
Defra Safeguarding our soils (2009)
Sub-national Plans and Programmes
Haven Gateway Programme of Development: A Framework for Growth 2008 - 2017, Haven Gateway Partnership, 2007
Draft Anglian River Basin Management Plan 2015
Draft Anglian Flood Risk Management Plan 2015
Essex Transport Strategy: the Local Transport Plan for Essex, Essex County Council, June 2011
2011 Essex Biodiversity Action Plan
Commissioning school places in Essex 2014/19, Essex County Council, April 2015
Essex Wildlife Trust Living Landscape plans
The Essex Local Area Agreement – ‘Health and Opportunity for the People of Essex’ 2008 – 2011 (2010 Refresh)
Essex Rural Strategy: 2020 Vision for Rural Essex 2010
The Essex Strategy 2008 – 2018
Essex and South Suffolk Shoreline Management Plan (2010)
Site Improvement Plan: Essex Estuaries (SIP077) (2014)
Essex Design Guide, Essex Planning Officers Association, 2005
North Essex Catchment Flood Management Plan, Environment Agency, 2009
Essex Minerals Local Plan, 2014
Education Contribution Guidelines Supplement, Essex County Council
Development Management Policies, Essex County Council, February 2011

The Greater Essex Integrated County Strategy, Essex County Council, December 2010
Local Plans and Programmes
Colchester Borough Council Strategic Flood Risk Assessment (2008 - to be updated in the evidence base of the forthcoming new Local Plan)
Environmental Sustainability Strategy 2014 – 2018, Colchester Borough Council, 2014
Colchester Borough's Core Strategy, Colchester Borough Council, 2008
Development Policies, Colchester Borough Council, 2010
Colchester's Site Allocations, Colchester Borough Council, 2010
Colchester Borough's Focussed Review of the Core Strategy and Development Policies, July 2014
Colchester Borough's Strategic Plan, 2012-2015, Colchester Borough Council 2012
PPG17: Colchester Open Space, Sport and Recreation Study, PMP on behalf of Colchester Borough Council November 2007
Safer Colchester Partnership Annual Partnership Plan 2013-14, Colchester Borough Council
Townscape Character Assessment, Chris Blandford Associates on behalf of Colchester Borough Council, June 2006
Landscape Character Assessment, Chris Blandford Associates on behalf of Colchester Borough Council, November 2005
Landscape Capacity of Settlement Fringes in Colchester Borough, Chris Blandford Associates 2005
Wivenhoe Conservation Area, Appraisal and Management Guidelines, Qube3 for Colchester Borough Council, 2007
Affordable Housing SPD, Colchester Borough Council, August 2011
Provision of Community Facilities SPD, Colchester Borough Council, September 2009 & updated July 2013
Sustainable Design & Construction SPD, Colchester Borough Council, June 2011
Colchester Housing Strategy, Colchester Borough Council, 2012/13
Colchester Borough Sustainability Appraisal Scoping Report July 2014
Colchester Borough Issues and Options Consultation, January 2015
Developing a Landscape for the Future: A Strategy for Landscape Planning of Development Sites within Colchester Borough, Colchester Borough Council, September 2013
Habitat Regulations Assessment Survey and Monitoring Programme, Final Report, Colchester Borough Council 2013
Strategic Housing Market Assessment (SHMA), David Couttie Associates on behalf of the following LPAs: Braintree,

Brentwood, Chelmsford, Colchester & Maldon, June 2014
Colchester Borough Green Infrastructure Strategy, Land Use Consultants on behalf of Colchester Borough Council, October 2011
An Economic Strategy for Tendring, Regeneris Consulting Ltd on behalf of Tendring District Council, 2013
Wivenhoe Town Plan, 2008
Survey of residents (Wivenhoe NP Evidence Base)

3.3 Baseline Information (Stage B2)

Annex B details the complete Baseline Information profile for the plan area and where relevant the district relevant to the content of the Plan.

The following section outlines a summary of the key baseline information and therefore the current state of the environment for Wivenhoe.

3.3.1 Economy and Employment

- For the Parish 38.3% of those over 16 had educational qualifications of level 4 or above compared to 27.2% for Colchester as a whole. For the NP area the percentage was 31.5%.
- In 2011 68% of the Parish population aged 16 to 74 was economically active, a lower percentage than for Colchester (71%) however 17% of the age group in Wivenhoe were retired compared to 13% for Colchester. Of those still economically active 3.4% were unemployed compared to 4.1% for Colchester. The percentage in the age group who were long term sick or disabled was 2.2% compared to 4.1% for Colchester.
- The major employer in the NP area is the University with approximately 2,000 employees. Around 670 university employees live locally in the CO7 9 postal area (Source: the University). There is the potential for an extra 2,000 jobs as the Knowledge Gateway expands.
- There is a small business park with 27 units and some poly-functional units in Cook’s Shipyard and there are also a few other business premises within the settlement area. The WivenhoeFirst website lists over 200 small businesses/tradespersons based in Wivenhoe.
- Within the Parish there are three convenience food stores, two post offices, hairdressers/barbers, some speciality shops and outlets. On the University Campus there are some shops aimed mainly at students, a post office and two bank branches. Wivenhoe outlets are in competition with nearby supermarkets and Colchester town centre. Wivenhoe settlement area has 6 pubs. These, the shops and other small-scale ventures contribute to local employment.
- The 2011 Census showed that Wivenhoe Parish had a slightly higher proportion of economically active 16 to 74 year olds who worked from home than for Colchester as a whole – 6.1% as opposed to 5.2%.

3.3.2 Housing and Population

- 10,025 persons were recorded in the 2011 Census for the two wards of the NP area. This includes students living on the University of Essex Campus. There were 2,214 students living in communal educational establishments in 2011 on the Campus.
- The Parish of Wivenhoe which covers the main settlement area had a population of 7,629 persons in 2011 of whom around 500 were University of Essex students. Some of these students are likely to be permanent

residents, some are students with families. In 2011 there were 285 students in Wivenhoe Parish who were living in all student households.

- For the NP area as a whole 74.6% described themselves as White British. For the Parish area the percentage was 87.6%, comparable to Colchester as a whole. Students come from all over the world which explains the difference in percentages.
- In 2011 Wivenhoe had a higher percentage of persons over 60 than Colchester and of England as a whole.
- Assuming a 75% ten year survival rate for the 65 to 74 age group, Wivenhoe would see a rise from 439 persons aged 75 to 84 in 2011 to 601 persons between 75 and 84 in 2021, a percentage rise of 37%. Post 2021, assuming a 50% survival rate the estimated percentage increase in those over 85 is 71%.
- The University has land allocated for student housing and wishes to expand the number of students living on campus by about 20% over the next 5 years.
- The total number of dwellings in the two Wivenhoe wards was 3,239 in 2001 and 3595 in 2011, an increase of 11.0%. Since 2011 around 50 additional houses have been built.
- In Wivenhoe Parish there were 3,186 dwellings in 2001 and 3,482 in 2011, an increase of 9.3%. Despite this increase in dwellings, most of which were family size homes, the population of Wivenhoe Parish only rose by 5.8%.
- In 2011, 50% of household spaces in Wivenhoe Parish contained 6 or more rooms and 23% contained 4 or fewer rooms, compared to 45% and 31% respectively for Colchester Borough. In 2001 the number of household spaces in Wivenhoe with 6 or more rooms was 44% and with 4 or fewer was 26%.
- The estimate of the average selling price of a dwelling in Wivenhoe over the last three years is £248,472 compared to the average price in 2013 in Colchester as a whole of £202,717 (source: Colchester scoping report).
- In 2011, for the Parish area 76.6% of households owned their homes, with over a half owning the property outright. 17.8% rented privately. Only 4.4% lived in socially rented housing.
- Much of the post war LA housing in Wivenhoe has been sold and not adequately replaced. In 2013 there were 25 families and 29 single people living in Wivenhoe who were on the Colchester Borough housing register.
- Wivenhoe is relatively short of supported housing for older people. It does not have a care home. In Colchester as a whole in 2013 there were 126 units of supported housing/housing with care per 1000 people over 75 and for Essex the equivalent number was 155. For Wivenhoe in 2011 the number per 1000 over 75 was only 55.
- In addition to the LA supported units, the Wivenhoe Housing Trust, a registered charity, owns 13 almshouses which it rents to older local people at a social rent.

3.3.3 Health

- Wivenhoe has a doctor's surgery which it is hoped is shortly is going to move to larger premises. The Practice is stretched and at the present time there is a waiting time of around a month for non-urgent appointments. There is also a medical centre on the University Campus which is staffed by doctors from the Rowhedge Practice.
- Wivenhoe also has a pharmacy, two dental practices, a practice offering physiotherapy and osteopathy, an optician and an acupuncturist. Because of the need to change buses Wivenhoe does not meet the Borough's recommended standard of being within 30 minutes travel time by bus from the General Hospital, though it does meet the target for the County Hospital but that is soon to be closed.

- In 2011 83.9% of Wivenhoe Parish residents described themselves as of very good or good health. This percentage of 83.9% is more heavily weighted towards the elderly than that of Colchester as whole but this percentage is slightly higher than that for Colchester which was 83.7%. However, the lack of care home facilities in Wivenhoe may mean that the very frail elderly have moved elsewhere.
- For the NP area as a whole, which includes the student population, 86.5% said they enjoyed very good or good health.

3.3.4 Transport

- Apart from very local motor vehicle trips Wivenhoe is linked to the wider road network by the A133 which, particularly at rush hour, is frequently congested at that part known as Clingoe Hill on the approach to the roundabout at Greenstead. Links to the A120/A12 are poor.
- Within Wivenhoe there are two roads which carry the brunt of the traffic – the B1028 which links to the A133 and a minor road which links to Alresford. Both of these are also residential streets within the settlement area. Congestion on these roads was an issue for many residents in the survey.
- Wivenhoe has a station with direct trains to London but the station is not fully accessible for the disabled. The Station is less conveniently located for the University which would like an additional station, one that would be situated more conveniently for the University and its students and employees.
- There is a very frequent bus service to Colchester.
- There is a permissive cycle track alongside the river linking Lower Wivenhoe, the University and Colchester. A new cycle track to link upper Wivenhoe and the University is due to be built by the end of 2015.
- Of the residents of Wivenhoe travelling to work (i.e. excluding those working from home) 62% went in a car or van (66% for Colchester), 13.2% used the train (Colchester 8.2%), 15.3% walked or used a bike (17.4% for Colchester) and only 7.2% used the bus, despite the 10 minute frequency to Colchester centre, (6.1% for Colchester).

3.3.5 Cultural Heritage

- Wivenhoe has long been recognised as an historic town with its maritime heritage. In the Council for British Archaeology's list of towns of architectural and historic importance (Historic Towns 1965) Wivenhoe was one of a number of Essex towns which were noted as being 'outstanding'.
- There are 74 buildings in Wivenhoe listed by the Secretary of State at the Dept of Culture, Media and Sport, on the advice of Historic England (formerly English Heritage) and a further 76 assets on the Colchester Local List.
- Of the 74 listed buildings within Wivenhoe, one is listed at Grade I and one at Grade II*. The remainder are listed at Grade II.
- Part of Wivenhoe was designated a conservation area in 1969. Most of the listed buildings are located within this Conservation Area though there are a few elsewhere including Wivenhoe House on the University Campus. Assets on the Local List are more widely dispersed and include vistas and parcels of land as well as buildings. There is a grouping at the Cross which was at one time a small settlement in its own right.
- The Goods Shed at the Station is on the Heritage at Risk register with a priority A rating and the barn beside Wivenhoe Lodge with a D priority rating. Despite the recent fire damage to the Goods Shed, beneficial redevelopment of this heritage asset remains a priority with the potential for positive impacts on the wider Wivenhoe community.
- Wivenhoe Park on the University Campus is on the National Register of Parks of Special Historic Interest. As

well as being on the National Register of Parks and Gardens, it also contains Wivenhoe Hall, which is listed at Grade II*.

- Wivenhoe townscape has been formed by population growth following the construction of the University of Essex. Most of the housing built during this period of growth is typical of its date – low rise, built around closes and cul-de-sacs and with quite a high proportion of bungalows for the 1970 and 1980 houses.
- The more recent building on brown field sites close to the river has attempted to echo the style of adjoining housing in the historic part of Wivenhoe, by including more 3 storey properties and has been to a higher density. The new development by the river has incorporated pedestrian areas along the riverbank.
- The historic part of Wivenhoe includes many listed buildings and is characterised by narrow streets. The older parts suffer from on-street parking as many of the properties have no garages or parking space. There are few trees on publicly-owned land within the settlement area. Those trees within gardens are therefore important to the townscape. Wivenhoe Woods and the King George V playing field lie outside the settlement area but contribute to the townscape setting.

3.3.6 Biodiversity and Nature Conservation

- There is a diversity of landscapes and habitats within the NP area. It contains marshland and woodland; non-residential and predominantly agricultural land; the Mineral Safeguarding zone (much of this has been restored but there is still sand and gravel processing on part of the area); the parkland setting of the University area; and some predominantly agricultural with ancient woodland land (in the area to the North of the A133, the land rises from the Salary Brook valley).
- The Neighbourhood Plan area contains several areas designated as Sites of Special Scientific Interest. The Upper Colne marshes site has several geographically discrete parts and includes land on both sides of the river and extends into Tendring. The estuary foreshore is particularly important for birdlife and the marshes support a water vole population. There is an SSSI of geological interest (Wivenhoe Gravel Pit).
- 100% of the Wivenhoe Gravel Pit SSSI is in favourable condition. 53.26% of the Upper Colne Valley SSSI is in favourable condition and 46.74% is unfavourable recovering.
- There are no Natura sites within the area.
- The boundary of Wivenhoe is only about 800 metres from a Ramsar site on the Colne, from a Special Area of Conservation and from a Special Protection Area all of which overlap.
- There are two local nature reserves: one in Wivenhoe Parish including Wivenhoe Woods and part of Ferry Marsh with an area of 25.3 hectares; the other is the Salary Brook nature reserve in the area to the North of the A133 with an area of 17.09 hectares.
- There are also several Local Wildlife sites. There are 3 in the area to the North of the A133 with a combined area of 30.52 hectares. Much of the University Campus is also designated with a combined area of 38.13 hectares. There is a marshland area to the west of the Campus (25.97 hectares).
- There are two local wildlife sites in the Parish totalling 18.8 hectares.
- Coastal squeeze and recreational disturbance are pressures affecting the Colne Estuary SPA within 500m of the Plan Area.

3.3.7 Landscapes

- The University is situated on the site of the former Wivenhoe Park, part of which is on the National Register of Parks of Special Historic Interest. It is well-wooded and most of the buildings are screened from the A133 and the B1028 by trees.

- The area on the other side of the A133 from the University is agricultural land and partly wooded. The general effect is that this stretch of the A133 appears to be rural. The B road which leads off the A133 to Wivenhoe is bounded first by trees and by fields on either side until the built-up area is reached.
- The Wivenhoe settlement area is defined as a rural district settlement area. Its physical separation from the University by a strategic green break as well as the rural approach along the A133 is very important to the residents, giving Wivenhoe its “sense of place”.
- To the west and south the NP area is bounded by the River Colne. Much of the land in the Parish outside the settlement area is designated as Coastal Protection Belt.
- The land rises on the Wivenhoe side of the river to a plateau. The land sloping up from the river contains wooded areas both in the Parish and adjacent to the University. The importance of the river and the associated rural walks and fine views and vistas was highly valued by survey respondents.

3.3.8 Water Environment, Climate, Air and Noise

- The River Colne is susceptible to the effects of climate change. Intertidal areas are being lost. It is proposed that after 2025 the sea defences south of the barrier on the Colne will no longer be protected in the way they are now, and that the sea defence will be breached and an area lying within the Parish will be allowed to flood. The public footpath to Brightlingsea runs along the sea defence and will need to be realigned.
- The settlement area of Wivenhoe and land further up the Colne is protected from tidal flooding by a barrier. There is a potential risk if an extreme fluvial event coincided with high tides or surges necessitating the closing of the barrier. The low lying marshland in the Parish and adjacent to the University is in flood zone 3 but protected by sea defences which provide a potential overflow area if such an event were to occur.
- There are two other small water courses in the NP area. Salary Brook to the north has in the past overflowed blocking the A133 caused by a blockage somewhere along its length. Some of the land immediately adjacent to Salary Brook is in flood zone 3.
- A brook runs through the settlement area (known as The Town Drain). This on occasions has flooded in Queens Road again due to a blockage. If climate change leads to more substantial downpours both these watercourses could again overflow. Maintenance of the culverts is very important.
- The water quality in the Colne is sometimes affected by spillage problems at the sewage treatment plant up stream.
- Affinity Water supplies most of the Wivenhoe NP area. There is no predicted water supply short fall for Affinity’s Eastern supply region (North East Essex) in Affinity’s plan period which runs to 2040.
- Traffic is a contributor to air pollution. The number of cars or vans per household in the Parish area in 2011 was 1.22 compared to 1.27 for Colchester Borough as a whole and 1.16 for England. For the NP area as a whole there were 1.19 cars or vans per household. There are no declared AQMA in the NP area.

3.3.9 Sport and Open Space

- The Broad Lane Sport Ground has an area of 10.5 acres and includes a football pitch with stadium and club-house plus 3 additional football pitches and 4 tennis courts. This land is leased from Colchester Borough.
- A further 7 acres are owned by Wivenhoe Youth Football club. This area contains 4 football pitches and a floodlit training pitch.
- The facilities are used by Wivenhoe people as well as from both the rest of Colchester and parts of Tendring.
- There is a shortage of pitches for football and a waiting list for the various children’s and youth teams. Other

sports such as American Football, rugby and hockey cannot be accommodated.

- Wivenhoe has a bowling club and a cricket ground and the Club would like to extend its site.
- The University has numerous sports facilities, both indoor and outdoor. The general public can use these facilities for the payment of an annual fee. The University has expressed a desire to extend its outdoor pitches facilities.
- There is no swimming pool at the University or elsewhere within the NP area. The nearest public swimming pool is in Colchester but is not on a bus route. In the survey 51% of respondents said they went swimming regularly or occasionally. For almost all of these trips a car would have been used.
- There is a sailing club with slipways and club-house. This facility is also used by people from outside the NP area. A new public slipway has also recently been built.
- Wivenhoe Parish has no dedicated indoor sports facility apart from a snooker club.
- In Wivenhoe Parish, the King George V playing field (around 16 acres) lies on the western edge of the settlement area. Wivenhoe Woods, the adjacent marshland nature reserve and Lower Lodge farm are also public open space (with a combined area of about 41 hectares).
- There are two areas of land presently designated as Proposed Open Space: part of Ferry Marsh and land to the east of the Broadfields estate and the Cricket Club. Part of this land is currently not farmed and is used as a recreational area for residents in Upper Wivenhoe.
- Within the settlement area there are some small play/recreational areas. The University parkland provides recreational open space. The Salary Brook Nature Reserve provides accessible open space for the land to the North of the A133. This is less used by Wivenhoe residents but is very important to our Greenstead neighbours.

3.3.10 Education

- There are over 10,000 students studying at the Colchester campus, over 2,000 of whom live on the site and around 500 reside in Wivenhoe.
- The University has a day nursery which takes children from three months old. Priority is given to University students but surplus places are made available to the general public. Within the settlement area there are 3 pre-schools and 2 Montessori Schools which provide mainly for the pre-school age range.
- There are three primary schools – Broomgrove Infants and Broomgrove Junior School and Millfields Primary School. Combined these provide 90 school places for each primary school year group. The Schools are currently fully subscribed both currently and for the 2015 entry.
- At present some children attending the schools are accepted from outside the two priority areas, which is effectively the NP area. For the academic year 2014 to 2015 there are 78 children attending the combined schools who live outside the priority areas. An increase in demand for school places at age 5 could be accommodated by excluding applicants from outside the area, but there are difficulties in accommodating children already of primary school age who move into the area. A rough estimate is that around 45 to 50 children resident in Wivenhoe attend schools elsewhere.
- There are no secondary schools in the NP area. The closest school is in neighbouring Greenstead but currently the majority of children attend the Colne School in Brightlingsea. Free school transport to the Colne is being phased out so the situation could change. Travel to school can add to carbon emissions. There is no safe cycling route to either the Colne School or Colchester Academy for children living in the settlement area.
- There is a public library which is open part time.

3.3.11 Data Limitations

Not all relevant information was available at the local level and specific to the Neighbourhood Plan Area and as a result there are some gaps within the data set. It is believed however that the available information shows a comprehensive view on sustainability within the Plan Area.

It should be noted that while the baseline will be continually updated throughout the SEA process, the information outlined within this report represents a snapshot of the information available at the beginning of March 2016.

3.4 Key Sustainability Issues and Problems and SEA Objectives (Stage B3 and B4)

The outcome of Stages B3 – B4 of the SEA Process is the identification of key sustainability issues and problems facing the district which assist in the finalisation of a set of relevant SEA Objectives which would set the framework for the appraisal of the Plan during its preparation. The objectives are also derived from the review of plans and programmes and a strategic analysis of the baseline information.

The appraisal will then be able to evaluate, in a clear and consistent manner, the nature and degree of impact and whether significant effects are likely to emerge from the Plan's proposed policies. The following table outlines the stages which led to the formulation of the SEA Objectives, which were based on the key issues for the Plan Area.

Table 3: Key Sustainability Issues and Problems

Key Issues	Description / Supporting Evidence	State of environment in absence of Plan	SEA Objective
Ageing Population	This is a problem for the Borough as a whole and is particularly acute for Wivenhoe. Provision of housing adapted to the needs of older people is one of the challenges for the NP area.	There is a need to provide appropriate housing to ensure the growing elderly population in the settlement area can retain independence and avoid having to relocate from Wivenhoe. In the absence of the plan, the Colchester Policy DP12 states an intention to include flexible floor plans to accommodate different lifestyles. The Plan additionally allocates such provision as part of site allocation policies. The market can not be expected or relied upon to provide such housing, and as such the issue would exacerbate.	1. To meet the housing needs of Wivenhoe residents which will enable them to live in a decent, safe house at a price they can afford.
Affordable Housing	There is a shortage of affordable housing (in the sense of subsidised housing) and of market housing at prices or rents which younger people can afford. The current housing stock is biased towards family-sized housing.	The Plan should support the provision of affordable housing on specific sites. Without such a direction, it could be expected that the market would not provide the desired mix of housing sizes and tenures that the Plan seeks to ensure.	
Small sized dwellings	Wivenhoe is currently relatively short of smaller dwellings so new terraced		

Key Issues	Description / Supporting Evidence	State of environment in absence of Plan	SEA Objective
	<p>dwelling would be appropriate.</p>		
Housing growth	Objectively assessed growth needs for the wider Borough indicate that proportionate growth is likely to be required across all the Borough's towns and larger villages.	Without a focus of the Plan to seek to increase infrastructure capacities, it could be considered that there would be likelihood that existing infrastructure capacities, including services and facilities within the Plan Area would be stretched by this increase in population to the detriment of current residents.	
Infill and backland development	With relatively limited available and suitable development sites within or adjacent to the settlement boundary, infill and backland development could provide a possible alternative to further settlement expansion onto greenfield land. However the number of potential sites is limited. Many of the streets in the settlement area are narrow or effectively narrowed by necessary on street parking. Care must be taken to avoid associated negative impacts such as loss of amenity, traffic flow problems, parking, green links, trees, hedgerows, overshadowing, overlooking and building separation.	In the absence of the Plan, the Colchester Borough Council Backland and Infill Development SPD provides a detailed framework for acceptable and unacceptable development of this nature; however the Plan provides a local context without which could lead to perceived inappropriate development.	2. Development to make an efficient use of land
Sustainable transport	<p>There is a need to reduce reliance on car travel and to locate developments to minimise effects on congestion and air pollution and to encourage greener travel and more home working.</p> <p>Some areas are nearer to</p>	Policies in the neighbourhood plan address the issue of sustainable transport. The proximity to local services should also be a thread running throughout the Plan as a key tenet of sustainability. Without such a focus, it is possible that peripheral sites are promoted for development and that new communities would increase congestion on key routes.	3. Location of new development should encourage walking and use of sustainable transport and minimise impact on current traffic congestion.

Key Issues	Description / Supporting Evidence	State of environment in absence of Plan	SEA Objective
	bus routes than others. Some offer potential for additional cycle routes.		
Townscape preservation	The current townscape is characterised by low rise buildings. Dwellings should complement the existing built environment to preserve the character of Wivenhoe settlement area.	Townscape preservation allows for continuity in the built environment. In the absence of the neighbourhood plan, Colchester Policy DP1 provides similar design restrictions to preserve built character however in a less locally specific context.	4. Dwellings should be of good design, environmentally friendly and should complement the current townscape
Environmentally friendly dwelling design	Space should be provided for recycling storage and bicycles to encourage the use of sustainable transport.		
Encouraging home working	Dwellings including spaces that are conducive to home working will be encouraged, such as access to copper, fibre and other home office services.		
Schools	There is some pressure on primary school places.	In the absence of the neighbourhood plan, Colchester Policy DP4 provides some protection for community facilities however the Neighbourhood Plan can ensure the specific identification and support for additional facilities.	5. To build a sustainable community with good education, health and social outcomes.
Medical Facilities	There is pressure on GP facilities.		
Community Facilities	These are already stretched so an increase in population will add to the strain.		
Community facilities	The William Loveless Hall is small for the size of the community.	In the absence of this safeguarding and enhancement community facilities, there would be a significant shortfall in community facility capacity with subsequent social impacts. Aside from the neighbourhood plan, Colchester Policy DP4 provides some protection for community facilities however the Neighbourhood Plan can ensure the specific identification and support for additional facilities.	6. To protect existing community facilities and to secure additional facilities.
	Upper Wivenhoe is less well supplied with meeting space than Lower Wivenhoe. The Youth club has no place to meet.		
	There is unmet demand for sporting activities. There is		

Key Issues	Description / Supporting Evidence	State of environment in absence of Plan	SEA Objective
	a shortage of allotments and the cemetery is nearly full.		
Settlement coalescence	Wivenhoe residents are strongly in favour of preserving Wivenhoe's rural setting and retaining a strategic break between the University and the settlement area and also between the settlement area and other possible developments in neighbouring Tendring. The need to provide for possible future University expansion could be an issue.	Although national and existing local policy exists to restrict coalescence there would be a risk that a reliance on such policy would not reflect the specific circumstances of the Plan area.	7. To preserve the rural nature of Wivenhoe
Preserving the rural approach to Wivenhoe	The strategic green break between Wivenhoe and the University and other potential developments is important to the residents. There are wooded areas and hedgerows which are important to the landscape.	The allocation of a strategic break within the Plan will reinforce this level of protection against inappropriate development or extensions to the settlement boundary. The absence of such an approach, in light of current growth requirements, could lead to large extensions being permitted.	
Protection of the setting of the River Colne	The land adjacent to the Colne is currently in the Coastal Protection Belt. The Borough is considering reviewing the extent of the CPB. The green setting of the river and the vistas to and from the river are important to residents of Wivenhoe and to those in Rowhedge, to river users and riverside walkers.	In the absence of the Plan there is likely to continue to be some element of coastal protection but this may not safeguard all the views and vistas that are important to residents and river and riverside users. As such this could give rise to inappropriate development.	8. To preserve the green setting of the river Colne
Coastal Protection Belt	The land adjacent to the Colne is currently in the Coastal Protection Belt. The Borough is considering reviewing the extent of the CPB.	The Plan has the opportunity to identify and reinforce those areas considered by residents to be important to protecting the rural setting of the Colne estuary.	

Key Issues	Description / Supporting Evidence	State of environment in absence of Plan	SEA Objective
Biodiversity conservation	Numerous Wildlife designations exist in close proximity to the River Colne. Preservation of these areas is vital for the continued protection of important habitats.	It is unlikely that the protection of wildlife designations would not be ensured in the absence of the Plan; however the Plan has the opportunity to reinforce this stance in a local context.	
Access to open spaces and countryside	Development needs to be located so that open spaces are as far as possible protected and so that all parts of the settlement area and our neighbours in Greenstead have access to open spaces and rural walks.	The Plan can seek to protect and allocate new open spaces. In the absence of the neighbourhood plan, Colchester Policies DP15 and DP16 provide protection and enhancement for open spaces; however the neighbourhood plan provides a more local context.	9. To preserve and enhance access to green spaces, the open countryside and the river
Loss of open space recreation land	Some of the sites put forward are on proposed open space and others on areas used for recreation.		
Local green space	With the loss of some open spaces as highlighted above, Policy WIV9 allocates land to be local green space.		
Biodiversity	Development needs to be located so that the impact on biodiversity is kept to a minimum and where possible should be associated with improvements to natural habitats. Some habitats are currently not being maintained optimally from the wildlife point of view.		
Wildlife designations	The NP area contains sites of special scientific interest, two local nature reserves and a number of local wildlife sites. There are also areas of wildlife value with	It is unlikely that the protection of wildlife designations would not be ensured in the absence of the Plan; however the Plan has the opportunity to reinforce this stance in a local context.	10. Protect and enhance biodiversity

Key Issues	Description / Supporting Evidence	State of environment in absence of Plan	SEA Objective
	no current designation.		
Spatial pressures on the Colne Estuary	Coastal squeeze and recreational disturbance are pressures affecting the Colne Estuary SPA within 500m of the Plan Area.	It is unlikely that the protection of wildlife designations would not be ensured in the absence of the Plan; however the Plan has the opportunity to reinforce this stance in a local context.	
Conservation Area	The Conservation Area does not cover all the relevant older parts of Wivenhoe and there has been some degradation within the area as no Article 4 orders are in place. There is one listed building that is in a very bad state and currently constitutes an eyesore.	In the absence of the Plan heritage assets would continue to be protected by Borough Policies but the Plan provides an opportunity to strengthen the level of protection.	11. To protect and enhance Wivenhoe's designated and undesignated Heritage Assets
Heritage assets	Wivenhoe contains a large number of listed buildings and includes a conservation area. It was recommended that the Conservation be expanded and that more control should be placed on alterations to dwellings within the conservation area.		
Retention of green and open spaces within the townscape	Within the settlement area there are green spaces, trees and visually important gardens.	The Plan can seek to protect and allocate new open spaces which are identified on the Wivenhoe Proposals Map. In the absence of the neighbourhood plan, Colchester Policies DP15 and DP16 provide protection and enhancement for open spaces; however the neighbourhood plan provides a more local context.	12. To protect and enhance the townscape of the settlement area
Educational and employment expansion	The University and the Knowledge Gateway have plans to grow. Land for this expansion may be necessary at some future date. Sites for small business expansion may also be necessary.	In the absence of the neighbourhood plan, Colchester Policies DP5 and DP9 address the issue of employment zones and the expansion of employment uses. However, the neighbourhood plan policies provide a more local context.	13. To increase employment and business activity in Wivenhoe and to encourage home working

Key Issues	Description / Supporting Evidence	State of environment in absence of Plan	SEA Objective
Reduction of flood risk	Some of the NP area lies in flood zone 3.	It is unlikely that notions of reducing flood risk would not be ensured in the absence of the Plan; however the Plan has the opportunity to reinforce this stance in a local context.	14. To improve resilience to climate change including potential impact on flooding

The above highlighted key sustainability issues and problems have formulated relevant SEA Objectives, which are shown in the final column. This definitive list can be found in the following table alongside their relevance to the environmental, social or economic themes of sustainable development.

Table 4: The SEA Objectives

SEA Objective	Environmental	Social	Economic
1. To meet the housing needs of Wivenhoe residents which will enable them to live in a decent, safe house at a price they can afford.	✓	✓	
2. Development to make an efficient use of land		✓	✓
3. Location of new development should encourage walking and use of sustainable transport and minimise impact on current traffic congestion.		✓	✓
4. Dwellings should be of good design, environmentally friendly and should complement the current townscape	✓		
5. To build a sustainable community with good education, health and social outcomes.		✓	✓
6. To protect existing community facilities and to secure additional facilities.		✓	
7. To preserve the rural nature of Wivenhoe	✓		
8. To preserve the green setting of the River Colne	✓	✓	
9. To preserve and enhance access to green spaces, the open countryside and the river	✓	✓	
10. Protect and enhance biodiversity	✓		
11. To protect and enhance Wivenhoe's designated and undesignated Heritage Assets		✓	✓
12. To protect and enhance the townscape of the settlement area		✓	✓

SEA Objective	Environmental	Social	Economic
13. To increase employment and business activity in Wivenhoe and to encourage home working		✓	✓
14. To improve resilience to climate change including potential impact on flooding	✓	✓	

3.4.1 The Compatibility of the SEA Objectives

A total of 14 SEA Objectives have been derived for the appraisal of the Plan. They are based on the scope of the document, policy advice and guidance and to the assessment of the current state of the environment.

It is useful to test the compatibility of SEA Objectives against one another in order to highlight any areas where potential conflict or tensions may arise. The result of this internal compatibility of the SEA Objectives is shown in the figure below.

In the compatibility matrix the 9 SEA objectives are numbered in sequence along each axis and they represent a balance of economic, social and environmental factors.

The following key has been used to illustrate their compatibility:

✓	Where the objectives are compatible
/	Where it is uncertain the objectives are related
0	Where the objectives are not related
x	Where the objectives are incompatible

The matrix below illustrates the compatibility of the SEA Objectives.

Figure 1: Compatibility Matrix of the SEA Objectives

1															
2	✓														
3	0	✓													
4	✓	✓	✓												
5	✓	✓	✓	0											
6	✓	✓	✓	0	✓										
7	/	✓	0	✓	0	0									
8	/	✓	0	✓	0	0	✓								
9	/	✓	✓	0	✓	✓	✓	✓							
10	/	✓	/	0	0	0	✓	✓	✓						
11	/	✓	✓	✓	0	0	✓	✓	✓	✓					
12	✓	✓	✓	✓	0	0	✓	0	0	0	✓				
13	0	✓	✓	0	✓	✓	/	/	/	/	/	✓			
14	0	✓	✓	✓	0	0	0	✓	✓	✓	/	/	0		
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	

It is to be expected that some objectives are not compatible with other objectives. Objectives which are based around environmental issues sometimes conflict with economic and social objectives, and vice versa. The compatibility of the objectives relevant to the Plan are shown in the compatibility matrix above. Instances of uncertainty between objectives are explained further:

- **Objective 1 and Objectives 7, 8, 9, 10 & 11:** There is uncertainty surrounding the objective that seeks to meet housing needs and those objectives relevant to issues of the rural nature of the Plan Area, the green setting of the River Colne, green spaces, biodiversity and heritage assets. This is due to the possibility of generally and broadly conflicting land uses.
- **Objective 3 and Objective 10:** There is uncertainty between objective 3 (Location of new development should encourage walking and use of sustainable transport) and objective 10 (Protect and enhance biodiversity) as encouraging walking means having development closer to services, which are in turn closer to designated sites (the Colne Estuary SPA) and SSSI in the Plan Area.
- **Objective 13 and Objectives 7, 8, 9, 10 & 11:** There will also be uncertainty surrounding the objective that seeks to increase employment and business activity in Wivenhoe and to encourage home working with those objectives relevant to issues of the rural nature of the Plan Area, the green setting of the River Colne, green spaces, biodiversity and heritage assets. This is again due to the possibility of generally and broadly conflicting land uses, although it should be acknowledged that a focus on home working will seek to minimise

many of these pressures.

- **Objective 14 and Objectives 11 & 12:** There is uncertainty regarding the compatibility of those objectives that seek to improve resilience to climate change including potential impact on flooding and those that seek to protect and enhance heritage assets and townscape. This is due to the possibility of the form and structure of Sustainable Drainage Systems (SuDS) or any other flood prevention measures not conforming to or being compatible with the specific character and the architectural merit of specific features of the historic environment. It should be acknowledged however that the wider principle of reducing flooding by any means possible would also seek to safeguard such features from flood risk in the long term.

4 The SEA Framework (Stage B4)

The SEA Framework is an important tool in the SEA process. It provides the context against which the Plan's emerging policies can be assessed and sets out the SEA objectives with additional criteria / key questions that should be asked to decipher whether the suggested approach adheres to the principles of sustainability; and indicators which can monitor the impact of the documents.

Table 5: The SEA Framework (Policy Content)

SEA Objective	Context and assessment questions	Indicators
1) To meet the housing needs of Wivenhoe residents which will enable them to live in a decent, safe house at a price they can afford.	<ul style="list-style-type: none"> - Housing for older people has been identified in the survey as a need, also housing that local people can afford. - Does the plan provide for these needs? 	<ul style="list-style-type: none"> Number of new dwellings that meet the needs of the elderly. Number of affordable dwellings delivered. Proportion of new housing stock comprising smaller dwellings.
2) Development to make an efficient use of land	<ul style="list-style-type: none"> - Wivenhoe is currently relatively short of smaller dwellings so new terraced dwellings would be appropriate. - Does the plan make efficient use of land? 	<ul style="list-style-type: none"> Number of dwellings at at least 30 per hectare.
3) Location of new development should encourage walking and use of sustainable transport and minimise impact on current traffic congestion.	<ul style="list-style-type: none"> - Some areas are nearer to bus routes than others. Some offer potential for additional cycle routes. - Does the plan encourage sustainable transport modes? - Does it provide for footpaths and cycle paths? - Would development lead to additional public transport provision? 	<ul style="list-style-type: none"> Whether there is a modal shift towards greener forms of travel. Whether peak hour traffic from new developments feeds on to roads with less congestion. New cycle paths/footpath links
4) Dwellings should be of good design, environmentally friendly and should complement the current townscape	<ul style="list-style-type: none"> - The current townscape is characterised by low rise buildings. Space should be provided for recycling storage and bicycles. - Will the plan lead to good design features and energy efficiency? 	<ul style="list-style-type: none"> How the scale and design of new dwellings relates to the existing townscape. Will it deliver effective SUDS schemes?
5) To build a sustainable community with good education, health and social outcomes.	<ul style="list-style-type: none"> - There is some pressure on primary school places. There is pressure on GP facilities. - Does the plan provide adequately for future educational and medical needs? 	<ul style="list-style-type: none"> Whether children in the NP area will be able to attend the local schools. Waiting times for medical

SEA Objective	Context and assessment questions	Indicators
		appointments.
6) To protect existing community facilities and to secure additional facilities.	<p>- The William Loveless Hall is small for the size of the community; Upper Wivenhoe is less well supplied with meeting space than Lower Wivenhoe. The Youth club has no place to meet. There is unmet demand for sporting activities. There is a shortage of allotments and the cemetery is nearly full.</p> <p>- Does the plan provide for adequate community facilities for current and potential new residents?</p>	<p>Whether 106/CIL contributions provide additional facilities and whether developers make sites available for playing fields/allotments/ cemetery.</p> <p>Whether any existing community facilities are lost.</p>
7) To preserve the rural nature of Wivenhoe	<p>- The strategic green break between Wivenhoe and the University and other potential developments is important to the residents. There are wooded areas and hedgerows which are important to the landscape.</p> <p>- Does the plan provide adequate safeguards for the landscape?</p>	<p>Whether there is new development on the current green break or on the border with Tendring.</p> <p>Whether potential new development on the north side of the A133 is adequately screened by tree planting.</p> <p>Whether valued trees and woods are preserved.</p>
8) To preserve the green setting of the river Colne	<p>- The land adjacent to the Colne is currently in the Coastal Protection Belt. The Borough is considering reviewing the extent of the CPB. The green setting of the river, and the vistas to and from the river are important to residents of Wivenhoe and to those in Rowhedge, to river users and walkers.</p> <p>- Does the plan steer development away from sensitive coastal areas?</p>	<p>Whether there is new residential or other development on land which is sensitive for the setting of the Colne.</p>
9) To preserve and enhance access to green spaces, the open countryside and the river	<p>- Some of the sites put forward are on proposed open space and on areas used for recreation.</p> <p>- Does the plan strike the right balance between development and other needs?</p>	<p>Whether open spaces are lost.</p> <p>Whether new open space provision is be provided; Whether footpath networks are affected; whether residents have access to nearby green spaces.</p>
10) Protect and enhance biodiversity	<p>- The NP area contains sites of special scientific interest, two local nature reserves and a number of local wildlife sites. There are also areas of wildlife value with no current designation.</p>	<p>Whether new development is likely to have a negative impact on an SSSI or a European Protected site.</p> <p>Whether new development would</p>

SEA Objective	Context and assessment questions	Indicators
	- Does the plan steer development away from areas important to biodiversity?	lead to the loss of a priority habitat. Whether nature reserves or wildlife site are lost; Whether new nature reserves/ country parks are created.
11) To protect and enhance Wivenhoe’s designated and undesignated Heritage Assets	- Wivenhoe contains a large number of listed buildings and includes a conservation area. It was recommended that the Conservation be expanded and that more control should be placed on alterations to dwellings within the conservation area. - Does the plan adequately protect Wivenhoe’s Heritage?	The condition of listed buildings. Whether the conservation area is expanded. Whether the appearance of buildings in the conservation area are significantly altered.
12) To protect and enhance the townscape of the settlement area	- Within the settlement area there are green spaces, trees and visually important gardens - Does the plan protect good features of the existing townscape	Loss of green spaces in the settlement area, development on visually important gardens, scale of any new dwellings relative to their neighbours.
13) To increase employment and business activity in Wivenhoe and to encourage home working	- The University and the Knowledge Gateway have plans to grow. Land for this expansion may be necessary at some future date. Sites for small business expansion may also be necessary. - Does the plan foster economic growth?	Extra employment generated within Wivenhoe and growth in home working.
14) To improve resilience to climate change including potential impact on flooding	- Some of the NP area lies in flood zone 3 - Will the plan steer building away from areas at risk of flooding? - Will it deliver good ground water management	Amount of development in areas with risk of flooding. Number of SUDS schemes approved.

4.1 The Appraisal of Policies

This SEA assesses the Plan’s policies against the SEA Objectives outlined in the SEA framework. The aim is to assess the sustainability effects of the Plan following implementation. The assessment looks at the secondary, cumulative, synergistic, short, medium and long-term permanent and temporary effects in accordance with Annex 1 of the SEA Directive, as well as assessing alternatives and providing mitigation measures where appropriate. The findings are accompanied by an appraisal matrix which will document the effects over time.

For clarity, within this Environmental Report, assessments have been set out in the format as shown in Table 6.

Table 6: Impact on SEA Objectives

	SEA Objectives								
	1	2	3	4	5	6	7	8	9
Short Term									
Medium Term									
Long Term									

The content included within the table responds to those ‘significant effects’ of the policy or element of the Plan subject to assessment. Assessment will also look at the following:

- Temporal effects;
- Secondary, Cumulative and Synergistic effects;
- The appraisal of Alternatives; and
- Proposed mitigation measures / recommendations

These, and ‘significant effects’ are further described in the following sub-sections.

4.1.1 Description of ‘Significant Effects’

The strength of impacts can vary dependant on the relevance of the policy content to certain SEA objectives or themes. Where the policies have been appraised against the SEA Objectives the following key has been used to illustrate a range of possible impacts:

++	Significantly Positive	-	Negative
+	Positive	--	Significantly Negative
/	Uncertain	0	No impact

Commentary is also included to describe the significant effects of the policy on the SEA objectives.

4.1.2 Description of ‘Temporal Effects’

The appraisals of the policies contained within the Plan recognise that impacts may vary over time. Three time periods have been used to reflect this and are shown in the appraisal tables as S (short term), M (medium term) and L (long term). For the purpose of the Plan S, M and L depict:

(S) Short term and (M) Medium Term: Early stages of the plan period.

(L) Long term: Latter stages of the plan period

4.1.3 Description of ‘Secondary, Cumulative and Synergistic Effects’

In addition to those effects that may arise indirectly (secondary effects), relationships between different policies will be assessed in order to highlight any possible strengthening or weakening of impacts from their implementation together. Cumulative effects respond to impacts occurring directly from two different policies together, and synergistic effects are those that offer a strengthening of more than one policy that is greater than any individual

impact.

4.1.4 Description of ‘Alternatives Considered’

Alternatives for the direction of policies will be appraised and chronicled alongside each appraisal, together with the reason for their rejection / non-progression. This sub-section may only be applicable in the latter stages of the plan, where preferred approaches are set out.

4.1.5 Description of ‘Proposed Mitigation Measures / Recommendations’

Negative or uncertain impacts may be highlighted within appraisals. As such, mitigation measures may be needed and these will be highlighted in this section for each policy where relevant. In addition to this, this section will also include any recommendations that are not directly linked to negative or uncertain impacts, but if incorporated may lead to sustainability improvements.

4.2 The Site Pro Forma (Stage A4)

In addition to the above SEA Framework formulated for the appraisal of the policy content within the Plan, a separate framework is required for the appraisal of the sustainability of preferred and alternative (non-preferred) site allocations within the document.

Sites have been subject to appraisal using a pro forma developed taking in the key issues of the area and all relevant available information across a range of sustainability criteria. In addition, the consultation of the Scoping Report allowed input from the Statutory Consultees and any other relevant stakeholders and interested parties.

It is worthy of note that in line with the pro forma, appraisals have not been intended to be a detailed project-level assessment of each site, such as that provided by an Environmental Impact Assessment (EIA), but aim to provide a strategic level assessment highlighting those broad impacts of the sites to inform the plan-making process.

The following table shows the site pro forma developed for the appraisal of the Neighbourhood Plan’s site allocations and alternatives.

4.2.1 Note on the Appraisal of Sites in this Document

The appraisals of sites in this document have been undertaken in line with the SEA Site Pro Forma which was subject to consultation in the SEA Scoping Report 2015. It should be noted that the appraisals in this document reflect the opportunities and constraints on the site as per this Site Pro Forma, and do not factor in any site level policy content. This is for the purpose of appraising preferred and non-preferred sites to the same level of detail in the SEA. Corresponding commentary will provide a narrative of these opportunities and constraints and how far the policy content responds to the identified limitations of the site and makes the most of the site’s possibilities. The site assessments will identify significant environmental effects and also where appropriate, mitigation/avoidance measures to address those effects.

It should be noted that the appraisals of sites in the SEA should not act as a barrier to development or be used in any context other than the SEA itself and for the purposes of assisting the allocation of sites within the Neighbourhood Plan. SEA is strategic in nature and this is reflected in the appraisal of sites. The allocation of sites should also be considered a strategic undertaking, i.e. a process that omits consideration of some detailed issues in the knowledge that these can be addressed further down the line (through the planning application process).

Table 7: The SEA Site Assessment Pro forma

SEA objective	Site criteria (Relevant evidence)	Significant positive effect (++)	Minor Positive Effect (+)	Minor Negative Effect (-)	Significant negative effect (- -)	Uncertain / Neutral Effect (/)	No Impact (0)	
1. To meet the housing needs of Wivenhoe residents which will enable them to live in a decent, safe house at a price they can afford.	Will the site deliver affordable social housing and sites for housing associations? (The Borough target is 20% of affordable housing)	Proposal is solely for affordable housing.	Potential yield is for 10 or more dwellings	Potential yield is for less than 10 dwellings	N/A	Where applicable	Proposals for other uses	
	Will the site deliver housing suitable for older people? (Current provision of housing for elderly/care homes - Demand expressed in survey)	Site is proposed for housing for elderly / care home	N/A	N/A	N/A	Where applicable	Proposal is not for housing	
	Is the site subject to noise or other pollution? (The mineral processing plant in Wivenhoe produces noise and some dust pollution)	Building over 250m to the gravel processing plant or any waste management facilities	N/A	N/A	N/A	Building very near (within 250m) to the gravel processing plant or any waste management facilities	N/A	N/A
	Are there power lines crossing the site? (Note if any power lines	No power lines crossing site	N/A	N/A	N/A	Building immediately under the power line	N/A	N/A

SEA objective	Site criteria (Relevant evidence)	Significant positive effect (++)	Minor Positive Effect (+)	Minor Negative Effect (-)	Significant negative effect (- -)	Uncertain / Neutral Effect (/)	No Impact (0)
	crossing the site)						
2. Development to make an efficient use land	Is the site on Brownfield land? (There is little brownfield land in the Plan Area)	Site is 100% Brownfield land	Site is predominantly Brownfield	Site is predominantly Greenfield	Site is 100% Greenfield land	Where applicable	N/A
	What housing density will be delivered? (The Borough does not specify target densities but states density should be informed by, amongst other things, the character of the area and the mix of housing type)	Housing development meeting an overall target of 30 per hectare	N/A	N/A	Densities of less than 20 per hectare	Housing development meeting an overall target of 20-29 per hectare OR Uncertain	Proposal is not for housing
	Is the site high grade agricultural land? (Agricultural Land Classification [ALC] maps)	Urban area	Grades 4 & 5 – Poor to Very Poor	Grade 2 – Very Good	Grade 1 - Excellent	Grade 3 – Good - Moderate	N/A
	Does the land contain valuable mineral resources, or is it allocated for future waste management? (ECC Minerals Local Plan –	Land is not in a Minerals Safeguarding Zone or a Waste Consultation Zone	N/A	N/A	Land is in a Minerals Safeguarding Zone or a Waste Consultation Zone	Where applicable	N/A

SEA objective	Site criteria (Relevant evidence)	Significant positive effect (++)	Minor Positive Effect (+)	Minor Negative Effect (-)	Significant negative effect (- -)	Uncertain / Neutral Effect (/)	No Impact (0)
	one site currently used for processing, otherwise reserves now depleted)						
	Is the land contaminated or possibly needing remediation? (Some of the land in Wivenhoe is infill post mineral working activity – all other potential contaminants assumed capable of comparably uncostly remediation)	N/A	Land is not a historic landfill site.	N/A	N/A	Where information is unknown – Land is a historic landfill site.	N/A
3. Location of new development should encourage walking and use of sustainable transport and minimise impact on current traffic congestion.	Does the site have/potentially have good pedestrian and cycle access to local facilities? (Local maps, measured walking distance to a food store. Other facilities are spread around the settlement area which is relatively compact)	Centre of site is within 600 metres or less, and no part of the site is more than 700 metres of a food store	Centre of site is within 601 – 700 metres of a food store	Centre of site is within 801 - 1000 metres of a food store	Centre of site is over 1000 metres from a food store	Where applicable	Centre of site is within 701 – 800 metres of a food store
	Is the site conveniently located for current or	Centre of site is within 600 metres	N/A	N/A	Centre of site is over 1000 metres from a	Where applicable	N/A

SEA objective	Site criteria (Relevant evidence)	Significant positive effect (++)	Minor Positive Effect (+)	Minor Negative Effect (-)	Significant negative effect (- -)	Uncertain / Neutral Effect (/)	No Impact (0)
	potential bus stops and is there/could there be a good bus service? (Location of bus stops, frequency of service, measured distance to bus stops, location of site relative to current bus routes and to railway station).	or less, and no part of the site is more than 700 metres of a bus stop or station			bus stop/station		
	Would site access be onto the currently most congested roads and lead to further peak hour congestion on these routes? (Maps, survey comments on congestion, access onto strategic routes)	Development unlikely to significantly increase congestion on Wivenhoe's worst affected roads.	N/A	N/A	Development which may lead to a significant increase in congestion on Wivenhoe's busiest roads	Where applicable	N/A
	If used for employment purposes would the site be accessible by sustainable transport? (Maps existing footpaths, cycle routes and public transport)	50% or more of development within 600 metres, preferably less, of a bus stop or station	N/A	N/A	50% or more of development at over 1000 metres from a bus stop/station	Where applicable	Development for another use

SEA objective	Site criteria (Relevant evidence)	Significant positive effect (++)	Minor Positive Effect (+)	Minor Negative Effect (-)	Significant negative effect (- -)	Uncertain / Neutral Effect (/)	No Impact (0)
4. Dwellings should be of good design, and environmentally friendly and should complement the current townscape	Would a development complement the existing townscape in terms of design and scale? (The Blandford report recommends low rise, small scale building)	N/A	Development likely to be sympathetic to the scale of the current townscape (in regards to Blandford Report)	Development unlikely to be sympathetic to the scale of the current townscape (in regards to the Blandford Report)	N/A	Where applicable	N/A
5. To build a sustainable community with good education, health and social outcomes	Would there be adequate early years and primary school places? (Data from ECC on number of school places)	Forecast Surplus inc. adjustment for new housing	N/A	N/A	Forecast Deficit inc. adjustment for new housing	Forecast zero capacity inc. adjustment for new housing	Development would not affect demand for school places.
	Are there adequate health facilities? (Access to GP surgery [Partly dependent on whether the planned replacement for current GP surgery is delivered])	The proposal is for a new health centre.	50% of new housing development within 600 metres of a GP surgery OR GP surgery is accessible by a single bus journey from a	50% of new housing development within 801-1000 metres of a GP surgery OR GP surgery is accessible by a single bus journey from a bus stop	50% of new housing development over 1000 metres of a GP surgery OR GP surgery is NOT accessible by a single bus journey, or a bus stop is over 1000 metres	50% of new housing development within 601-800 metres of a GP surgery OR GP surgery is accessible by a single bus journey from a bus stop	Site is not for housing and proximity to a GP Surgery is not required.

SEA objective	Site criteria (Relevant evidence)	Significant positive effect (++)	Minor Positive Effect (+)	Minor Negative Effect (-)	Significant negative effect (- -)	Uncertain / Neutral Effect (/)	No Impact (0)
			bus stop within 600 metres	within 801-1000 metres		within 601-800 metres	
6. To protect existing community facilities and to secure additional facilities.	Would development of the site affect any existing buildings used by the community? (Audit of existing community buildings [see Appendix])	No loss of existing facilities	N/A	N/A	Loss of existing community buildings with no replacement	Where applicable	N/A
	Would development affect any existing community sports facilities. (Borough's audit of sports facilities and open spaces. Information on WTC or privately owned facilities in Wivenhoe)	No loss of facilities	N/A	N/A	Reduction in facilities with no replacement	Where applicable	N/A
	Would development result in extra community buildings, sports facilities, allotments, public open space, a cemetery (green and traditional)? (This would be subject to	An increase in community buildings, sports provision, extra allotments, increase in public open space,	N/A	N/A	No extra community facilities or open space	Where applicable	N/A

SEA objective	Site criteria (Relevant evidence)	Significant positive effect (++)	Minor Positive Effect (+)	Minor Negative Effect (-)	Significant negative effect (- -)	Uncertain / Neutral Effect (/)	No Impact (0)
	negotiation and would depend on location and topography of the site. Not all sites would be suitable for a cemetery or playing field. For a cemetery the water table is relevant, for playing fields the location with respect to existing facilities is important. The survey identifies the need for a community facility for upper Wivenhoe and the need for a venue for the Youth Club.)	provision of new cemetery (green and traditional)					
	Would development result in the loss of open space? (Current Borough site allocations show land designated as open space and proposed open space)	No open space lost or if some lost there is compensating provision	N/A	N/A OR Some net loss of open space	Significant net amount of open space lost to development	Where applicable	N/A
7. To preserve the rural nature of Wivenhoe	Would development of the site result in settlement coalescence? Would important vistas from and towards Wivenhoe be	The current strategic breaks between the settlement area and the University	N/A	N/A	A significant loss of green field land between the settlement area and the Plan Area's	Where applicable	N/A

SEA objective	Site criteria (Relevant evidence)	Significant positive effect (++)	Minor Positive Effect (+)	Minor Negative Effect (-)	Significant negative effect (- -)	Uncertain / Neutral Effect (/)	No Impact (0)
	preserved? (Borough policy on settlement coalescence. Blandford report assessment of the townscape and landscape of Wivenhoe)	and the Plan Area's boundaries are retained; important vistas preserved.			boundaries; loss of vistas.		
	Would the rural approach to the settlement area be affected? (Aerial / road maps looking at location of sites in regard to approaches to main settlement and university)	N/A	Site is not located on a road of local importance regarding the rural approach of the main settlement area and university.	Site is located on a road of local importance regarding the rural approach of the main settlement area and university.	N/A	Where applicable	N/A
8. To preserve the green setting of the river Colne	Is the site in the current coastal protection belt? Is it visible from the river or has views to the river? (The current designated coastal protection belt. [Some parts of this are not visible from the river]) Contour maps used to assess likely views to and from river / Viewshed	Site is not within the CPB	N/A	In CPB but would not affect views to / from the river	Site is within the CPB AND/OR would affect views to / from river	Where applicable OR Site is partly within the CPB	N/A

SEA objective	Site criteria (Relevant evidence)	Significant positive effect (++)	Minor Positive Effect (+)	Minor Negative Effect (-)	Significant negative effect (- -)	Uncertain / Neutral Effect (/)	No Impact (0)
	Analysis where possible.						
9. To preserve and enhance access to green spaces, the open countryside and the river	Will development of the site impact on access to green spaces or on footpaths crossing them or alongside the river? (Local maps of footpaths, both formal and permissive; views expressed in the survey)	Accessible open space provided	N/A	N/A	Site would see loss of open space or proposed open space (from Borough Proposals Map) or a PROW / permissive footpath (as mapped in evidence base)	Where applicable OR No net loss of open space / permissive footpaths.	N/A
10. Protect and enhance biodiversity	Would development affect sites which are important for biodiversity? (The Borough C-maps show the SSSIs, the local nature reserves and local wildlife sites in Wivenhoe. The maps also give the Ramsar, SAC and SPA sites which lie 1000 metres downstream from Wivenhoe. Natural England also produces Impact Risk	Site is for, or includes, new protected areas / designations OR open space or recreation that would alleviate recreational pressures on current designations	N/A	N/A	Site is within, or partly within, or borders an international, national or local designation or has been deemed to have a Likely Significant Effect (LSE) as per the Plan's HRA Screening Assessment / Report	All other sites and proposals – cumulative impacts to be determined	Site is for use not deemed to have any impact

SEA objective	Site criteria (Relevant evidence)	Significant positive effect (++)	Minor Positive Effect (+)	Minor Negative Effect (-)	Significant negative effect (- -)	Uncertain / Neutral Effect (/)	No Impact (0)
	Zones around SSSIs.)						
11. To protect and enhance Wivenhoe's designated and undesignated Heritage Assets	Are there any of the following (including their settings) on site (?): Listed buildings (and at risk) Scheduled Monuments (and at risk) Registered Parks and Gardens (and at risk) (Input from Historic Environment / Buildings Consultant)	The proposal has no listed buildings, scheduled monuments, registered parks and gardens on site (or is within their settings where applicable).	The proposal has a listed building, scheduled monument or registered park or garden on site (or is within their setting where applicable) but is required as part of enabling development to secure the future of the asset	The site is adjacent to, or would have a negative impact on, a listed building, scheduled monument, registered park or garden on site or is within their setting where applicable	The proposal has a listed building, scheduled monument, registered park or garden on site or is within their setting where applicable	Where applicable	N/A
	Impact on the Conservation Area (Input from Historic Environment / Buildings Consultant)	The redevelopment of a site / building with a more positive structure. AND / OR The loss of a building or open space that makes a positive contribution to	The site is not within or adjacent to, or would have a negative impact on the Conservation Area	The site is within or adjacent to the Conservation Area (although impacts may feasibly be mitigated at planning application stage).	The site would have a negative impact on the Conservation Area.	Where applicable	N/A

SEA objective	Site criteria (Relevant evidence)	Significant positive effect (++)	Minor Positive Effect (+)	Minor Negative Effect (-)	Significant negative effect (- -)	Uncertain / Neutral Effect (/)	No Impact (0)
		the character and appearance of the Conservation Area.					
	Are there any known archaeological deposits on the site? (In-house archaeological assessment)	PDL or deposits previously investigated	No known deposits on site	Known deposits on site	Significant known deposits on site	Potential deposits on site (significance unknown)	N/A
	Are there any locally listed heritage assets (and at risk) on the site?	The proposal will not see the loss of any locally listed buildings.	N/A	N/A	The proposal will see the loss of one or more locally listed buildings.	Where applicable	N/A
12. To protect and enhance the townscape of the settlement area and its landscape setting	Would development of the site complement the existing townscape? (The Blandford townscape assessment and report on Landscape capacity of Colchester Fringes; Tree Preservation Orders)	The site has low sensitivity (The area is of low sensitivity to change and inappropriate changes may lead to only very limited, if any, degradation of important elements that contribute to the	N/A	N/A	The site has high sensitivity (The area is highly sensitive to change, and inappropriate changes may lead to extensive degradation of important elements that contribute to the area's character and value.)	The site has moderate sensitivity (The area is of moderate sensitivity to change and inappropriate changes may lead to some degradation of important elements that	Site is not proposed for development and would have no impact on the existing townscape.

SEA objective	Site criteria (Relevant evidence)	Significant positive effect (++)	Minor Positive Effect (+)	Minor Negative Effect (-)	Significant negative effect (- -)	Uncertain / Neutral Effect (/)	No Impact (0)
		area's character and value.)				contribute to the area's character and value).	
	<p>Would it affect views and vistas?</p> <p>Would it impact on visually significant trees and woodland?</p> <p>(The Blandford landscape assessment and report on Landscape capacity of Colchester Fringes (also maps visually significant trees and woodland; Tree Preservation Orders)</p>	Site is in an area with few intrinsic landscape qualities, very limited contribution to distinctive settlement setting, low visual prominence, low intervisibility, low landscape sensitivity, and low landscape value.	N/A	N/A	<p>Site contains a or multiple TPO(s) or visually significant tree(s) and woodland</p> <p>AND / OR</p> <p>Site is in an area with either many intrinsic landscape qualities, a very important contribution to distinctive settlement setting, high visual prominence, high intervisibility, high landscape sensitivity, or high landscape value.</p>	<p>N/A</p> <p>OR</p> <p>Site is in an area with either some intrinsic landscape qualities, partial contribution to distinctive settlement setting, moderate visual prominence, moderate intervisibility, moderate landscape sensitivity, or moderate landscape value.</p>	Where applicable
13. To increase employment and business activity in	Would the site be viable for generating employment?	Substantial increase in local employment	N/A	N/A	No increase or reduction in local employment (site is	Where applicable	Site is for another use

SEA objective	Site criteria (Relevant evidence)	Significant positive effect (++)	Minor Positive Effect (+)	Minor Negative Effect (-)	Significant negative effect (- -)	Uncertain / Neutral Effect (/)	No Impact (0)
Wivenhoe and to encourage home working	(The University plans for expansion and potential for Knowledge Gateway expansion; potential for small scale business development)	(proposal is for employment use)			located on current employment land and for another use)		
	Would housing design and improvements to telecommunications encourage home working? (Survey information on adequacy of mobile phone reception and internet speeds)	N/A	Survey information suggests adequate mobile phone reception and internet speeds	Survey information suggests inadequate mobile phone reception and internet speeds	N/A	Where applicable	N/A OR Not a necessary requirement for housing type.
14. To improve resilience to climate change including potential impact on flooding	Is the site subject to flooding? (Relevant flood risk maps - EA)	Site is completely within Flood Zone 1	Site is partial mix of Flood Zones 1 and 2	Site is partly within Flood Zone 3	Site is 100% in Flood Zone 3	Where applicable	N/A
	Would development of the site increase the potential for flooding elsewhere? (Surface Water Flood Maps – EA)	No impact on flooding (Very Low Risk)	Site is partially within an area of Low Risk from Surface Water Flooding	Site is partially within an area of High Risk from Surface Water Flooding	Site is 50% or more within an area of High Risk from Surface Water Flooding	Site is partially within an area of Medium Risk from Surface Water Flooding	N/A

4.3 Consultation on the Scoping Report

The Scoping Report was subject to consultation with the Statutory Consultees (Natural England, Historic England and the Environment Agency) and invited local groups. For inclusion within his Environmental Report, those responses received by the Statutory Consultees can be found in the following table, along with the action or response for each.

Table 8: Comments received from Scoping Report consultation

Consultee	Comment	Response in the SEA
Natural England	<p>Where a neighbourhood plan could potentially affect a European protected site, it will be necessary to screen the plan in relation to the Conservation of Habitats and Species Regulations (2010), as amended (the ‘Habitats Regulations’). One of the basic conditions that will be tested at Examination is whether the making of the plan is compatible with European obligations and this includes requirements relating to the Habitats Directive, which is transposed into the Habitats Regulations. In accordance with Schedule 2 of The Neighbourhood Planning (General) Regulations 2012, a neighbourhood plan cannot be made if the likelihood of significant effects on any European Site, either alone (or in combination with other plans and projects) cannot be ruled out. Therefore, measures may need to be incorporated into the neighbourhood plan to ensure that any likely significant effects are avoided in order to secure compliance with the Regulations. A screening exercise should be undertaken if there is any doubt about the possible effects of the plan on European protected sites. This will be particularly important if a neighbourhood plan is to progress before a local plan has been adopted and/or the neighbourhood plan proposes development which has not be assessed and/or included in the Habitats Regulations Assessment for the local plan.</p> <p>While there are no European sites within the parish of Wivenhoe the Colne</p>	<p>The Wivenhoe Neighbourhood Plan Group have undertaken an HRA Screening Assessment / Report, the findings of which have been integrated into this SEA. Additionally, the following sub-section of this Report outlines the findings of the Neighbourhood Plan’s HRA Screening Assessment and the approach undertaken by the Neighbourhood Planning Group to meet this basic conditions test.</p>

Consultee	Comment	Response in the SEA
	Estuary (Mid Essex Phase 2) Special Protection Area (SPA) and Ramsar Site1, and Essex Estuaries Special Area of Conservation (SAC) are only 500m from the current built area of Wivenhoe.	
	Section 2 of the report should also include reference to the Essex and South Suffolk Shoreline Management Plan	Essex and South Suffolk Shoreline Management Plan now included in the Plans and Programmes of this report.
	It would be appropriate for the report to consider the current condition of the nearby Sites of Special Scientific Interest (SSSI) as part of the environmental baseline.	Conditions of the nearby SSSI is now included in the baseline information in this report.
	Given the proximity of the International sites listed in the previous section, these should be listed in the SEA Scoping Report and issues flagged which are relevant to development e.g. coastal squeeze, recreational disturbance. Natural England has recently published Site Improvement Plans (SIPs) for European Sites that provide a high level overview of the issues affecting the condition of the interest features.	Noted. These issues have been included as key issues.
	Page 30 - The indicator for Biodiversity re SSSIs should be reworded to say “Whether new development is likely to have a negative impact on an SSSI or a European Protected site” rather than just saying it is close to. The indicator could also be expanded to include loss of priority habitat.	Noted. this has been updated.
	Page 32 - We would expect the matrix to show uncertainty between objective 3 (Location of new development should encourage walking and use of sustainable transport) and objective 10 (Protect and enhance biodiversity) as encouraging walking means having development closer to services which are closer to the designated sites.	This has been added to the SEA objectives compatibility matrix.
	Page 34 – the site assessments should identify the significant environmental	Noted. This has been included

Consultee	Comment	Response in the SEA
	effects and identify appropriate mitigation/avoidance measures to address those effects.	
	Page 44 – for SEA objective 10 it is not clear why the cut-off distance for minor negative effect is 100m. This will depend on the size and location of a development and the pathways for a negative effect. Natural England has produced GIS data that maps Impact Risk Zones around designated sites. It would be appropriate to use these to screen for potential impacts.	Noted. IRZs have been looked at in the assessment of sites.
Historic England	In Section 2.1 I note you include reference to the PPS5 Historic Environment Practice Guide. This has been superseded by the National Planning Practice Guidance (PPG) which relates to the NPPF. In addition, Historic England has prepared a series of 3 Good Practice in Planning Advice Notes (No 1 dealt with Local Plans, No 2 deals with Significance and No 3 deals with the Setting of Heritage Assets). Historic England has also prepared a consultation draft of an advice note on the Historic Environment and Site Allocations in Local Plans (June 2015).	NPPG included in place of the PPS5 guidance, Good Practice in Planning Advice Notes and the Historic Environment and Site Allocations in Local Plans consultation draft has been incorporated.
	Historic England agrees that the objectives set out in table 2 are appropriate. However, objective 11 ‘To protect and enhance Wivenhoe’s Heritage Assets’ would benefit from clarification as to whether that refers to only designated heritage assets, or both designated and undesignated heritage assets.	Noted. Heritage assets relates to both designated and undesignated assets.
	Historic England is specifically concerned with the impact of proposals on the Historic Environment and we consider that this aspect is adequately covered, and without repetition.	Noted.
	As noted above, Historic England has	Noted.

Consultee	Comment	Response in the SEA
	<p>prepared guidance on the assessment of impact on the setting of heritage assets. We believe this provides an appropriate methodology for assessing such impacts and we recommend its use.</p>	
	<p>With reference to Table 3 Site Assessment Pro Forma, we note that against Objective 11 the table identifies that Significant Positive is marked as not applicable for impacts on the Conservation Area. If there was a site or building within the Conservation Area that the appraisal identified as a negative feature, then redevelopment of that site/building with a more positive structure could constitute a significant positive effect. Similarly, loss of a building or open space that makes a positive contribution to the character and appearance of the Conservation Area would constitute a significant negative effect.</p>	<p>Site Assessment Pro Forma has been amended to include significant positive effects.</p>
	<p>Finally while writing, in section 4.3 it is stated that there are 74 buildings listed by English Heritage. Buildings are added to, or removed from, the national list by the Secretary of State at the Dept of Culture, Media and Sport, on the advice of Historic England (formerly English Heritage). Of the 74 listed buildings within Wivenhoe, one is listed at Grade I and one at Grade II*. The remainder are listed at Grade II. In the same section it would be appropriate to note that Wivenhoe Park, as well as being on the National Register of Parks and Gardens, also contains Wivenhoe Hall, which is listed at Grade II*.</p>	<p>This information regarding the source of the listed buildings register and the location of the Grade II* Wivenhoe Hall within Wivenhoe Park has been included.</p>
<p>Environment Agency</p>	<p>We are pleased to note that the relevant River Basin Management Plans, Catchment Flood Management Plans and Shoreline Management Plans are referenced. You might consider including Colchester's Strategic Flood Risk Assessment in your evidence base.</p>	<p>Colchester Strategic Flood Risk Assessment is now included in the Plans and Programmes.</p>

Consultee	Comment	Response in the SEA
	We are pleased to note there is reference to energy efficiency, preservation and enhancement of the river, protection and enhancement of biodiversity, and resilience to climate change, specifically relating to flooding.	Noted.

4.4 Requirements relating to the Habitats Directive: Habitats Regulations Assessment (HRA)

4.4.1 Wivenhoe Neighbourhood Plan HRA Screening Assessment

In response to Natural England's consultation comment above, the Neighbourhood Plan group has produced an in-house Habitat Regulation Screening Assessment, which concludes that locating 250 dwellings as part of the overall growth in the Borough and at the locations included within the Neighbourhood Plan, will have no likely significant effects on any Natura 2000 sites. Natural England, as the principle statutory consultee for HRA and AA, has verified that the impacts of the Neighbourhood Plan, as identified within the Neighbourhood Plan's HRA Screening Assessment / Report, are not likely to be significant.

4.4.2 In-Combination Effects Considered in the Wivenhoe Neighbourhood Plan HRA Screening Assessment and Mitigation Measures

Natural England however, have identified that the Colchester and Tendring Local Plans, including a potential Garden Community in East Colchester included as preferred within the Borough Council's Preferred Options Local Plan (and which could potentially be located partly within the Neighbourhood Plan area), may have a likely significant effect on Natura 2000 sites due to increased recreational pressures. This Garden Community will deliver up to 2,500 homes to 2033 as part of an overall total of between 7,000-9,000 homes. In response to the requirement for HRA to explore 'in-combination effects', it is possible that this Garden Community may have a likely significant effect on the Natura 2000 site in combination with the Neighbourhood Plan's allocations for 250 dwellings.

These potential in-combination impacts have been considered by the Neighbourhood Plan Group, who in response have amended the Plan to include mitigation measures that deal with the possibility of increased visitor pressure to the Natura 2000 sites. These amount to providing information at the entrance to a downstream footpath about the importance of the area for bird species, including a request that dog owners keep dogs under control; and visible notices about compliance with the speed limit of water based activities of 5 knots. These are in direct reference to the possibility that the overall impact of population growth on the eastern side of Colchester as a whole on likely river usage could potentially be significant. This is dependent on whether the Garden Community be adopted, subject to the findings of the evidence required for its allocation. This includes the Local Plan HRA and Appropriate Assessment (AA), which can be expected to determine the environmental impact of the Garden Community and suggest any on-site mitigation measures that are factored into a forthcoming masterplan.

4.4.3 The Colchester Borough Council Local Plan HRA and AA

The LPA, in their work towards a Local Plan, are undertaking a HRA and also an Appropriate Assessment (AA) - a more in depth ecological assessment, the requirement for which stems from the findings of the HRA. Although the level of growth set out in the Neighbourhood Plan has been determined by the Wivenhoe Neighbourhood Plan Group, this level of growth has been verified as appropriate by the LPA. Growth in the Plan Area has been incorporated into the Colchester Borough Council Local Plan Preferred Options, which at the time of writing is available for public consultation. The LPA has factored in the Neighbourhood Plan's level of growth in determining a spatial strategy

across the Borough in line with the LPA's Objectively Assessed Needs (OAN) calculations. Policy SS18 of the Local Plan identifies that the Neighbourhood Plan will set out the planning policy framework needed to support the delivery of 250 houses and additionally states that an extra 250 houses delivered over this period is considered to be appropriate, along with a number of new homes within the Parish which will be allocated in the University Garden Village. The LPA's HRA and AA will therefore consider the effects of the Garden Community in-combination with the 250 dwellings allocated within the Wivenhoe Neighbourhood Plan.

4.4.4 The Potential East Colchester Garden Community Allocation

In reflection of the content of the Neighbourhood Plan HRA Screening Assessment, it should be acknowledged that the Neighbourhood Plan group are currently not in a position to consider the effects of the Garden Community until the specific details of the Garden Community are known. The Garden Community has been allocated within the LPA's Local Plan; however the finer details of the proposal will be determined and included with a specific DPD / SPD and a result of detailed masterplanning. This process will be influenced by the findings of the LPA's Local Plan HRA and AA; which is currently being undertaken. At present, the Neighbourhood Plan Group have the information of the LPA's Preferred Options Local Plan, which include 'Policy SP7: Development and delivery of new garden communities in North Essex' and 'Policy SP8: East Colchester / West Tendring New Garden Community' Policy SP7 states that new garden communities will be required to 'create distinctive environments which relate to the surrounding environment and that celebrate natural environments and systems, utilise a multi-functional green-grid to create significant networks of new green infrastructure including new country parks at each garden community, provide a high degree of connectivity to existing corridors and networks and enhance biodiversity.' Policy SP8: East Colchester / West Tendring New Garden Community indicates that a network of green infrastructure will be provided within the garden community including a community park facility, allotments, a new country park of a minimum of 70 hectares in size provided along the Salary Brook corridor and incorporating Churn Wood, and the provision of sports areas with associated facilities and play facilities.' It is possible that the integration of these recreational facilities could alleviate the likelihood of any significant effects on the Natura 2000 sites in-combination with the allocations of the Neighbourhood Plan.

It should also be acknowledged that the NP has no weight when considering strategic issues within the Neighbourhood Plan area. The Garden Community is of strategic importance and therefore any planning application will not be subject to the policies of the Neighbourhood Plan. Should the LPA's HRA and AA identify that mitigation measures will be required within the NP area to mitigate the impacts of the garden community on Natura 2000 sites, it can be considered that such measures would also be strategic in nature as essential to the delivery of the Garden Community. Nevertheless, should the LPA's HRA and AA recommend that mitigation measures be included within the Neighbourhood Plan itself, it is recommended that the Neighbourhood Plan Group incorporate such measures within the plan, as appropriate to the weight of the Neighbourhood Plan regarding such issues, ahead of adoption or any hearing sessions or as a result of any reviews to the plan post-adoption.

5 The Vision and Objectives

5.1 The Vision

By the end of the Plan period, in 2032, Wivenhoe will still be a thriving and vibrant community but will be an even better place in which to live, work and to visit by:

- protecting and enhancing its distinctive character, rich heritage and natural assets such as the river and its rural setting, and those areas which are important to wildlife and biodiversity
- improving access to the river and other countryside areas by people for recreational purposes whilst respecting sensitive environmental habitats
- securing more green spaces
- adding new community facilities
- ensuring traffic flows are improved by creating additional footpaths and cycle-ways in order to encourage sustainable travel modes and ensuring new housing is located in areas which do not significantly impact upon the existing road network in Wivenhoe at peak times
- providing additional homes that will give a better overall mix of housing in Wivenhoe and that will meet the needs of local people

Table 9: Impact on SEA Objectives

	SEA Objectives													
	1	2	3	4	5	6	7	8	9	10	11	12	13	14
Short Term	++	0	++	+	+	++	++	++	++	++	++	++	0	0
Medium Term	++	0	++	+	+	++	++	++	++	++	++	++	0	0
Long Term	++	0	++	+	+	++	++	++	++	++	++	++	0	0

5.1.1 Significant Effects

There will be significant positive impacts on the majority of the SEA Objectives resulting from the success in achieving the Plan's Vision.

Areas where the Vision does not directly meet the SEA Objectives relate to those aspirations for the efficient use of land, increasing employment and improving resilience to climate change. In some instances however, indirect impacts can be expected through the implementation of actions and policies to meet related Objectives. In other instances, it should be noted that Colchester Borough Council (as the Local planning Authority [LPA]) policies will ensure that other objectives are met. With this in mind, the Plan's Vision is appropriate to the scope and remit of a Neighbourhood Plan and it can be expected that all Objectives would be met through the Neighbourhood Plan and the Colchester Borough Council Local Plan in unison.

A significant positive impact has been identified related to the protection and enhancement of biodiversity (SEA Objective 10). The Vision recognises the potential conflicts between recreational pressures on ecological assets associated with the River Colne in the Plan Area and also seeks to protect and enhance these assets in the first instance.

5.1.2 Temporal Effects

Effects can be expected to significantly improve over time in line with the timescale of the Plan period.

5.1.3 Alternatives Considered

No alternatives have been considered reasonable as the Policy looks at the principle of delivering sustainable development within the Plan Area.

5.1.4 Proposed Mitigation Measures / Recommendations

No mitigation measures or recommendations are made.

Through iterative working, a draft version of the SEA recommended that the Vision recognise biological and ecological assets and designations in and around the Plan Area and also that the Vision address the potential conflict that may arise between improving access to the natural environment and the subsequent impacts this may have on biodiversity and wildlife designations. Both of these recommendations have been factored into the Plan for submission.

5.2 The Plan's Objectives

Plan Objectives are very high level in nature, and often reiterate those themes of sustainability explored within the SEA process. This is in line with maximising the sustainability of the Plan through its preparation. As such, the appraisal of the Plan's Objectives takes the form of a compatibility matrix (see below) to explore whether the correct issues are addressed in the Plan, in line with the key sustainability issues highlighted as part of the SEA process in the formulation of SEA Objectives. The Plan's Objectives are as follows:

The principal objectives of the Neighbourhood Plan as identified through engagement with the community are as follows:

- Objective 1: Maintain Wivenhoe's rural setting**
- Objective 2: Protect and foster Wivenhoe's natural environment for the benefit of people, flora and wildlife**
- Objective 3: Preserve and improve access to green spaces, countryside and the river whilst respecting sensitive environmentally important habitats**
- Objective 4: Conserve and enhance Wivenhoe's heritage assets, and protect and improve positive features which contribute to the townscape**
- Objective 5: Protect and improve existing community facilities, and negotiate additional facilities in consequence of new development**
- Objective 6 : To encourage the use of sustainable modes of transport and reduce reliance on the private car**
- Objective 7: Create more local employment opportunities**
- Objective 8: Ensure Wivenhoe's infrastructure is adequate to meet the need of its residents**
- Objective 9: Ensure new residential development meets the needs of the local community**
- Objective 10: Development should seek to improve resilience to climate change and to minimise the potential impact on flooding**

Table 10: Compatibility with the SEA Objectives

		The SEA Objectives													
		1	2	3	4	5	6	7	8	9	10	11	12	13	14
The Neighbourhood Plan Objectives	Objective 1	/	+	0	+	0	0	++	++	+	+	+	+	/	0
	Objective 2	/	+	0	0	+	0	++	+	++	++	+	+	/	0
	Objective 3	0	0	0	0	+	0	+	+	++	+	0	0	0	0
	Objective 4	0	0	0	++	0	0	0	0	0	0	++	++	0	0
	Objective 5	0	+	+	0	++	++	0	0	0	0	0	0	+	0
	Objective 6	0	0	++	0	+	+	0	0	0	0	+	+	+	0
	Objective 7	0	0	+	0	+	+	/	0	0	0	0	0	++	/
	Objective 8	0	0	+	0	++	+	/	0	0	0	0	0	+	/
	Objective 9	++	+	+	+	0	0	/	0	0	/	/	+	0	/
	Objective 10	/	0	0	0	0	0	0	0	0	0	0	0	/	++

5.2.1 Significant Effects

It is evident from the above matrix that all but one of the SEA Objectives will experience positive impacts resulting from the successful achievement of the Plan's Objectives. It is also worthy of note that significant positive impacts can be expected from 12 of the 14 SEA Objectives. Particularly strong positive cumulative impacts will be experienced in regards to building a sustainable community with good education, health and social outcomes (SEA Objective 5); and preserving and enhancing access to green spaces, the open countryside and the river (SEA Objective 9).

There will be no negative impacts resulting from the Plan's Objectives. Despite this, there are likely to be a number of uncertain impacts on some tenets of sustainability. These relate to meeting housing needs (SEA Objective 1) in light of those Plan Objectives that seek to maintain Wivenhoe's rural setting and protecting the natural environment, however it should be acknowledged that this is a general thematic incompatibility; the nature of which cannot be overcome in the context of setting aspirations for the Plan. This general incompatibility is also relevant to those uncertain impacts predicted regarding the Plan's employment, housing and infrastructure (i.e. development) needs and how these can assist in the preservation of the rural nature of the Plan Area (SEA Objective 7).

5.2.2 Temporal Effects

Effects will not change over time.

5.2.3 Alternatives Considered

No alternatives have been considered reasonable as the Policy looks at the principle of delivering sustainable development within the Plan Area.

5.2.4 Proposed Mitigation Measures / Recommendations

No mitigation measures or recommendations are suggested.

Through iterative working, a draft SEA of the Plan recommended that the Objectives recognise the potential conflict that may arise between improving access to the natural environment and the subsequent impacts this may have on biodiversity and wildlife designations. It also recommended that an additional Plan Objective be included that aspires to minimise the risk of flooding in the Plan Area, both fluvial and regarding surface water; particularly in light of the additional development needs identified. Both of these recommendations have been factored into the Plan.

6 Wivenhoe General Development Policies

6.1 Policy WIV1: Wivenhoe Town Settlement Boundary

(i) Development within the Parish of Wivenhoe, outside the town settlement boundary, as identified on the Wivenhoe Proposals Map, will only be permitted if it meets the requirements of Policy ENV1 of the Colchester Core Strategy and the other policies in the Wivenhoe Neighbourhood Plan.

(ii) Development within the settlement boundary shall be guided by the relevant policies in this Neighbourhood Plan, the Colchester Borough Local Plan, the Essex Minerals Local Plan and the Essex and Southend-on-Sea Waste Local Plan.

Table 11: Impact on SEA Objectives

	SEA Objectives													
	1	2	3	4	5	6	7	8	9	10	11	12	13	14
Short Term	0	0	+	0	0	0	+	+	0	+	/	/	0	0
Medium Term	0	0	+	0	0	0	+	+	0	+	/	/	0	0
Long Term	0	0	+	0	0	0	+	+	0	+	/	/	0	0

6.1.1 Significant Effects

It should be noted that the settlement boundary for the town of Wivenhoe has been extended in line with the identification of suitable extensions to accommodate a required level growth over the Plan period. This level of growth is identified within the Plan, and supports the level of growth identified for the settlement within the emerging Colchester Borough Council Local Plan evidence base. The sustainability impacts of those sites that represent this settlement boundary change are explored singularly and cumulatively elsewhere in this report, alongside a range of relevant and reasonable alternatives as identified in the Colchester Borough Council's call-for-sites exercise and Strategic Land Availability Assessment (SLAA).

The Policy's impacts are predominantly positive on relevant SEA Objectives. Relating to SEA Objective 3, sustainable travel will likely be increased due to the close proximity of the development to the town centre, existing infrastructure and facilities. The short distances will encourage an increase in walking journeys and a decrease in short distance vehicle journeys. New developments will also be directed away from the setting of the River Colne as well as Local Wildlife Sites and SSSIs, to locations within the settlement boundary, positively aligning with objective 8 and 10.

Objectives 11 and 12 will have uncertain impacts in principle, as development may be focused closer to the town's historic core which in turn may additionally affect townscape. It should be acknowledged however that this uncertainty is specific to this policy in isolation, and any negative impacts are neutralised by the approach of other policies in the Plan focused on such matters.

6.1.2 Temporal Effects

The Policy will ensure positive impacts extend into the latter stages of the Plan period, and in relation to the level of growth identified to 2032.

6.1.3 Alternatives Considered

No alternatives have been considered reasonable as the Policy essentially represents a business as usual scenario. The absence of the Policy will not have any distinctly differing impacts on sustainability as would otherwise be the case without its inclusion in the Neighbourhood Plan.

The sustainability impacts of those sites that represent this settlement boundary change are explored singularly and cumulatively elsewhere in this report, alongside a range of relevant and reasonable alternatives as identified in the Colchester Borough Council's call-for-sites exercise and Strategic Land Availability Assessment (SLAA).

6.1.4 Proposed Mitigation Measures / Recommendations

No recommendations are made for this Policy.

6.2 Policy WIV2: Development on Wivenhoe Neighbourhood Plan land to the north of the A133.

- (i) An area of open space must be preserved between any new development and adjacent Greenstead to ensure settlement separation and;
- (ii) A strip of land adjacent to the A133 must be planted with a tree belt to preserve the rural approach to the Wivenhoe settlement area and;
- (iii) Adequate school, health and other community facilities should be provided on the site at an early stage to serve this new community.

Table 12: Impact on SEA Objectives

	SEA Objectives													
	1	2	3	4	5	6	7	8	9	10	11	12	13	14
Short Term	0	0	+	0	++	+	+	0	0	+	0	0	0	0
Medium Term	0	0	+	0	++	+	+	0	0	+	0	0	0	0
Long Term	0	0	+	0	++	+	+	0	0	+	0	0	0	0

6.2.1 Significant Effects

The principles of this Policy seek to ensure significant positive effects on education, health and social outcomes (SEA Objective 5) and also community facilities (SEA Objective 6). New healthcare, education and community facility provision at early stages of the wider development assist in ensuring a sustainable new community and that existing infrastructure and facilities are not affected within the town settlement area. It should be acknowledged however that the scale of any proposal that warrants new school, health and other community facilities and meets the required thresholds for them to be delivered, would be considered 'strategic' and therefore beyond the scope and remit of a Neighbourhood Plan.

Preservation of the rural area between Wivenhoe and Greenstead through the protection of this land from development as well as the implementation of a tree belt adjacent to the A133 contributes to the continuity and continuance of the rural nature of the area, and would have positive impacts on SEA Objective 7. Indirectly, the introduction of tree planting could support notions of enhancing biodiversity and reducing any impact of new development on habitats.

6.2.2 Temporal Effects

Effects will not change over time.

6.2.3 Alternatives Considered

An alternative to this policy could be to not include a policy on development north of the A133. This would represent a business as usual approach in regard to development requirements in the area.

- Alternative to WIV2(1): To not have a Policy on development north of the A133.

	SEA Objectives													
	1	2	3	4	5	6	7	8	9	10	11	12	13	14
Short Term	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Medium Term	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Long Term	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Commentary and reason for rejection	This land, whilst in the Wivenhoe Neighbourhood Plan area, was included in CBC’s Local Plan Issues and Options consultation as a potential area for strategic growth and Wivenhoe Town Council and this Plan recognises its importance to the Borough as such. It is recognised that in order to meet Colchester’s strategic housing needs some development may be necessary on this land. In the absence of policy WIV2, Colchester Borough Council Core Strategy and Development Management Policies would provide the requirements for development at this location. As a result, there would be no impact in the absence of the policy in the Neighbourhood Plan.													

6.2.4 Proposed Mitigation Measures / Recommendations

No recommendations are made for this policy.

7 Countryside, The Environment and Open Space Policies

7.1 Policy WIV3: Settlement Coalescence

Any development proposal in the Wivenhoe Neighbourhood Plan area must:

(i) preserve the physical separation of the Wivenhoe settlement area from the University campus as shown in the Wivenhoe Proposals map; and

(ii) demonstrate that it preserves a significant gap between the Wivenhoe settlement area and the Wivenhoe Neighbourhood Plan boundary; and

(iii) incorporate a significant physical break between potential development on land to the north of the A133 and the adjoining settlement to the west.

Table 13: Impact on SEA Objectives

	SEA Objectives													
	1	2	3	4	5	6	7	8	9	10	11	12	13	14
Short Term	0	0	0	0	0	0	++	0	+	0	0	+	0	0
Medium Term	0	0	0	0	0	0	++	0	+	0	0	+	0	0
Long Term	0	0	0	0	0	0	++	0	+	0	0	+	0	0

7.1.1 Significant Effects

It should be noted that this Policy could be interpreted as being in conflict with the housing allocations as specified in Policy WIV29 – Land at Elmstead Road and Policy WIV30 – Land Behind the Fire Station. It should be noted however that the Plan has an identified requirement for additional growth within the Plan period and that these sites respond to suitable allocations in light of all reasonable alternatives. An assessment of these can be found elsewhere in this report. With this in mind, it should also be noted that the requirement for a coalescence policy can be strengthened in its justification in light of these allocations.

The Policy will have a positive impact on preserving the rural nature of Wivenhoe (SEA Objective 7), as the retention of physical breaks between settlements ensures the rural approach and character of Wivenhoe is protected. In addition, the strategic break between Wivenhoe settlement boundary and the University will safeguard the ambience of rurality in both areas. As part of this, the green spaces and open countryside between the University Campus and Wivenhoe settlement are preserved as per the aspirations of SEA Objective 9. Principles of protecting settlements from coalescence also ensure that distinctiveness and historic character are preserved, in line with SEA Objective 12.

7.1.2 Temporal Effects

The retention of the physical break would have a long term positive impact on the preservation of Wivenhoe's rural nature as highlighted above, and will ensure that future development would not contribute towards coalescence with the University or Colchester.

7.1.3 Alternatives Considered

An alternative approach would be to not include a policy regarding physical breaks in the Plan area. This has been identified as an alternative as it represents a contrary approach to a business as usual scenario, and in so far as it might respond to any increased requirements in growth.

- Alternative WIV3(1): To not have a Policy regarding coalescence / physical breaks in the Plan area.

	SEA Objectives													
	1	2	3	4	5	6	7	8	9	10	11	12	13	14
Short Term	0	0	0	0	0	0	--	0	-	0	0	-	0	0
Medium Term	0	0	0	0	0	0	--	0	-	0	0	-	0	0
Long Term	+	0	0	0	0	0	--	0	-	0	0	-	+	0
Commentary and reason for rejection	Although coalescence policy exists at the LPA level, the theoretical absence of such policy could give rise to the permission of future development that result in coalescence. As such, there would be positive long term impacts on development based objectives; however at a cost, and running contrary to a significant number of the Plan's Objectives, notions of environmental sustainability and other policies in both the Neighbourhood Plan and the LPA's Local Plan. For these reasons, the alternative approach has been rejected.													

7.1.4 Proposed Mitigation Measures / Recommendations

No recommendations are made for this policy.

7.2 Policy WIV4: Protecting the Setting of the River Colne

Countryside that contributes vistas of high value towards the River Colne and its estuary, or that can be clearly viewed from the river or land on the Rowhedge and Fingringhoe side of the river as shown on the Wivenhoe Proposals map (Colne Protection Belt) should continue to be protected from development of any kind.

Table 14: Impact on SEA Objectives

	SEA Objectives													
	1	2	3	4	5	6	7	8	9	10	11	12	13	14
Short Term	0	0	0	0	0	0	0	++	+	+	0	0	0	+
Medium Term	0	0	0	0	0	0	0	++	+	+	0	0	0	+
Long Term	0	0	0	0	0	0	0	++	+	+	0	0	0	+

7.2.1 Significant Effects

The policy, relating to the protection of the setting of the River Colne, will have positive impacts on those SEA

Objectives regarding the preservation of green spaces, countryside and the river (9).

There will also be indirect positive impacts on protecting and enhancing biodiversity (SEA Objective 10) and improving resilience to climate change and flooding (SEA Objective 14). Avoiding development on the area adjacent to the river alleviates the risk of fluvial and surface water flooding and also ensures that any non-designated biodiversity potential is retained.

The most significant positive effect for this Policy relates to the location of development away from the River Colne (SEA Objective 8). The land to which this Policy relates is largely within the Coastal Protection Belt and the redirection of development away from this area contributes to the preservation of vistas distinctive to the character of the town.

7.2.2 Temporal Effects

Effects will not change over time.

7.2.3 Alternatives Considered

The land to which this Policy relates is currently protected through a variety of designations, including a SSSI, CPB, a LNR and a LoWS. Thus, there are no reasonable alternatives to the current Policy stance as development of this land is already suitably constrained, albeit for differing purposes.

7.2.4 Proposed Mitigation Measures / Recommendations

No recommendations are made for this Policy.

7.3 Policy WIV5: University Marshes

This area of land which is a designated wild life site and which also contributes to the green corridor between the Wivenhoe Settlement area and Colchester must be protected from development.

Table 15: Impact on SEA Objectives

	SEA Objectives													
	1	2	3	4	5	6	7	8	9	10	11	12	13	14
Short Term	0	0	0	0	0	0	++	+	+	++	0	0	0	+
Medium Term	0	0	0	0	0	0	++	+	+	++	0	0	0	+
Long Term	0	0	0	0	0	0	++	+	+	++	0	0	0	+

7.3.1 Significant Effects

This policy provides protection for the local wildlife site located on the University marshes between the University Campus and Wivenhoe settlement, aligning with objectives 10 and 7 by assisting in ensuring the survival of a strategic green break between the University and Wivenhoe. Through this, open spaces and biodiversity would be conserved as well as maintaining the continuity of the rural approach to Wivenhoe to satisfy objectives 7, 9 and 10. Priority habitats, Local Wildlife Sites, SSSIs and European Protected Sites will also be protected. With areas of wildlife protection being located west of Wivenhoe along the River Colne, steering development away from this area would positively impact on the preservation of the setting of the river and would indirectly contribute to the effort towards

the reduction of flood risk by avoiding areas of higher vulnerability, positively impacting on objectives 8 and 14.

7.3.2 Temporal Effects

Effects will not change over time.

7.3.3 Alternatives Considered

The land to which this Policy relates is currently protected through a variety of designations, including a SSSI, CPB, a LNR and a LoWS. Thus, there are no reasonable alternatives to the current Policy stance as the land is already suitably protected from loss.

7.3.4 Proposed Mitigation Measures / Recommendations

No recommendations are made for this Policy.

7.4 Policy WIV6: Access to the River Colne

Any proposals must satisfy the following:

- (i) The existing footpaths/pedestrian route adjacent to the River Colne should be protected; and
- (ii) Access to the river for people to launch small craft should be maintained; and
- (iii) A balance between the needs of visitors to the waterfront areas and a general desire of people living along the waterfront to a peaceful enjoyment of it should be achieved; and
- (iv) Any attempt by frontagers to enclose further parts of the Quay or elsewhere along the waterfront will be opposed; and
- (v) the importance of the river for wildlife must be recognised in any proposals to increase access to the river.

Table 16: Impact on SEA Objectives

	SEA Objectives													
	1	2	3	4	5	6	7	8	9	10	11	12	13	14
Short Term	0	0	0	0	0	0	0	0	+	+	0	0	0	/
Medium Term	0	0	0	0	0	0	0	0	+	+	0	0	0	/
Long Term	0	0	0	0	0	0	0	0	+	+	0	0	0	/

7.4.1 Significant Effects

The policy regarding access to the River Colne has positive impacts on the SEA objectives related to preserving access to the River Colne (9). Restricting private barriers along the river will better enable visitors and residents of Wivenhoe to utilise the river as a space for enjoyment. This policy represents a business as usual scenario in terms of protecting existing access. There will also be minor positive impacts on biodiversity (10) through the policy’s approach to proposals recognising the importance of the river as a habitat for wildlife.

The level of protection of such access is likely to have uncertain impacts on SEA Objective 14, related to improving

resilience to climate change and the impacts of flooding. This regards the possibility that policy protection would conflict with any flood alleviation schemes that may potentially be required within or beyond the Plan period in such a location.

7.4.2 Temporal Effects

Effects will not change over time.

7.4.3 Alternatives Considered

An alternative of not having a policy on access to the River Colne could be seen as a reasonable alternative.

- Alternative WIV6(1): To not have a Policy regarding access to the River Colne.

	SEA Objectives													
	1	2	3	4	5	6	7	8	9	10	11	12	13	14
Short Term	0	0	0	0	0	0	0	0	-	0	0	0	0	0
Medium Term	0	0	0	0	0	0	0	0	-	0	0	0	0	0
Long Term	0	0	0	0	0	0	0	0	-	0	0	0	0	0
Commentary and reason for rejection	The Policy would have a negative impact on the related SEA Objective (9) regarding access to the river. Despite this, the uncertainty surrounding any future flood alleviation schemes that may be required in the area is diminished. The Policy has been rejected due to it not protecting the social and historic enjoyment of the area, which contributes to its unique character.													

7.4.4 Proposed Mitigations Measures / Recommendations

It is recommended that the policy defines further what would be acceptable in terms of achieving a balance between the needs of visitors and desires of people living along the waterfront for the purposes of informing any possible planning applications in the area.

7.5 Policy WIV7: Protection of Open Spaces, Play Areas, Sports Facilities & Allotments

Those areas shown as Open Space, Play Areas, Sports Fields and Allotments on the Wivenhoe Proposals Map (Fig. 22) and in the list (Table 2) shall be protected from development unless:

- (i) In the case of play areas, sports fields and allotments, alternative and improved provision is created in a location well related to the functional requirements of the relocated use and its existing and future users; and
- (ii) The proposal would not result in the loss of an area important for its amenity or contribution to the green infrastructure network or to the character of the area in general.

Table 17: Impact on SEA Objectives

	SEA Objectives													
	1	2	3	4	5	6	7	8	9	10	11	12	13	14
Short Term	0	0	0	0	+	++	0	0	+	0	0	+	0	0
Medium Term	0	0	0	0	+	++	0	0	+	0	0	+	0	0
Long Term	0	0	0	0	+	++	0	0	+	0	0	+	0	0

7.5.1 Significant Effects

The policy provides significant positive impacts for SEA objective 6 relating to the protection of community facilities within Wivenhoe. There are further positive impacts for objectives relating to building a sustainable community with good health outcomes (5), the preservation of access to open spaces (9) and the protection of the townscape within the settlement area (12).

Community facilities within Wivenhoe have protection from redevelopment as a result of this policy through the requirement for additional provisions in the event of any relocation. The prerequisite to retain access to these new provisions means they would have to be located within a reasonable travel distance for local residents and the additional facilities made necessary through the policy would contribute to serving potentially increasing demand in the area as outlined in objectives 6 and 9.

Ensuring ease of access to sporting facilities, play areas and open spaces for the residents of Wivenhoe will lead to positive health outcomes. This creates a positive score for SEA objective 5 in relation to this policy. In particular reference to spaces within the settlement boundary, protection of green spaces and gardens within the townscape is included in the policy, safeguarding urban access to recreational areas and aligning with objective 12.

7.5.2 Temporal Effects

Effects will not change over time.

7.5.3 Alternatives Considered

No alternatives have been considered reasonable as the Policy regards the safeguarding or enhancement of Open Space, Play Areas, Sports Fields and allotments in the Plan area. Any alternative policy direction that does not seek to ensure this can be viewed as intrinsically unsustainable in nature.

7.5.4 Proposed Mitigations Measures / Recommendations

No recommendations are made for this Policy.

7.6 Policy WIV8: Provision of Additional Sports Pitches, Play Areas & Allotments

- (i) A financial contribution and / or the provision of land for additional sports pitches, allotments and/ or public open space will be sought from any proposed residential development scheme; and
- (ii) Any development scheme of more than 25 properties will be expected to include an adequate play area in line with existing Colchester Borough Council policies.

Table 18: Impact on the SEA Objectives

	SEA Objectives													
	1	2	3	4	5	6	7	8	9	10	11	12	13	14
Short Term	0	0	0	0	+	+	0	0	++	0	0	0	0	0
Medium Term	0	0	0	0	+	+	0	0	++	0	0	0	0	0
Long Term	0	0	0	0	+	+	0	0	++	0	0	0	0	0

7.7 Significant Effects

The policy has a significant positive impact on the SEA objective relating to the preservation and enhancement of access to open spaces (9). There are further positive scores for SEA objectives concerned with building a sustainable community with good health outcomes (5) and protecting existing as well as securing additional community facilities (6).

The requirement to supplement new developments with open space provisions and community beneficial provisions ensures that residents of Wivenhoe have sufficient access to facilities for social and leisure purposes. With the growing population of Wivenhoe putting a strain on existing facilities, any new developments that would result in a further increase in population must contribute to the effort to make community buildings and spaces available to all, thereby complying with SEA objective 9. As a consequence of this, the resident population of the settlement area would experience health benefits associated with enjoyment of community facilities such as open spaces and sports provisions resulting from a more active and outgoing lifestyle. In addition to the health benefits associated with the retention of community facilities, social wellbeing would experience positive impacts owing to the availability of leisure activities, satisfying SEA objectives 5 and 6.

7.7.1 Temporal Effects

Effects will not change over time.

7.7.2 Alternatives Considered

No alternatives have been considered reasonable as the Policy essentially represents a business as usual scenario. The absence of the Policy will not have any differing impacts on sustainability as would otherwise be the case without its inclusion in the Neighbourhood Plan.

7.7.3 Proposed Mitigation Measures / Recommendations

No recommendations are made for this Policy.

7.8 Policy WIV9: Local Green Space

That part of Ferry Marsh (as shown on the map in Fig. 23) and the area of land opposite Millfields School (as shown on the map in Fig. 24) shall be designated as Local Green Spaces.

Table 19: Impact on SEA Objectives

	SEA Objectives													
	1	2	3	4	5	6	7	8	9	10	11	12	13	14
Short Term	0	0	0	0	0	0	0	++	++	0	0	+	0	+
Medium Term	0	0	0	0	0	0	0	++	++	0	0	+	0	+
Long Term	0	0	0	0	0	0	0	++	++	0	0	+	0	+

7.8.1 Significant Effects

SEA objectives relating to the preservation of the green setting of the River Colne (8) and the preservation of access to open green spaces (9) are significantly positively impacted by the policy. Further positive impacts relate to the protection of the townscape within the settlement area (12) and, indirectly, the reduction of flood impacts (14).

The protection of the Ferry Marsh area as a Local Green Space would work towards the prevention of detrimental impacts to the green setting of the River Colne by restricting development on this sensitive area. Both the Ferry Marsh area and land opposite Millfields School would be retained as open spaces to be utilised by visitors and residents, producing positive impacts in relation to SEA objectives 8 and 9. The proximity of the Ferry Marsh area to the River Colne also poses a potential flood risk to any development, so to restrict development on this land serves to achieve objective 14 of reducing the impact of flooding.

7.8.2 Temporal Effects

Impacts will not change over time.

7.8.3 Alternatives Considered

A reasonable alternative approach would be to not allocate Local Green Spaces within the Neighbourhood Plan.

- Alternative WIV9(1): To not have a Policy regarding the allocation of Local Green Spaces.

	SEA Objectives													
	1	2	3	4	5	6	7	8	9	10	11	12	13	14
Short Term	0	0	0	0	0	0	0	-	-	0	0	-	0	0
Medium Term	0	0	0	0	0	0	0	-	-	0	0	-	0	0
Long Term	0	0	0	0	0	0	0	-	-	0	0	-	0	0
Commentary and reason for rejection	<p>The Policy approach to allocating the two Local Green Spaces ensures that a level of protection exists for the aforementioned land. The absence of designations could lead to the development or other change of use of the land in each instance. Whilst this may theoretically have positive impacts on those objectives associated with growth, it should be noted that this would be to the detriment of social objectives and existing needs within the Plan area. As such, relevant objectives regarding the preservation of the Plan Area's green setting, access to green spaces and protecting townscape are likely to suffer negative impacts under this alternative approach. Development of the land in both instances could also increase the need for additional green space, which could be provided as part of development on more marginal, less established and less suitable areas to meet existing needs. As such this alternative approach was rejected in favour of a policy stance on these particular areas commensurate with their contribution to open space in the Plan Area.</p>													

7.8.4 Proposed Mitigation Measures / Recommendations

No recommendations are made for this Policy.

8 Heritage and Townscape Policies

8.1 Policy WIV10: The Goods Shed, Station Yard, Wivenhoe

Development proposals for commercial, residential or leisure uses will be supported subject to the historical features of the building being respected.

Table 20: Impact on SEA Objectives

	SEA Objectives													
	1	2	3	4	5	6	7	8	9	10	11	12	13	14
Short Term	0	+	0	0	0	0	0	0	0	0	+	+	0	0
Medium Term	0	+	0	0	0	0	0	0	0	0	+	+	0	0
Long Term	0	+	0	0	0	0	0	0	0	0	+	+	0	0

8.1.1 Significant Effects

The policy provides positive impacts on SEA objectives relating to development making efficient use of land (2), protecting Wivenhoe's designated and undesignated heritage assets (11) and protecting and enhancing the townscape of the settlement area (12).

Through seeking the redevelopment of the Goods Shed, the policy ensures an efficient use of land by re-utilising a brownfield area into a number of potentially sympathetic uses. As an additional positive impact, the grade II listed Goods Shed is on the 'at risk' register and the non-restrictive policy approach in regards to potential uses maximises the potential for its removal from this register. The policy's stance seeks to invite proposals in keeping with the historical features and preserving the townscape characteristics. This contributes positively to SEA Objectives 2, 11 and 12.

8.1.2 Temporal Effects

Effects will not change over time.

8.1.3 Alternatives Considered

No alternatives have been considered as any distinctly different approaches could not be considered reasonable for the purposes of identifying so in the SEA.

8.1.4 Proposed Mitigation Measures / Recommendations

No recommendations are made for this Policy.

8.2 Policy WIV11: The Quay area at Wivenhoe

Whilst recognising that the Quay area is a BOAT (Byway Open to All Traffic) and is also within the Wivenhoe Conservation Area, it is designated as an area for improvement and therefore development proposals should:

- (i) Promote the Quay area (The Quay and The Folly from Bath Street to Walter Radcliff Way, in the Conservation Area of Wivenhoe) as a place of heritage value and of importance to residents and visitors to Wivenhoe; and
- (ii) Protect and enhance people’s safety when walking without fear for their personal safety or that of their children from cars, motor-bikes or cyclists; and
- (iii) Further constructions that might impede the view of the river from it and the unnecessary parking of vehicles shall be actively discouraged; and
- (iv) The surface of the Quay should be free from potholes and made suitable for babies in buggies, people in wheelchairs or people with difficulty in walking to be able to travel safely along its full length.

Table 21: Impact on SEA Objectives

	SEA Objectives													
	1	2	3	4	5	6	7	8	9	10	11	12	13	14
Short Term	0	0	+	+	0	0	0	0	0	0	0	+	0	0
Medium Term	0	0	+	+	0	0	0	0	0	0	0	+	0	0
Long Term	0	0	+	+	0	0	0	0	0	0	0	+	0	0

8.2.1 Significant Effects

The policy provides positive impacts associated with those SEA Objectives regarding the promotion of sustainable transport (3), good design (4) and the protection and enhancement of townscape (12).

The element of the policy addressing the quality of footpaths and alleviation of road hazards works towards the achievement of SEA objective 3. Sustainable transport methods are promoted by improvements to walking infrastructure to encourage more journeys undertaken by foot and reduce the reliance on vehicles. In addition, development would be restricted by the potential for obstructing views of the River Colne which would impact positively on general design and layout principles as well as enhancing the townscape and public realm within the area.

8.2.2 Temporal Effects

Effects will not change over time.

8.2.3 Alternatives Considered

No alternatives have been considered as any distinctly different approaches could not be considered reasonable for the purposes of identifying such in the SEA.

8.2.4 Proposed Mitigation Measures / Recommendations

No mitigation measures or recommendations have been proposed.

8.3 Policy WIV12: Infill and Backland Development on Garden Sites

Where existing gardens are used to provide additional dwellings within the current settlement boundary, the development should reflect the character of the townscape in which it sits and protect the amenity of neighbours. It should reflect the scale, mass and height of neighbouring properties. It should not result in the loss of gardens which are important to the townscape, or increase the risk of flooding from either surface water or fluvial flooding. Development will be expected to:

- (i) Ensure that density, dwelling size and garden size are similar to those in the immediate locality and avoid the appearance of cramming; and
- (ii) Ensure that any development must include adequate on-site car parking on both the existing property and the new sub-divided site, and will not create a need for additional on-street car parking; and
- (iii) Retain gardens that are visually important for the townscape; and
- (iv) Ensure that important wildlife corridors are preserved; and
- (v) Ensure that neighbouring properties' amenities are not adversely affected; and
- (vi) Ensure there will not be an unacceptable increase in traffic in those residential streets where traffic does not flow freely.

If part of a garden is sold to provide a potential development site, permission to develop this created site shall only be granted if the host property satisfies the conditions above.

Table 22: Impact on SEA Objectives

	SEA Objectives													
	1	2	3	4	5	6	7	8	9	10	11	12	13	14
Short Term	+	+	+	+	0	0	+	0	0	+	+	+	0	+
Medium Term	+	+	+	+	0	0	+	0	0	+	+	+	0	+
Long Term	+	+	+	+	0	0	+	0	0	+	+	+	0	+

8.3.1 Significant Effects

There will be a positive impact on the protection of the townscape of the settlement area (12), as well as positive impacts regarding contributing to meeting housing needs in Wivenhoe (1), making efficient use of land (2), encouraging sustainable transport (3), protecting biodiversity (10) and protecting Wivenhoe's designated and undesignated heritage assets (11). There will also be positive impacts on creating dwellings of good design (4) specific to the context of the Plan area, protecting and enhancing the current townscape (12) and indirect positive impacts regarding the preservation of Wivenhoe's rural nature (7). There will also be a positive impact associated with flood risk (14).

The Policy seeks to ensure the continuity of the present townscape and characteristics of the settlement area to ensure that new infill or backland development will not harm the townscape and the heritage assets, whilst contributing to housing delivery. The policy criteria are careful to ensure that development is not insensitive and unsympathetic to a range of environmental and social considerations.

8.3.2 Temporal Effects

Effects will not change over time.

8.3.3 Alternatives Considered

A number of possible alternative approaches have been identified regarding infill and backland development in the Plan Area. These are:

- Alternative WIV12(1): To be more restrictive of infill and backland development

	SEA Objectives													
	1	2	3	4	5	6	7	8	9	10	11	12	13	14
Short Term	-	/	-	/	0	0	/	0	0	/	/	/	0	0
Medium Term	-	/	-	/	0	0	/	0	0	/	/	/	0	0
Long Term	-	/	-	/	0	0	/	0	0	/	/	/	0	0
Commentary and reason for rejection	An approach to being more restrictive of infill and backland development would have no conceivable benefits in providing additional housing in sustainable locations or improving the townscape. There would be predominantly uncertain impacts where it can be expected that new infill and backland development would be limited to certain plots with little scope to instigate improvements to any areas where the existing built environment could be improved. Additionally, any contribution to housing targets that sensitive infill and backland development could represent would be restricted, and theoretically limit additional housing development to peripheral greenfield locations. For these reasons, this alternative has been rejected.													

- Alternative WIV12(2): To be less restrictive of infill and backland development

	SEA Objectives													
	1	2	3	4	5	6	7	8	9	10	11	12	13	14
Short Term	+	/	-	--	-	0	+	0	0	-	/	--	0	0
Medium Term	+	/	-	--	-	0	+	0	0	-	/	--	0	0
Long Term	+	/	-	--	-	0	+	0	0	-	/	--	0	0
Commentary and reason for rejection	A more relaxed policy approach on infill and backland development could be expected to offer a range of positive and negative impacts. Such an approach would be likely to increase the housing stock in sustainable locations. There would however be likely negative impacts on traffic congestion in individual streets as a result, particularly cumulatively. Uncertainty also surrounds impacts on the efficient use of land and heritage assets where other more relevant policy approaches would still be applicable regarding design standards and the historic environment. The approach would likely result in new development in the townscape area that does not respect and enhance the existing built environment and further negative impacts could be expected regarding the wildlife potential of garden spaces. The approach would also, crucially put pressure on the capacities of local facilities and services, with no single development meeting any thresholds for additional capacity requirements. Importantly, the negative impacts													

highlighted are unlikely to be able to be mitigated, could set a precedent that may be exploited and are also likely to see a continuous deterioration of the townscape over time. For these reasons, this alternative has been rejected.

8.3.4 Proposed Mitigation Measures / Recommendations

Through iterative working, a Draft SEA Report highlighted that the policy would benefit from clarifying previous policy wording relating to the ‘redevelopment’ of existing gardens. This was based on the fact that garden sites are recognised as ‘greenfield’ and so the statement should refer to the development, rather than the redevelopment of such sites. This recommendation has been factored into the policy.

8.4 Policy WIV13: Extensions and Conversions of Residential Properties within the Settlement Area

- (i) Extensions and conversions of residential properties should be designed to conserve features of existing streets and estates where these contribute positively to the townscape; and
- (ii) Greenswards adjacent to the highways should be conserved.

Table 23: Impact on SEA Objectives

	SEA Objectives													
	1	2	3	4	5	6	7	8	9	10	11	12	13	14
Short Term	0	0	0	+	0	0	0	0	0	0	+	+	0	0
Medium Term	0	0	0	+	0	0	0	0	0	0	+	+	0	0
Long Term	0	0	0	+	0	0	0	0	0	0	+	+	0	0

8.4.1 Significant Effects

The Policy will impact on those SEA Objectives relating to dwelling design (4), the protection and enhancement of heritage assets (11) and the protection and enhancement of the townscape (12).

The Policy indicates that extensions and conversions permitted to be constructed should conserve features of streets and estates. This will result in be positive impacts on SEA Objectives 4, 11 and 12. The conservation of greenswards adjacent to the highway will also contribute to positive impacts on the townscape. Impacts are limited however, where good and sensitive design can be in keeping with property and area without stifling ingenuity.

8.4.2 Temporal Effects

Effects will not change over time.

8.4.3 Alternatives Considered

No alternatives have been considered as any reasonable alternative approach could not be considered distinctly different to the preferred approach.

8.4.4 Proposed Mitigation Measures / Recommendations

Through iterative working, a Draft SEA Report highlighted that Permitted Development rights apply for a number of extensions and conversions and in those instances this policy would not apply. It was recommended that this could be included within the supporting text. This recommendation has been factored into the supporting text.

The Draft SEA Report also recommended that the Policy allow for some degree of innovation in proposals. The NPPF states that planning policies should aim to ensure that developments ‘respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation.’ This stance is also supported by the Colchester Borough Council document, ‘Extending your house?’ which the Draft SEA Report recommended could additionally be referenced. This recommendation has not been factored into the Policy as it was felt that the application of relevant Colchester Borough Council policy was sufficient to ensure such innovation.

9 Community Wellbeing Policies

9.1 Policy WIV14: New Indoor Community Facilities

Residential development proposals will be expected to make financial contributions towards the provision of indoor sports and recreation facilities.

Table 24: Impact on SEA Objectives

	SEA Objectives													
	1	2	3	4	5	6	7	8	9	10	11	12	13	14
Short Term	/	0	0	0	+	++	0	0	0	0	0	0	0	0
Medium Term	/	0	0	0	+	++	0	0	0	0	0	0	0	0
Long Term	/	0	0	0	+	++	0	0	0	0	0	0	0	0

9.1.1 Significant Effects

The principle of the Policy has significantly positive connotations regarding SEA Objective 6 relating to the protection of existing community facilities and securing additional facilities. The SEA Objective relating to good health outcomes (5) would also see positive indirect effects.

In conjunction with Policy WIV15, community facilities the protection and enhancement of community facilities would be ensured. This policy works towards ensuring sufficient capacity in community facilities is present within Wivenhoe to meet the demand of new communities and population increases.

There will be uncertain impacts on housing provision (SEA Objective 1) through the Policy approach, where the requirement for all development schemes to contribute towards new indoor sports and social recreation facilities may render some small housing development schemes unviable. A recommendation regarding this has been made below.

9.1.2 Temporal Effects

Effects will not change over time.

9.1.3 Alternatives Considered

An alternative approach explored was to not have a policy on developer contributions and new indoor community facilities.

- Alternative WIV14(1): To not have a policy on developer contributions and new indoor community facilities.

	SEA Objectives													
	1	2	3	4	5	6	7	8	9	10	11	12	13	14
Short Term	0	0	0	0	-	--	0	0	0	0	0	0	0	0
Medium Term	0	0	0	0	-	--	0	0	0	0	0	0	0	0
Long Term	0	0	0	0	-	--	0	0	0	0	0	0	0	0
Commentary and reason for rejection	This alternative would have negative connotations surrounding relevant social SEA Objectives, which reflect the key sustainability issues and problems within the Plan Area as per their initial identification and consultation within the SEA Scoping Report. For this reason, and for that reflecting the requirement for additional community facilities, this alternative approach has been rejected.													

9.1.4 Proposed Mitigation Measures / Recommendations

Through iterative working, a Draft SEA Report recommended that, in so far as the policy may affect the viability of some development schemes, the policy be redrafted in line with national requirements and be limited to development proposals that would directly exacerbate capacity issues surrounding new indoor sports and social recreational facilities (specifically the requirements of those development proposals identified within the Plan). Although the policy has not been redrafted, parts of the recommendation have been factored into the supporting text. The draft plan has identified some specific infrastructure provisions as part of the site allocation process, which have been provisionally agreed with the landowners. Additional provision will be through 106/CIL in line with Colchester Borough policies. Although the policy has not been redrafted, parts of the recommendation have been factored into the supporting text.

9.2 Policy WIV15: Indoor Community Facilities

Support will be given to the provision of new or improved indoor community facilities in both the upper and lower parts of Wivenhoe.

It is important that existing indoor community facilities are retained where these positively contribute to the quality of local community life and the maintenance of sustainable communities in accordance with other policy requirements.

Proposals that would result in the loss of an indoor community facility will only be permitted if alternative and equivalent indoor community facilities are provided.

Any alternative indoor community facility will be required to meet the following criteria:

- (i) in terms of layout and scale it must be suitable for the same or a wider range of activities as the existing facility; and
- (ii) it must be equally available for public use in terms of restrictions on hours when facilities can be hired; and
- (iii) it must have no additional restrictions on classes of users; and
- (iv) the location of the alternative provision must be generally accessible by foot and within or adjacent to the settlement boundary area of Wivenhoe town.

Table 25: Impact on SEA Objectives

	SEA Objectives													
	1	2	3	4	5	6	7	8	9	10	11	12	13	14
Short Term	0	0	+	0	0	+	0	0	0	0	0	0	0	0
Medium Term	0	0	+	0	0	+	0	0	0	0	0	0	0	0
Long Term	0	0	+	0	0	+	0	0	0	0	0	0	0	0

9.2.1 Significant Effects

A significant positive score is achieved for the SEA objective relating to the protection of existing community facilities (6) and a positive score for the encouragement of sustainable transport (3).

The retention of indoor community facilities through this policy is expressed as beneficial in SEA objective 6. There is a shortage of available indoor community facilities within Wivenhoe and to protect these provisions is essential to social wellbeing in the locality. In the event of the removal of an indoor community facility for another development, provisions equal to or preferably greater than that of the existing facility are expected within the vicinity of the settlement boundary. In this way, indoor community facilities are preserved or potentially enhanced as development in Wivenhoe progresses. Additionally, the specification for the location of new indoor community facilities to be located within or adjacent to the settlement boundary and to be generally accessible by foot ensures that an effort is made to encourage sustainable transport and reduce the reliance on vehicular travel.

There will additionally be a cumulative strengthening of the impact highlighted for SEA Objective 6 with Policy WIV25.

9.2.2 Temporal Effects

Effects will not change over time.

9.2.3 Alternatives Considered

No alternatives have been considered reasonable as the Policy looks at the principle of delivering sustainable development within the Plan Area.

9.2.4 Proposed Mitigation Measures / Recommendations

No mitigation measures or recommendations have been proposed.

10 The University of Essex Policy

10.1 Policy WIV16: The University of Essex

The growth of the University within the campus area and Knowledge Gateway business park will in general be supported subject to it having proper regard to the interests and needs of Wivenhoe residents.

Table 26: Impact on SEA Objectives

	SEA Objectives													
	1	2	3	4	5	6	7	8	9	10	11	12	13	14
Short Term	0	0	0	0	+	0	+	+	0	+	0	0	+	0
Medium Term	0	0	0	0	+	0	+	+	0	+	0	0	+	0
Long Term	0	0	0	0	+	0	+	+	0	+	0	0	+	0

10.1.1 Significant Effects

Policy WIV16 regarding the University of Essex positively impacts on SEA objectives relating to building a sustainable community with good education outcomes (5), preserving the rural nature of Wivenhoe (7), preserving the green setting of the River Colne (8), protecting and enhancing biodiversity (10), and increasing employment activity in the Plan area (13).

Supporting suitable development of the University Campus consolidates a more sustainable community. As another result of the expansion, employment opportunities can be expected to be created through both the University and the Knowledge Gateway. An environment conducive to economic growth will be created to the benefit of the local population as outlined in SEA objective 13. However, there is regard to the need of Wivenhoe residents and the actions set out as part of this policy indicate development will be steered away from the land adjacent to the River Colne as much as possible to preserve the green setting of the river and the biodiversity associated with the area. This in conjunction with directing development away from rural areas, particularly those proximate to the river retains the rural nature of Wivenhoe. SEA Objectives 7, 8, and 10 are satisfied by these effects of the policy.

10.1.2 Temporal Effects

Effects will not change over time.

10.1.3 Alternatives Considered

No alternatives have been considered as any distinctly different approaches could not be considered reasonable for the purposes of identifying such in the SEA. The Policy supports growth of the University in line with the policies of the Plan, and as such has the same level of support as any other development within the Plan area.

10.1.4 Proposed Mitigation Measures / Recommendations

The policy makes the point that there must be regard for the needs of residents within Wivenhoe in the event that

development on this land takes place. Specific requirements that would satisfy this point could be outlined with reference to the evidence base to clarify the needs that must be met to strengthen the policy.

11 Getting Around Wivenhoe and Traffic Policy

11.1 Policy WIV17: Traffic in Wivenhoe

Any development will be resisted where it would lead to a severe cumulative increase in traffic on those residential roads within the Wivenhoe settlement area where traffic does not flow freely.

Table 27: Impact on SEA Objectives

	SEA Objectives													
	1	2	3	4	5	6	7	8	9	10	11	12	13	14
Short Term	0	0	+	0	0	0	0	0	0	0	+	+	0	0
Medium Term	0	0	+	0	0	0	0	0	0	0	+	+	0	0
Long Term	0	0	+	0	0	0	0	0	0	0	+	+	0	0

11.1.1 Significant Effects

The policy positively impacts on SEA Objectives relating to encouraging sustainable transport (3) and indirectly the protection of Wivenhoe’s heritage assets (11) and townscape (12).

The resistance of developments that create excess traffic on roads within the Wivenhoe settlement boundary will have a positive impact on SEA Objective 3. As a consequence, indirect impacts can be expected regarding the historic environment and townscape through the minimisation of additional congestion on the roads as stated in the supplementary information to the policy.

11.1.2 Temporal Effects

Effects will not change over time.

11.1.3 Alternatives Considered

No alternatives have been considered reasonable as the Policy looks at the principle of delivering sustainable development within the Plan Area.

11.1.4 Proposed Mitigation Measures / Recommendations

Through iterative working, a Draft SEA Report recommended that the supporting text of the Policy refer to the necessary validation requirements of proposals against which the application of Policy WIV17 can be informed. This has adequately been incorporated into the supporting text.

It was further recommended that the ‘cumulative impact’ element of the Policy is elaborated in order to demonstrate that the impacts of individual proposals will be considered in accumulation with existing traffic flows. This recommendation has also been included within the Plan’s supporting text.

11.2 Policy WIV18: Walking and Cycling

(i) Where possible, the sites allocated for development (WIV28-WIV31) will be expected to link into and enhance the existing network of cycle paths and public and permissive footpaths. Appropriate contributions from development will be used to improve the existing cycle and pedestrian network; and
(ii) All new development should ensure safe pedestrian access to link up with existing footways.

Table 28: Impact on SEA Objectives

	SEA Objectives													
	1	2	3	4	5	6	7	8	9	10	11	12	13	14
Short Term	0	0	++	+	+	0	0	0	0	0	0	0	0	0
Medium Term	0	0	++	+	+	0	0	0	0	0	0	0	0	0
Long Term	0	0	++	+	+	0	0	0	0	0	0	0	0	0

11.2.1 Significant Effects

The policy will have a significant positive impact in relation to sustainable transport (3). There will also be positive impacts associated with good design of developments (4) and in building a sustainable community with good health outcomes (5).

Promoting the methods of walking and cycling is a move towards less vehicular transport, with additional benefits regarding health. An effective public realm, and crucially where this is joined up to surrounding pedestrian and cycle routes can be considered synonymous with the principles of good designs.

11.2.2 Temporal Effects

Effects will not change over time.

11.2.3 Alternatives Considered

No alternatives have been considered reasonable as the Policy looks at the principle of delivering sustainable development within the Plan Area.

11.2.4 Proposed Mitigation Measures / Recommendations

No recommendations are made for this Policy.

12 Employment Policy

12.1 Policy WIV19: General Employment

Apart from changes allowed under permitted development rights, proposals to convert present business or commercial properties into residential properties will be resisted; and applications for a change of use to an activity that does not provide employment opportunities will only be permitted if it can be demonstrated that:

- (i) The commercial premises or land in question has not been in active use for at least 12 months; and
- (ii) The commercial premises or land in question has no potential for either reoccupation or redevelopment for employment generating uses and as demonstrated through the results both of a full valuation report and a marketing campaign lasting for a continuous period of at least 12 months.

Proposals to build or redevelop properties within the Wivenhoe settlement area suited for retail, small business services or light industrial or engineering activities (Use classes A and B1) will be encouraged subject to them:

- (a) being sympathetic to the area in which they are proposed; and
- (b) not creating noise, dust or smell directly or indirectly from excessive vehicle movements; and
- (c) according with other Wivenhoe Neighbourhood Plan, CBC Local Plan policies and the Essex Minerals and Waste Plans.

Table 29: Impact on SEA Objectives

	SEA Objectives													
	1	2	3	4	5	6	7	8	9	10	11	12	13	14
Short Term	0	+	0	0	0	0	0	0	0	0	0	0	++	0
Medium Term	0	+	0	0	0	0	0	0	0	0	0	0	++	0
Long Term	0	+	0	0	0	0	0	0	0	0	0	0	++	0

12.1.1 Significant Effects

The General Employment policy impacts positively on SEA objectives relating to the efficient use of land (2) and increasing employment in Wivenhoe (13).

The Policy ensures the encouragement of the reoccupation or redevelopment of disused employment buildings to provide jobs for local residents. There is the potential for a change of use for buildings that are demonstrably unfit for purpose to meet a need more in demand in the area, highlighting the flexibility of the policy for the efficient allocation of land as set out in objective 2. Employment provisions are safeguarded as a result of the policy, as the reduction of commercial buildings is discouraged barring exceptional circumstances around the viability of the employment source. Any building that is actively trading or engaged in commercial activity and providing employment will be retained ensuring there is no loss of job provisions for the residents of Wivenhoe significantly corresponding with objective 13.

12.1.2 Temporal Effects

Impacts will not change over time.

12.1.3 Alternatives Considered

- Alternative WIV19(2): To offer further detail on marketing requirements.

	SEA Objectives													
	1	2	3	4	5	6	7	8	9	10	11	12	13	14
Short Term	0	+	0	0	0	0	0	0	0	0	0	0	++	0
Medium Term	0	+	0	0	0	0	0	0	0	0	0	0	++	0
Long Term	0	+	0	0	0	0	0	0	0	0	0	0	++	0
Commentary and reason for rejection	An alternative that looks at more detailed marketing requirements for the purposes of retaining employment uses in the Plan area would have largely similar impacts as the preferred Policy approach. Despite this, it is possible that caveats surrounding the actual marketing exercise could improve this retention. Such requirements could include marketing for a different economic use for instance, or marketing the property at a reduced rate for a certain period within the specified 12 months. Despite this, such caveats could be considered excessive for application in the Plan area, and the preferred Policy approach allows a larger degree of flexibility surrounding the needs of the Plan area and the wishes of businesses within it. For this reason the alternative has been rejected.													

12.1.4 Proposed Mitigation Measures / Recommendations

No mitigation measures or recommendations are suggested.

12.2 Policy WIV20: The Brook Street Business Centre

The Business Centre at Brook St is designated as an employment zone.

Table 30: Impact on SEA Objectives

	SEA Objectives													
	1	2	3	4	5	6	7	8	9	10	11	12	13	14
Short Term	0	0	0	0	0	0	0	0	0	0	0	0	+	0
Medium Term	0	0	0	0	0	0	0	0	0	0	0	0	+	0
Long Term	0	0	0	0	0	0	0	0	0	0	0	0	+	0

12.2.1 Significant Effects

The policy designating the Business Centre at Brook Street as an employment zone positively impacts on the SEA objective relating to the increasing employment and business activity in Wivenhoe (13).

12.2.2 Temporal Effects

Effects will not change over time.

12.2.3 Alternatives Considered

There are no reasonable alternatives in the Plan Area for this level of designation. No additional sites came forward in the LPA’s Local Plan call-for-sites process for employment uses and the designation of any other sites could not be considered reasonable regarding availability and deliverability in the plan period. An alternative of not designating the Brook Street Business Centre as an Employment Zone is not considered distinctively different from its designation through the policy approach, given the existing use of the site.

12.2.4 Proposed Mitigations Measures / Recommendations

No recommendations are made for this Policy.

12.3 Policy WIV21: Cedric’s Site

Whilst it is recognised that this site currently has permission for residential development, proposals for a mixed use scheme that is sympathetic to the surrounding area would also be supported.

Table 31: Impact on SEA Objectives

	SEA Objectives													
	1	2	3	4	5	6	7	8	9	10	11	12	13	14
Short Term	+	+	0	0	0	0	0	0	0	0	0	0	+	0
Medium Term	+	+	0	0	0	0	0	0	0	0	0	0	+	0
Long Term	+	+	0	0	0	0	0	0	0	0	0	0	+	0

12.3.1 Significant Effects

The policy positively impacts on SEA objectives relating to meeting the housing need in Wivenhoe (1), making efficient use of land (2) and increasing employment and business activity in Wivenhoe (13).

Facilitating a mixed-use redevelopment of Cedric’s Site would provide additional housing and employment provisions for the community within Wivenhoe. Objectives 1 is positively affected by the element of the policy relating to increased dwelling numbers and the size and scale of the dwellings as smaller flats which cater for starter homes. There will be positive impacts on SEA Objective 13 through any increase in employment opportunities potentially arising from a proposed development including small businesses and retail work opportunities. Owing to the fact that the land is previously a petrol station that has ceased operations, the policy makes efficient use of land by proposing a redevelopment to provide a use more in demand in Wivenhoe as outlined in SEA Objective 2.

12.3.2 Temporal Effects

Effects will not change over time.

12.3.3 Alternatives Considered

No alternatives have been considered reasonable as the Policy looks at the principle of delivering sustainable development within the Plan Area. The status of the policy, in supporting proposals rather than allocating use, does not require the need for alternative sites to be identified.

12.3.4 Proposed Mitigation Measures / Recommended

No recommendations are made for this Policy.

12.4 Policy WIV22: A commercial / Light Industrial Business Centre

A proposal to erect buildings for office and / or light industrial use (Use Category B1) on land of up to 2 hectares off Keelars Lane will be supported.

Table 32: Impact on SEA Objectives

	SEA Objectives													
	1	2	3	4	5	6	7	8	9	10	11	12	13	14
Short Term	0	0	+	0	0	0	0	0	0	0	0	0	++	0
Medium Term	0	0	+	0	0	0	0	0	0	0	0	0	++	0
Long Term	0	0	+	0	0	0	0	0	0	0	0	0	++	0

12.4.1 Significant Effects

There will be positive impacts on those SEA Objectives relating to minimising impacts on traffic congestion (3) and increasing employment and business activity in Wivenhoe (13).

By providing additional employment opportunities in the form of offices and / or light industry, residents in Wivenhoe have more job prospects closer to their locality aligning with SEA Objective 13. Additionally, with more opportunities located in the vicinity of the settlement area and with the proposed location being away from the spinal roads in Wivenhoe, journeys by car to work would be comparatively reduced in distance for such employment opportunities and routes would be more likely to avoid areas of high congestion. There will be positive impacts on SEA Objective 3 as a result.

12.4.2 Temporal Effects

Effects will not change over time.

12.4.3 Alternatives Considered

No alternatives have been considered reasonable as the Policy looks at the principle of delivering sustainable development within the Plan Area. The status of the policy, in supporting proposals rather than allocating use, does not require the need for alternative sites to be identified.

12.4.4 Proposed Mitigation Measures / Recommendations

No recommendations are made for this Policy.

13 Housing Policies

13.1 Policy WIV23: Additional dwellings in the Wivenhoe Parish

- (i) In the period up to 2032, 250 new homes can be built in four locations (Behind Croquet Gardens see Policy WIV28; behind Broadfields – see Policy WIV29; off Elmstead Road – see Policy WIV30; and behind the Fire Station – see Policy WIV31) plus windfall in-fill sites and homes for which planning consent was obtained prior to approval of this Neighbourhood Plan; and
- (ii) A residential care home will not be considered as part of this 250 new homes figure; and
- (iii) The Neighbourhood Plan identifies allocations to accommodate growth (policies WIV28 to WIV31). In addition to these allocations, infill development will be considered acceptable within the settlement boundary of Wivenhoe, subject to the provisions of Policy WIV12, and other material planning considerations; and
- (iv) New housing development will be required to ensure that local infrastructure is provided and / or improved in relation to the size and scale of the development proposed. This requirement will apply to all infrastructure, and with particular attention to education provision and flood prevention (fluvial, sea and surface water).

Table 33: Impact on SEA Objectives

	SEA Objectives													
	1	2	3	4	5	6	7	8	9	10	11	12	13	14
Short Term	++	+	++	0	+	0	0	0	0	0	0	0	0	+
Medium Term	++	+	++	0	+	0	0	0	0	0	0	0	0	+
Long Term	++	+	++	0	+	0	0	0	0	0	0	0	0	+

13.1.1 Significant Effects

Policy WIV23 significantly positively affects SEA objectives 1 and 3 relating to meeting housing needs and locating development in mind of promoting sustainable transport. There are further positive effects on objectives regarding the efficient use of land (2), building a sustainable community (5) and flood prevention (14).

The Policy actively seeks to meet the housing needs of the settlement through allocated sites for residential development and the consideration of windfall sites. This can be seen as an efficient use of land with sustainable transport outcomes, largely due to the location of these in reflection of the existing and newly proposed settlement boundary. Infrastructure requirements and the integration of flood prevention measures as part of new development, where necessary, will ensure further positive impacts.

13.1.2 Temporal Effects

Effects will not change over time.

13.1.3 Alternatives Considered

Regarding the sites selected for allocation within the Neighbourhood Plan, alternatives have been explored in this context elsewhere in this report.

In stating a definitive reason for not exploring a higher quantum of development, and the rejection of the principle of a higher quantum of development, the Wivenhoe Neighbourhood Plan Group relate back to the constraint of primary school places, a factor which has predominantly influenced the identification of the quantum of development in the Plan. The Wivenhoe Neighbourhood Plan Group acknowledges that an alternative could be to increase the quantum of development in the plan area in order to justify the provision of a new primary school. This has not been explored however, as the subsequent need for additional allocations would lead to development that conflicts with the Plan's objectives regarding settlement coalescence, a loss of open space, increased traffic flows and exacerbating infrastructure capacity pressures. It should be noted that the threshold to justify the provision of a new primary school, as specified in the Essex County Council Developer's Guide to Infrastructure Contributions (2010) is 700 dwellings, a significant increase in the quantum of development. In addition, suitable land would also have to be identified for this provision. The Developer's Guide to Infrastructure Contributions (2010) states that, 'a development of 700 houses could be expected to produce sufficient pupils to fill a one form entry primary school and would almost certainly trigger the need for a bespoke project. A one form entry primary school requires 1.1 hectares of land; however, ECC has a strong preference for two form entry primary schools (1.9 hectares).'

It is considered that there are no reasonable alternatives for the quantum of development within the Plan area. An alternative of a higher quantum of development would result in the allocation of additional sites for development that would crucially not adhere to the policy content of this Neighbourhood Plan. Additionally, this approach can not be viewed as a reasonable alternative, in so far as it would result in the allocation of 'unsuitable' sites as determined in the emerging CBC SLAA. The SLAA represents an assessment of all the sites submitted in the CBC call-for-sites process as part of work towards a Local Plan, from which sites have been identified for selection or rejection in this Neighbourhood Plan.

13.1.4 Proposed Mitigation Measures / Recommendations

No mitigation measures or recommendations are suggested.

13.2 Policy WIV24: Housing for the frail elderly

Proposals to deliver housing especially for the frail elderly and designed to promote independent living will be supported, subject to the proposals satisfactorily addressing all other policy criteria.

Table 34: Impact on SEA Objectives

	SEA Objectives													
	1	2	3	4	5	6	7	8	9	10	11	12	13	14
Short Term	+	0	0	0	+	0	0	0	0	0	0	0	0	0
Medium Term	+	0	0	0	+	0	0	0	0	0	0	0	0	0
Long Term	+	0	0	0	+	0	0	0	0	0	0	0	0	0

13.2.1 Significant Effects

The Policy positively impacts on SEA objectives relating to meeting the housing needs in Wivenhoe (1) and building a sustainable community with good social outcomes (5). The Policy responds to an identified need in the Plan area and supports notions of community well-being.

13.2.2 Temporal Effects

Effects will not change over time.

13.2.3 Alternatives Considered

No alternatives have been considered reasonable as the Policy looks at the principle of delivering sustainable development within the Plan Area.

13.2.4 Proposed Mitigation Measures / Recommendations

No recommendations are made for this Policy.

13.3 Policy WIV25: Residential Care Home

Proposals for a residential care home (Use Class C2) within the Neighbourhood Plan area shall be supported. This shall be subject to the proposals satisfactorily addressing all other policy criteria.

Table 35: Impact on SEA Objectives

	SEA Objectives													
	1	2	3	4	5	6	7	8	9	10	11	12	13	14
Short Term	+	0	0	0	+	0	0	0	0	0	0	0	0	0
Medium Term	+	0	0	0	+	0	0	0	0	0	0	0	0	0
Long Term	+	0	0	0	+	0	0	0	0	0	0	0	0	0

13.3.1 Significant Effects

The Policy positively impacts on SEA objectives relating to meeting the housing needs in Wivenhoe (1) and building a sustainable community with good social outcomes (5). The Policy responds to an identified need in the Plan area and supports notions of community well-being.

13.3.2 Temporal Effects

Effects will not change over time.

13.3.3 Alternatives Considered

No alternatives have been considered reasonable as the Policy looks at the principle of delivering sustainable development within the Plan Area.

13.3.4 Proposed Mitigation Measures / Recommendations

No recommendations are made for this Policy.

13.4 Policy WIV26: Flooding Risk and Climate Resilience

- (i) Development should be located to minimise the risk of fluvial or surface water flooding
- (ii) Drainage for new development should be based on the principles of sustainable drainage, as outlined in the Essex County Council SuDS Guide. Wherever possible this should be designed using above ground drainage features to help ensure robust treatment to improve the quality of water entering into local water bodies. The system should also promote wildlife habitats as well as green and blue corridors in relation to any new development
- (iii) Permeable surfaces should be used wherever possible
- (iv) Development should be located to encourage the use of sustainable transport and should include additional cycle and footpath links
- (v) Incorporation of technologies which reduce reliance on fossil fuels such as solar panels at the build stage on new developments will be encouraged

Table 36: Impact on SEA Objectives

	SEA Objectives													
	1	2	3	4	5	6	7	8	9	10	11	12	13	14
Short Term	0	0	0	+	0	0	0	0	+	+	0	0	0	++
Medium Term	0	0	0	+	0	0	0	0	+	+	0	0	0	++
Long Term	0	0	0	+	0	0	0	0	+	+	0	0	0	++

13.4.1 Significant Effects

The Policy will have significant positive impacts on the SEA objective related to improving resilience to climate change including the potential impact on flooding (14). Additional minor positive impacts can be expected on environmentally friendly design of new developments (4), enhancing access to green spaces (9) and enhancing biodiversity (10) in the plan area.

13.4.2 Temporal Effects

Effects will not change over time.

13.4.3 Alternatives Considered

No alternatives have been considered reasonable as the Policy looks at the principle of delivering sustainable development within the Plan Area.

13.4.4 Proposed Mitigation Measures / Recommendations

No mitigation measures or recommendations are proposed.

13.5 Policy WIV27: Design and Access

Developers must demonstrate in a Design and Access Statement how their proposed development

reinforces and enhances Wivenhoe’s character and heritage. The statement must set out how the proposals follow the policies and guidance in relevant national and local documents as well as this Plan. The Design and Access Statement must address the following requirements for the proposed development:

- Be of high architectural value, construction and operation; and
- Should demonstrate how sustainability and environmental considerations have been taken into account. Design should incorporate flexibility of use, some with potential for future expansion or alteration for lifetime living, with the aspiration that properties will meet Lifetime Homes design standards (as identified in Appendix 2); and
- Be styled to complement and respect existing dwelling types in the vicinity; and
- Use good quality materials that complement the existing palette of materials used within the area with the promotion of high quality interior spaces and light; and
- Incorporate space and facilities conducive to working from home with occupier controlled access to fibre, copper and other home office services; and
- Incorporate well-designed access for pedestrians, cyclists and the physically disadvantaged; and
- Ensure appropriate on-site car parking for cars, motor cycles and mobility scooters; and
- Ensure that all homes include outside storage space, and where flats are proposed, include adequate provision of personal secure outdoor general storage suitable for bicycles; and
- Include landscape schemes that show integration into the surrounding countryside, and incorporate play areas with access to open and green spaces; and
- Ensure that gardens are appropriate to the type of dwelling proposed. This may mean that for some types of dwellings such as apartments and flats, or for older people, there may not be any garden, or there are gardens that could be provided under a service arrangement.

Table 37: Impact on SEA Objectives

	SEA Objectives													
	1	2	3	4	5	6	7	8	9	10	11	12	13	14
Short Term	+	0	+	++	0	0	0	0	++	0	+	++	+	0
Medium Term	+	0	+	++	0	0	0	0	++	0	+	++	+	0
Long Term	+	0	+	++	0	0	0	0	++	0	+	++	+	0

13.5.1 Significant Effects

The Policy will have significant positive impacts on those SEA Objectives relating to good design (4), the preservation of access to green spaces (9) and the protection of the townscape area (12). Further positive impacts are noted in regard to meeting the housing need in Wivenhoe (1), encouraging sustainable transport (3) and protecting Wivenhoe’s designated and undesignated heritage assets (11).

The Policy criteria respond to a need for the built environment in Wivenhoe to be protected from inappropriate development that may detract from local characteristics. Additional criteria ensure that further notions of social environmental sustainability can be expected to be forthcoming from any forthcoming development.

13.5.2 Temporal Effects

Effects will not change over time.

13.5.3 Alternatives Considered

No alternatives have been considered reasonable as the Policy looks at the principle of delivering sustainable development within the Plan Area.








13.5.4 Proposed Mitigation Measures / Recommendations

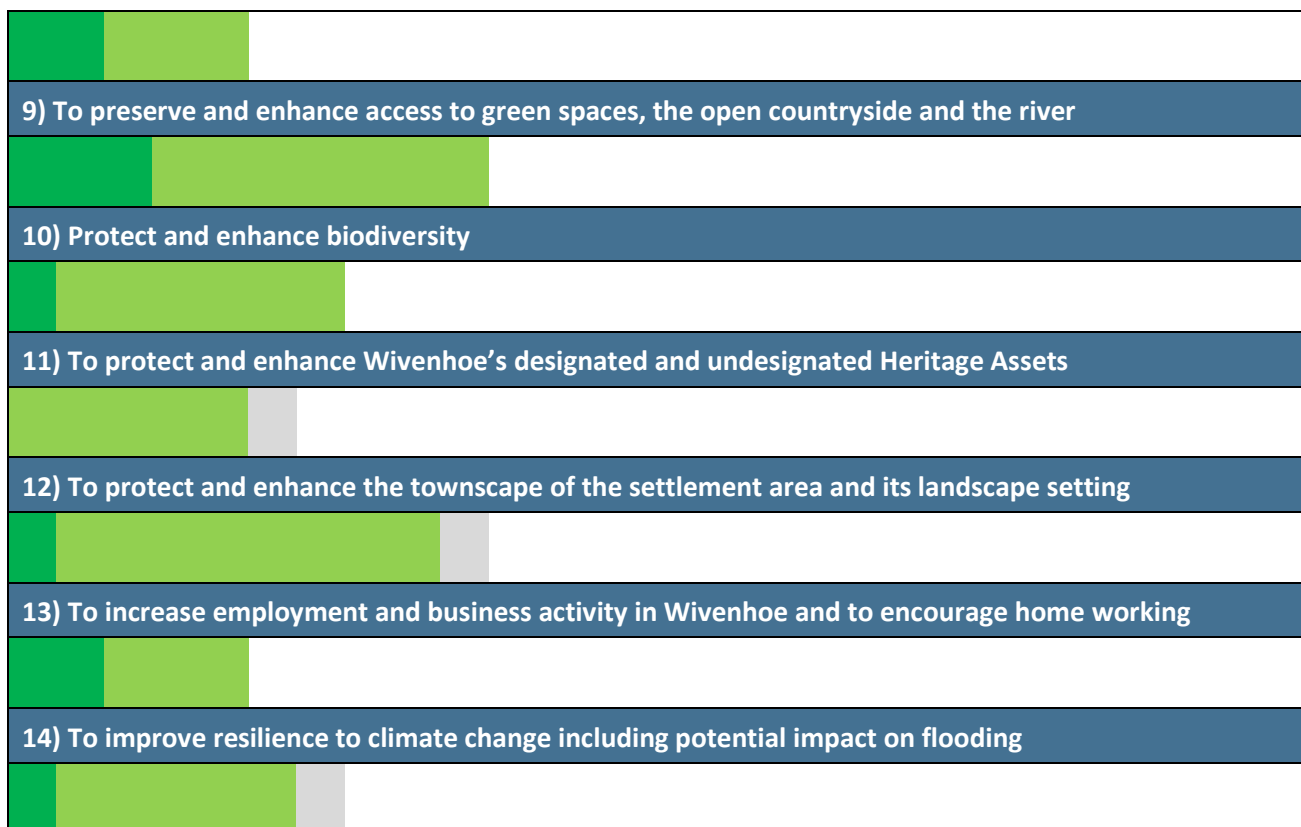
No mitigation measures or recommendations are proposed.

13.6 The cumulative and synergistic effects of the Plan policies (non-site allocations)

This section looks at the long term cumulative and synergistic effects of the Plans non-site allocation policies. The below table explores the amalgamated performance of the Plan’s policies and against specific SEA Objectives.

Table 38: The extent of impacts identified in the policy appraisals per sustainability objective

Sustainability Objective
1. To meet the housing needs of Wivenhoe residents which will enable them to live in a decent, safe house at a price they can afford.

2. Development to make an efficient use land

3. Location of new development should encourage walking and use of sustainable transport and minimise impact on current traffic congestion.

4) Dwellings should be of good design, and environmentally friendly and should complement the current townscape

5) To build a sustainable community with good education, health and social outcomes

6) To protect existing community facilities and to secure additional facilities.

7) To preserve the rural nature of Wivenhoe

8) To preserve the green setting of the river Colne



As can be seen, none of the Plan's policies will give rise to negative effects. In regards to the cumulative performance of the policies, the following impacts have been identified for each SEA Objective:

- SEA Objective 1: There will be few cumulative impacts on this Objective associated with the Plan's non-allocation policies, largely through their varied focus over a range of issues relevant to the Plan Area. Nevertheless, the site allocation policies themselves add positive cumulative impacts to the requirements of development set out in the majority of the Plan's policies.
- SEA Objective 2: The policies in accumulation can be seen to fewer positive impacts on this SEA Objective than any other. This is largely due to the SEA Objective being achieved through the indirect impacts of sustainable development, to which all other policies directly contribute. In addition, the efficient use of land is achieved as a principal thread running through the Plan as a whole and as such is difficult to achieve directly through any policies. As such, there will be significant positive cumulative impacts on this SEA Objective through all of the policies and site allocations contained within the Plan.
- SEA Objective 3: There will be significant positive cumulative impacts on promoting sustainable transport methods through the locational-criteria elements of policies and their general, more direct, requirements.
- SEA Objectives 4 & 12: There will be strong cumulative positive impacts associated with these objectives through a range of policy requirements to ensure high quality design is forthcoming in the Plan Area and also the focus on the redevelopment of some areas within some policies.
- SEA Objectives 5 & 6: The Plan's policies will have positive cumulative impacts on this objective, through a direct focus of many policies on ensuring that current services and facilities do not have capacity issues resulting from new development. Similarly, some policies directly set requirements or aspirations of new developments to provide infrastructure improvements directly or through appropriate contributions.
- SEA Objectives 7, 8 & 9: The preservation of Wivenhoe's rural nature, the green setting of the river and access to green spaces and the countryside will be ensured through a number of the Plan's policies, either directly or indirectly through focusing development to the existing settlement boundary or extensions

thereof. In addition specific policies with such a focus ensure that there will be strong positive cumulative impacts on these objectives in unison.

- SEA Objective 10: There are unlikely to be any cumulative benefits associated with the Plan’s policies in unison. Although specifically mentioned within policy, a large amount of the impacts highlighted are indirect and unlikely to be strengthened.
- SEA Objective 11: Although it may appear that this SEA Objective is less comprehensively achieved than others, there are strong indirect links between those positive impacts regarding design and townscape with the preservation of heritage assets. As such there will be significant positive impacts resulting from the Plan’s policies.
- SEA Objective 13: Positive cumulative impacts on this SEA Objective will be realised through those policies that singularly focus on new employment development or redevelopment schemes and look to the safeguarding of existing uses.

13.7 How the SEA process has influenced the Plan’s policies

The SEA process is intended to follow that of the plan-making process, through iterative working, in order to ensure that the Plan evolves with sustainability at the forefront of decision making. As well as there being a continuous dialogue between both parties, a Draft SEA Report was shared with the Wivenhoe Neighbourhood Plan Group in February 2016 in response to a draft version of the Neighbourhood Plan. This Draft SEA Report suggested a number of recommendations to improve the sustainability performance of the Plan at that stage. The following table sets out this list of recommendations, and the resultant action taken by the Wivenhoe Neighbourhood Plan Group in preparing a Plan for formal consultation.

Table 39: Recommendations made throughout the SEA process and subsequent action taken

Recommendation made through the SEA process		Action taken in preparing the Neighbourhood Plan
Policy	Comment	
Vision	It is recommended that a Vision statement is included that recognises biological and ecological assets and designations in and around the Plan Area. Furthermore, it is recommended that the Vision addresses the potential conflict that may arise between improving access to the natural environment and the subsequent impacts this may have on biodiversity and wildlife designations	The following additions have been made to the Plan’s Vision (in bold) - protecting and enhancing its distinctive character, rich heritage and natural assets such as the river and its rural setting, and those areas which are important to wildlife and biodiversity - improving access to the river and other countryside areas by people for recreational purposes whilst respecting sensitive environmental habitats
The Plan Objectives	It is recommended that the Plan Objectives recognise the potential conflict that may arise between improving access to the natural environment and the subsequent impacts this may have on biodiversity and wildlife designations. It is also recommended that an additional Plan Objective be included that aspires to minimise the risk of flooding in the Plan	The following additions have been made to the Plan’s Objectives (in bold): Objective 3: Preserve and improve access to green spaces, countryside and the river whilst respecting sensitive environmentally important habitats Objective 10: Development should seek to improve resilience to climate change and to minimise the potential impact on flooding

Recommendation made through the SEA process		Action taken in preparing the Neighbourhood Plan
Policy	Comment	
	Area, both fluvial and regarding surface water; particularly in light of the additional development needs identified.	
WIV6	It is recommended that the policy defines further what would be acceptable in terms of achieving a balance between the needs of visitors and desires of people living along the waterfront for the purposes of informing any possible planning applications in the area.	No action has been taken in response to this recommendation.
WIV11	It is recommended that the Policy should note that the area of The Quay falls within a Conservation Area, and any redevelopment of the area should be made in conjunction with the recommendations made within the Wivenhoe Conservation Area Appraisal and Management Guidelines (2007) document.	The following additions have been made to the Policy (in bold): Whilst recognising that the Quay area is a BOAT (Byway Open to All Traffic) and is also within the Wivenhoe Conservation Area, it is designated as an area for improvement Reference to the Wivenhoe Conservation Area Appraisal and Management Guidelines (2007) has not been made as the document has not been formally adopted by the Borough Council.
WIV12	This policy would benefit from clarifying the wording of the initial statement relating to the 'redevelopment' of existing gardens. Garden sites are recognised as 'greenfield' and so the statement should refer to the development, rather than the redevelopment of such sites. The policy could also elaborate on what evidence would have to accompany any planning application for the purposes of determining whether the development would or would not give rise to a significant increase in traffic as indicated in criterion (v).	The following additions have been made to the Policy (in bold): Where existing gardens are used to provide additional dwellings within the current settlement boundary, the development should reflect the character of the townscape in which it sits and protect the amenity of neighbours. No action has been taken in response to the recommendation regarding determining whether the development would or would not give rise to a significant increase in traffic.
WIV13	It should be noted that Permitted Development rights apply for a number of extensions and conversions and in those instances this policy would not apply. This could be included within the supporting text. It would be recommended that the Policy allow for some degree of innovation in proposals. The NPPF states	The Plan has been adapted to include the following supporting text in response to the recommendation regarding Permitted Development rights: For those extensions which are not covered by permitted development rights the following policy (Policy WIV13) should apply. The recommendation regarding innovation in proposals has not been taken into account as sufficient policy exists

Recommendation made through the SEA process		Action taken in preparing the Neighbourhood Plan
Policy	Comment	
	that planning policies should aim to ensure that developments ‘respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation.’ This stance is also supported by the Colchester Borough Council document, ‘Extending your house?’ which could additionally be referenced.	at the LPA level.
WIV15	In regard to national requirements, and in so far as the policy as drafted may affect the viability of some development schemes, it is recommended that the policy is redrafted in line with national infrastructure considerations, is limited to development proposals that would directly exacerbate capacity issues surrounding new indoor sports and social recreational facilities and specifically include the requirements of those development proposals identified within the Plan.	Related to this recommendation, the Plan has identified some specific infrastructure provision as part of the site allocation process, which have been provisionally agreed with the relevant landowners. The Wivenhoe Neighbourhood Planning Group also indicates that additional provision will have to come forward from s106 / CIL in line with LPA policies. This stance is set out and incorporated within the supporting text.
WIV16	The policy makes the point that there must be regard for the needs of residents within Wivenhoe in the event that development on this land takes place. Specific requirements that would satisfy this point could be outlined with reference to the evidence base to clarify the needs that must be met and strengthen the policy.	Although this recommendation has not been specifically factored into the Plan (at the time of writing), it is currently being considered by the Wivenhoe Neighbourhood Plan Group. Should any amendments or additions be forthcoming, these will be factored into this SEA.
WIV17	The ‘Local List of Planning Validation Requirements’ will supply the necessary details of proposals against which the application of Policy WIV17 can be informed. It is recommended that the supporting text of the Policy includes such detail, so as to set out how decisions will be made in regards to the implementation of Policy WIV17. It is further recommended that the ‘cumulative impact’ element of the Policy is elaborated in order to demonstrate that	The Plan has been adapted to include the following supporting text in response to the recommendation regarding the transport related requirements needed of a planning application (in bold): In line with Borough policies developments which are likely to generate 30 two-way peak hour vehicle trips or more will require a Transport Assessment, and applications that result in lower but still significant transport considerations will require a Transport Statement at the planning application stage. The cumulative impact of any development(s) on existing traffic flows must be considered.

Recommendation made through the SEA process		Action taken in preparing the Neighbourhood Plan
Policy	Comment	
	the impacts of individual proposals will be considered in accumulation with existing traffic flows.	Another recommendation stated that the 'cumulative impact' element of the Policy be elaborated to reflect the cumulative impact of new development with existing traffic flows. This has also been taken into account within the supporting text: The cumulative impact of any development(s) on existing traffic flows must be considered.
WIV27	The Policy or supporting text could refer to what is appropriate parking for different types of development. It is therefore recommended that the reference is made to the LPA's Adopted Vehicle Parking Standards SPD (2009) and / or the Colchester Borough Council LDF Development Policies document DP19. In addition, the same principle applies to what responds to an appropriate garden size for different sizes and tenures of housing development. With this in mind, it is recommended that reference is made to Policy DP16 of the abovementioned Colchester Borough Council document, which sets out the standards for private amenity space.	Recommendations regarding parking and garden size have not been incorporated into the Plan. The Wivenhoe Neighbourhood Plan Group note that cross references have not been included as the Borough's stance on these issues apply in the first instance unless specified otherwise in the Neighbourhood Plan.
General	There will be uncertain to negative cumulative impacts on SEA objective 14 regarding flood risk. Flooding can occur from any inappropriate development and the Plan's policies do not specifically include any such requirements to directly or principally reduce the risk of any resulting flood risk. It is recommended that such a policy direction be included within the Plan, or that such a thread be integrated throughout the Plan.	<p>This recommendation has been factored into the Plan with the formulation and inclusion of a new policy on flood risk and climate resilience (Policy WIV26) (in bold):</p> <p>Policy WIV26: Flooding Risk and Climate Resilience</p> <p>(i) Development should be located to minimise the risk of fluvial or surface water flooding</p> <p>(ii) Drainage for new development should be based on the principles of sustainable drainage, as outlined in the Essex County Council SuDS Guide. Wherever possible this should be designed using above ground drainage features to help ensure robust treatment to improve the quality of water entering into local water bodies. The system should also promote wildlife habitats as well as green and blue corridors in relation to any new development</p> <p>(iii) Permeable surfaces should be used wherever possible</p> <p>(iv) Development should be located to encourage the use of sustainable transport and should include additional cycle and footpath links</p>

Recommendation made through the SEA process		Action taken in preparing the Neighbourhood Plan
Policy	Comment	
		(v) Incorporation of technologies which reduce reliance on fossil fuels such as solar panels at the build stage on new developments will be encouraged

14 Site Allocation Policies

14.1 Introduction to the Plan's Proposed Site Allocations

The following section looks at the impacts of the site allocations as set out in the following policies. For the purposes of ensuring a total of 250 new dwellings in the plan period, the following allocations are proposed:

- Policy WIV28: Land off the Croquet Gardens – for up to 25 dwellings (area shown in Fig.32 of the Neighbourhood Plan)
- Policy WIV29: Land behind Broadfields – for up to 120 dwellings (area shown in Fig.35 of the Neighbourhood Plan)
- Policy WIV30: Land at Elmstead Road – for up to 25 dwellings (area shown in Fig.36 of the Neighbourhood Plan)
- Policy WIV31: Land behind the fire station, Colchester Road – for up to 80 dwellings (area shown in Fig.39 of the Neighbourhood Plan)

A maximum of 250 new dwellings are proposed for construction in the Wivenhoe Parish area up until 2032 across these four sites. Additionally there could be more homes built on the north side of the A133 which is designated a potential strategic by Colchester Borough Council and Tendring District Council. One of the options currently being considered within the emerging Colchester Local Plan is for a cross border garden community of some 5,000 to 6,000 dwellings, some of which would be in the NP area on land to the north of the A133. Such a strategic allocation however would not come forward through or be within the scope of this Neighbourhood Plan and is therefore not subject to the SEA of the Neighbourhood Plan in this Environmental Report.

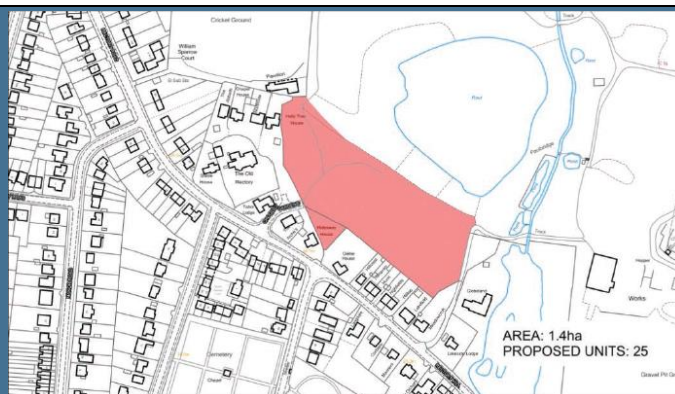
In addition to the sites proposed for allocation, this SEA Environmental Report additionally explores the sustainability impacts of 'reasonable' alternative sites in the Plan Area. These have been identified as those that have been identified in the LPA's emerging SLAA as indicatively viable, suitable or deliverable. The sites within the LPA's SLAA were identified through the LPA's Local Plan call-for-sites process.

This process identified a number of sites in the Plan Area, as highlighted in Figure 31 of the Neighbourhood Plan. For the sites labelled 021, 180 and 159 only part of each area is being proposed for housing. The whole of site 160 is proposed for development. Two further sites identified in Figure 31, those being 078 (adjacent to Millfields School) and 048 (adjacent to Wivenhoe Woods) have been rejected by the Wivenhoe Neighbourhood Plan Group and the reasons for rejection are documented in this SEA Environmental Report. Further sites sieved out as unviable, unsuitable or undeliverable through the LPA's emerging SLAA process have also been documented in an Appendix to this report for completeness.

It is worthy of note that in line with the pro forma, appraisals are not intended to be a detailed project-level assessment of each site, such as that provided by an Environmental Impact Assessment (EIA), but aim to provide a strategic level assessment highlighting those broad impacts of the sites to inform the plan-making process.

14.2 Policy WIV28: Land off Croquet Gardens

An area of 1.35 hectares lying behind Croquet Gardens shown in Figure 32 is allocated for 25 residential dwellings and for a residential care home subject to the following conditions:



- (i) the 25 dwellings to each be of 3 bedrooms or less, and suitable for occupation by older people; and
- (ii) the overall design of the scheme to demonstrate that it will address the needs of older people; and
- (iii) 20% of all properties to be allocated as affordable housing application or that percentage relevant under Borough policies at the time the planning application is submitted; and
- (iv) the development be protected from impacts arising from Wivenhoe Quarry operations by means of suitable mitigation measures; and
- (v) the introduction of landscaping on the western boundaries of the site in order to ensure that development is well screened from existing properties there; and
- (vi) protective netting be erected alongside the boundary with the Cricket Club that is suitably high to protect members of the public from stray cricket balls from the cricket ground; and
- (vii) that it can be demonstrated that development will not have a detrimental impact on wildlife, as evidenced through a wildlife survey; and
- (viii) an agreement that all the land on the eastern boundary of the site, including the fishing lake, can be protected as a wildlife area and as a corridor connecting the wildlife area in the north to Gravel Pit Grove in the south; and
- (ix) 2 acres (0.8ha) of land be given to Wivenhoe Town Council for new allotments adjacent to the existing allotments and backing on to the gardens of the properties in Field Way; and
- (x) the layout to provide::
 - a) all-weather footpaths and cycle tracks from Croquet Gardens to The Cross, and to the boundary with the Quarry site; and
 - b) a shared use footpath and cycle track linking The Cross to the land in the north owned by Colchester Borough Council; and
- (xi) a small area of land to be provided suitable for the informal parking of up to 20 cars for people to access the meadow behind the Cricket Club; and
- (xii) existing public and permissive rights of way to be maintained across the meadow; and
- (xiii) Contributions towards open spaces, sports, recreational facilities and community facilities shall be required in line with Borough Policies current at the time any application for planning permission is made.

Table 40: Impact on SEA Objectives

SEA objective	Site criteria	Impact	Commentary (where necessary)
1. To meet the housing needs of Wivenhoe residents which will enable them to live in a decent, safe house at a price they can afford.	Will the site deliver affordable social housing and sites for housing associations?	+	The proposal is for more than 10 dwellings.
	Will the site deliver housing suitable for older people?	++	Proposal includes dwellings for older people.
	Is the site subject to noise or other pollution?	++	There is a minerals extraction site to the east of the site at Keelar's Lane which may cause such impacts on the proposed residential use. Additionally there is a proposal in the Replacement Waste Local Plan to locate a waste management facility at Wivenhoe Quarry, however the area identified for development is beyond 250m from the operational part of the site and mitigation would be possible. Additionally, the Environment Agency and ECC as the Waste Planning Authority have responsibilities to limit pollution from waste management facilities, including such limits as hours of operation and noise standards in the interests of protecting local amenity.
	Are there power lines crossing the site?	++	None on site.
2. Development to make an efficient use land	Is the site on Brownfield land?	--	The site is 100% greenfield.
	What housing density will be delivered?	/	The development would provide 19 dwellings per hectare calculated from 25 dwellings on 1.35 hectares of land, however the inclusion of a residential care home as part the development ensures that an 'uncertain' impact is appropriate in line with the SEA Site Assessment Pro Forma.
	Is the site high grade agricultural land?	+	The site is currently in agricultural use, however is in poor condition and not of a high quality.
	Does the land contain valuable mineral resources, or is it allocated for future waste management?	--	Site is within a Waste Consultation Zone however this is not a barrier to development.
	Is the land contaminated or possibly needing	/	Although not directly applicable to the specific site for development, local evidence suggests that contamination is

SEA objective	Site criteria	Impact	Commentary (where necessary)
	remediation?		possible in close proximity as a result of landfill operations in the 1970s.
3. Location of new development should encourage walking and use of sustainable transport and minimise impact on current traffic congestion.	Does the site have/potentially have good pedestrian and cycle access to local facilities?	++	The centre of the site is within 600m of a food store and no part of the site is more than 700m from a food store.
	Is the site conveniently located for current or potential bus stops and is there/could there be a good bus service?	++	The site is 150m from the Rectory Road bus stop.
	Would site access be onto the currently most congested roads and lead to further peak hour congestion on these routes?	++	Access will be onto Rectory Road which is one of the more congested roads, but the fact the development is retirement homes no vehicles commuting during peak traffic hours so it is unlikely to increase congestion.
	If used for employment purposes would the site be accessible by sustainable transport?	0	Development proposed for another use.
4. Dwellings should be of good design, and environmentally friendly and should complement the current townscape	Would a development complement the existing townscape in terms of design and scale?	+	All developments should complement the existing townscape in accordance with policy in this Neighbourhood Plan and Colchester Local Plan.
5. To build a sustainable community with good education, health and social outcome	Would there be adequate early years and primary school places?	++	Although all three schools in Wivenhoe have a deficit in available places, the housing yield for the allocation has been calculated to specifically factor in capacity adjustments for new housing.
	Are there adequate health facilities?	+	Site is 220m from Wivenhoe Surgery.
6. To protect existing community	Would development of the site affect any existing buildings used	++	No loss of existing facilities.

SEA objective	Site criteria	Impact	Commentary (where necessary)
facilities and to secure additional facilities.	by the community?		
	Would development affect any existing community sports facilities?	++	No loss of existing sports facilities.
	Would development result in extra community buildings, sports facilities, allotments, public open space, and/or a cemetery (green and traditional)?	++	Development includes open space provisions and the inclusion of land for additional allotments.
	Would development result in the loss of open space?	-	Site would see some net loss of open space.
7. To preserve the rural nature of Wivenhoe	Would development of the site result in settlement coalescence? Would important vistas from and towards Wivenhoe be preserved?	++	No loss of important vistas and the strategic break is retained.
	Would the rural approach to the settlement area be affected?	+	Site is not located on either Colchester Road or The Avenue and so does not affect the rural approach to Wivenhoe.
8. To preserve the green setting of the river Colne	Is the site in the current coastal protection belt and is it visible from the river or has views to the river?	++	Site is not in the Coastal Protection Belt.
9. To preserve and enhance access to green spaces, the open countryside and the river	Will development of the site impact on access to green spaces or on footpaths crossing them or alongside the river?	--	Site would see a net loss of open green space.
10. Protect and enhance biodiversity	Would development affect sites which are important for	0	Site would not have a Likely Significant Effect regarding Natura 2000 sites, as stated within the HRA Screening Assessment / Report and as verified by Natural England.

SEA objective	Site criteria	Impact	Commentary (where necessary)
	biodiversity?		
11. To protect and enhance Wivenhoe's designated and undesignated Heritage Assets	Are there any of the following (including their settings) on site (?):	++	No heritage assets are located in the vicinity of the site.
	Listed buildings (and at risk)		
	Scheduled Monuments (and at risk)		
	Registered Parks and Gardens (and at risk)		
	Impact on the Conservation Area	+	Site is not adjacent to the Conservation Area and would not have a negative impact.
	Are there any known archaeological deposits on the site?	+	No known archaeological deposits on site.
	Are there any locally listed heritage assets (and at risk) on the site?	++	No locally listed heritage assets on site.
12. To protect and enhance the townscape of the settlement area and its landscape setting	Would development of the site complement the existing townscape?	/	Site is greenfield land and so does not have an allocated value in the landscape character assessment. However, it is noteworthy that the site is adjacent to areas of moderate sensitivity to change.
	Would it affect views and vistas? Would it impact on visually significant trees and woodland?	0	No impact on views or vistas and no Tree Preservation Orders on site. There would be the loss of some visually significant woodland.
13. To increase employment and business activity in Wivenhoe and to encourage home working	Would the site be viable for generating employment?	0	Site is for another use.
	Would housing design and improvements to telecommunications encourage home working?	0	Home working is not a requirement in housing for older people.
14. To improve	Is the site subject to	++	Site is completely within flood zone 1.

SEA objective	Site criteria	Impact	Commentary (where necessary)
resilience to climate change including potential impact on flooding	flooding?		
	Would development of the site increase the potential for flooding elsewhere?	+	Site is partially within an area of low risk of surface water flooding.

14.2.1 Significant Effects

The proposal would provide appropriate housing for older people, will not experience undue noise from the gravel processing plant and is non-agricultural land with no power lines present. The site also has good access to a food store, a GP surgery, public transport nodes and highways. It also proposes to include additional allotment space, would not diminish the strategic break between the settlement and the University and is not located within the Coastal Protection Belt. Its location, in being distanced from the Conservation Area will not impact on heritage assets, known archaeological deposits, and there are no insurmountable flood issues associated with the land.

The site is located in a sustainable location in terms of access to services and facilities being close to the neighbourhood and rural district centres in Wivenhoe. Although access to secondary schools and employment land is poor, this is a general problem across Wivenhoe.

Specifically related to the proposal, the site has negative impacts associated with a loss of Greenfield land, and the net loss of some publicly accessible open space. None of these however are barriers to development. Other negative impacts highlighted can be viewed as irrelevant to the proposal.

14.2.2 Temporal Effects

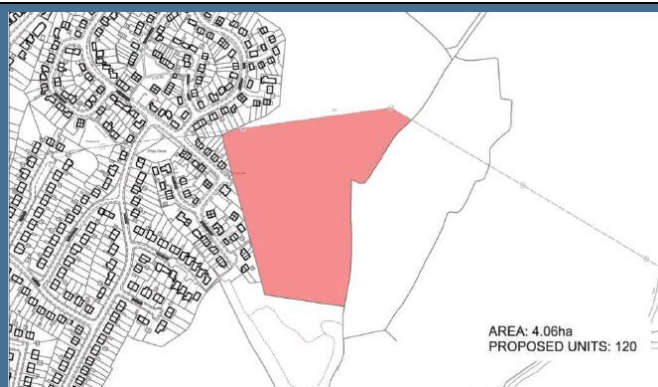
Effects will not change over time.

14.2.3 Proposed Mitigation Measures / Recommendations

No mitigation measures are proposed in accordance with the Policy's required conditions as stated.

14.3 Policy WIV29: Land behind Broadfields

The land behind Broadfields shown in Figure 35 totalling 4.06 hectares is allocated for 120 dwellings subject to the following conditions:



- (i) a minimum of 45 dwellings shall be provided with one or two bedrooms which could be designed as homes for older people, or for single people, or for young couples. They could be bungalows, terraced properties or apartments; and
- (ii) the number of dwellings with 4 bedrooms or more shall not exceed 25 (these could include an office for home-working and/or an annexe to accommodate a relative); and
- (iii) dwellings, of whatever size, designed for older residents or active retirees should be built to the Lifetime Homes standard; and
- (iv) 20% of all properties are to be allocated as affordable housing application of that percentage relevant under Borough policies at the time the planning application is submitted; and
- (v) it can be demonstrated the development will not have a detrimental impact on wildlife, as evidenced through a wildlife survey; and
- (vi) vehicle access into the residential part of the site shall be provided from Richard Avenue; and
- (vii) 2 hectares of land in the northern part of the site adjacent to Broad Lane Sports Ground shall be provided for additional sports pitches; and
- (viii) a dedicated footpath / cycleway along Elmstead Road to link up Broad Lane Sports Ground with the built-up part of Wivenhoe shall be provided; and
- (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; and
- (xi) contributions towards open spaces, sports, recreational facilities and community facilities shall be required in line with Borough Policies current at the time any application for planning permission is made.

Proposals to include some self-build plots within this site allocation will be supported.

Table 41: Impact on SEA Objectives

SEA objective	Site criteria	Impact	Commentary (where necessary)
1. To meet the housing needs of Wivenhoe residents which will enable them to live in a decent, safe house at a price they can afford.	Will the site deliver affordable social housing and sites for housing associations?	+	Proposal is for more than 10 dwellings.
	Will the site deliver housing suitable for older people?	++	Site includes housing provisions for older people.
	Is the site subject to noise or other pollution?	++	Site is more than 250m from any minerals processing plant or waste management facility.
	Are there power lines crossing the site?	++	No power lines cross the site.
2. Development to make an efficient use land	Is the site on Brownfield land?	--	Site is 100% greenfield.
	What housing density will be delivered?	++	Development has a housing density of 30 dwellings per hectare.
	Is the site high grade agricultural land?	-	Site is a mixture of grade 2 and non-agricultural land.
	Does the land contain valuable mineral resources, or is it allocated for future waste management?	--	Land is within a Waste Consultation Zone.
	Is the land contaminated or possibly needing remediation?	+	No previous / historic minerals or waste management activities on the site.
3. Location of new development should encourage walking and use of sustainable transport and minimise impact on current traffic congestion.	Does the site have/potentially have good pedestrian and cycle access to local facilities?	++	Centre of the site is less than 600m and no part is further than 700m from a food store.
	Is the site conveniently located for current or potential bus stops and is there/could there be a good bus service?	++	Centre of the site is less than 600m and no part is further than 700m from a bus stop.

SEA objective	Site criteria	Impact	Commentary (where necessary)
	Would site access be onto the currently most congested roads and lead to further peak hour congestion on these routes?	++	Development is proposed to be accessed from Richard Road and is unlikely to increase congestion on Wivenhoe's busiest roads.
	If used for employment purposes would the site be accessible by sustainable transport?	0	Development for another use.
4. Dwellings should be of good design, and environmentally friendly and should complement the current townscape	Would a development complement the existing townscape in terms of design and scale?	+	All developments should complement the existing townscape in accordance with policy in this Neighbourhood Plan and Colchester Local Plan.
5. To build a sustainable community with good education, health and social outcome	Would there be adequate early years and primary school places?	++	Although all three schools in Wivenhoe have a deficit in available places, the housing yield for the allocation has been calculated to specifically factor in capacity adjustments for new housing.
	Are there adequate health facilities?	/	Site is 650m from Wivenhoe GP Surgery.
6. To protect existing community facilities and to secure additional facilities.	Would development of the site affect any existing buildings used by the community?	++	No loss of community facilities.
	Would development affect any existing community sports facilities?	++	No loss of community sports facilities.
	Would development result in extra community buildings, sports facilities, allotments, public open space, and/or a cemetery (green and traditional)?	++	Land for additional sports facilities on Broad Lane Sports Ground is proposed.

SEA objective	Site criteria	Impact	Commentary (where necessary)
	Would development result in the loss of open space?	-	Development would see some net loss of open space provisions
7. To preserve the rural nature of Wivenhoe	Would development of the site result in settlement coalescence? Would important vistas from and towards Wivenhoe be preserved?	++	Site would not lead to settlement coalescence and no important vistas would be affected.
	Would the rural approach to the settlement area be affected?	+	Site is not located on a road of local importance regarding the rural approach.
8. To preserve the green setting of the river Colne	Is the site in the current coastal protection belt and is it visible from the river or has views to the river?	++	Site is not within the Coastal Protection Belt.
9. To preserve and enhance access to green spaces, the open countryside and the river	Will development of the site impact on access to green spaces or on footpaths crossing them or alongside the river?	--	There would be a net loss in open space.
10. Protect and enhance biodiversity	Would development affect sites which are important for biodiversity?	/	A designated wildlife site is in close proximity to the east of the site. A requirement of the policy is to demonstrate that no detrimental impacts will occur as a result of the development.
11. To protect and enhance Wivenhoe's designated and undesignated Heritage Assets	Are there any of the following (including their settings) on site (?): Listed buildings (and at risk) Scheduled Monuments (and at risk) Registered Parks and Gardens (and at risk)	++	No identified heritage assets in the vicinity of the site.
	Impact on the	+	Site is not adjacent to the conservation Area and would not

SEA objective	Site criteria	Impact	Commentary (where necessary)
	Conservation Area		have negative impacts.
	Are there any known archaeological deposits on the site?	+	No known archaeological deposits on site.
	Are there any locally listed heritage assets (and at risk) on the site?	++	No locally listed heritage assets on site.
12. To protect and enhance the townscape of the settlement area and its landscape setting	Would development of the site complement the existing townscape?	/	Site is greenfield land and so does not have an allocated value in the landscape character assessment. However, it is noteworthy that the site is adjacent to areas of moderate sensitivity to change.
	Would it affect views and vistas? Would it impact on visually significant trees and woodland?	0	Site in in an area with some intrinsic landscape qualities, has no Tree Preservation Orders but is bordered by some mature trees.
13. To increase employment and business activity in Wivenhoe and to encourage home working	Would the site be viable for generating employment?	0	Site is for another use.
	Would housing design and improvements to telecommunications encourage home working?	/	Survey information suggests current conditions within the area of Wivenhoe behind Broadfields are adequate to accommodate home working. However, improvements to mobile phone coverage and internet speeds could be more conducive to working from home.
14. To improve resilience to climate change including potential impact on flooding	Is the site subject to flooding?	++	Site is completely within flood zone 1.
	Would development of the site increase the potential for flooding elsewhere?	+	Site is partially within an area of low risk from surface water flooding. However this is a very small area and has the potential to be avoided by development.

14.3.1 Significant Effects

The site will have positive impacts relating to the delivery of appropriate housing types and density including dwellings for older people. It is also in close proximity to food stores, a GP surgery and public transport nodes, and has good highway access unlikely to contribute to congestion. The inclusion sports facilities will also ensure positive benefits to new and existing communities. The site would not diminish the strategic break between the University and is unconstrained in terms of any loss of key views. There would be no perceived impact on heritage assets and known archaeological deposits and there are no known flood issues associated with the site.

The site is located in a sustainable location in terms of access to services and facilities being close to the neighbourhood and rural district centres in Wivenhoe. Despite this, the site is not in close proximity to schools or employment land however transport links to these uses are good.

The appraisal of the site identifies negative impacts associated with a loss of Greenfield land, comprising of mixture of grade 2 agricultural land. There will also be a small net loss of open space. Nevertheless, these can not be considered significant barriers to development that can not be overcome through the site's compliance with the Plan's policy content requirements.

14.3.2 Temporal Effects

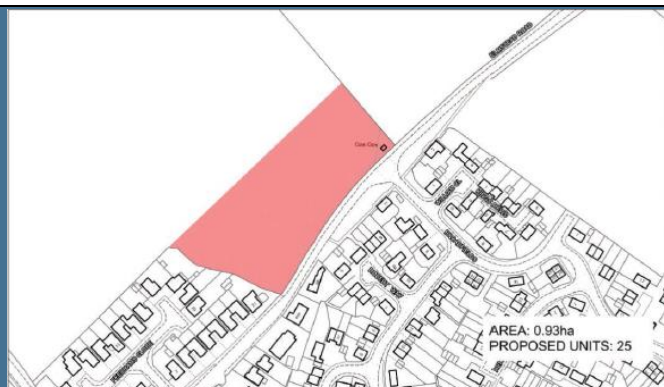
Effects will not change over time.

14.3.3 Proposed Mitigation Measures / Recommendations

No mitigation measures are proposed in accordance with the Policy's required conditions as stated.

14.4 Policy WIV30: Land off Elmstead Road, Wivenhoe

The land shown in Figure 36 totalling 0.93 hectares is allocated for 25 dwellings subject to the following conditions:



- (i) each dwelling to be of a maximum of two bedrooms suited primarily for single people or as ‘starter’ homes for young couples; and
- (ii) 20% of these properties to be allocated as affordable housing or that percentage which is relevant under Borough policies at the time the planning application is submitted; and
- (iii) a cemetery of a minimum of 1.5 hectares in size be given to Wivenhoe Town Council that is provided with off-road parking for 12 cars, is suitably fenced on all sides, incorporates a suitable footway through it and has a cold water supply to a stand-pipe; and
- (iv) a hydrological survey to demonstrate that the cemetery will not have an unacceptable impact on local drainage; and
- (v) landscaping to be implemented on the north west boundary of the residential part of the site in order to ensure that development is well screened by trees and not easily visible to people travelling on Colchester Road; and
- (vi) that it can be demonstrated that development will not have a detrimental impact on wildlife, as evidenced through a wildlife survey; and
- (vii) the provision of appropriate pedestrian and vehicle access into the residential part of the site from Elmstead Road plus whatever other footway / highway improvements would be required by the highway authority; and
- (viii) contributions towards open spaces, sports, recreational facilities and community facilities will be required in line with Borough Policies current at the time any application for planning permission is made.

Table 42: Impact on SEA Objectives

SEA objective	Site criteria	Impact	Commentary (where necessary)
1. To meet the housing needs of Wivenhoe residents which will enable them to live in a decent, safe house at a price they can afford.	Will the site deliver affordable social housing and sites for housing associations?	+	Proposal is for more than 10 dwellings.
	Will the site deliver housing suitable for older people?	/	Small dwelling units intended for starter homes and single people.
	Is the site subject to noise or other pollution?	++	Site is more than 250m from any minerals processing plant or waste management facilities.
	Are there power lines	++	No power lines cross the site.

SEA objective	Site criteria	Impact	Commentary (where necessary)
	crossing the site?		
2. Development to make an efficient use land	Is the site on Brownfield land?	--	Site is 100% greenfield.
	What housing density will be delivered?	/	The proposal provides 26 DPH.
	Is the site high grade agricultural land?	-	Site is grade 2 agricultural land.
	Does the land contain valuable mineral resources, or is it allocated for future waste management?	++	Site is not within Minerals Safeguarding Area or Waste Consultation Zone.
	Is the land contaminated or possibly needing remediation?	+	No know possibilities of contamination.
3. Location of new development should encourage walking and use of sustainable transport and minimise impact on current traffic congestion.	Does the site have/potentially have good pedestrian and cycle access to local facilities?	++	The whole site is within 600m of a food store.
	Is the site conveniently located for current or potential bus stops and is there/could there be a good bus service?	++	The site is 360m from the Colchester Road bus stop.
	Would site access be onto the currently most congested roads and lead to further peak hour congestion on these routes?	++	Site access will be from Elmstead Road which is not one of the more congested roads in Wivenhoe.
	If used for employment purposes would the site be accessible by sustainable transport?	0	Development for another use.
4. Dwellings should be of good design, and environmentally	Would a development complement the existing townscape in terms of design and scale?	+	All developments should complement the existing townscape in accordance with policy in this Neighbourhood Plan and Colchester Local Plan.

SEA objective	Site criteria	Impact	Commentary (where necessary)
friendly and should complement the current townscape			
5. To build a sustainable community with good education, health and social outcome	Would there be adequate early years and primary school places?	++	Although all three schools in Wivenhoe have a deficit in available places, the housing yield for the allocation has been calculated to specifically factor in capacity adjustments for new housing.
	Are there adequate health facilities?	+	Site is within 360 metres stop from a bus stop with direct services to a surgery
6. To protect existing community facilities and to secure additional facilities.	Would development of the site affect any existing buildings used by the community?	++	No loss of existing community facilities.
	Would development affect any existing community sports facilities?	++	No loss of sports facilities.
	Would development result in extra community buildings, sports facilities, allotments, public open space, and/or a cemetery (green and traditional)?	++	A cemetery of a minimum of 1.5 hectares in area is to be gifted to Wivenhoe Town Council as part of the proposal.
	Would development result in the loss of open space?	++	No loss of open space.
7. To preserve the rural nature of Wivenhoe	Would development of the site result in settlement coalescence? Would important vistas from and towards Wivenhoe be preserved?	/	Development of the site would not result in coalescence but if it was developed in its entirety then it would contribute to the risk of coalescence in the future. Furthermore when developed alongside WIV04 the risk of settlement coalescence would increase further. There would be no impact on views and vistas.
	Would the rural approach to the settlement area be affected?	+	Site is not located on a road of local importance regarding the rural approach. However, it is worth noting that the area is highlighted as making a high contribution towards the separation of Wivenhoe and Colchester.

SEA objective	Site criteria	Impact	Commentary (where necessary)
8. To preserve the green setting of the river Colne	Is the site in the current coastal protection belt and is it visible from the river or has views to the river?	++	Site is not within the Coastal Protection Belt.
9. To preserve and enhance access to green spaces, the open countryside and the river	Will development of the site impact on access to green spaces or on footpaths crossing them or alongside the river?	/	No net loss of access to open green spaces or footpaths.
10. Protect and enhance biodiversity	Would development affect sites which are important for biodiversity?	0	Site would not have a Likely Significant Effect regarding Natura 2000 sites, as stated within the HRA Screening Assessment / Report and as verified by Natural England.
11. To protect and enhance Wivenhoe's designated and undesignated Heritage Assets	Are there any of the following (including their settings) on site (?): Listed buildings (and at risk) Scheduled Monuments (and at risk) Registered Parks and Gardens (and at risk)	++	Site has no heritage assets located on the development area.
	Impact on the Conservation Area	+	Site is not adjacent to the Conservation Area and would not have a negative impact.
	Are there any known archaeological deposits on the site?	+	No known archaeological deposits on site.
	Are there any locally listed heritage assets (and at risk) on the site?	++	No loss of locally listed heritage assets.
12. To protect and enhance the townscape of the settlement	Would development of the site complement the existing townscape?	/	Site is greenfield land and so does not have an allocated value in the landscape character assessment. However, it is noteworthy that the site is adjacent to areas of moderate sensitivity to change.

SEA objective	Site criteria	Impact	Commentary (where necessary)
area and its landscape setting	Would it affect views and vistas? Would it impact on visually significant trees and woodland?	0	Site in in an area with some intrinsic landscape qualities, has no Tree Preservation Orders but is bordered by some mature trees.
13. To increase employment and business activity in Wivenhoe and to encourage home working	Would the site be viable for generating employment?	0	Site is for another use.
	Would housing design and improvements to telecommunications encourage home working?	/	Survey information suggests current conditions within the area of Wivenhoe off Elmstead Road are adequate to accommodate home working. However, improvements to mobile phone coverage and internet speeds could be more conducive to working from home.
14. To improve resilience to climate change including potential impact on flooding	Is the site subject to flooding?	++	The site is completely within flood zone 1.
	Would development of the site increase the potential for flooding elsewhere?	-	Site is partially within an area of high risk of surface water flooding. However this is a small area and has the potential to be avoided by development.

14.4.1 Significant Effects

Development at this location would result in positive impacts on the area, related to affordable housing provision, with no power lines present, close proximity to food stores, a GP surgery and public transport nodes, good highway access unlikely to contribute to congestion, the inclusion of additional community provisions with no loss of open spaces and the site being located on a road not considered important for its contribution to the rural approach. The site is not located within the Coastal Protection Belt, contains no heritage assets or known archaeological deposits and there are no know flood risk issues associated with the site.

The site is (currently) situated outside of the settlement boundary but represents a sensible and logical extension of it. Although access to secondary schools and employment land is poor, this is a general problem across Wivenhoe and is not considered a barrier to housing development. The site is convenient for the University and is only 360 metres from the new cycle track to the University.

The site has been identified as having negative impacts associated with a loss of Greenfield land. The site is also partially at risk of surface water flooding, however it should be noted that the inclusion of a hydrological survey, landscaping measures and a wildlife survey as part of the requirements of the policy are likely to mitigate these environmental impacts should the site be granted planning permission.

14.4.2 Temporal Effects

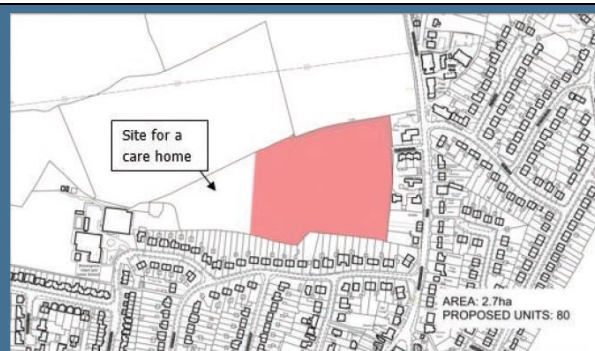
Effects will not change over time.

14.4.3 Proposed Mitigation Measures / Recommendations

No mitigation measures are proposed in accordance with the Policy's required conditions as stated.

14.5 Policy WIV31: Land behind the Fire Station

The land behind the Fire Station shown in Figure 39 totalling 3.06 hectares of which 2.7 hectares is allocated for 80 dwellings subject to the following conditions:



- (i) 5 dwellings shall be built for people aged over 60 in need of housing, currently living in Wivenhoe, to be built and managed by a local housing charity on one third of an acre of land (0.15 ha) within this site, close to Colchester Road, which shall be gifted to this housing charity; and
- (ii) An additional minimum of 20 dwellings shall be built which are suitable for older people, appropriate for the frail elderly as well as being attractive to active retirees; these should be built to the Lifetime Homes Standard and could be bungalows or single level apartments, or two-storey apartments a lift should be incorporated; and
- (iii) In addition a minimum of 15 dwellings shall be built, each of no more than 2 bedrooms, that could be designed as homes for older people, or for single peoples, or for young couples which could be bungalows, terraced properties or apartments; and
- (iv) A maximum of 15 dwellings may be built of 4 bedrooms or more which could also include an office for home-working and/or an annexe to accommodate a relative; and
- (v) All properties intended for older people and at least 50% of all dwellings should be constructed to the Lifetime Homes Standard; and
- (vi) Excluding the 5 housing trust dwellings specified in (i) above, 20% of dwellings are to be allocated as affordable housing or that percentage which is relevant under Borough policies at the time the planning application is submitted; and
- (vii) a site for allotments is provided on a field of approximately 1.5 hectares close by Broomgrove Schools with a mains water supply together with an access track to provide vehicular access to this field with adequate passing places to allow vehicles to pass pedestrians safely as well as vehicles coming from the opposite direction; and
- (viii) this track is to have an all-weather surface suitable to make it a safe footway and cycle track from Broomgrove Schools to Colchester Road by the Fire Station; and
- (ix) contributions towards open spaces, sports, recreational facilities and community facilities will be required in line with Borough Policies current at the time any application for planning permission is made; and
- (x) landscaping is introduced on the northern boundary of the site in order to ensure that development is well screened; and
- (xi) suitable road and pavement access to Colchester Road is provided in accordance with the requirements of ECC Highways.

Proposals to include some self-build plots within the overall allocation will be supported.

An additional 0.86 hectares of land, adjacent to the site allocated for housing, is proposed for a potential site for a care home. This area is as shown on the Wivenhoe Proposals map.

Table 43: Impact on SEA Objectives

SEA objective	Site criteria	Impact	Commentary (where necessary)
1. To meet the housing needs of Wivenhoe residents which will enable them to live in a decent, safe house at a price they can afford.	Will the site deliver affordable social housing and sites for housing associations?	+	Dwelling numbers are higher than 10.
	Will the site deliver housing suitable for older people?	++	Site proposal includes dwellings for older people.
	Is the site subject to noise or other pollution?	++	Site is more than 250m from any minerals processing plant or waste management facility.
	Are there power lines crossing the site?	++	Electricity pylons cross the site to the north, however not the area of the site allocated for housing development.
2. Development to make an efficient use land	Is the site on Brownfield land?	--	Site is 100% greenfield.
	What housing density will be delivered?	++	The proposed density is 30 dwellings per hectare calculated from 2.7 hectares of land and 80 dwellings in the scheme.
	Is the site high grade agricultural land?	-	Site is predominantly grade 2, with small areas of grade 3.
	Does the land contain valuable mineral resources, or is it allocated for future waste management?	++	The site is not within a Minerals Safeguarding Area or Waste Consultation Zone
	Is the land contaminated or possibly needing remediation?	+	There are no known contamination concerns regarding the site.
3. Location of new development should encourage walking and use of sustainable transport and minimise impact on current traffic congestion.	Does the site have/potentially have good pedestrian and cycle access to local facilities?	++	The whole site is within 600m of a food store.
	Is the site conveniently located for current or potential bus stops and is there/could there be a good bus service?	++	Site is 30m from the Colchester Road bus stop.
	Would site access be	++	Access to the site can be expected to be via Colchester

SEA objective	Site criteria	Impact	Commentary (where necessary)
	onto the currently most congested roads and lead to further peak hour congestion on these routes?		Road which not add to traffic within the settlement area.
	If used for employment purposes would the site be accessible by sustainable transport?	0	Site proposed for another use.
4. Dwellings should be of good design, and environmentally friendly and should complement the current townscape	Would a development complement the existing townscape in terms of design and scale?	+	All developments should complement the existing townscape in accordance with policy in this Neighbourhood Plan and Colchester Local Plan.
5. To build a sustainable community with good education, health and social outcome	Would there be adequate early years and primary school places?	++	Although all three schools in Wivenhoe have a deficit in available places, the housing yield for the allocation has been calculated to specifically factor in capacity adjustments for new housing.
	Are there adequate health facilities?	+	Site is 300m from a GP surgery.
6. To protect existing community facilities and to secure additional facilities.	Would development of the site affect any existing buildings used by the community?	++	No loss of existing community buildings.
	Would development affect any existing community sports facilities?	++	No loss of sports facilities.
	Would development result in extra community buildings, sports facilities, allotments, public open space, and/or a cemetery (green and traditional)?	++	Additional allotments and open space provisions are included as part of this proposal.

SEA objective	Site criteria	Impact	Commentary (where necessary)
	Would development result in the loss of open space?	++	No loss of open space.
7. To preserve the rural nature of Wivenhoe	Would development of the site result in settlement coalescence? Would important vistas from and towards Wivenhoe be preserved?	/	Development of the site would not result in coalescence but if it was developed in its entirety then it would significantly contribute to the risk of coalescence in the future, especially when developed alongside WIV02. Views could be compromised if the northern section of land is developed, but proposed land would not affect vistas.
	Would the rural approach to the settlement area be affected?	-	Site is located on Colchester Road which is noted for its significance regarding the rural approach.
8. To preserve the green setting of the river Colne	Is the site in the current coastal protection belt and is it visible from the river or has views to the river?	/	Although the northern part of the wider site is within the Coastal Protection Belt, housing is intended for the southern part, which has no coastal intervisibility
9. To preserve and enhance access to green spaces, the open countryside and the river	Will development of the site impact on access to green spaces or on footpaths crossing them or alongside the river?	/	There would be no net loss of access to green spaces or footpaths.
10. Protect and enhance biodiversity	Would development affect sites which are important for biodiversity?	0	Site would not have a Likely Significant Effect regarding Natura 2000 sites, as stated within the HRA Screening Assessment / Report and as verified by Natural England.
11. To protect and enhance Wivenhoe's designated and undesignated Heritage Assets	Are there any of the following (including their settings) on site (?): Listed buildings (and at risk) Scheduled Monuments (and at risk) Registered Parks and Gardens (and at risk)	++	No heritage assets are located in the vicinity of the site.
	Impact on the	+	Site is not adjacent to the Conservation Area and would not

SEA objective	Site criteria	Impact	Commentary (where necessary)
	Conservation Area		have a negative impact.
	Are there any known archaeological deposits on the site?	+	No known archaeological deposits on site.
	Are there any locally listed heritage assets (and at risk) on the site?	++	No locally listed heritage assets on the site.
12. To protect and enhance the townscape of the settlement area and its landscape setting	Would development of the site complement the existing townscape?	/	Site is greenfield land and so does not have an allocated value in the landscape character assessment. However, it is noteworthy that the site is adjacent to areas of moderate sensitivity to change.
	Would it affect views and vistas?	0	Site in in an area with some intrinsic landscape qualities, however the southern part of the site where development would take place has few restrictions in terms of these criteria.
	Would it impact on visually significant trees and woodland?		
13. To increase employment and business activity in Wivenhoe and to encourage home working	Would the site be viable for generating employment?	0	Site is for another use.
	Would housing design and improvements to telecommunications encourage home working?	/	Survey information suggests current conditions within the area of Wivenhoe off Elmstead Road are adequate to accommodate home working. However, improvements to mobile phone coverage and internet speeds could be more conducive to working from home.
14. To improve resilience to climate change including potential impact on flooding	Is the site subject to flooding?	++	Site is completely within flood zone 1.
	Would development of the site increase the potential for flooding elsewhere?	+	Site is partially within an area of low risk of surface water flooding. However, this area has some potential to be avoided by development.

14.5.1 Significant Effects

The proposal's variety of housing types, including homes for elderly people and almshouses, result in positive impacts. Further to this, the distance of the site from the gravel processing plant, appropriate housing density, proximity to food stores, a GP surgery and a public transport node, the addition of extra community facilities as part of the proposal, lack of heritage assets, locally listed buildings and known archaeological deposits on site, the lack of impact on the Conservation Area and the low flood risk associated with this land all contribute to positive impacts.

The site is located in a sustainable location in terms of access to services and facilities being close to the

neighbourhood and rural district centres in Wivenhoe. Although access to secondary schools and employment land is poor, this is a general problem across Wivenhoe and not a barrier to residential development.

The site has negative impacts associated with a loss of Greenfield and grade 2 agricultural land. The policy requires a condition that landscaping towards the north of the site is included as part of any application, to ensure the development is screened from view to preserve the rural approach to Wivenhoe.

14.5.2 Temporal Effects

Effects will not change over time.

14.5.3 Proposed Mitigation Measures / Recommendations

No mitigation measures are proposed in accordance with the Policy’s required conditions as stated.

14.6 The cumulative and synergistic effects of the site allocation policies

14.6.1 The sites explored

The following section looks at the cumulative and synergistic effects of the site allocations as set out in the following policies. For the purposes of this section, the quantum of development has been reiterated:

- Policy WIV28: Land off the Croquet Gardens – for up to 25 dwellings, open space
- Policy WIV29: Land behind Broadfields – for up to 120 dwellings, sports pitches
- Policy WIV30: Land at Elmstead Road – for up to 25 dwellings, cemetery
- Policy WIV31: Land behind the fire station, Colchester Road – for up to 80 dwellings

14.6.2 The approach to identifying effects

The Plan Area is considered sufficiently compact that the above sites in unison will form the basis of the spatial analysis i.e. cumulative and synergistic impacts will be relevant across most sites. In those instances where there are likely to be specific impacts resulting from groups of sites in close proximity, these will be highlighted. Impacts of these allocated sites in accumulation are explored on a thematic basis.

14.6.3 Housing

SEA objective	Site criteria	WIV28	WIV29	WIV30	WIV31
1. To meet the housing needs of Wivenhoe residents which will enable them to live in a decent, safe house at a price they can afford.	Will the site deliver affordable social housing and sites for housing associations?	+	+	+	+
	Will the site deliver housing suitable for older people?	++	++	/	++
	Is the site subject to noise or other pollution?	++	++	++	++
	Are there power lines crossing the site?	++	++	++	++

The cumulative impact of the sites on delivering affordable housing in the plan area is positive across all sites, with the proposals likely to provide the necessary dwellings to meet identified need and across a range of housing types. It should additionally be noted that the cumulative impact of the site's policy conditions further adds further significance to these cumulative positive impacts.

14.6.4 Efficient use of land

SEA objective	Site criteria	WIV28	WIV29	WIV30	WIV31
2. Development to make an efficient use land	Is the site on Brownfield land?	--	--	--	--
	What housing density will be delivered?	/	++	/	++
	Is the site high grade agricultural land?	+	-	-	-
	Does the land contain valuable mineral resources, or is it allocated for future waste management?	--	--	++	++
	Is the land contaminated or possibly needing remediation?	/	+	+	+

Despite all of the proposed allocations being located on Greenfield land it should be acknowledged that this is inevitable in consideration of growth requirements and a lack of available brownfield generally. Crucially however, the spatial distribution of these sites on the periphery of the settlement boundary ensure that there will be no cumulative negative impacts associated with significantly reducing the strategic break between the town and neighbouring settlements or the University. It is considered that the nature of the remaining site criteria related to this Objective are such that no cumulative impacts can be identified.

14.6.5 Sustainable Transports and reducing congestion

SEA objective	Site criteria	WIV28	WIV29	WIV30	WIV31
3. Location of new development should encourage walking and use of sustainable transport and minimise impact on current traffic congestion.	Does the site have/potentially have good pedestrian and cycle access to local facilities?	++	++	++	++
	Is the site conveniently located for current or potential bus stops and is there/could there be a good bus service?	++	++	++	++
	Would site access be onto the currently most congested roads and lead to further peak hour congestion on these routes?	++	++	++	++
	If used for employment purposes would the site be accessible by sustainable transport?	0	0	0	0

Although the sites are not located directly onto the Plan' Area's most congested roads, it can be expected that traffic flows will increase over the Plan period relevant to the subsequent population increases associated with new development. Despite this, the location of the sites ensures that the possibility of public transport, walking and cycling

uptake will be maximised. It is considered that the nature of the remaining site criteria related to this Objective are such that no cumulative impacts can be identified.

14.6.6 Design and townscape

SEA objective	Site criteria	WIV28	WIV29	WIV30	WIV31
4. Dwellings should be of good design, and environmentally friendly and should complement the current townscape	Would a development complement the existing townscape in terms of design and scale?	+	+	+	+

It is likely that the allocations would contribute to positive cumulative impacts on townscape within Wivenhoe. This likelihood is increased through the policy considerations for each site.

14.6.7 Education, health and social outcomes

SEA objective	Site criteria	WIV28	WIV29	WIV30	WIV31
5. To build a sustainable community with good education, health and social outcome	Would there be adequate early years and primary school places?	++	++	++	++
	Are there adequate health facilities?	+	/	+	+

The housing yields of the sites within the Plan have been identified and calculated so that there would be no singular and cumulative negative impacts on primary school places within the Plan Area. As such, there are no identified negative impacts resulting from the allocations, subject to verification from Essex County Council.

14.6.8 Community facilities

SEA objective	Site criteria	WIV28	WIV29	WIV30	WIV31
6. To protect existing community facilities and to secure additional facilities.	Would development of the site affect any existing buildings used by the community?	++	++	++	++
	Would development affect any existing community sports facilities?	++	++	++	++
	Would development result in extra community buildings, sports facilities, allotments, public open space, a cemetery (green and traditional)?	++	++	++	++
	Would development result in the loss of open space?	-	-	++	++

All site allocations have positive impacts on the retention of existing sports and community facilities as well as the inclusion of additional provisions to meet the increasing need within Wivenhoe. Each proposal contributes to maintaining and expanding the capacity of such amenities and as a result, positive cumulative impacts are likely to be apparent across the Plan Area. Any perceived cumulative negative impacts associated with the loss of open space can be discounted due to the level of new open space designation throughout the wider Plan.

14.6.9 Rural nature

SEA objective	Site criteria	WIV28	WIV29	WIV30	WIV31
7. To preserve the rural nature of Wivenhoe	Would development of the site result in settlement coalescence? Would important vistas from and towards Wivenhoe be preserved?	++	++	/	/
	Would the rural approach to the settlement area be affected?	+	+	+	-

Development on sites WIV30 and WIV31, although not resulting in settlement coalescence, do marginally reduce the strategic break between Wivenhoe and Colchester / the University. Crucially however, the individual location of these sites ensures that there will be no cumulative negative impacts associated with significantly reducing the strategic break.

14.6.10 Green setting and coastal issues

SEA objective	Site criteria	WIV28	WIV29	WIV30	WIV31
8. To preserve the green setting of the river Colne	Is the site in the current coastal protection belt and is it visible from the river or has views to the river?	++	++	++	/

There will be no cumulative or synergistic impacts related to the preservation of the green setting of the river resulting from these sites.

14.6.11 Access to green spaces, open countryside and the river

SEA objective	Site criteria	WIV28	WIV29	WIV30	WIV31
9. To preserve and enhance access to green spaces, the open countryside and the river	Will development of the site impact on access to green spaces or on footpaths crossing them or alongside the river?	--	--	/	/

No public rights of way are removed as a result of these developments, development as stated through WIV28 and WIV29 will have associated issues. Despite this, any perceived cumulative negative impacts associated with the loss of open space can be discounted due to the level of new open space designation throughout the wider Plan.

14.6.12 Biodiversity

SEA objective	Site criteria	WIV28	WIV29	WIV30	WIV31
10. Protect and enhance biodiversity	Would development affect sites which are important for biodiversity?	0	/	0	0

With the exception of site WIV29, all of the allocated sites are more than 100m of a designated wildlife site however this is not indicative of any pressures that development may create on such habitats, however there will be no cumulative impacts associated with site WIV29's proximity to a designated wildlife site and it should be noted that a requirement of policy WIV29 is to demonstrate that no detrimental impacts will occur as a result of the development. It is also worth noting that the requirement for a wildlife survey to determine the impact of developments on biodiversity is a positive inclusion in the policy wording of relevant allocations. The Plan's HRA Screening Assessment / Report highlights that there will be no single or cumulative impact on any Natura 2000 sites resulting from the Plan's allocations. This has been verified by Natural England.

14.6.13 Heritage assets

SEA objective	Site criteria	WIV28	WIV29	WIV30	WIV31
11. To protect and enhance Wivenhoe's designated and undesignated Heritage Assets	Are there any of the following (including their settings) on site (?):				
	- Listed buildings (and at risk)	++	++	++	++
	- Scheduled Monuments (and at risk)				
	- Registered Parks and Gardens (and at risk)				
	Impact on the Conservation Area	+	+	+	+
	Are there any known archaeological deposits on the site?	+	+	+	+
	Are there any locally listed heritage assets (and at risk) on the site?	++	++	++	++

Site allocations in Wivenhoe have comprehensively positive effects on the avoidance of harm to heritage assets. None of the sites have been identified as having significant harm to listed buildings, scheduled monuments, registered parks and gardens, archaeological deposits, local listed heritage assets and the Wivenhoe Conservation Area. Cumulative positive effects of the development of these sites are likely to be apparent as a consequence of such consideration for heritage assets, and the historic character of the built environment in the settlement area would be preserved.

14.6.14 Landscape and townscape

SEA objective	Site criteria	WIV28	WIV29	WIV30	WIV31
12. To protect and enhance the townscape of the settlement area and its landscape setting	Would development of the site complement the existing townscape?	/	/	/	/
	Would it affect views and vistas?	0	0	0	0
	Would it impact on visually significant trees and woodland?				

The potential for cumulative impacts could be perceived in relation to the landscape criteria. Crucially however, the location of these sites in relation to each other ensures that there will be no cumulative negative impacts. In addition, relevant policy requires the inclusion of landscaping measures as part of any successful application.

14.6.15 Employment and business activity

SEA objective	Site criteria	WIV28	WIV29	WIV30	WIV31
13. To increase employment and business activity in Wivenhoe and to encourage home working	Would the site be viable for generating employment?	0	0	0	0
	Would housing design and improvements to telecommunications encourage home working?	0	/	/	/

There will be no cumulative or synergistic impacts resulting from the proposed site allocations related to increasing employment and business activity in Wivenhoe and encouraging home working.

14.6.16 Flooding

SEA objective	Site criteria	WIV28	WIV29	WIV30	WIV31
14. To improve resilience to climate change including potential impact on flooding	Is the site subject to flooding?	++	++	++	++
	Would development of the site increase the potential for flooding elsewhere?	+	+	-	+

There will be no cumulative or synergistic impacts resulting from the proposed site allocations related to flood risk.

15 Conclusions and Recommendations

15.1 Conclusions

15.1.1 The Vision

Table 44: Performance of the Plan's Vision

	SEA Objectives													
	1	2	3	4	5	6	7	8	9	10	11	12	13	14
Short Term	++	0	++	+	+	++	++	++	++	++	++	++	0	0
Medium Term	++	0	++	+	+	++	++	++	++	++	++	++	0	0
Long Term	++	0	++	+	+	++	++	++	++	++	++	++	0	0

- There will be significant positive impacts on the majority of the SEA Objectives resulting from the success in achieving the Plan's Vision.
- Areas where the Vision does not directly meet the SEA Objectives relate to those aspirations for the efficient use of land and increasing employment and improving resilience to climate change. In some instances however, indirect impacts can be expected through the implementation of actions and policies to meet related Objectives.
- In other instances, it should be noted that the plan's policies in conjunction with Colchester Borough Council (as the Local planning Authority [LPA]) policies will ensure that other SEA objectives are met. With this in mind, the Plan's Vision is appropriate to the scope and remit of a Neighbourhood Plan and it can be expected that all Objectives would be met through the Neighbourhood Plan and the Colchester Borough Council Local Plan in unison.

15.1.2 The Plan's Objectives

Table 45: Performance of the Plan's Objectives

		The SEA Objectives													
		1	2	3	4	5	6	7	8	9	10	11	12	13	14
The Neighbourhood Plan Objectives	Objective 1	/	+	0	+	0	0	++	++	+	+	+	+	/	0
	Objective 2	/	+	0	0	+	0	++	+	++	++	+	+	/	0
	Objective 3	0	0	0	0	+	0	+	+	++	+	0	0	0	0
	Objective 4	0	0	0	++	0	0	0	0	0	0	++	++	0	0
	Objective 5	0	+	+	0	++	++	0	0	0	0	0	0	+	0

	The SEA Objectives													
	1	2	3	4	5	6	7	8	9	10	11	12	13	14
Objective 6	0	0	++	0	+	+	0	0	0	0	+	+	+	0
Objective 7	0	0	+	0	+	+	/	0	0	0	0	0	++	/
Objective 8	0	0	+	0	++	+	/	0	0	0	0	0	+	/
Objective 9	++	+	+	+	0	0	/	0	0	/	/	+	0	/
Objective 10	/	0	0	0	0	0	0	0	0	0	0	0	/	++

- It is evident from the above matrix that all but one of the SEA Objectives will experience positive impacts resulting from the successful achievement of the Plan's Objectives. It is also worthy of note that significant positive impacts can be expected from 12 of the 14 SEA Objectives. Particularly strong positive cumulative impacts will be experienced in regards to building a sustainable community with good education, health and social outcomes (SEA Objective 5); and preserving and enhancing access to green spaces, the open countryside and the river (SEA Objective 9).
- There will be no negative impacts resulting from the Plan's Objectives.
- There are likely to be a number of uncertain impacts on some tenets of sustainability. These relate to meeting housing needs (SEA Objective 1) in light of those Plan Objectives that seek to maintain Wivenhoe's rural setting and protecting the natural environment, however it should be acknowledged that this is a general thematic incompatibility; the nature of which cannot be overcome in the context of setting aspirations for the Plan. This general incompatibility is also relevant to those uncertain impacts predicted regarding the Plan's employment, housing and infrastructure (i.e. development) needs and how these can assist in the preservation of the rural nature of the Plan Area (SEA Objective 7).

15.1.3 The Plan's non-site allocation policies

The following table shows the general long term performance of the Plan's non-site allocation policies.

Table 46: General performance of the Plan's non-site allocation policies

Policy	SEA Objectives													
	1	2	3	4	5	6	7	8	9	10	11	12	13	14
WIV01	0	0	+	0	0	0	+	+	0	+	/	/	0	0
WIV02	0	0	+	0	++	+	+	0	0	+	0	0	0	0
WIV03	0	0	0	0	0	0	++	0	+	0	0	+	0	0
WIV04	0	0	0	0	0	0	0	++	+	+	0	0	0	+
WIV05	0	0	0	0	0	0	++	+	+	++	0	0	0	+
WIV06	0	0	0	0	0	0	0	0	+	+	0	0	0	/

Policy	SEA Objectives													
	1	2	3	4	5	6	7	8	9	10	11	12	13	14
WIV07	0	0	0	0	+	++	0	0	+	0	0	+	0	0
WIV08	0	0	0	0	+	+	0	0	++	0	0	0	0	0
WIV09	0	0	0	0	0	0	0	++	++	0	0	+	0	+
WIV10	0	+	0	0	0	0	0	0	0	0	+	+	0	0
WIV11	0	0	+	+	0	0	0	0	0	0	0	+	0	0
WIV12	+	+	+	+	0	0	+	0	0	+	+	+	0	+
WIV13	0	0	0	+	0	0	0	0	0	0	+	+	0	0
WIV14	/	0	0	0	+	++	0	0	0	0	0	0	0	0
WIV15	0	0	+	0	0	+	0	0	0	0	0	0	0	0
WIV16	0	0	0	0	+	0	+	+	0	+	0	0	+	0
WIV17	0	0	+	0	0	0	0	0	0	0	+	+	0	0
WIV18	0	0	++	+	+	0	0	0	0	0	0	0	0	0
WIV19	0	+	0	0	0	0	0	0	0	0	0	0	++	0
WIV20	0	0	0	0	0	0	0	0	0	0	0	0	+	0
WIV21	+	+	0	0	0	0	0	0	0	0	0	0	+	0
WIV22	0	0	+	0	0	0	0	0	0	0	0	0	++	0
WIV23	++	+	++	0	+	0	0	0	0	0	0	0	0	+
WIV24	+	0	0	0	+	0	0	0	0	0	0	0	0	0
WIV25	+	0	0	0	+	0	0	0	0	0	0	0	0	0
WIV26	0	0	0	+	0	0	0	0	+	+	0	0	0	++
WIV27	+	0	+	++	0	0	0	0	++	0	+	++	+	0

- As can be seen, the Plan's policies would have a range of positive impacts, and no negative impacts, associated with their implementation.

15.2 Policy Recommendations

15.2.1 Summary of recommendations to the policies

The following recommendations have been made regarding the Plan’s non-site allocation policies:

- WIV6: It is recommended that the policy defines further what would be acceptable in terms of achieving a balance between the needs of visitors and desires of residents for the purposes of informing any possible planning applications in the area.
- WIV16: The policy makes the point that there must be regard for the needs of residents within Wivenhoe in the event that development on this land takes place. Specific requirements that would satisfy this point could be outlined with reference to the evidence base to clarify the needs that must be met and strengthen the policy.

15.3 The Plan’s site allocation Policies

15.3.1 Policy WIV28: Land off Croquet Gardens

Sustainability Objective	Extent of impacts			
1.Housing & affordability	++	++	++	++
2.Efficient use of land	+	/	/	--
3. Transport & congestion	++	++	++	0
4. Good design	+			
5.Education / health	++		+	
6.Community Facilities	++	++	++	-
7.Rural nature	++		+	
8.Setting of river	++			
9.Access to open space	--			
10. Biodiversity	0			
11.Heritage Assets	++	++	+	+
12. Townscape	/		0	
13.	0		0	

Sustainability Objective	Extent of impacts	
Employment		
14 Flooding	++	+

The site will generally have positive impacts on providing affordable and appropriate housing, transport and congestion, good design of dwellings, protection of community facilities and the inclusion of additional provisions, the rural nature of Wivenhoe, preservation of the setting of the River Colne, protection of heritage assets and alleviation of flood risk.

Of the uncertain or negligible impacts highlighted, these predominantly relate to the efficient use of land, the preservation of access to open spaces, protection of biodiversity and the protection and enhancement of the townscape however it should be noted that the site's policy conditions alleviate these potential issues suitably and effectively.

15.3.2 Policy WIV29: Land behind Broadfields

Sustainability Objective	Extent of impacts			
1.Housing & affordability	++	++	++	+
2.Efficient use of land	++	+	-	--
3. Transport & congestion	++	++	++	0
4. Good design	+			
5.Education / health	/			
6.Community Facilities	++	++	++	-
7.Rural nature	++			+
8.Setting of river	++			
9.Access to open space	--			
10. Biodiversity	/			
11.Heritage Assets	++	++	+	+
12. Townscape	/			0

Sustainability Objective	Extent of impacts	
13. Employment	/	0
14 Flooding	++	+

The site will generally have positive impacts on affordable and appropriate housing, transport and congestion, good design of dwellings, protection of existing community facilities and inclusion of additional provisions, the rural nature of Wivenhoe, the preservation of the setting of the River Colne, protection of heritage assets and alleviation of flood risk.

Of the uncertain or negligible impacts highlighted, these predominantly relate to the efficient use of land, access to health services, access to open spaces, the protection of biodiversity, and protection of the townscape. It should be acknowledged however that the site's policy conditions alleviate these potential issues suitably and effectively.

15.3.3 Policy WIV30: Land off Elmstead Road

Sustainability Objective	Extent of impacts			
1. Housing & affordability	++	++	+	/
2. Efficient use of land	++	+	-	--
3. Transport & congestion	++	++	++	0
4. Good design	+			
5. Education / health	++		+	
6. Community Facilities	++	++	++	++
7. Rural nature	+		/	
8. Setting of river	++			
9. Access to open space	/			
10. Biodiversity	0			
11. Heritage Assets	++	++	+	+
12. Townscape	/		0	

Sustainability Objective	Extent of impacts	
13. Employment	/	0
14 Flooding	++	-

The site will generally have positive impacts on affordable and appropriate housing, transport and congestion, good design, protection of existing community facilities and inclusion of additional provisions, the rural nature of Wivenhoe, preservation of the setting of the River Colne, protection of Wivenhoe's heritage assets and flood risk from the river.

Of the uncertain or negligible impacts highlighted, these predominantly relate to the efficient use of land, access to health services, access to open space, protection of biodiversity, protection of the townscape and flood risk from surface water. It should be noted however that the site's policy conditions alleviate these potential issues suitably and effectively, and the presence of a specific flood risk policy in the Plan will act to mitigate any negative impacts in this regard.

15.3.4 Policy WIV31: Land behind the Fire Station

Sustainability Objective	Extent of impacts			
1. Housing & affordability	++	++	++	+
2. Efficient use of land	++	++	+	-
3. Transport & congestion	++	++	++	0
4. Good design	+			
5. Education / health	++		+	
6. Community Facilities	++	++	++	++
7. Rural nature	/		-	
8. Setting of river	/			
9. Access to open space	/			
10. Biodiversity	0			
11. Heritage Assets	++	++	+	+
12. Townscape	/		0	

Sustainability Objective	Extent of impacts	
13. Employment	/	0
14 Flooding	++	+

The site will generally have positive impacts on affordable and appropriate housing, transport and congestion, good design of dwellings, protection of existing community facilities and inclusion of additional provisions, protection of heritage assets and alleviation of flood risk.

Of the uncertain or negligible impacts highlighted, these predominantly relate to the efficient use of land, the rural nature of Wivenhoe, the preservation of the setting of the river, access to green spaces, protecting biodiversity and protecting and enhancing the townscape. It should be noted however that the site's policy conditions alleviate these potential issues suitably and effectively

16 Monitoring

The significant sustainability effects of implementing a Plan must be monitored in order to identify unforeseen adverse effects and to be able to undertake appropriate remedial action. The Sustainability Framework contained in this report contains suggested indicators in order to monitor each of the SEA Objectives, however these may not all be collected due to limited resources and difficulty in data availability or collection.

Guidance stipulates that it is not necessary to monitor everything included within the Sustainability Framework, but that monitoring should focus on significant sustainability effects, e.g. those that indicate a likely breach of international, national or local legislation, that may give rise to irreversible damage or where there is uncertainty and monitoring would enable preventative or mitigation measures to be taken.

Upon adoption the Plan will be accompanied by an Adoption Statement which will outline those monitoring indicators most appropriate for future monitoring of the Plan in line with Regulation 16 of the Environmental Assessment of Plans and Programmes Regulations 2004.

17 Next Steps – Consulting on the SEA

This Environmental Report will be subject to consultation. There are three statutory consultees that are required to be consulted for all Strategic Environmental Assessment documents. These are:

- The Environment Agency;
- Natural England; and
- Historic England.

In addition to these, the Wivenhoe Neighbourhood Plan Group may wish to expand this list of consultees to include relevant stakeholders and interested parties.

All comments on the content of this Environmental Report should be sent to:

wivenhoe.npsg@gmail.com or via website:

<http://wivenhoeneighbourhoodplan.org.uk/>

18 Appendix 1 - Appraisal of Reasonable Alternative Sites

18.1 Reasons for selecting the alternatives dealt with

Some landowners approached the WNPB to put forward sites for development at a fairly early stage in the Plan process. Additional sites for consideration have been identified through the Borough Council's call-for-sites (2014) and Strategic Land Availability Assessment (SLAA) exercise (late 2015) undertaken for their emerging Local Plan. These sites have been promoted and put forward by landowners and developers for inclusion in the Borough Council's Local Plan and it is considered that the scope and purpose of this exercise is relevant also for the formulation of the Wivenhoe Neighbourhood Plan. The timing of the above work by the Borough Council also offers the most up to date information as to the desirability of sites to be included for consideration within the Neighbourhood Plan from landowners and developers.

The call-for-sites and SLAA exercise identified a total of 14 sites within the Wivenhoe Neighbourhood Plan Area. Some of these sites constitute the allocations made within the Neighbourhood Plan and these have been appraised elsewhere in this report. The majority were discounted from consideration due to viability, availability and suitability reasons as identified in the Borough Council's SLAA process. It is considered that this process is equally relevant to the selection, and non-selection, of sites within the Wivenhoe Neighbourhood Plan and these discounted sites have not been considered within this Plan. Appendix 2 of this Report identifies and gives the reasons for these sites being discounted.

The Neighbourhood Plan identifies two alternative sites that were considered throughout the plan-making process. These are shown within the Plan as:

- Site 078 - Land Adjoining Millfields School
- Site 048 – Edge of Wivenhoe Woods

NOTE ON SITE 048

It should be noted that Site 048 as identified was not subjected to the LPA's SLAA process as the size of the site, and its subsequent indicative dwelling yield was too small to allocate within the Local Plan. This also applies to the Neighbourhood Plan. In addition to this, paragraph 17.10 of the Neighbourhood Plan adds that the site was also ruled out according to the Plan's site assessment criteria. It states that, 'a very small site which is on the edge of Wivenhoe Woods, the Colne Nature Reserve, is presently covered as part of the Coastal Protection Belt. Although fenced since it was privately acquired, it is generally considered to be part of the green area of the woods and it should be protected from development in the future.' This can be taken as the definitive reason for this site's rejection, and its non-consideration within the SEA as a reasonable alternative to the proposed allocations.

The following table explores the comparative sustainability of the alternative site 078 – Land Adjoining Millfields School.

Table 47: Appraisal of alternative sites and impacts compared to proposed allocations

SEA objective	Site criteria	Proposed Sites				Alternative Site
		Policy: WIV28	Policy: WIV29	Policy: WIV30	Policy: WIV31	ALT: (Site 078)
1. To meet the housing needs of Wivenhoe residents which will enable them to live in a decent, safe house at a price they can afford.	Will the site deliver affordable social housing and sites for housing associations?	+	+	+	+	+
	Will the site deliver housing suitable for older people?	++	++	/	++	/
	Is the site subject to noise or other pollution?	++	++	++	++	--
	Are there power lines crossing the site?	++	++	++	++	++
2. Development to make an efficient use land	Is the site on Brownfield land?	--	--	--	--	--
	What housing density will be delivered?	/	++	/	++	/
	Is the site high grade agricultural land?	+	-	-	-	-
	Does the land contain valuable mineral resources, or is it allocated for future waste management?	--	--	++	++	--
	Is the land contaminated or possibly needing remediation?	/	+	+	+	+
3. Location of new development should encourage walking and use	Does the site have/potentially have good pedestrian and cycle access to local facilities?	++	++	++	++	-
	Is the site conveniently located for current or potential bus	++	++	++	++	++

SEA objective	Site criteria	Proposed Sites				Alternative Site
		Policy: WIV28	Policy: WIV29	Policy: WIV30	Policy: WIV31	ALT: (Site 078)
of sustainable transport and minimise impact on current traffic congestion.	stops and is there/could there be a good bus service?					
	Would site access be onto the currently most congested roads and lead to further peak hour congestion on these routes?	++	++	++	++	--
	If used for employment purposes would the site be accessible by sustainable transport?	0	0	0	0	0
4. Dwellings should be of good design, and environmentally friendly and should complement the current townscape	Would a development complement the existing townscape in terms of design and scale?	+	+	+	+	+
5. To build a sustainable community with good education, health and social outcome	Would there be adequate early years and primary school places?	++	++	++	++	/
	Are there adequate health facilities?	+	/	+	+	--
6. To protect existing community facilities and to secure additional facilities.	Would development of the site affect any existing buildings used by the community?	++	++	++	++	++
	Would development affect any existing community sports facilities?	++	++	++	++	++

SEA objective	Site criteria	Proposed Sites				Alternative Site
		Policy: WIV28	Policy: WIV29	Policy: WIV30	Policy: WIV31	ALT: (Site 078)
	Would development result in extra community buildings, sports facilities, allotments, public open space, a cemetery (green and traditional)?	++	++	++	++	--
	Would development result in the loss of open space?	-	-	++	++	++
7. To preserve the rural nature of Wivenhoe	Would development of the site result in settlement coalescence? Would important vistas from and towards Wivenhoe be preserved?	++	++	/	/	--
	Would the rural approach to the settlement area be affected?	+	+	+	-	+
8. To preserve the green setting of the river Colne	Is the site in the current coastal protection belt and is it visible from the river or has views to the river?	++	++	++	/	--
9. To preserve and enhance access to green spaces, the open countryside and the river	Will development of the site impact on access to green spaces or on footpaths crossing them or alongside the river?	--	--	/	/	/
10. Protect and enhance biodiversity	Would development affect sites which are important for biodiversity?	0	/	0	0	/

SEA objective	Site criteria	Proposed Sites				Alternative Site
		Policy: WIV28	Policy: WIV29	Policy: WIV30	Policy: WIV31	ALT: (Site 078)
11. To protect and enhance Wivenhoe's designated and undesignated Heritage Assets	Are there any of the following (including their settings) on site (?): Listed buildings (and at risk) Scheduled Monuments (and at risk) Registered Parks and Gardens (and at risk)	++	++	++	++	++
	Impact on the Conservation Impact	+	+	+	+	+
	Are there any known archaeological deposits on the site?	+	+	+	+	+
	Are there any locally listed heritage assets (and at risk) on the site?	++	++	++	++	++
12. To protect and enhance the townscape of the settlement area and its landscape setting	Would development of the site complement the existing townscape?	/	/	/	/	0
	Would it affect views and vistas?	0	0	0	0	--
	Would it impact on visually significant trees and woodland?					
13. To increase	Would the site be viable for generating employment?	0	0	0	0	0

SEA objective	Site criteria	Proposed Sites				Alternative Site
		Policy: WIV28	Policy: WIV29	Policy: WIV30	Policy: WIV31	ALT: (Site 078)
employment and business activity in Wivenhoe and to encourage home working	Would housing design and improvements to telecommunications encourage home working?	0	/	/	/	/
14. To improve resilience to climate change including potential impact on flooding	Is the site subject to flooding?	++	++	++	++	++
	Would development of the site increase the potential for flooding elsewhere?	+	+	-	+	+

18.2 Summary of sustainability effects of the alternatives and the reason for rejection

The only alternative site considered reasonable for allocation, Site 078, would be to allocate land adjoining to Millfields School. It is intended to be protected from development in the Neighbourhood Plan to preserve views to the River Colne. The summary of the appraisal of this alternative is below.

Alternative	Site 078 - Land Adjoining Millfields School
<p>Summary and reason for rejection</p>	<p>The site is currently greenfield land with good public transport links and there would be no loss of open spaces, sports or community facilities should this land be developed. The site location is also at a low risk of flooding from the river and surface water. Development in this location would assist in the preservation of the rural approach to Wivenhoe however would constitute a reduction in the strategic break between Wivenhoe and land to the east extending to Alresford. No heritage assets, locally listed buildings or known archaeological deposits are located on the site however development in this area may harm the conservation area; were access be provided to Ballast Quay Road, as suggested by the developer, this could lead to increases in traffic in Lower Wivenhoe and the heart of the Conservation Area.</p> <p>This site performs poorly in relation to the fact that it is in close proximity to the gravel processing plant in Wivenhoe and any ancillary noise impacts; an impact that the allocated sites would not be subject to. It is also greenfield land of very good agricultural quality. Again, setting it apart from the sites proposed for allocation, access to food stores and a GP surgery are further and significant issues for this site with the centre of the site being located 801-1,000m and 1,000m or more from these services respectively. The location of the school to the immediate west of the site’s boundary is also considered a valid constraint to the site by the Wivenhoe Neighbourhood Plan Group. Crucially also, development would impact on views and vistas to and from the River Colne and the site lies within the area identified under Policy WIV 4. The site is also within the Coastal Protection Belt. Whilst the extent of the Coastal Protection Belt is being reviewed by the LPA, it is thought that the principle of losing an important locally valued view would still have merit should this area of land be undesignated in this regard.</p> <p>As included within the Neighbourhood Plan, the site has been principally rejected due to the land being too far from local shops and services and sufficiently more so than the allocated sites. The land’s close proximity to, and subsequent impact on the school was also considered a significant reason for rejection alongside traffic impacts with access to wider services being directed through to the settlement’s most congested roads. In addition, the land is rated highly for its views across and towards the River Colne and its estuary. The Neighbourhood Plan Group also have concerns regarding the site being within 0.8 km of the Colne Estuary (mid Essex Coast phase 2) SPA, and that development could lead to increased dog-walking adjacent to the SPA which would run contrary to the SPA’s protection objectives.</p>

18.3 Detailed Alternative Site Appraisal - SITE 078 (Land adjoining Millfields School)

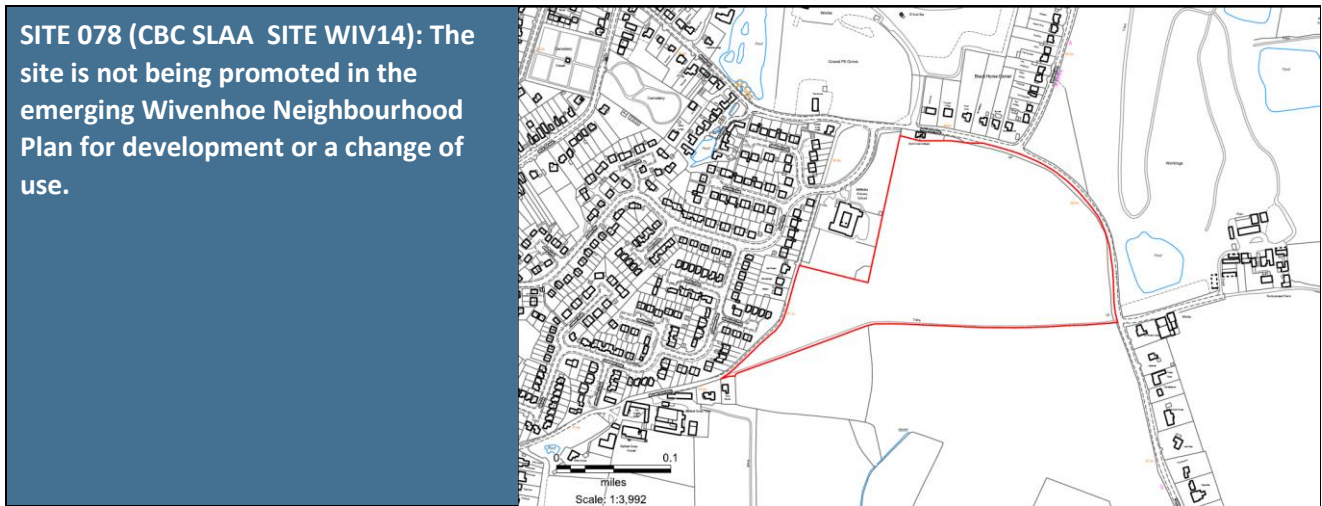


Table 48: Impact on SEA Objectives

SEA objective	Site criteria	Impact	Commentary (where necessary)
1. To meet the housing needs of Wivenhoe residents which will enable them to live in a decent, safe house at a price they can afford.	Will the site deliver affordable social housing and sites for housing associations?	+	Housing numbers are unknown. The allocated sites have been progressed in line with discussions and policy conditions that ensure affordable social housing. As such, a positive impact has been highlighted for the purposes of a consistent and fair assessment of all sites.
	Will the site deliver housing suitable for older people?	/	Housing types are unknown. The allocated sites have been progressed in line with discussions and policy conditions that ensure housing suitable for older people. As such, an uncertain impact has been highlighted for the purposes of a consistent and fair assessment of all sites, whilst in consideration of the fact that need is met through other allocations.
	Is the site subject to noise or other pollution?	--	Site is within 250m from the gravel processing plant.
	Are there power lines crossing the site?	++	No power lines cross the site.
2. Development to make an efficient use land	Is the site on Brownfield land?	--	Site is 100% greenfield.
	What housing density will be delivered?	/	Housing density unclear.
	Is the site high grade agricultural land?	-	Site is grade 2 agricultural land.

SEA objective	Site criteria	Impact	Commentary (where necessary)
	Does the land contain valuable mineral resources, or is it allocated for future waste management?	--	Site is within a Waste Consultation Zone.
	Is the land contaminated or possibly needing remediation?	+	There are no known contamination concerns with the development of this land.
3. Location of new development should encourage walking and use of sustainable transport and minimise impact on current traffic congestion.	Does the site have/potentially have good pedestrian and cycle access to local facilities?	-	Centre of the site is within 801 – 1,000m from a food store.
	Is the site conveniently located for current or potential bus stops and is there/could there be a good bus service?	++	Site is adjacent to the Bowes Road bus stop.
	Would site access be onto the currently most congested roads and lead to further peak hour congestion on these routes?	--	Site access would be on to Alresford Road/Rectory Road which in themselves are not congested roads, however access to wider services would be directed through the most congested parts of the settlement and would potentially exacerbate traffic issues surrounding the school at peak times.
	If used for employment purposes would the site be accessible by sustainable transport?	0	Site is for another use.
4. Dwellings should be of good design, and environmentally friendly and should complement the current townscape	Would a development complement the existing townscape in terms of design and scale?	+	All developments should complement the existing townscape in accordance with policy in this Neighbourhood Plan and Colchester Local Plan.
5. To build a sustainable community with good education,	Would there be adequate early years and primary school places?	/	The dwelling yields of allocated sites have been calculated in order to be supported by primary school capacity. Where housing numbers are unknown the impacts on primary school places are similarly uncertain.

SEA objective	Site criteria	Impact	Commentary (where necessary)
health and social outcome	Are there adequate health facilities?	--	50% of the site is more than 1,000m from a GP Surgery.
6. To protect existing community facilities and to secure additional facilities.	Would development of the site affect any existing buildings used by the community?	++	No loss of existing community facilities
	Would development affect any existing community sports facilities?	++	No loss of sports facilities.
	Would development result in extra community buildings, sports facilities, allotments, public open space, and/or a cemetery (green and traditional)?	++	The allocated sites have been progressed in line with discussions and policy conditions that ensure that such community facilities are integrated into proposals. As such, information as to any potential community facilities coming forward as a result of the development of this site are uncertain, however it should be noted that such facilities might have come forward were the site allocated. Therefore, positive impacts have been highlighted for the purposes of a consistent and fair assessment of all sites.
	Would development result in the loss of open space?	++	No loss of open space.
7. To preserve the rural nature of Wivenhoe	Would development of the site result in settlement coalescence? Would important vistas from and towards Wivenhoe be preserved?	--	The strategic break would be marginally compromised, and the site would see the loss of an important locally valued view to the River Colne.
	Would the rural approach to the settlement area be affected?	+	Site is not located on a road significant to the rural approach.
8. To preserve the green setting of the river Colne	Is the site in the current coastal protection belt and is it visible from the river or has views to the river?	--	Site is within the Coastal Protection Belt and would negatively impact on views if developed as housing.
9. To preserve and enhance access to green	Will development of the site impact on access to green spaces or on	/	No net loss of accessible green space.

SEA objective	Site criteria	Impact	Commentary (where necessary)
spaces, the open countryside and the river	footpaths crossing them or alongside the river?		
10. Protect and enhance biodiversity	Would development affect sites which are important for biodiversity?	/	The site is within 250m from the River Colne SSSI.
11. To protect and enhance Wivenhoe's designated and undesignated Heritage Assets	Are there any of the following (including their settings) on site (?): Listed buildings (and at risk) Scheduled Monuments (and at risk) Registered Parks and Gardens (and at risk)	++	No heritage assets are located on the site.
	Impact on the Conservation Area	+	Site is not within or adjacent to the Conservation Area and would not have a negative impact.
	Are there any known archaeological deposits on the site?	+	No known archaeological deposits on site.
	Are there any locally listed heritage assets (and at risk) on the site?	++	No locally listed buildings on site.
12. To protect and enhance the townscape of the settlement area and its landscape setting	Would development of the site complement the existing townscape?	0	Unknown. As such, no impact has been highlighted.
	Would it affect views and vistas?	--	Site is in an area with intrinsic landscape qualities. There are no Tree Preservation Orders or Ancient Woodlands however the land provides an important local view to the River Colne with high visual prominence and intervisibility.
	Would it impact on visually significant trees and woodland?		
13. To increase employment and business activity	Would the site be viable for generating employment?	0	Site is for another use.

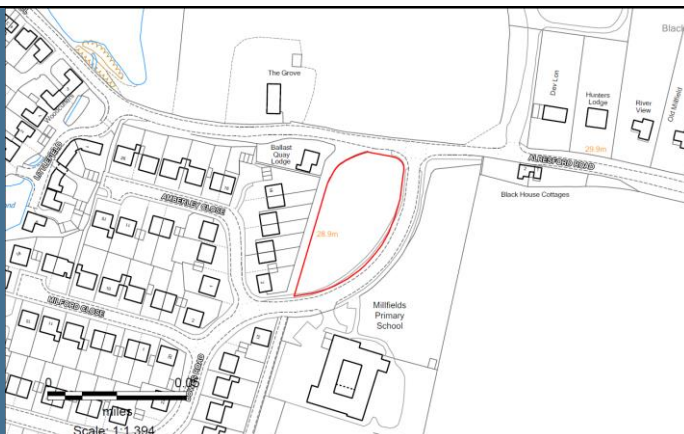
SEA objective	Site criteria	Impact	Commentary (where necessary)
in Wivenhoe and to encourage home working	Would housing design and improvements to telecommunications encourage home working?	/	Survey information suggests current conditions within the area of adjoining Millfields School are adequate to accommodate home working. However, improvements to mobile phone coverage and internet speeds could be more conducive to working from home.
14. To improve resilience to climate change including potential impact on flooding	Is the site subject to flooding?	++	Site is completely within flood zone 1.
	Would development of the site increase the potential for flooding elsewhere?	+	Site is partially within an area of low risk from surface water flooding.

19 Appendix 2 – Sites excluded from the plan-making and SEA processes

The following sites have been identified in the LPA’s SLAA; however have been excluded from the SEA process, due to them being considered unreasonable alternatives.

19.1 Land at Bowes Road, Wivenhoe

CBC SLAA site WIV12: The site is not being promoted for development or a change of use in the emerging Wivenhoe Neighbourhood Plan. The emerging Neighbourhood Plan does contain a commitment to protect existing open spaces from development. The Neighbourhood Plan local land review process has identified the land as being in the ownership of Elmstead Parish Council, a historic consequence resulting from when this area formed part of that Parish until the boundary change in 1997.



19.1.1 Reason for Rejection

The site is not being promoted for development or a change of use. The site is allocated within the Neighbourhood Plan for its current use as open space. The site is also not considered an appropriate or reasonable alternative for the Plan’s proposed allocation due to its dwelling yield.

19.2 Land fronting Bobbitts Way, Wivenhoe

CBC SLAA site WIV13: The site is not being promoted for development or a change of use. The site is designated as private and public open space in the Colchester Borough Council LDF Proposals Map.



19.2.1 Reason for Rejection

The site is not being promoted for development or a change of use. The site is designated as private and public open space in the Colchester Borough Council LDF Proposals Map. The site is also not considered an appropriate or reasonable alternative for the Plan’s proposed allocation due to its dwelling yield.

19.3 Area of Woodland north of Elm Grove, Wivenhoe

CBC SLAA WIV05: The site is not being promoted for development or a change of use. The

Neighbourhood Plan does contain a commitment to protect existing open spaces and wildlife sites from development.

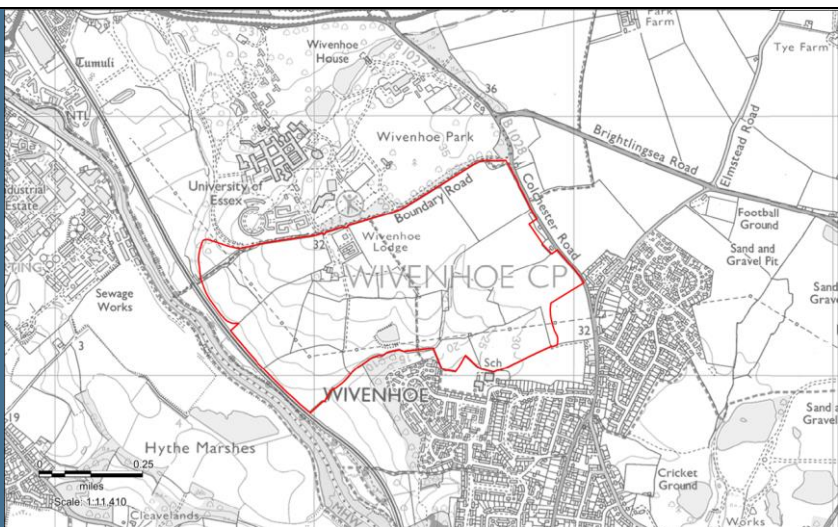


19.3.1 Reason for Rejection

This site received a red rating in the Stage 1 initial sieve of the LPA’s SLAA. A red rating in Stage 1 means that a site is considered to be unsuitable for development at the current time, in accordance with national and local policy, or that the site is too small to be taken through the SLAA process. In relation to this site the lack of public highway access to and from the site means the site is not suitable. For this reason the site has been rejected or been included in the SEA process.

19.4 Land between University and Wivenhoe settlement, Wivenhoe

CBC SLAA WIV06: The site is not being promoted for development or change of use. The Neighbourhood Plan includes a strong commitment to maintain a ‘strategic break’ between Wivenhoe and the university and thereby preventing coalescence with the Colchester town conurbation.



19.4.1 Reason for Rejection

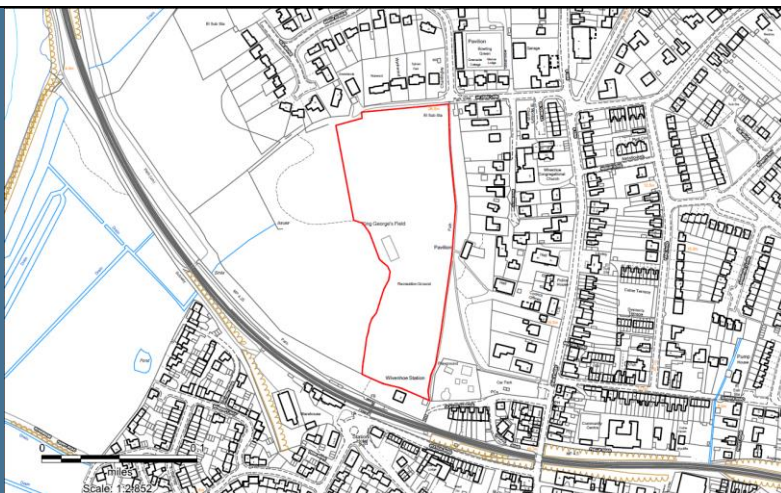
The land is currently protected from development through its designation as Coastal Protection Belt. Although this designation is currently being reviewed, the views to and from the estuary are highly valued landscape features of the area and are likely to be protected in the Borough Council’s emerging Local Plan. Where the coastal protection belt designation is considered open to review (because of its relation to the coast) this land has been identified for development in the Wivenhoe neighbourhood plan and is included within site WIV02.

The Stage 1B sieve of the LPA’s SLAA tests sites in terms of their existing status and use. Sites are sieved out with a red rating at this stage where there is insufficient information in relation to their existing status and use that renders further assessment unnecessary. Crucially, the land represents the entirety of the ‘strategic break’ that the Neighbourhood Plan seeks to protect. For this reason the site has been rejected and not been included in the SEA

process.

19.5 King George Field, Wivenhoe

CBC SLAA WIV07: The site is not being promoted for development or a change of use. The Neighbourhood Plan contains a commitment to protect existing open spaces from development.

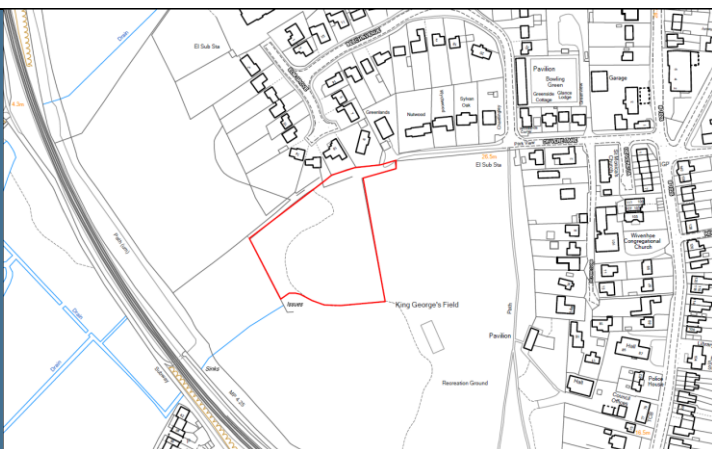


19.5.1 Reason for Rejection

This site received a red rating in the Stage 1 initial sieve of the LPA's SLAA. A red rating in Stage 1 means that a site is considered to be unsuitable for development at the current time, in accordance with national and local policy, or that the site is too small to be taken through the SLAA process. In relation to this site the lack of public highway access to and from the site means the site is unsuitable for any further consideration. For this reason the site has been rejected.

19.6 Land west of King George Field, Wivenhoe

CBC SLAA WIV08: The site is not being promoted for development or a change of use. The Neighbourhood Plan contains a commitment to protect existing open spaces from development.



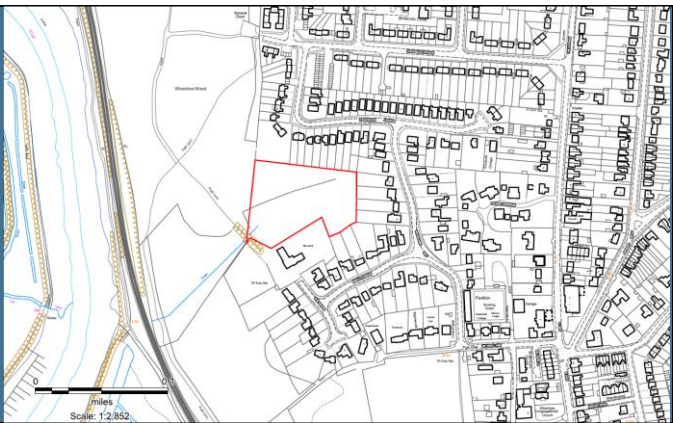
19.6.1 Reason for Rejection

This site received a red rating in the Stage 1 initial sieve of the Strategic Land Availability Assessment. A red rating in Stage 1 means that a site is considered to be unsuitable for development at the current time, in accordance with national and local policy, or that the site is too small to be taken through the SLAA process. In relation to this site the lack of public highway access to and from the site means the site is unsuitable for any further consideration. For this reason the site has been rejected.

19.7 Land south east of Wivenhoe Wood, Wivenhoe

CBC SLAA WIV09: The site is not being promoted for development or a change of use. The

Neighbourhood Plan contains a commitment to protect existing open spaces and wildlife sites from development.



19.7.1 Reason for Rejection

This site received a red rating in the Stage 1 initial sieve of the Strategic Land Availability Assessment. A red rating in Stage 1 means that a site is considered to be unsuitable for development at the current time, in accordance with national and local policy, or that the site is too small to be taken through the SLAA process. In relation to this site the lack of public highway access to and from the site means the site is unsuitable for any further consideration. For this reason the site has been rejected.

19.8 Land adjacent to Broomgrove School, Wivenhoe

The site is not being promoted for development or a change of use. The Neighbourhood Plan contains a commitment to protect existing open spaces from development.



19.8.1 Reason for Rejection

This site received a red rating in the Stage 1 initial sieve of the Strategic Land Availability Assessment. A red rating in Stage 1 means that a site is considered to be unsuitable for development at the current time, in accordance with national and local policy, or that the site is too small to be taken through the SLAA process. In relation to this site the lack of public highway access to and from the site means the site is unsuitable for any further consideration. For this reason the site has been rejected.

19.9 Land north west of Cricket Ground, Wivenhoe

The site is not being promoted for development or a change of use.



19.9.1 Reason for Rejection

The stage 1B sieve of the Strategic Land Availability Assessment tests sites in terms of their existing status and use. Sites are sieved out at this stage where there is sufficient information in relation to their existing status and use that renders further assessment unnecessary. In relation to this site, the current use as allotments, despite not being protected as such in the LDF Proposals Maps, is not likely to cease in the foreseeable future. For this reason the site has been rejected.



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or made available in alternative formats, on request.

Published August 2016

Rebuttal Appendix 3: APP/A1530/W/19/3223010



Ministry of Housing,
Communities &
Local Government

Richard Lomas
Gladman Development Ltd
Gladman House, Alexandria Way,
Congleton,
Cheshire
CW12 1LB

Our ref: APP/A1530/W/19/3223010
Your ref: -

7 April 2020

Dear Sir

**TOWN AND COUNTRY PLANNING ACT 1990 – SECTION 78
APPEAL MADE BY GLADMAN DEVELOPMENT LTD
97 (AND LAND ADJACENT TO) BARBROOK LANE, TIPTREE, COLCHESTER, CO5
0JH
APPLICATION REF: 182014**

1. I am directed by the Secretary of State to say that consideration has been given to the report of Siobhan Watson BA(Hons) MCD MRTPI, who held a public local inquiry between 3-6 September 2019 into your appeal against the decision of Colchester Borough Council to refuse your application for outline planning permission for the development of up to 200 dwellings (including 30% affordable housing), provision of 0.6ha of land safeguarded for school expansion, new car parking facility, introduction of structural planting and landscaping and sustainable drainage system (SuDS), informal public open space, children's play area, demolition of 97 Barbrook Lane to form vehicular access from Barbrook Lane, with all matters to be reserved except for access, in accordance with application ref: 182014, dated 9 August 2018.
2. On 2 October 2019, this appeal was recovered for the Secretary of State's determination, in pursuance of section 79 of, and paragraph 3 of Schedule 6 to, the Town and Country Planning Act 1990.

Inspector's recommendation and summary of the decision

3. The Inspector recommended that the appeal be allowed and planning permission be granted subject to conditions.
4. For the reasons given below, the Secretary of State agrees with the Inspector's conclusions, and agrees with her recommendation. He has decided to allow the appeal and grant planning permission subject to conditions. A copy of the Inspector's report (IR) is enclosed. All references to paragraph numbers, unless otherwise stated, are to that report.

Ministry of Housing, Communities & Local Government
Andrew Lynch, Decision Officer
Planning Casework Unit
3rd Floor Fry Building
2 Marsham Street
London SW1P 4DF

Tel: 0303 444 3594
Email: PCC@communities.gov.uk

Matters arising since the close of the inquiry

5. Through representations from both the appellant and the Council, the Secretary of State is aware of two subsequent appeal decisions issued by the Planning Inspectorate against the refusal of planning permission by Colchester Borough Council, those being:
 - Land adjoining the Red Lion Public House, 130 Coggeshall Road, Marks Tey, Colchester, CO6 1LT - ref APP/A1530/W/19/3230908, dated 7 November 2019 (the Red Lion appeal), and;
 - Land at Queen Street, Colchester, CO1 2PJ - ref APP/A1530/W19/3231964, dated 13 December 2019 (the Queen Street appeal)
6. The Secretary of State is satisfied that no other new issues were raised in this correspondence to warrant further investigation or necessitate additional referrals back to parties. A list of representations which have been received since the inquiry is at Annex A. Copies of these letters may be obtained on written request to the address at the foot of the first page of this letter.
7. On 13 February 2020 the 2019 Housing Delivery Test measurements were published. Colchester Borough Council's measurement increased from 120% (2018 measurement) to 122% (2019 measurement). As this resulted in no material change relevant to this appeal, the Secretary of State is satisfied this did not warrant further investigation or necessitate additional referrals back to parties.

Policy and statutory considerations

8. In reaching his decision, the Secretary of State has had regard to section 38(6) of the Planning and Compulsory Purchase Act 2004 which requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise.
9. In this case the development plan consists of the Colchester Core Strategy (2008) as amended by the Focussed Review (2014) (CS), the Local Development Framework Development Policies 2010 with selected policies revised July 2014 (DPD). The Secretary of State considers that relevant development plan policies include those set out at IR12.
10. Other material considerations which the Secretary of State has taken into account include the National Planning Policy Framework ('the Framework') and associated planning guidance ('the Guidance'), the Red Lion appeal, and the Queen Street appeal. The revised National Planning Policy Framework was published on 24 July 2018 and further revised in February 2019. Unless otherwise specified, any references to the Framework in this letter are to the 2019 Framework.

Emerging plans

11. Emerging plans comprise the emerging Local Plan (eLP), which is partly being produced in co-operation with Tendring and Braintree District Councils (the North Essex Authorities), and the emerging Tiptree Neighbourhood Plan (eNP). The Secretary of State considers that the emerging policies of most relevance to this case include those set out at IR24 for the eLP and at IR13 for the eNP.
12. Paragraph 48 of the Framework states that decision makers may give weight to relevant policies in emerging plans according to: (1) the stage of preparation of the emerging plan;

(2) the extent to which there are unresolved objections to relevant policies in the emerging plan; and (3) the degree of consistency of relevant policies to the policies in the Framework.

13. The Secretary of State notes that the eLP was originally submitted for examination in October 2017, but was withdrawn after the examining Inspector wrote to the North Essex Authorities in June 2018 advising that elements of the evidence base required “significant further work” (IR14-15). He notes much of the examining Inspector’s concern was around the proposed “Cross-boundary Garden Communities”, along with their associated infrastructure, rate of delivery, and their financial viability (IR15-22). He notes that the North Essex Authorities chose to pause the inspection to conduct further work on the evidence base (IR23). The Secretary of State also notes that, since the close of the Inquiry, the examination of the North Essex Authority local plans has resumed, with further hearings held in January 2020. As there are still a number of stages to complete before the plan can progress to adoption, the Secretary of State agrees with the Inspector at IR162 that only very limited weight can be given to the relevant housing policies in the eLP.
14. The eNP underwent a Regulation 14 public consultation between June and July 2019. Following this, it was submitted to Colchester Borough Council on 27th March 2020. The council is now proceeding with preparations for the Regulation 16 consultation and the appointment of an examiner. As the eNP must still go through further stages before it can progress to a referendum and be formally made, and because of the continued uncertainty around housing numbers in the eLP that will directly impact on the eNP, the Secretary of State agrees with the Inspector (IR164) that it can attract only limited weight.

Main issues

Prematurity

15. Paragraph 49 of the Framework advises that prematurity is unlikely to justify a refusal of planning permission other than in the limited circumstances where both
 - a. the development proposed is so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development that are central to an emerging plan; and
 - b. the emerging plan is at an advanced stage but is not yet formally part of the development plan for the area.

For the reasons set out at paragraphs 11-14 of this Decision Letter and at IR158-164, the Secretary of State agrees with the Inspector (IR165) that a dismissal based on prematurity would not be justified and would be contrary to the Framework.

16. The Secretary of State has carefully considered the Inspector’s analysis at IR166 of the appeal decisions in Hambrook and West Bergholt. For the reasons given there, he agrees that these are not directly comparable to this appeal.

Housing Land Supply

17. The Secretary of State notes that the parties disagreed on the ability of the local authority to demonstrate a five-year supply of housing land, with the appellant calculating a figure of 3.66 years, and the local authority calculating a figure of 5.13 years.
18. The Secretary of State notes that the Inspector undertook roundtable sessions as part of the Inquiry on a number of disputed sites, and has carefully considered her analysis of these between IR172-193. He agrees with her analysis, and with her conclusion that the Council could demonstrate a housing land supply of about 4.7 years (IR194).
19. As noted at paragraph 5-6 of this Decision Letter, the Secretary of State has also carefully considered the two subsequent appeal decisions issued by the Planning Inspectorate. He notes that, while the Inspectors in these decisions both addressed Colchester's housing land supply, it was not a main issue in those appeals. He is content that the evidence presented in this appeal is the most robust available to him and therefore the most suitable for reaching a decision.
20. For these reasons, the Secretary of State agrees with the Inspector at IR194 that the local authority can demonstrate a housing land supply of 4.7 years. As this is below five years, he therefore considers that the presumption in favour of sustainable development, as set out at Paragraph 11d of the Framework, is engaged. He agrees that the provision of 200 market and affordable homes represents a substantial benefit (IR207), and considers it to carry significant weight in favour of the proposal.

Location of development

21. The Secretary of State notes that CS policy SD1 identifies a settlement hierarchy, directs growth to the most accessible and sustainable locations in accordance with that hierarchy, and that Tiptree is classed as a District Settlement, the second tier on the hierarchy. He also notes that the CS seeks to sustain the character and vitality of small towns, villages, and the countryside, and that development is expected to be compatible with local character (IR143).
22. The Secretary of State notes the Inspector found the housing number and sequential approach elements of SD1 out-of-date, and agrees with her in finding no significant conflict between the settlement hierarchy and character protection aspects and the Framework. He also notes that CS H1 indicates that the distribution of new housing should be guided by the settlement hierarchy, and agrees with the Inspector's finding of this as consistent with the Framework (IR144).
23. The Secretary of State also notes that CS policy ENV1 states that unallocated greenfield land outside settlement boundaries is to be protected and where possible enhanced, and to strictly control development on such land. He agrees with the Inspector that this is somewhat more onerous than the Framework, but that the broad aim of protecting the character of the countryside is relevant to this appeal.
24. The Secretary of State notes that the site is an undeveloped area behind the existing dwellings along Barbrook Lane, and that is outside of the settlement boundary (IR143). For these reasons, he agrees with the Inspector at IR146 that it is not a location where the CS would encourage growth, and the proposal therefore conflicts with CS policies ENV1, H1 and SD1.

Scale of development

25. The Secretary of State has gone on to carefully consider the Inspector's analysis of the scale of the proposal, and the likely impact it would have on the settlement (IR147-156).
26. He notes that the Inspector considered the proposal would result in loss of countryside and a change in character for the site, but because the site is well-screened by trees and surrounding development, he agrees with the Inspector that there would be little visual impact on the wider countryside (IR147). For these reasons the Secretary of State agrees that the proposal would not have a significant wider landscape impact, and that the setting of Tiptree would not be harmed.
27. The Secretary of State notes that Barbrook Lane has a carriageway width in conformance with the dimensions set out in *Manual for Streets* (2007), and that the Inspector was therefore satisfied that it was sufficiently wide to take the level of traffic associated with a proposal of this scale. He also notes that the appellant has agreed to provide a financial contribution for traffic calming (IR148). He notes that the Transport Assessment found that the proposal would not give rise to issues around highways safety or capacity, and that the Local Highways Authority did not dispute this (IR151). The Inspector also notes that no technical evidence was submitted to dispute these findings. For these reasons, the Secretary of State agrees with the Inspector (IR151) that the proposal is acceptable in highways terms.
28. The Secretary of State has considered the Inspector's analysis at IR152-155 concerning public transport, health services, sewerage and water supply. For the reasons given in that analysis, he agrees with the Inspector (IR156) that the scale of development in this proposal would not harm or prejudice local services, highways safety and traffic flow, the living conditions of neighbours, or drainage and water supply. He agrees the site is in a sustainable location and provides good access to employment and day-to-day services by a choice of transport modes.

Ecology

29. The Secretary of State is the Competent Authority for the purposes of the Conservation of Habitats and Species Regulations 2017. For the reasons set out at IR195-197 he agrees with the Inspector that he is required to make an Appropriate Assessment of the implications of the proposal on the integrity of any affected European site in view of each site's conservation objectives.
30. Those sites are the Essex Estuaries Special Area of Conservation (SAC), the Blackwater Estuary Special Protection Area (SPA) / Ramsar Site, and the Abberton Reservoir SPA / Ramsar site. He also notes that the site is technically within the Zone of Influence (Zol) for the Dengie SPA / Ramsar site, but agrees with the Inspector (IR196) that, as the site is separated from the appeal site by the Blackwater Estuary, this represents a significant barrier to access, and it does not therefore require detailed consideration.
31. The Abberton Reservoir SPA and Ramsar site, and the Blackwater Estuary SPA support birds. The Blackwater Estuary Ramsar site supports saltmarsh habitat, rare invertebrate fauna and wintering waterfowl. The Essex Estuaries SAC is designated for its Atlantic salt meadows, estuaries, Mediterranean and thermo-Atlantic halophilous scrubs, sandbanks, and mudflats and sandflats with plant colonies.

32. The Secretary of State considers that, given the size of the proposal before him, it is unlikely that new residents would visit the sites in significant numbers on a regular basis, and that it is therefore unlikely that habitats would be damaged or degraded by the new residents. In particular, he has borne in mind that Furthermore, the key habitats for the qualifying species include open water (Abberton Reservoir) or estuarine habitats (Blackwater Estuary) which are generally inaccessible for walkers.
33. While he has concluded that the development would not be likely to have a significant effect on the protected sites, the Secretary of state has adopted a precautionary stance, and considers that, in the absence of avoidance or mitigation measures, there is some potential for the development proposals to contribute towards a significant effect on Blackwater Estuary SPA / Ramsar site via potential disturbance effects, and Essex Estuaries SAC via physical damage and degradation, when considered in combination with other plans and projects. He therefore concludes that an appropriate assessment is required.
34. As part of his appropriate assessment, the Secretary of state has taken into account the informal recreational opportunities for new residents delivered by the proposal, in the form of a network of open spaces, including an off-lead area for dogs, thereby maximising “on the doorstep” opportunities for new and existing residents and providing mitigation. He has also taken into account the signed planning obligation which secures payments of contributions towards mitigation measures as set out in the draft Essex Coast Recreational disturbance Avoidance and Mitigation Strategy Supplementary Planning Document 2019.
35. Natural England have confirmed that it would raise no objection to the proposed mitigation package and the broad conclusions of the IHRA submitted by the appellant. He therefore concludes in his role as the Competent Authority on this matter, that there would be no adverse effect on the integrity of the designated sites.
36. He has also had regard to the Environmental Impact Assessment submitted by the appellant, including the mitigation measures proposed, and agrees with the Inspector at IR204 that there would be no overall harm to wildlife.

Other matters

37. The proposal includes a network of informal open spaces (IR200), and 0.6ha of land that would be safeguarded for future school expansion (IR25). The Secretary of State recognises these are primarily to mitigate the effects of the development and considers they carry only limited weight in favour of the proposal.

Planning conditions

38. The Secretary of State has considered the Inspector’s analysis at IR137-138, the recommended conditions set out at the end of the IR and the reasons for them, and to national policy in paragraph 55 of the Framework and the relevant Guidance. He is satisfied that the conditions recommended by the Inspector comply with the policy test set out at paragraph 55 of the Framework and that the conditions set out at Annex B should form part of his decision.

Planning obligations

39. Having had regard to the Inspector's analysis at IR139-141, the planning obligation dated 6 September 2019, paragraph 56 of the Framework, the Guidance and the Community Infrastructure Levy Regulations 2010, as amended, the Secretary of State agrees with the Inspector's conclusion for the reasons given in IR141 that the obligation complies with Regulation 122 of the CIL Regulations and the tests at paragraph 56 of the Framework.

Planning balance and overall conclusion

40. For the reasons given above, the Secretary of State considers that the appeal scheme is not in accordance with Policies ENV1, H1 and SD1 of the development plan, and is not in accordance with the development plan overall. He has gone on to consider whether there are material considerations which indicate that the proposal should be determined other than in accordance with the development plan.
41. As the local authority are unable to demonstrate a five-year supply of housing land, paragraph 11(d) of the Framework indicates that planning permission should be granted unless: (i) the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or (ii) any adverse impacts of doing so significantly and demonstrably outweigh the benefits, when assessed against policies in the Framework taken as a whole.
42. The proposal is an undeveloped agricultural site outside the settlement boundary, and the rural character of the site would change. This carries moderate weight against the proposal.
43. The proposal would provide up to 200 dwellings, with 30% affordable, helping the local planning authority achieve a five-year supply of housing land. This attracts significant weight in favour of the proposal. The proposal includes informal open space and safeguarded land for a school expansion, which carry limited weight. Although the site would change from rural to a housing estate, there would be little wider impact on the setting of the village as the site is well-screened. The scale of the proposal would not harm or prejudice local services, highways or residential amenity, and the site represents a sustainable location for access to jobs and services.
44. The Secretary of State considers that there are no protective policies which provide a clear reason for refusing the development proposed. The Secretary of State considers that the adverse impacts of the proposal do not significantly and demonstrably outweigh the benefits.
45. Overall, the Secretary of State considers that the material considerations in this case indicate a decision which is not in line with the development plan. He therefore concludes that the appeal should be allowed, and planning permission granted, subject to conditions.

Formal decision

46. Accordingly, for the reasons given above, the Secretary of State agrees with the Inspector's recommendation. He hereby allows your appeal and grants planning permission, subject to the conditions set out in Annex B, of this decision letter for outline planning for the development of up to 200 dwellings (including 30% affordable housing), provision of 0.6ha of land safeguarded for school expansion, new car parking facility, introduction of structural planting and landscaping and sustainable drainage system

(SuDS), informal public open space, children's play area, demolition of 97 Barbrook Lane to form vehicular access from Barbrook Lane, with all matters to be reserved except for access.

47. This letter does not convey any approval or consent which may be required under any enactment, bye-law, order or regulation other than section 57 of the Town and Country Planning Act 1990.

Right to challenge the decision

48. A separate note is attached setting out the circumstances in which the validity of the Secretary of State's decision may be challenged. This must be done by making an application to the High Court within 6 weeks from the day after the date of this letter for leave to bring a statutory review under section 288 of the Town and Country Planning Act 1990.

49. An applicant for any consent, agreement or approval required by a condition of this permission for agreement of reserved matters has a statutory right of appeal to the Secretary of State if consent, agreement or approval is refused or granted conditionally or if the Local Planning Authority fail to give notice of their decision within the prescribed period.

50. A copy of this letter has been sent to Colchester Borough Council, and notification has been sent to others who asked to be informed of the decision.

Yours faithfully

Andrew Lynch

Andrew Lynch
Authorised by the Secretary of State to sign in that behalf

Annex A – List of representations

Annex B – List of conditions

Annex A – List of Representations

General representations

Party	Date
Colchester Borough Council	13 December 2019
Gladman Development Ltd	16 December 2019
Rt Hon Priti Patel MP	10 January 2020
Mr Edward Higgs	9 February 2020

Annex B – List of Conditions

- 1) Details of the appearance, landscaping, layout and scale (hereinafter called “the reserved matters”) shall be submitted to and approved in writing by the Local Planning Authority before any development begins and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the Local Planning Authority no later than the expiration of three years beginning with the date of the grant of this outline permission; and the development to which this permission relates must be begun no later than the expiration of two years from the date of approval of the last of the reserved matters to be approved.
- 3) The development hereby permitted shall be carried out in complete accordance with the following plans: Site Location Plan ref CSA/3725/111 and the Access Plan ref 2179-F01 Rev B.
- 4) The reserved matters application(s) shall include detailed scale drawings by cross section and elevation that show the development in relation to adjacent property, and illustrating the existing and proposed levels of the site, finished floor levels and identifying all areas of cut or fill. The development shall thereafter be completed in accordance with the agreed scheme before development is first occupied.
- 5) No works shall take place until details of all earthworks have been submitted to and agreed, in writing, by the Local Planning authority. These details shall include the proposed grading and mounding of land areas including the levels and contours to be formed, showing the relationship of proposed mounding to existing vegetation and surrounding landform. The development shall thereafter be carried out in accordance with the approved details.
- 6) No works shall take place until all trees, shrubs and other natural features not scheduled for removal on the approved plans have been safeguarded behind protective fencing to a standard that will have previously been submitted to and agreed, in writing, by the Local Planning Authority. All agreed protective fencing shall thereafter be maintained during the course of all works on site and no access, works or placement of materials or soil shall take place within the protected areas without prior written consent from the Local Planning Authority.
- 7) No burning or storage of materials shall take place where damage could be caused to any tree, shrub or other natural feature to be retained on the site or on adjoining land.
- 8) All existing trees and hedgerows shall be retained throughout the development construction phases, unless shown to be removed on the approved drawing and all trees and hedgerows on and immediately adjoining the site shall be protected from damage as a result of works on site. All existing trees and hedgerows shall then be monitored and recorded for at least five years following contractual practical completion of the development. In the event that any trees and/or hedgerows die, are removed, destroyed, or fail to thrive during this period, they shall be replaced

during the first planting season thereafter to specifications agreed, in writing, with the Local Planning Authority. Any tree works agreed to shall be carried out in accordance with BS 3998.

- 9) No works or development shall be carried out until and Arboricultural Implications Assessment, Arboricultural Method Statement and Tree Protection Plan in accordance with BS 5837, have been submitted to and approved, in writing, by the Local Planning Authority (LPA). This shall be carried out in accordance with the submitted Tree Survey and Arboricultural Impact Assessment referenced CSA/3725/04 dated January 2019. Unless otherwise agreed, the details shall include the retention of an Arboricultural Consultant to monitor and periodically report to the LPA, the status of all tree works, tree protection measures, and any other arboricultural issues arising during the course of development. The development shall then be carried out strictly in accordance with the approved method statement.
- 10) During all construction work carried out underneath the canopies of any trees on the site, including the provision of services, any excavation shall only be undertaken by hand. All tree roots exceeding 5 cum in diameter shall be retained and any pipes and cables shall be inserted under the roots.
- 11) At least 3.24 hectares of land within the redline boundary shall be laid out for use as amenity open space in accordance with a scheme (including phasing) which shall be submitted to and agreed, in writing, by the Local Planning Authority before the development commences. The space shall be made available for use within 12 months of the occupation of the first dwelling and thereafter it shall be retained for public use.
- 12) Prior to commencement of the development, details of a scheme of traffic management works at the Barbrook Lane/Grove Road junction shall be submitted to and approved in writing by the Local Planning Authority. The agreed works shall be implemented in full in accordance with the approved details prior to the first occupation of any dwelling hereby approved.
- 13) No occupation of the development shall take place until the following have been provided or completed:
 - a. A priority junction off Barbrook Lane to provide access to the appeal site as shown in principle on the drawing hereby approved.
 - b. Upgrade to two bus stops before any dwelling is first occupied. The details of the upgrade shall be submitted to and approved in writing prior to the occupation of any dwelling.
 - c. Residential travel information packs as prior approved by the local planning authority. The information packs shall be provided to each dwelling before they are occupied.

- 14) No works shall take place until a detailed surface water drainage scheme for the site has been submitted to and approved in writing by the Local Planning Authority based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development. The scheme shall include but not be limited to:
- a. Limiting discharge rates from the site to the 1 in 1 year greenfield run-off rate or as close as is reasonably practicable for the 1 in 1 year and 1 in 100 year rainfall events;
 - b. Provide sufficient surface water storage so that the runoff volume is discharged or infiltrating at a rate that does not adversely affect flood risk and that unless designated to floor that no part of the site floods for a 1 in 30 year event, and 1 in 100 year event in any part of a building or utility plant within the development;
 - c. Provide sufficient storage to ensure no off-site flooding as result of the development during all storm events up to and including the 1 in 100 year plus climate change event;
 - d. Provide details of pre and post 100 year, 6 hour runoff volume;
 - e. Provision of suitable "urban creep" allowance;
 - f. Final modelling and calculations for all areas of the drainage system;
 - g. The appropriate level of treatment for all runoff leaving the site, in line with the CIRIA SuDS Manual C753;
 - h. Detailed engineering drawings of each component of the drainage scheme;
 - i. A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features;
 - j. A written report summarising the final strategy and highlighting any minor changes to the approved strategy;
 - k. A scheme to minimise the risk of offsite flooding during the construction works.

The approved scheme shall subsequently be implemented prior to occupation of the first dwelling.

- 15) No works shall take place until a Maintenance Plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies, has been submitted to and agreed, in writing, by the Local Planning Authority. Should any

part be maintainable by a maintenance company, details of long term funding arrangement shall be provided.

- 16) The applicant or any successor in title must maintain yearly logs of maintenance which should be carried out in accordance with any approved Maintenance Plan. These must be available for inspection upon request by the Local Planning Authority.
- 17) No development shall take place until an investigation and risk assessment, in addition to any assessment provided with the planning application, has been completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the prior written approval of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings shall be submitted to and approved in writing by the Local Planning Authority before the commencement of development. The report and findings shall include:
 - a. A survey of the extent, scale and nature of contamination, including contamination by soil, gas and asbestos;
 - b. An assessment of the potential risks to, human health; property, crops, livestock, pets, woodland and service lines and pipes; adjoining land; groundwaters and surface waters; and ecological systems.
 - c. An appraisal of remedial options and proposal of the preferred option(s).
 - d. The above shall be conducted in accordance with DEFRA and the Environment Agency's *Model Procedures for the Management of Land Contamination CLR11* and the Essex Contaminated Land Consortium's *Land Affected by Contamination: Technical Guidance for Applicants and Developers*.
- 18) No works shall take place until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, the natural environment has been submitted to and agreed in writing by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.
- 19) No development shall place until the remediation scheme is carried out in accordance with the approved details. The Local Planning authority shall be given two weeks written notification of commencement of the remediation works. Following completion of the remediation works a verification/validation report that demonstrate the effectiveness of the remediation carried out must be produced and approved in writing by the Local Planning Authority before any dwelling is constructed.

- 20) In the event that contamination not previously identified, is found at any time when carrying out the approved development, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with Conditions 17-19.
- 21) No development shall take place until a Construction Method Statement has been submitted to and approved in writing, by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period and shall provide details for:
- a. The parking of vehicles of site operatives and visitors;
 - b. Hours of deliveries and hours of work;
 - c. Loading and unloading of plant and materials;
 - d. Storage of plant and materials;
 - e. The erection and maintenance of security hoardings;
 - f. Wheel washing facilities;
 - g. Measures to control the emission of dust and dirt during construction; and
 - h. A scheme for recycling/disposing of waste resulting from demolition and construction.
- 22) The reserved matters application(s) shall include a detailed acoustic assessment and mitigation report. The report shall have been undertaken by a competent person and provide details of the noise exposure at the façade of the residential dwellings; internal noise levels in habitable rooms and noise levels in all associated amenity spaces. The design and layout shall avoid, as far as practicable, exposure of habitable rooms to noise levels that exceed the following: NPR – 60dBLAeq 16 hours (daytime outside); 55dBLAeq 8 hours (night outside)
- 23) The reserved matters application(s) shall include a Biodiversity Method Statement, a Construction Environmental Management Plan, a 5-10 year Management Plan and a scheme of biodiversity and habitat retention, mitigation (including a detailed lighting scheme), protection and enhancement, including an implementation timetable, to include but not be limited to the details set out in the Ecological Reports submitted with the application. The development shall thereafter be carried out in accordance with the agreed details.
- 24) No development shall take place until a Written Scheme of Investigation of archaeological remains shall have been submitted to and approved in writing by the local planning authority. The scheme shall include an assessment of significance and research questions - and:

- a. The programme and methodology of site investigation and recording;
- b. The programme for post investigation assessment;
- c. The provision to be made for analysis of the site investigation and recording;
- d. The provision to be made for publication and dissemination of the analysis and records of the site investigation;
- e. The provision to be made for archive deposition of the analysis and records of the site investigation;
- f. The nomination of a competent person or persons/organization to undertake the works set out within the Written Scheme of Investigation.

25) No development shall commence until a detailed mitigation and avoidance scheme for the Essex Coast European sites is submitted to and approved in writing by the Local Planning Authority (in consultation with Natural England). It will include:

- a. Final details of the enhancements to on-site open space, including the provision of an off-lead dog area, dog bins, pedestrian connection to Grove Road and an interpretation board and
- b. A scheme for the promotion of alternative informal recreational routes in the local area including details of an information pack to be supplied to all new residents.

26) The reserved matters application(s) shall include details of a scheme to facilitate pedestrian access to the northern redline boundary of the site.



Report to the Secretary of State for Housing, Communities and Local Government

by Siobhan Watson BA(Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Date: 18 November 2019

Town and Country Planning Act 1990

Appeal by Gladman Development Ltd against the refusal of
Colchester Borough Council to grant

“outline planning for the development of up to 200 dwellings (including 30% affordable housing), provision of 0.6ha of land safeguarded for school expansion, new car parking facility, introduction of structural planting and landscaping and sustainable drainage system (SuDS), informal public open space, children’s play area, demolition of 97 Barbrook Lane to form vehicular access from Barbrook Lane. All matters to be reserved except for access.”

at

97 (and land adjacent to) Barbrook Lane, Tiptree, Colchester, CO5 0JH

Inquiry Held on 3-6 September 2019

97 (and land adjacent to) Barbrook Lane, Tiptree, Colchester, CO5 0JH

File Ref: APP/A1530/W/19/3223010

File Ref: APP/A1530/W/19/3223010

97 (and land adjacent to) Barbrook Lane, Tiptree, Colchester, CO5 0JH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
- The appeal is made by Gladman Development Ltd against the decision of Colchester Borough Council.
- The application Ref 182014, dated 9 August 2018, was refused by notice dated 25 January 2019.
- The development proposed is "outline planning for the development of up to 200 dwellings (including 30% affordable housing), provision of 0.6ha of land safeguarded for school expansion, new car parking facility, introduction of structural planting and landscaping and sustainable drainage system (SuDS), informal public open space, children's play area, demolition of 97 Barbrook Lane to form vehicular access from Barbrook Lane. All matters to be reserved except for access."

Summary of Recommendation: That the appeal be allowed and planning permission be granted subject to conditions.

Procedural Matters

1. The Inquiry was held at Colchester Town Hall on 3-6 September 2019. I made an unaccompanied site visit on the afternoon of 5 September during which I observed the entire site as well as Barbrook Lane, Grove Road and their junctions.
2. The appeal was recovered by the Secretary of State (SoS) by a direction made under section 79 and paragraph 3 of Schedule 6 of the Town and Country Planning Act 1990 on 2 October 2019. The reason for this direction is that the appeal involves a proposal for residential development of over 150 units which would significantly impact on the Government's objective to secure a better balance between housing demand and supply and create high quality, sustainable, mixed and inclusive communities.
3. On the information available at the time of making the Direction, the statements of case and the evidence submitted to the Inquiry, the following are the matters on which the SoS needs to be informed for the purpose of his consideration of these appeals:
 - i) The extent to which the location of the proposed development is consistent with the adopted development plan for the area;
 - ii) The effect of the proposed scale of development on the character and appearance of the countryside; highway safety and congestion; local day to day amenities and services and the living conditions of neighbours;
 - iii) Whether the proposed development is premature in the light of the emerging Colchester Borough Local Plan 2017-2033 (eLP) and the emerging Tiptree Neighbourhood Plan (eNP);
 - iv) Whether the proposed development is necessary to meet the housing needs of the district bearing in mind the housing land supply position;
 - v) Whether any permission should be subject to any conditions and if so, the form these should take; and

- vi) Whether any planning permission granted should be accompanied by any planning obligations under section 106 of the 1990 Act and if so, whether the proposed terms of such obligations are acceptable.
4. The application was submitted in outline with all matters reserved except for access.
 5. A supplementary Statement of Common Ground (SoCG) was submitted at the start of the Inquiry which confirmed that the Council was no longer pursuing reasons for refusal 3, 4 and 5 which related to Habitat Regulations, archaeology and planning obligations as these matters had been resolved by the completed S.106 and the planning conditions that are agreed between the parties. There is also a specific housing SoCG. Copies of all the proofs of evidence, appendices and summaries have been supplied to the SoS. The Council, appellants and other parties provided additional documents at the Inquiry. The document lists are at the end of this Report.
 6. The Right Honourable Priti Patel MP (MP for Witham) has made representations.

Environmental Impact Assessment (EIA)

7. The proposed development falls within the description at paragraph 10(b) of Schedule 2 of the 2001 Regulations¹. A Screening Option was issued by the Council to the effect that the development would be unlikely to have significant impacts on the environment and therefore did not require an EIA. The SoS considered the matter and having taken into account the criteria in Schedule 3 to the above Regulations, came to the same view that the proposed development would not be likely to have a significant effect on the environment by virtue of factors such as its nature, size or location. I agree that the proposed development is not EIA development and therefore it does not require the submission of an Environmental Statement.

The Site and Surroundings

8. The site is an undeveloped area of around 9.8 hectares. It is on the edge of the developed area of Tiptree which is classed as a District Settlement in the CS. It adjoins yet is outside of the settlement boundary. It is behind dwellings on Barbrook Lane in Tiptree and includes the dwelling of 97 Barbrook Lane which would be demolished to make way for the access. The site comprises mainly of grassland fields with boundary hedgerows and treelines, an orchard, ponds and a stream. There are school buildings and school land to the east of the site and open countryside to the north and west.
9. There is no formal point of access at present other than the existing gated access track next to No 97. Barbrook Lane is a two-way carriageway of around 4.8m wide. It is subject to a 30mph speed limit and benefits from street lighting. There are "No Stopping" and "Keep Clear" markings at the section where Barbrook Lane provides access to Milldene Primary School.

¹ The Town and Country Planning (Environmental Impact Assessment) Regulations 2011

10. One end of Barbrook Lane meets with Maypole Road (B1022) which provides links towards Colchester and the A12 for strategic links throughout the wider area. The other end of Barbrook Lane forms a priority-controlled junction with Grove Road which in turn meets Newbridge Road and Church Road (B1023). Church Road enters the centre of Tiptree.
11. A plan showing the relationship of the appeal site to its surroundings can be found in Core Document (CD 1.02)²

Planning Policy

12. The parties refer to national planning legislation³ and to a number of local planning policy documents which are listed in Section 3 of the SoCG. The development plan for the area is the Colchester Core Strategy (2008) as amended by the Focussed Review (2014) (CS) (CD8.02) and the Local Development Framework Development Policies 2010 with selected policies revised July 2014 (DPD) (CD8.03). The following saved policies are agreed by both main parties to be relevant to this appeal:

Core Strategy

- Policy SD1 - Sustainable Development Locations
- Policy SD2 – Delivering Facilities and Infrastructure
- Policy SD3 – Community Facilities
- Policy H1 – Housing Delivery
- Policy H4 – Affordable Housing
- Policy UR2 – Built Design and Character
- Policy PR1 - Open Space
- Policy TA4 – Roads and Traffic
- Policy ENV1 – Environment

Development Policies

1. Policy DP1 – Design and Amenity
2. Policy DP3 – Planning Obligations and the Community Infrastructure Levy
3. Policy DP17 – Accessibility and Access
4. Policy DP20 – Flood Risk and Management of Surface Water Drainage

Tiptree Neighbourhood Plan (eNP) (CD 9.10)

13. The Tiptree Neighbourhood Plan area was designated by Colchester BC on 2nd February 2015. The draft Neighbourhood Plan was subject to public consultation (under Regulation 14) between 8 June 2019 – 21 July 2019. Parties disagree with

² Site Location Plan CSA/3725/111

³ Planning and Compulsory Purchase Act 2004

the weight that can be attributed to the eNP. The most relevant policy in the eNP is Policy TIP01.

Emerging Local Plan (eLP) (CD 9.06)

14. The Council has been working jointly with Tendring and Braintree District Councils since 2014 to bring forward Local Plans with a common Section 1. All three plans were submitted for examination in October 2017 and hearing sessions began in January 2018.
15. On 8th June 2018 the examining Inspector wrote to the North East Essex Authorities (NEAs) (CD 9.01). He advised them of the aspects of the Plan and its evidence base which he considered to require significant further work. The most relevant to this appeal is in relation to Chapter 8 of Section 1 (Shared Strategic Plan) of the eLP, "Cross-Boundary Garden Communities" (GCs). It is the eLP examination which must determine whether or not the GCs are properly justified and realistically developable. This is of more than usual importance given the large scale and long-term nature of the GC proposals, two of which would take around 30 years to complete and the other at least 40 years.
16. The Inspector reported that the proposed approach to the GCs is innovative and ambitious and if carried out successfully, it has the potential to provide for housing and employment needs: not just in the current Plan period but well beyond it. However, in his view, the evidence to support the GC policies in the submitted plan was lacking in a number of respects. He found the following main deficiencies:
 17. The GCs could not be developed in full without the additional strategic road capacity provided for by the A12 Chelmsford to A120 widening scheme and the A120 to A12 duelling scheme. There was insufficient evidence that the A120 duelling scheme could be fully funded. Moreover, the two alternative alignments under consideration for the widened A12 in the Marks Tey area were not compatible with the proposed layout of the Colchester/Braintree Garden Community. The NEAs had made a bid to Government for funds to facilitate a further alignment but the outcome was not yet known.
 18. A rapid transit system (RTS) for North Essex is an integral part of the GC proposals which are proposed to be planned around integrated and sustainable transport systems. However, the planning of the proposed RTS had reached only a very early stage. The Inspector was unconvinced that the RTS could be delivered on time.
 19. The existing Marks Tey railway station, on the Great Eastern Main Line (GEML) between London and Norwich, is within, but close to the eastern edge of the indicative boundary of the Colchester Braintree GC. Its current peripheral position would integrate poorly with the structure of the GC. The Colchester Braintree GC Concept Framework proposes its relocation some 2km to the south-west, where it would form part of a transport interchange in the new town centre. There was insufficient evidence that this could be delivered on time.
20. The Inspector also had concerns in respect of the delivery of market and affordable housing in the GC indicating that delivery would not be as rapid as suggested by the NEAs. He was also concerned that the GC policies contain neither specific nor indicative figures for the amount of employment land or

floorspace to be provided at each of the GCs even though the North Essex GC Charter's Principle 3 seeks to provide access to one job per household within each new GC or within a short distance by public transport.

21. The Inspector also had concerns about the financial viability of the GCs in respect of transport infrastructure costs; interest costs of the purchase of the land for the GCs; contingencies; and the price of the land. He concluded that it has not been demonstrated that the GCs proposed in the submitted Plan were financially viable.
22. Overall, the Inspector considered that the GC proposals were not adequately justified and have not been shown to have a reasonable prospect of being viably developed. As submitted, he concluded that they are unsound. He advised that simultaneously bringing forward three GCs on the scale proposed in the submitted Plan is likely to be difficult to justify. He provided three options for the NEAs. 1) remove the GC proposals from the Section 1 Plan, 2) carry out the necessary further work on the evidence base and sustainability appraisal, and bring forward revised strategic proposals before the commencement of the Section 2 examinations and 3) withdraw the Section 1 and Section 2 Plans from examination and resubmit them with revisions.
23. The NEAs chose Option 2, to carry out further work on the evidence base and sustainability appraisal and bring forward revised strategic proposals. Due to the considerable length of time this is likely to involve, the examination of Section 1 has been suspended. Further Section 1 hearings will need to be held to consider the revised strategic proposals.
24. The eLP is a material consideration in the determination of this appeal. The Parties disagree over the weight that can be attributed to it. However, the two main parties agree that the relevant policies are:
 - SP2 – Spatial Strategy for North Essex
 - SP3 – Meeting Housing Needs
 - SP6- Place Shaping Principles
 - SG1- Spatial Hierarchy
 - SG2- Housing Delivery
 - SG7- Infrastructure Delivery and Impact Mitigation
 - SG8- Neighbourhood Plans
 - ENV1- Environment
 - ENV5 – Pollution and Contaminated Land
 - PP1- Generic Infrastructure and Mitigation Requirements
 - SS14- Tiptree
 - DM2- Community Facilities
 - DM8- Affordable Housing
 - DM10- Housing Diversity

- DM18- Provision of Public Open Space
- DM24- Sustainable Drainage Systems
- SP1B- Proposed Modifications Policy Recreational Disturbance Avoidance and Mitigation Strategy (This was proposed by the North Essex Authorities, during the Examination hearing sessions to reflect the latest position with the Essex Coast RAMS).

The Proposal

25. The proposal is for outline planning permission for the development of up to 200 dwellings (including 30% affordable housing), provision of 0.6ha of land safeguarded for school expansion, new car parking facility, introduction of structural planting and landscaping and sustainable drainage system (SuDS), informal public open space, children's play area and the demolition of 97 Barbrook Lane to form vehicular access from Barbrook Lane. All matters are reserved except for access.
26. The application originally included the provision of land for a medical facility but this was removed from the proposal. This is because the Tiptree Medical Centre and the North East Essex Clinical Commissioning Group (CCG) no longer required land on the site and instead requested a financial contribution towards the provision of medical facilities. This contribution has been incorporated into the S.106 agreement.
27. The inclusion of expansion land for Milldene Primary School was included after the submission of the application following a consultation response from Essex County Council Economic Growth and Development which established that developer contributions would be required towards education provision. A land transfer of part of the site, as secured by the S.016 agreement, would constitute the education contribution.
28. The proposed residential area would be around 5.7 hectares which would equate to some 35 dwellings per hectare. An updated Framework Plan⁴ was submitted to reflect the changes (CD 2.02). This shows a general layout which indicates areas of land for play provision, open space, land for the school, SuDs, pump station, access, areas of planting, and potential pedestrian and recreational routes and is for illustrative purposes. The plans for approval are detailed in Section 2.5 of the SoCG.

Agreed Facts between the Parties

29. For the purposes of this appeal, the five-year land supply should be assessed for the period 1st April 2019 to 31st March 2024.
30. The Council's published 2019 Housing Land Supply Position Statement (CD 10.01) covers the above period and represented the Council's latest available evidence in the context of preparing evidence for this appeal inquiry.
31. The Standard Methodology produces a 'minimum' local housing need for 1,085.85 homes per annum in the Colchester Borough. It is agreed that the five-year

⁴ CSA/3725/107 Rev I

housing requirement based on the Standard Methodology, applying a 5% buffer, is therefore $1085.85 \times 5 \times 105\% = 5,701$ units.

32. The Housing Delivery Test results indicate that 120% of the number of homes required have been delivered in the previous three years in Colchester Borough.
33. To be considered deliverable, sites should be available now, offer a suitable location for development now, and be achievable with a realistic prospect that housing will be delivered on the site within five years.
34. Sites which do not involve major development (defined as including development proposals with 9 or less dwellings) and have planning permission, and all sites with detailed planning permission, should be considered deliverable until permission expires, unless there is clear evidence that homes will not be delivered within five years.
35. Where a site has outline planning permission for major development, has been allocated in a development plan, has a grant of permission in principle, or is identified on a brownfield register, it should only be considered deliverable where there is clear evidence that housing completions will begin on site within five years.

The Case for Colchester Borough Council

36. The Council determined, exercising delegated powers, that planning permission should be refused for five reasons. These are set out in its decision notice dated 25 January 2019 (CD5.01). Reasons for refusal 1 & 2 remain which are the breach of development plan policy in that the proposal is contrary to the spatial strategy for development within the Borough (Core Strategy SD1, supported by H1) as the site is an unallocated greenfield site outside the settlement boundary (Core Strategy ENV1); and a breach of the eLP and emerging Tiptree Neighbourhood Plan which undermines those development plan processes, i.e. granting planning permission would be premature. Furthermore, the proposed dwellings would result in some loss of the countryside which has intrinsic character and beauty.

Adopted Policy

37. The current appeal is the third appeal in Colchester in recent times which deals with the application of Policies SD1 & ENV1 and prematurity. It is the Council's case that these appeal decisions confirm that significant weight should be given to Policies SD1 and ENV1.
38. The Braiswick Inspector (CD11.01)⁵ in the first appeal identified some conflict between Policy ENV1 and the Framework but identified it as a dominant policy as it deals with unallocated land outside of settlement boundaries. In respect of Policy SD1 he gave full weight to the part "bolted on" in 2014 which seeks to sustain the character and vitality of small towns, villages and the countryside. The West Bergholt (WB) Inspector⁶ in the second appeal said that Policy SD1

⁵ APP/A1530/W/17/3178656

⁶ APP/A1530/W/18/3207626

contains some provisions which are generally consistent with the Framework. He also said that ENV1 is a dominant policy because it deals with unallocated land outside the settlement boundary but its provisions concerning the protection and enhancement of the countryside and strict control of development go beyond the balanced approach set out in the Framework. This balance requires decisions to contribute to and enhance the natural and local environment by, amongst other things, recognising the intrinsic character and beauty of the countryside, but in the overall context of the Framework, which includes the importance of a sufficient amount and variety of housing land coming forward where it is needed.

39. The proposal is for disproportionate, unplanned expansion of a lower tier settlement beyond its settlement boundaries. It is in clear breach of the spatial strategy. CS Table H1a (CD8.02 p52) provides for just 8% of dwellings to be developed in the District Centres including Tiptree. The Council refer to an appeal decision⁷ in Hambrook, West Sussex to support this stance.
40. Development at Tiptree should be proportionate in size to Tiptree's role as a settlement in the Borough. It is appropriate that the Plan should restrict the scale of development within Tiptree to retain its village feel or character. Shortfalls in the supply of housing arising elsewhere in the Borough are, by their nature, more likely to rise (if at all) in the top tier of the settlement hierarchy and directing development to lower tier settlements to meet them is in conflict with the settlement hierarchy set out in the statutory development plan.
41. CS Policy SD1, supported by CS H1, steers development towards the most accessible and sustainable locations in accordance with the Settlement Hierarchy. Policy SD1 identifies Tiptree as a 'District Settlement' in contrast with the 'Regional Centre' above and the 'Rural Communities' tier below. This proposal for disproportionate, unplanned expansion of a lower tier settlement beyond its settlement boundaries is in clear breach of this spatial strategy, and full weight attaches to that breach.
42. The proposal is also in breach of CS Policy ENV1. This provides that the Council will conserve and enhance the Borough's natural and historic environment and countryside and it provides a degree of protection to unallocated greenfield land outside of the settlement boundaries. The requirement that the eLP should re-examine settlement boundaries does not imply that they should effectively be disregarded. This point applies with particular force where an eNP is proposing proportionate expansion of settlement boundaries elsewhere along its edge.

Breach of the eLP and Prematurity

43. The second reason for refusal refers in particular to eLP Policies SG2 and SS14 (CD9.06 p70 and p177). Policy SG1 of the eLP (CD9.06 p68) identifies Tiptree as a sustainable settlement within the third tier of the settlement hierarchy and eLP SG2 (CD9.06 p70) says that the overall distribution of new housing will be guided by the settlement hierarchy set out in eLP Policy SG1. Policy SS14 of the eLP indicates that the Tiptree NP will define the extent of a new settlement boundary for Tiptree and allocate specific sites for housing allocations to deliver 600 dwellings. There are no objections to either of these proposals as part of the eLP

⁷ APP/L3815/W/15/3004052

process. Neither do representations made to the eLP suggest that Policies SG2 or SS14 are likely to be changed to significantly increase the scale of housing within Tiptree over the currently proposed 600 units (2017-2033) (CD 9.06, p72). The proposed development is in breach of these key elements of eLP.

44. It is the Council's case that the eNP attracts weight by virtue of the scale of public and other engagement to date, the stage it has reached and the fact that it reflects eLP policies concerning Tiptree. The proposal is very substantially in breach of the eNP insofar as it would result in disproportionate residential development located at variance with the strategy proposed in the eLP.
45. There are a number of sites without traffic or landscape objections capable of coming forward in excess of the numbers required to meet needs across the Borough including around Tiptree. The selection between them should be through the development plan process. The scale of the proposal is such that it will fundamentally prejudice the eNP process. It will also fundamentally undermine continuing public confidence in participation in the eNP. The proposal will prejudice that part of the eLP process that concerns future residential development in Tiptree.
46. The Council referred to the WB appeal⁶ to support its case in respect of prematurity.

Housing Land Supply

47. The WB decision⁵ found that the Council could not demonstrate an up to date 5-year housing land supply (HLS) but the Council maintains this is wrong and it does have an up to date 5-year HLS. The Council does not agree with the WB decision in respect of the deliverability of specific sites, many of which were rejected without reasons. The Council has provided additional evidence above that which was provided at the WB inquiry, to confirm that it is able to demonstrate a 5YHLS.

The relevant housing requirement

48. The Housing Statement of Common Ground (HSCG) (CD2.16) confirms agreement between the parties that the standard method (SM) should be used to calculate local housing need for the purpose of this appeal. It then puts the position beyond doubt, confirming that '*no exceptional circumstances exist to apply an alternative figure for the purpose of this appeal*'. Lapse rates and deduction of student accommodation which have been referred to by the appellant have no part in the SM.

The supply of deliverable sites

49. The definition of "deliverable" in the Glossary to the Framework is not a closed list. *St Modwen*⁸ (CD12.03) supports this view. The basic structure of the definition has not changed from the previous version of the Framework and if the Secretary of State had intended to reverse the effect of that case, he would have done so. The threshold for inclusion in the 5-year HLS was in the 2012

⁸ St Modwen Developments Ltd and SSCLG Case No: C1/2016/2001

Framework and remains in the current version. This is that there should be shown to be '*a realistic prospect*' that dwellings will be delivered in the stated timescale. In respect of lapse rates, planning permissions do not, in reality, lapse in Colchester, and the resources of the Council would be wasted in monitoring a phenomenon that does not appear to exist.

50. The Council has taken very seriously the requirement that it should produce clear evidence in respect of its 5-year HLS. During the course of the round table discussion (RTS) the Council witnesses shared their longstanding knowledge and close familiarity with both the disputed sites, the Borough and surrounding local authority areas. Their evidence was also informed by an understanding of individual developers' delivery in the Borough, and how disputed sites fit into their continuing programmes. It is the Council's case that very substantial weight should attach to this local knowledge. The appellant's knowledge of HLS supply in Colchester has been acquired, by contrast, at a distance.
51. The Appellant's argument that sites which gain planning permission after the base date should not be included in the 5-year HLS is rejected by the Council. The Council considers that sites can be included in the deliverable supply which do not already have planning permission if there is clear evidence they will be delivered and they have already been included within the relevant housing land supply statement for the monitoring period.

Individual sites (Numbers in brackets indicate Council's claimed supply)

Magdalen Street (72)

52. The WB⁵ Inspector agreed that this would deliver 60 dwellings. This has outline planning permission for 58 dwellings and detailed permission for 5 dwellings which have been built. The principle of residential development is established by this currently extant permission and there is a detailed application under consideration for 120 dwellings. It had officer support and was likely to be heard by committee in September/October of this year. The site is part of a wider scheme of development and an access road has already been constructed which can be used for the application proposal. The units proposed are smaller than those approved and therefore the overall scale of the development would not be much greater than already approved. There is no policy limit on the numbers to be provided by the site; it is brownfield land; site assessment work has been undertaken and the applicants own the site.

Five Ways Fruit Farm (250)

53. The WB⁵ Inspector agreed that this site could deliver 250 dwellings. This is an adopted allocation. A hybrid planning application for the 250 dwellings had a resolution to grant subject to a S.106 agreement. Substantial progress had been made with the S.106.
54. The two developers of this site have a good track record of delivery in Colchester and one of them, Mersea Homes, is already working on a smaller site on the other side of the road. Mersea Homes have secured the site via an Option Agreement with a single owner; they expect to immediately prepare reserved matters after planning permission is granted; the site set up is anticipated to

start in 2020 with the first completions to be ready by 2021 and that it is anticipated that there will be 100 completions per annum.

Former Essex County Hospital (118)

55. The WB⁵ Inspector agreed this could deliver 108 units. The Council has been discussing the site for over 3 years; a detailed masterplan has been prepared; the site is subject of a Planning Performance Agreement and it is within a residential area. The Council was convinced that an application would be submitted before the end of September and was confident that the detailed design would be acceptable to Historic England. The development is subject of an Essex County Council funding scheme. There has been slippage against the PPA due to a need for authorisation within Essex CC. It is the County Council's intention is to progress imminently.

University of Essex (545) (student scheme)

56. The WB⁵ Inspector agreed that this could deliver between 0-500 units. This has a development plan allocation. There is a current application under consideration which the parties agree works out to represent 547 dwellings after the student conversion rate is applied. The land has already been subject to flood mitigation land raise in anticipation of the development and it is protected by the Colne tidal barrier. The Council prefer student homes to be on campus and the University usually delivers housing quickly. The Council are not expecting statutory objections to the proposal.

East of Hawkins Road (115) (student scheme)

57. The WB⁵ Inspector agreed that this site could deliver 113 units. The Council agrees that this site is not a residential development plan allocation but employment use is not viable on the site. In addition, there is already student accommodation on this road and there is demand for student accommodation in the area. An application for 282 rooms was being considered at the time of the Inquiry which the Council claim would equate to 115 dwellings to be added to the HLS. It had officer support and the only objection from interested parties related to car parking but the Council were confident that this objection could be overcome.

Britannia/St Runwalds Car Park (55)

58. The WB⁵ Inspector agreed 60 dwellings. This site is allocated for low carbon housing. No application had been submitted but it was at an advanced stage of preparation which included full detailed drawings and structural calculations. The site is owned by the Council and would be developed by the Council's own "arm's length"⁹ development company, Amphora Homes, which has set out a timetable for development in the Amphora Homes Business Plan which has been approved by the Council. This shows that a full application would be submitted in November, condition discharge by April 2020 and completion by the end of 2022. There is no other residential development that would look

⁹ Para 3.28, P10 Sean Toft Rebuttal

onto it so an application is unlikely to raise objections in respect of living conditions.

Garrison K1 (25)

59. This site is allocated in the development plan as the Garrison residential growth area. A major housing association own the site and it is part of a wider site which has been built out. The disputed part of the site does not have planning permission but a preliminary enquiry has been submitted. The agents are keen to submit a planning application.

Military Road (8)

60. This is owned by the Council and is included in the eLP housing trajectory. It is brownfield and has been cleared ready for development. A planning application with a recommendation for approval was due to be heard at the 26 September 2019 Planning Committee.

Creffield Road (7)

61. The site is in the eLP trajectory and it was granted planning permission on 5 September 2019. This is a material change since the West Bergholt decision.

Wyvern Farm (Phase 2) (100)

62. The site is proposed to be a residential allocation in the eLP. Following the WB Inquiry a detailed application for residential development has gained a resolution for approval. Engrossment of the s.106 was imminent at the time of the current Inquiry. The developer, Persimmon has a history of very rapid delivery and the site is a continuation of a development on adjoining land.

Mill Road (150)

63. The site is an allocation in the emerging Eight Ash Green Neighbourhood Plan and is subject to a current hybrid application for 650 dwellings. The residential element of the application is in outline. It is Council owned and a delivery timetable was submitted with the Council's evidence. Although the appellant has pointed to objections to the current application, Natural England made a Standard RAMS response which is not an objection. Sport England submitted a holding objection pending the provision of replacement Rugby Club facilities, whereas the pitches at a new sports hub which are waiting to receive the Club are due to be seeded in 2020 and they will exceed the capacity of existing facilities.

Gosbecks Road (150)

64. This is an emerging allocation and a full planning application on behalf of Bloor Homes was under consideration at the time of the Inquiry. There is a Planning Performance Agreement and a timetable of delivery from the developer who has a good track record of delivery. There are no ownership issues. Both sides had instructed lawyers in respect of the s.106. County Highways have confirmed that there are no issues which are not easily resolved (Doc C3).

Chitts Hill (100)

65. There is a resolution to grant planning permission subject to access issues being resolved and the completion of a S.106 agreement. The applicants are already on site doing some pre-commencement work. A duplicate application was submitted prior to the presentation of the existing application to committee.

Eight Ash Green (150/0)

66. This is an allocation in an eNP with the Examiner reporting that the eNP is sound in this respect. An outline application was under consideration at the time of the Inquiry.

Council's Conclusions

67. The parts of SD1 and ENV1 that are most important for the determination of the appeal are not out of date and the tilted balance is not applicable on that basis. The Council has demonstrated a 5-year HLS so the tilted balance is not applicable on that basis either.
68. The Council fully recognises the social benefits of new housing and affordable housing in particular, but these are diminished by virtue of the fact that the development would be permitted, if at all, in breach of CS and eLP policies and with fundamental prejudice to the eNP process and eLP process.
69. Formal and informal public space does not attract weight as a benefit because it is required to mitigate harm arising from the development and not well-sited for access by local residents with easier access to open space elsewhere. Any biodiversity benefits that may result are unquantified and cannot be given much weight (see the WB⁵ decision para 57). The SuDs scheme and the land transfer to Milldene School constitutes mitigation and does not attract weight as a benefit. Economic benefits within Tiptree both temporary and permanent are acknowledged, albeit it is perfectly reasonable to take into account that such benefits are associated with the proposed allocations anyway. The benefits do not outweigh the harm resulting from the breach of development plan policy, and emerging policy and the effects of prematurity combined.

The Case for the Appellant

Highways

70. Barbrook Lane is wide enough to accommodate the additional traffic. It has a carriageway width which would allow an HGV and a car to pass in conformance with the street dimensions set out in 'Manual for Streets' (2007). The appellant's highway engineer expressed at the Inquiry that the street signs prohibiting heavy goods vehicles and construction traffic are in place in relation to the narrow section of the carriageway where Barbrook Lane becomes Grove Road. They do not apply to the whole of Barbrook Lane. The appellant has agreed to provide a financial contribution for a traffic calming measure at the Barbrook Lane/Grove Road junction. This would make it less attractive to drivers to use the narrow Grove Road and would ensure that speeds around the junction are low.

71. There is no personal injury record for Barbrook Lane¹⁰. School drop off and pick up times are relatively short periods in the day and even at those busiest times of the day, the additional traffic from the appeal site would be low and would not materially harm highway safety. The Local Highway Authority has confirmed that in its assessment, site visits were undertaken at school drop off and pick up times. In addition, there is a footway along Barbrook Lane which is wide enough to allow a pram and a pedestrian to pass. Therefore, there is a safe route for pedestrians. The Council does not object on highway grounds.
72. The contribution the development would make to the existing volume of traffic would be modest. The LHA is content the proposal would not be detrimental to highway safety and capacity.

Locational Sustainability

73. The locational sustainability of the appeal site is such that it accords with CS TA1 (accessibility and changing travel behaviour) and CS TA2 (walking and cycling). The Transport Assessment (CD 2.05) considered accessibility of the site to services and facilities. The site is highly accessible on foot and is well served by public transport including for trips to and from London.
74. The site is close to a number of local amenities including primary services as well as leisure facilities. These include the primary school, convenience store, Thurstable School, library, Asda supermarket, restaurant and public house. The site is accessible on foot. The area surrounding the site is relatively flat, making it highly conducive to trips to and from the site by cycle. The site is also accessible by rail and bus (CD 2.05, para 5.6.2/37). The Local Highway Authority (LHA) consultation response (CD 4.29) did not dissent from the assessment of the site's locational sustainability.

Adequacy of Infrastructure

75. There is no capacity constraint that would militate against the development of the site either independently or in conjunction with the allocated sites. The LHA raised no objection to the development in terms of highway safety, capacity or the adequacy of existing infrastructure to serve the development (CD 4.29). The statutory sewage undertaker, Anglian Water, also indicated that there is sufficient existing capacity to meet the proposed development needs for foul water discharge (CD 4.26). In terms of the infrastructure available for the GP surgeries, the NHS in their consultation response on the application (CD 4.14), acknowledged that with the contribution that is provided for within the Section 106 obligation their requirements are met.
76. On this basis, there is no justification for arriving at a conclusion that the scale of the development proposed in this location would cause any degree of land use

¹⁰ Croft Transport Planning and Design submitted Transport Assessment with data from www.crashmap.co.uk

harm that would be incapable of being mitigated through the Section 106 obligation or the utilisation of existing capacity in the infrastructure serving Tiptree.

Core Strategy Policies ENV 1 and SD1

77. Policy ENV1 is one of the most important policies in the determination of the current appeal. It requires that unallocated greenfield land outside settlement boundaries is protected and where possible enhanced in accordance with the Landscape Character Area within which the greenfield land sits.

78. The intention of the policy is a product of its time reflecting previous national policy including that of the protection of the countryside for its own sake. The latest Framework does not bring forward the same level of protection. The argument that the changes made to the wording of the relevant policy in the Framework make no material difference to earlier national policy protecting the countryside was dismissed by the Inspector in the Woolpit¹¹ appeal decision (CD 11.03 where he stated:

"The NPPF has never and still does not exhort a restrictive approach to development outside settlements in this manner. It does not protect the countryside for its own sake or prescribe the types of development that might be acceptable."

79. ENV 1 was considered again in the WB⁵ appeal where the Inspector came to a similar conclusion.

80. Furthermore, the definition of the settlement boundaries referred to in Policy ENV1 are a product of the intention behind the policies as originally formulated in the CS. Those policies are a function of the requirements to meet development aspirations at that time. They would have been consistent with the housing and other requirements contained in the Regional Spatial Strategy and the then national policy, including the sequential approach to previously developed land. The eLP has identified sites outside the existing defined settlement boundaries as being appropriate for development. As a consequence, the efficacy of the settlement boundaries set in 2008 are recognised as being no longer "fit for purpose". In fact, of the Council's claimed "deliverable" supply, a significant proportion are emerging allocations on sites outside the defined settlement boundaries on the emerging allocations.

81. In terms of SD1 the Inspector in the Braiswick⁴ decision at Paragraph 73 concluded that Policy SD1 is not fully consistent with the Framework. Similarly, he recognised that development beyond the existing fixed settlement boundaries in the CS and DPD was "inevitable" (Paragraph 78).

82. The Appellant acknowledges that the proposal conflicts with the policies in the Development Plan. However, there are other material considerations that outweigh any degree of conflict. In particular, the CS is out-of-date by conflict with the Framework and the LPA is unable to demonstrate a 5-year HLS.

¹¹ APP/W3520/W/18/3194926

Emerging Colchester Borough Local Plan 2013-2033

83. A key element of the spatial growth strategy for North Essex (including Colchester) is the provision of three Garden Communities (GCs). All three GCs involve the development of greenfield sites. Within the Plan period a total of 7,500 homes are intended to be delivered by the GCs. The eLP identifies the urban area of Colchester as the most sustainable location for growth. Tiptree is again identified as a "Sustainable Settlement". The eLP (CD 9.06, para.12.9/66) states: "*Tiptree, West Mersea and Wivenhoe have automatically been included in the Sustainable Settlements category due to their larger populations and concentrations of jobs, facilities, services and function.*"
84. Table SG2 (CD 9.06, p72) refers to new allocations at Tiptree of 600 dwellings. This is a minimum figure. Of the 16 sustainable settlements that were identified, Tiptree is the borough's second largest settlement and is proposed to accept the greatest proportion of growth allocated to any individual settlement. This serves to underline the significant role and function of Tiptree within the Borough. Table SG2 also illustrates that a total of 2,600 dwellings are anticipated to be delivered from two of the three GCs in the Plan period ending 2033. If GCs cannot contribute, then housing must be met elsewhere. The examining Inspector's criticism of GCs has serious implications for the entire eLP.
85. Importantly, for the purposes of any analysis of compliance with the eLP, there is no provision in the eLP that would give rise to a conclusion that the appeal proposal was in conflict with its terms even if it carried any significant weight in the determination of the appeal.

Emerging Neighbourhood Plan

86. The eNP has concluded the consultation exercise following Regulation 14. Submissions have been made by the NP Steering Group in respect of the rationale behind the allocation requirement for 600 dwellings during the Plan period. Although it was asserted to have been capacity-led, the appellant's evidence is that there is no capacity restraint involved in the development of the appeal site alone or in combination with the proposed allocations. The appeal site has not been assessed in the Strategic Environmental Assessment (SEA) of the eNP (CD 9.11 p33). This will necessitate consideration at the next stage of the eNP. It cannot be treated as a foregone conclusion that the position at Regulation 14 will be continued as to do so would negate the value of a consultation exercise.
87. This means that the eNP is not at an advanced stage. The stages now to be followed will be the assessment of the consultation responses; a Reg 15 submission to the LPA and their consideration; Reg 16 consultation; appointment of an Independent Examiner and then conducting the Examination; production of the Examiner's Report; a referendum and the formal making of the NP.

Prematurity

88. The Council's approach to prematurity is wrong when applying Paragraphs 49-50 of the Framework. The development is not so substantial, or its cumulative effect so significant, that to grant planning permission would undermine the Plan-making process by pre-determining decisions about the scale, location or phasing

of new development that are central to an emerging Plan. Secondly, the eLP is not at an advanced stage because it has stalled. The finding of the examining Inspector is that it is not sound as submitted. The current consultation exercise and re-worked Sustainability Appraisal means that there are a number of stages that have to be proceeded with before the matter can be returned to the Examining Inspector. This would involve public consultation on the new material and evidence base and the assessment of the consultation responses. The matter then must be re-scheduled for the examination hearings before the Inspector. This involves the opportunity of those engaged in the Plan process to test the new evidence base. Therefore, it is the appellant's case that the eLP can only be given very limited weight.

89. Consideration of the weight to be given to this eLP was made in an appeal with Tendring District Council (one of the three Essex Authorities) in September 2018 (CD 11.05). The Inspector at Paragraph 111 stated:

"However, in this case the Examining Inspector's Stage 1 findings represent a considerable setback for the eLP. There is now a very significant question-mark over the soundness of the centrepiece of the plan, the GCs proposals. Whichever option is ultimately pursued by the joint authorities, significant further work will be required to address the matters identified. In these circumstances it would be wrong to conclude that the eLP was at an advanced stage."

90. Furthermore, the issue was also addressed in the context of prejudicing the outcome of the eLP in the Braiswick⁴ appeal. The Inspector, at Paragraph 72 stated:

"Whilst I acknowledge the Council's concerns about the knock-on effects should permission be given for an unallocated site outside the settlement boundary, the development is not so substantial, or its cumulative effects would not be so significant, that permission would undermine the plan-making process. Dismissal of the appeal on the grounds of prematurity is not justified."

91. This was at a point where the soundness issue had not emerged. The Braiswick⁴ Inspector was therefore looking at an eLP that would be regarded as more advanced than the current position. Far from being advanced, the eLP should be seen as having reversed in its progress towards adoption.

92. The issue was also once again re-visited at the WB⁵ appeal with the LPA once again maintaining that the grant of planning permission should be refused on the grounds of prematurity. The Inspector, at Paragraph 60 did not agree with the Council's argument.

Benefits of the Proposal

93. The appellant contends that the benefits of the proposal would be the provision of housing in a sustainable location; the provision of 30% affordable housing in an area of a severe shortage of affordable housing especially as the provision of

affordable housing would be 10% more than required by the CS; the provision of public open space within the site and provision of public access to open space beyond. There would also be economic benefits in respect of the construction of the dwellings and the contribution that new residents would make to local shops and services.

5-year HLS

94. In the 2012 Framework, a deliverable housing site was defined by reference to footnote 11:

"To be considered deliverable, sites should be available now, offer a suitable location for development now, and be achievable with a realistic prospect that housing will be delivered on the site within 5 years and in particular, that development of the site is viable. Sites with planning permission should be considered deliverable until permission expires. Unless there is clear evidence that schemes will not be implemented within 5 years, for example they will not be viable, there is no longer a demand for the type of units or sites have long-term phasing plans."

95. Thus, it was clear that the threshold was one of "realistic prospect" and that planning permissions were to be considered deliverable unless there was clear evidence to demonstrate that the scheme would not be implemented within 5 years.

96. The latest Framework results in making the threshold higher. Annex 2: "Glossary" defines "deliverable" as follows:

"To be considered deliverable, sites for housing should be available now, offer a suitable location for development now, and be achievable with a realistic prospect that housing will be delivered on the site within 5 years. In particular:

(a) Sites which do not involve major development and have planning permission, and all sites with detailed planning permission, should be considered deliverable until permission expires, unless there is clear evidence that homes will not be delivered within 5 years (for example because they are no longer viable, there is no longer a demand for the type of units or sites have long-term phasing plans).

(b) Where a site has outline planning permission for major development, has been allocated in the development plan, has a grant of permission in principle, or is identified on a brownfield register, it should only be considered deliverable where there is clear evidence that housing completions will begin on sites within 5 years."

97. The major change relates to sub-paragraph (b) which requires that such sites should only be considered deliverable where there is clear evidence that housing completions will begin on site within 5 years.

98. Those sites in sub-category (b) have now been placed in a position where there is no presumption of deliverability. They are not to be considered deliverable in the absence of clear evidence that housing completions will begin.

99. The case of *Wainhomes (South West) v. SoS* (CD12.2) continues to be relevant insofar as it addresses the “available now” component of national policy. The meaning of “available now” is that: “*If the site had planning permission now there would be no other legal or physical impediment integral to the site that would prevent immediate development.*”¹² Thus, even under the previous iteration of Framework, a site should be excluded where it is occupied and in beneficial use.

100. The appellant accepts, in the light of the evidence, that sub-categories (a) and (b) are not capable of being “closed lists” in the sense that they provide exclusive categories of development. Nevertheless, they should be construed as extremely restrictive within which the deliverability test is to be applied.

Cut off

101. The base date for the assessment of the 5-year HLS is derived from the 2019 Housing Land Supply Annual Position Statement prepared by the LPA (CD 10.02). It is unfair of the Council to refer to subsequent grants of planning permission post the base date because if that exercise is undertaken, the whole of the evidence base needs to be re-visited both in terms of any additional requirement and lapsed planning permissions that have occurred post the Annual Monitoring Review (AMR) date. This was made clear in the appeal decision at Woolpit²¹, Suffolk (CD11.03) at Paragraphs 67 and 70.

Resolutions to Grant

102. A resolution to grant planning permission does not achieve an outline permission that would fall within category (b). It logically follows that an even higher threshold than category (b) would need to be demonstrated for these sites to be considered deliverable. In the Bures Hamlet appeal (CD11.08) the Inspector stated:

“I agree that new planning permissions after the base date should be excluded and that would include permissions subject to a resolution to grant subject to a Section 106 obligation. Uncertainty about when such an obligation would be completed could put back a potential start date by months or even years. Information about significant new supply from such sources after the base date but before the annual assessment might nevertheless be material when considering the weight to be accorded to an identified shortfall in supply.... Sites that were subject only to a resolution to grant permission at the base date should be excluded.”

103. The starting point should be that sites in the Council’s supply that amount to mere resolutions to approve should be excluded unless there is extremely compelling and robust evidence that planning permission can be expected.

¹² Paragraph 34(ii).

Proposals contrary to the Development Plan

104. The draft allocations and a number of sites in the Council's claimed supply are contrary to the policies in the development plan. As such they cannot be considered to be 'available now' or offer a 'suitable location for development now'

105. This was the view of the Inspector in the Braiswick⁴ appeal. He was applying the more liberal 2012 Framework definition of 'deliverable' and was addressing the eLP that had at that point progressed to examination hearing without the 'soundness issue' having come to the surface.

106. The WB⁵ appeal Inspector also excluded emerging allocations on the basis that they were not 'deliverable' within the meaning of the 2019 Framework. The current appeal should be consistent with this approach.

Individual Sites

Magdalen Street

107. This has outline planning permission for 58 dwellings and detailed permission for 5 dwellings which have been built. No reserved matters application has been submitted and the deadline for submitting is October 2019. The outline scheme is not viable.

108. An alternative full planning application has been submitted for 120 dwellings but is not determined and is subject to objections. Any decision on this application would fall outside the 5-year HLS cut-off date.

Fiveways Fruit Farm

109. This is an allocated site and is subject to a current hybrid planning application. The full element relates only to the access. The application went to committee on 3rd May 2019 (post cut-off date) with a recommendation for approval and was approved subject to a s106 agreement including significant developer contributions but also with the caveat that the application could be refused if a s106 agreement is not signed within 6 months (6th August 2019 deadline). This site has not achieved a planning permission and the resolution post-dated the cut-off date. There is no clear evidence that the site will deliver in the next five years in the context of a submitted or prepared Reserved Matters Application.

Former Essex County Hospital

110. Whilst the site is within a 'predominantly residential area', this is not an allocation and the site is not listed in the Site Allocations DPD. No planning application has been formally submitted and any determination of this application would fall beyond the cut-off date of this 5-year HLS assessment. Furthermore, the site is complex with Listed Buildings and other constraints.

University of Essex

111. The site is an allocation in the DPD. The West Bergholt Inspector concluded that there was evidence that the site would deliver units in the next five years but did not conclude on the contribution to supply on the basis that it was not clear

what the conversion rate would be. The Inspector was not aware of the fact that the University of Essex have confirmed that they will be decommissioning one tower block containing 220-250 existing student apartments on campus each academic year for the next 6 years for refurbishment, which will clearly have a net reducing effect on the number of available units over the next 5-year period and beyond. Furthermore, the Inspector did not hear evidence on student housing needs. The university's ambitious plan indicates a significant level of planned student population growth over the next 5 years. It is cited in Appendix 6 of Mr Toft's evidence that the University will undergo its largest ever expansion in its history seeking to attract 4000 new students to the University over this period.

112. There is a current application for over 1,200 student units plus 58 studio flats units, which has been recently lodged. It is accepted that this would convert to 547 dwellings. Notwithstanding this, there is no precedent for this scale of growth on this site and this number of units is neither endorsed by the adopted Local Plan or the site's planning history. As such, it should be seen as a challenging application to determine.

Land East of Hawkins Road

113. The WB⁵ Inspector considered that the site was deliverable. However, it had been presumed that the site was a housing allocation but it is not an allocation for housing. Within the Site Allocations DPD Policy SA EC6 Area 4 Hawkins Road states that housing areas will be encouraged to the west of Hawkins Road and development to the eastern side of Hawkins Road should continue to be a mix of commercial and industrial uses. Housing would be contrary to this policy. As such, it cannot be regarded as a housing allocation and residential development would be contrary to the development plan. Therefore, it is not a suitable location for development now.
114. It is subject to an undetermined outline planning application and if approved, it would be beyond the cut-off date and should be included in the Council's future 5-year HLS assessment.

Britannia/St Runwalds Car Park

115. This is an allocated site for 'low carbon' housing that is named in the Site Allocations DPD and is Council owned. No application has been submitted. There is no clear available evidence that completions will occur on this site.

Garrison K1 Development

116. The WB⁵ Inspector rejected this site as meeting the Framework's definition of deliverable. The site was taken over by Peabody Housing Association in 2018. It is not the subject of a planning application. There has only been a recent pre-application enquiry submitted and this was post the cut-off date of the assessment.

Military Road

117. The WB⁵ Inspector did not consider this site met the definition of deliverable. The site has no permission and is not allocated. An application has been

submitted. Even if approved, the site will only gain permission after the cut-off date.

Creffield Road

118. The WB⁵ Inspector concluded that this site did not meet the definition of deliverable. It is not an allocation and not a site with planning permission at the time of the AMR. Planning permission was approved after the cut-off date.

Wyvern Farm

119. The WB⁵ Inspector rejected this site as failing to meet the definition of deliverable. It is within the settlement boundary but currently an adopted employment allocation. The application was resolved to be approved at planning committee in June 2019. As such, it does not benefit from planning permission. The resolution was after the cut-off date.

Mill Road

120. The WB⁵ Inspector rejected this site. It is contrary to the development plan as it is partially designated as open space and the remainder is designated as an employment zone. It was discounted at Braiswick⁴ owing to the fact that it is contrary to the development plan. It is the subject of an undetermined hybrid planning application for a major mixed-use scheme. The outline element includes 300 homes. The application has outstanding objections and if it were to gain planning permission this would post-date the cut-off date and it would still need to get reserved matters approved.

Gosbecks Phase 2

121. The WB⁵ Inspector rejected this site. It is contrary to development plan as it is outside of the settlement boundary. The application is subject to an objection from Natural England requesting a Stage 2 Habitats Regulations Assessment. It is the subject of an undetermined full planning application. It cannot therefore be considered to be suitable now. In any event, if it gained planning permission this would post-date the cut-off date.

Chitts Hill

122. The WB⁵ Inspector rejected this site. An application was heard at the committee meeting on the 25th July 2019. The outcome was that the application has delegated authority to be approved by Officers subject to receiving amended access drawings and a signed s106 agreement. Planning permission would post date the cut-off date.

Eight Ash Green

123. The WB⁵ Inspector rejected this site. In addition, it is contrary to development plan as it is outside of settlement boundary. The application for outline permission (with details of access) had not yet been taken to planning committee. Permission would post-date the cut-off date.

The Appellant's Conclusions

124. The most important policies for determining the appeal are out of date.
125. The LPA's very best case is that there is a 5.1-year HLS with a surplus of 145 units above the minimum requirement. This is a marginal supply. Even a modest reduction in the deliverable supply results in the supply falling below the minimum 5-year HLS. On their own evidence the extent of the supply has fallen from that presented at West Bergholt⁵ where they argued they had a supply of 5.3 years. Consistent with the decisions at Braiswick⁴ and WB, both planning Inspectors have found that the LPA could not demonstrate a 5-year HLS. The supply on the Appellant's basis ranges from 3.5 years to 3.9 years and the shortfall is -1,702 to -1,250 units. The difference relates to how the University of Essex site is treated, depending on the refurbishment issue.
126. The tilted balance applies and planning permission should be granted as the adverse impacts of doing so would not significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

The Case for the Objectors who appeared at the Inquiry

Tiptree Parish Council (IP 1)

127. The Neighbourhood Plan team has been undertaking work over a number of years. This has involved consultation with residents and interested parties through questionnaires and exhibitions. The eNP proposes land for 600 dwellings on sites chosen to avoid the need to travel through the village to get in and out of the sites. Tiptree does not have the infrastructure to cope with an additional 200 houses above the 600 planned for in the eNP.
128. The site is unsuitable because it is outside of the settlement boundary; the provision of public transport is insufficient to adequately serve the site; it would lead to problems with the highway network due to the additional traffic generated; and the sewerage infrastructure is already at capacity in the immediate vicinity of the site. Bus services from nearby railway stations would not run late enough to accommodate commuters coming home from London.
129. There is already a lot of traffic on the road and the road is unsuitable for heavy goods vehicles. There are signs on the road to confirm this. One is where Barbrook Lane joins Grove Road which reads "*Unsuitable for heavy goods vehicles*". There is a similar sign at the junction of Barbrook Lane with Maypole Road which reads "*No works traffic*".

Tiptree Neighbourhood Plan Steering Group (IP 2 and Closing on behalf of Tiptree Neighbourhood Planning Steering Group)

130. Hundreds of residents have been involved in the production of the eLP with some devoting a very substantial amount of time to it. Tiptree is a sustainable settlement suitable for growth but there are serious pressure points such as upon the health centre; water supply; sewerage; and access to dentists. The health centre has a high patient to doctor ratio and it is difficult to register with a dentist in the village. The proposed 600 dwellings is a sustainable growth rate that should not be exceeded as infrastructure improvements will not be able to keep up to meet demand for a higher growth rate. The 200 houses proposed represent a 33% increase of the total number of dwellings proposed in Tiptree over the next 15 years.
131. The additional dwellings, in addition to dwellings recently built, would add to traffic and car parking pressure in and around Tiptree. There is a strong desire to avoid increasing traffic on the main roads and junctions in Tiptree. The eNP has found ways to provide easy access to main routes (in particular the A12) and to spread traffic around Tiptree to provide alternative routes and avoid congestion. The proposed land allocation in the eNP is an obvious choice to fulfil these objectives and it would allow the provision of a new road connection at a future date. The allocation has had a very high degree of support from the community¹³. The Regulation 14 consultation exercise has also received a high level of community support. If this appeal is allowed, it would open the “flood gate” for the development of hundreds of other houses on the edge of Tiptree.
132. The appeal proposal would contribute little benefit to the community and has provoked a significant response from Tiptree residents opposed to the plans. It would cause significant traffic issues on a road that is unsuitable as a feeder road to a new estate due to its narrow width, lack of pavements, and the presence of Milldene Primary School, Milldene Nursery and Thurstable Secondary School which make it a busy area at the beginning and end of the school day.

Julie-Ann Harper on behalf of Barbrook Lane/Grove Road residents (IP 4)

133. The housing provided should be in accordance with the provisions of the eNP. Tiptree has already had much additional housing built and 500 houses were built on Grove Road metres away from the appeal site. It would be an overdevelopment of the area. There are already two other applications for large housing developments in Tiptree. There is not a shortage of sites in Tiptree. The proposal would set a dangerous precedent for development of other land nearby.
134. Grove Road and Barbrook Lane are narrow and cars cannot pass at certain points. The schools cause congestion. The pedestrian route for pupils leaving Thurstable School goes directly onto Barbrook Lane. Grove Road and Barbrook Lane are also part of a national cycling route. The bend on Grove Road/Barbrook Lane is dangerous and there are frequent accidents and near misses there. Public

¹³ eNP Objectives 12 and 14 CD 9.10 p14

transport serving the site is inadequate, for example, the busses to Colchester College are often so full that students are not able to get on and they have to wait for the next bus. In addition, there are no busses to the train station in Kelvedon.

135. The residents do not want another sewerage pump as residents already hear the noise from the current pumps. The sewerage system has been known to overflow and Grove Road is often waterlogged during rainy weather. There is also low water pressure in the area at certain times of the day. The proposal will harm wildlife on the site.

Written Representations

136. Written representations were received from a great number of individuals, including from The Right Honourable Pritti Patel MP. The main points raised related to traffic congestion and safety, especially at school drop off and pick up; the capacity of the local infrastructure; inadequate sewerage systems in the area; low water pressure in the area; the development being contrary to adopted and emerging local planning policy; loss of ecology and wildlife on the site; noise and disturbance during construction and from the completed development; light pollution; air pollution; and that the development would set a precedent for other similar development on sites outside of the settlement boundary. Evidence of traffic congestion has been provided to me by way of photographs from objectors.

Conditions

137. In the event that planning permission is granted the appellants and the Council have agreed a list of conditions which they would wish to see imposed on the planning permission. I attach at Annex 1 of this Report the conditions I recommend if permission is granted. My recommendation takes account of the agreement of the parties and the discussion at the Inquiry.
138. I have considered the conditions agreed between the parties in accordance with the Planning Practice Guidance. As well as the standard time limiting conditions (1 &2) it is necessary to define the plans in the interest of certainty (3). Details of site levels and earthworks are required in the interests of visual and residential amenity (4&5). Conditions are necessary in relation to trees and hedgerows in the interest of visual amenity (6-10). Conditions are necessary to secure the provision of open space (11) and to manage construction (21) in the interest of residential amenity. Conditions are necessary in relation to traffic calming (12); bus stop improvement; construction of the access and the provision of residential travel information packs (13) in the interests of sustainable transport choices and highway safety. Conditions in relation to surface water are necessary in the interests of sustainable drainage (14-16). Conditions in respect of contaminated land are necessary in the interests of health and safety (17-20). A condition is necessary in respect of acoustic mitigation in the interest of living conditions (22). An ecological scheme is necessary in the interest of bio-diversity (23). A condition is required to protect archaeological remains that might exist on the site (24). Conditions are necessary in relation to the provision of open space; the promotion of recreational routes in the area; and the provision of a pedestrian access to the public open space in order to protect the nearby protected sites (25&26).

Planning Obligations

139. A S.106 agreement has been completed by the parties. The Council has provided a CIL Regulation Compliance Statement which sets out the policy basis for each of the covenants and their compliance with Regulation 122 of the CIL Regulations.

140. The key provisions of the covenants are:

- A contribution to record archaeological finds that might be disturbed by the development.
- Provision of community facilities by way of contributing towards the costs of rebuilding and re-equipping Tiptree Scout Hut. This will mitigate the impact on community facilities by the additional population.
- A financial contribution towards health care provision. This will mitigate the impact on local health care facilities by the additional population.
- A financial contribution for off-site sport and recreation provision. This will mitigate the impact on existing facilities by the additional population.
- Essex Coast RAMS financial contribution to mitigate effects on protected habitats.
- An education contribution in the form of a land transfer to the adjoining primary school as the additional population would add to the demand for places.
- A financial contribution in relation to a Traffic Regulation Order in respect of waiting restrictions at Barbrook Lane which are required to mitigate the additional traffic generated.
- The provision of 30% affordable housing. Out of 200 dwellings, 67 would be affordable. This is above the 20% required by adopted policy although 30% is required by the eLP.

141. I am satisfied that each of the covenants would be supported by policy and would meet the tests for obligations set by Regulation 122 and echoed by the Framework in that they would be necessary to make the development acceptable in planning terms, would be directly related to the development, and would be fairly and reasonably related to it in scale and kind. The obligations are therefore taken into account in support of the appeal proposal.

Conclusions

Location

142. The main considerations are set out in Paragraph 3 of this report.

143. The site is an undeveloped area behind dwellings on Barbrook Lane in Tiptree. CS policy SD1 identifies a settlement hierarchy as the Regional Centre, District Settlements and Rural Communities. It indicates that growth will be located at the most accessible and sustainable locations in accordance with the settlement hierarchy. It also says that the Council will seek to sustain the character and vitality of small towns, villages and the countryside and that development will be

expected to achieve compatibility with local character. Tiptree is classed as a District Settlement. However, the site is outside of, but adjoining, the settlement boundary of Tiptree and has no land use allocation in the Site Allocations DPD.

144. Policy SD1 is out of date in respect of its figures for the numbers of homes and jobs that should be delivered. It is also out of date by requiring a sequential approach that gives priority to previously developed land. However, I find no significant conflict with the Framework in respect of the settlement hierarchy and the protection of the character and vitality of small towns, villages and the countryside. CS Policy H1 indicates that the overall distribution of new housing will be guided by the Settlement Hierarchy and this is consistent with the Framework. As the site is outside of any settlement and is not an allocated housing site, it is not in a place where CS Policies SD1 and H1 encourage growth and therefore conflicts with these policies.
145. CS Policy ENV1 seeks to conserve and enhance Colchester's countryside. It says that unallocated greenfield land outside of settlement boundaries will be protected and where possible enhanced. This policy also seeks to strictly control development on such land. The Framework does not make a such a prohibitive requirement but says that planning policies and decisions should contribute to and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside¹⁴. However, whilst Policy ENV1 is somewhat more onerous than the requirement of the Framework, the broad aim of Policy ENV1 of protecting the character of the countryside is still relevant to this appeal.
146. Because the site is outside of a settlement boundary and in the countryside, the proposal is in conflict with the adopted CS Policies ENV1, H1 and SD1.

Scale

147. The proposed dwellings would result in some loss of the countryside which has intrinsic character and beauty. That said, the site is well screened by trees and surrounding development. Whilst there would be a change in the rural character of the site, these changes would have little visual impact upon the wider countryside due to the visually contained nature of the land and its location next to other built development. I therefore find that, although there would be some harm to the character and appearance of the countryside, this harm would be limited to the site itself and would not have a significant wider landscape impact. Therefore, the setting of Tiptree would not be harmed.
148. The proposal would obviously generate some traffic. At my visit, I saw the highway signs in relation to heavy goods vehicles and construction traffic. There is one where Barbrook Lane joins Grove Road which reads "*Unsuitable for heavy goods vehicles*". There is a similar sign at the junction of Barbrook Lane with Maypole Road which reads "*No works traffic*". However, I heard at the Inquiry that Barbrook Lane has a carriageway width which would allow an HGV and a car to pass in conformance with the street dimensions set out in *Manual for Streets'* (2007). It is likely that the signs are in place in relation to the narrow section of the carriageway where Barbrook Lane becomes Grove Road. I am satisfied that Barbrook Lane is wide enough to take the traffic associated with the scale of

¹⁴ Paragraph 170 of the Framework

development. In addition, the appellant has agreed to provide a financial contribution for a traffic calming measure at Barbrook Lane/Grove Road junction. This would make it less attractive to drivers to use the narrow Grove Lane and would ensure that speeds around the junction are low.

149. I appreciate that there are schools in the vicinity of the site and I have no reason to doubt the reports of neighbours that Barbrook Lane is very congested at school drop off and pick up times. I have also been provided with anecdotal evidence of "near misses" of accidents but I understand that there is no personal injury record for Barbrook Lane¹⁵. School drop off and pick up times are relatively short periods in the day and whilst the additional traffic from the appeal site would add to that congestion, I do not consider that it would materially harm highway safety.
150. Construction traffic is an inevitable consequence of any built development which can cause inconvenience to road users. However, it would not be permanent.
151. I have no technical evidence to substantiate the theory of interested parties that the development would materially add to traffic and car parking pressure in and around the centre of Tiptree. The submitted Transport Assessment found that the proposals would not give rise to any highway capacity or safety issues and advised that the predicted level of traffic can be accommodated onto the wider local highway network. The Local Highway Authority did not dispute this and whilst I heard the concerns of residents, I have no technical evidence to persuade me not to accept the findings of both the appellant and the LHA in respect of highway safety and traffic flow. I therefore find that the proposal would be acceptable in respect of highway matters.
152. Local residents also expressed their concern about the ability of public transport and other services in Tiptree to cope with the residents of the proposed dwellings, particularly as the eNP already proposes 600 additional dwellings.
153. In terms of public transport provision, I heard at the Inquiry from one party that the bus service from nearby railway stations would not run late enough to accommodate commuters coming home from London. However, the overall evidence I heard in relation to timetables suggests that there would be realistic options for getting to and from the site to London by public transport. I also heard from interested parties that public transport is generally poor in the area. However, whilst current public transport provision may not be perfect in relation to the expectations of local residents, the site is in a sustainable location in respect of its access to services by a choice of modes of transport because it is adjacent to a defined District Settlement.
154. I also heard that the health centre has a high patient to doctor ratio and that it is difficult to register with a dentist in the village. However, there has been no objection from the North East Essex Clinical Commissioning Group subject to a developer contribution to mitigate the impacts of the proposal.

¹⁵ Croft Transport Planning and Design submitted Transport Assessment with data from www.crashmap.co.uk

155. Comments have been made by interested parties about the adequacy of the sewerage system and water supply. That said, I have not been presented with any technical evidence in respect of the sewers or the water supply to substantiate these comments. Moreover, Anglian Water has confirmed that there is available capacity for wastewater and used water.
156. I conclude that the scale of the development would not harm or prejudice the provision of local services; highway safety and traffic flow; the living conditions of neighbours; drainage or water supply. The site is in a sustainable location with good access to employment and day to day services by a choice of transport modes.

Prematurity

157. Paragraph 15 of the Framework says that the planning system should be genuinely plan-led. 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 environmental priorities; and a platform for local people to shape their surroundings.
158. The eLP identifies Tiptree as being planned for growth as a Sustainable Settlement in Policy SG1 of the eLP. Policy SG2 of the eLP indicates the distribution of housing and identifies Tiptree to contribute 600 houses during the plan period. This figure has been arrived at following discussions with the Tiptree Neighbourhood Plan Group which is progressing an emerging neighbourhood plan (eNP). Policy SS14 of the eLP states that the eNP will define the extent of a new settlement boundary for Tiptree and allocate specific sites for housing. It also says that proposals for development outside of the settlement boundary will not be supported. The eNP identifies sites for housing in a location which has been chosen to avoid an increase in traffic through the village and indicates the potential for a new connecting road.
159. The appeal site is not located within the eNP settlement boundary. Therefore, the proposal would be in conflict with eNP Policy TIP01 which seeks to control such development outside of the settlement boundary. Had the eNP been made, it would also conflict with eLP Policy SS14. That said, the figure of 600 houses is not a maximum. However, I have found that the scale of the proposal would not cause demonstrable harm to the settlement.
160. Paragraph 48 of the Framework advises that Local planning authorities may give weight to relevant policies in emerging plans according to their stage of preparation and the extent to which there are unresolved objections to relevant policies.
161. The eLP is subject of an Examination in Public (EIP). However, following the hearing sessions, the EIP Inspector has advised¹⁶ the NEAs that the evidence provided to support the proposed Garden Communities is lacking in a number of respects and he has concerns over the viability and deliverability of the GCs.

¹⁶ Examination of the Strategic Section 1 Plan Advice on the Next Steps in the Examination: Letter to NEAs from Inspector dated 8 June 2018

These GCs are a central element in the Plan's special strategy for North Essex in respect of housing and employment provision and have the potential to provide for these needs not just in the current plan period but well beyond it. The examination has been paused as a result and the Inspector has advised the NEAs that they have 3 main options to address this matter. One would be to remove the GC proposals, a second is to carry out further work on the evidence base and sustainability appraisal and the third is to withdraw the Section 1 and 2 Plans from examination and resubmit them with revisions.

162. The Council has, in accordance with option two, carried out the additional work. However, this was out for public consultation until 30th September 2019 and is yet to be considered by the Inspector. After the strategic policies have been found sound it will then be necessary to examine Section 2 of the eLP separately. Whilst I heard that the Council is confident that the information will address the Inspector's concerns, the fact remains that the outcome is unknown and there is a significant issue with the progression of the spatial strategy in relation to housing provision. For this reason, I give very limited weight to policies relating to the distribution of housing in the eLP.
163. In the case of a neighbourhood plan, Paragraph 50 of the Framework advises that refusal of planning permission on grounds of prematurity will seldom be justified before the end of the local planning authority publicity period on the draft plan. Where planning permission is refused on grounds of prematurity, the local planning authority will need to indicate clearly how granting permission for the development concerned would prejudice the outcome of the plan-making process.
164. The eNP has completed the Regulation 14 stage. There needs to be a local authority consultation stage, an Independent Examination and a referendum. I recognise that a lot of work has been done by the local community to formulate the draft plan, however, it is not sufficiently advanced enough for me to attach more than limited weight to it, especially given the great uncertainty over the housing provision advanced by the eLP.
165. The Framework¹⁷ advises that arguments that an application is premature are unlikely to justify a refusal of planning permission other than in the limited circumstances where both: a) the development proposed is so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development that are central to an emerging plan; and b) the emerging plan is at an advanced stage but is not yet formally part of the development plan for the area. Given my findings above, I consider that dismissing the appeal on prematurity is not justified and would be contrary to the provisions of the Framework.
166. I have had regard to the appeal decision¹⁸ in Hambrook, West Sussex. However, that concerned a completely different type of settlement in another geographical area. Therefore, the comments¹⁹ of the Inspector in respect of the plan-led system have been made within a different context to the circumstances

¹⁷ Paragraph 49

¹⁸ APP/L3815/W/15/3004052

¹⁹ IR 126

of the appeal before me so I do not find the Hambrook case to be directly comparable to this current proposal. I have also had regard to the Inspector's comments in the West Bergholt appeal²⁰. Again, WB⁵ is a different type of settlement as it lower down in the hierarchy. Moreover, the NP in that village had been subject to examination. In this respect, the findings of the WB Inspector are not directly relevant to this appeal.

Housing Land Supply

167. The parties disagree about whether or not Colchester can demonstrate an up to date 5-year HLS. It is agreed that for the purposes of this appeal, the 5-year HLS should be assessed for the period 1 April 2019 to 31 March 2024 and the Council's published 2019 HLS Position Statement (HLSPS) covers the above period. It is agreed that the Standard Method is used to calculate local housing need and that this produces a minimum local housing need for some 1086 per annum in the Colchester borough and by applying a 5% buffer, a 5-year requirement of 5701 dwellings. The HLS Statement of Common Ground²¹ indicates that the Council claims there is 5.13 years supply and the appellant claims there is 3.66 years.
168. It is a matter of dispute between the two parties as to whether the definition of "Deliverable" in the glossary of the Framework comprises an essentially closed list and both parties have drawn my attention to the *St Modwen* judgement and to a number of appeal decisions²² with differing conclusions on this matter. In my mind, the words "in particular" denote particular examples. There is nothing in the Framework that confirms that the list is closed and therefore I do not read it to be so. The *St Modwen* judgement is therefore still relevant. It is clear from the glossary definition that for sites to be considered deliverable, they should be available now, offer a suitable location for development now and be achievable with a realistic prospect that housing will be delivered on the site within five years.
169. In respect of Category B type sites, the glossary says that such sites should only be considered deliverable where there is clear evidence that housing completions will begin on site within five years. The Planning Practice Guidance²³ sets out what further evidence "may include". Therefore, the list of evidence in the PPG is not exhaustive either.
170. I am of the general view that if a site is unallocated in an adopted development plan, but included in the latest housing trajectory, then it should not automatically be disregarded if permission is granted after the "base date" as the risk of "skewing" the housing figures would be minimal. This is especially so in Colchester where permissions do not tend to lapse.
171. I now turn to consider the sites which were disputed by the parties. These were discussed at a round-table session (RTS) of the Inquiry. Apart from Avon Way House, the appellant argued that the following sites would deliver 0 houses. The numbers in brackets represent the Council's claimed supply.

²⁰ APP/A1530/W/18/3207626

²¹ Version 7 30 August 2019

²² Including APP/C1950/W/17/3190821; APP/Z1510/W/18/3207509

²³ Paragraph:007 Reference ID 68-007-20190722

Avon Way House (62)

172. It was agreed at the RTS by both parties that this site can deliver 62 dwellings.

Land North of Magdalen Street (72)

173. This has outline planning permission for 58 dwellings and detailed permission for 5 dwellings which have been built. No reserved matters application has been submitted and the deadline for submitting was October 2019. I heard that the outline scheme is not viable.

174. The principle of residential development is established by this currently extant permission and there is a detailed application under consideration for 120 dwellings. The Council says that it has officer support and is likely to be heard by committee in September/October of this year. The site is part of a wider scheme of development and an access road has already been constructed which can be used for the application proposal. I appreciate that the detailed proposal has many more units than approved by the outline permission. However, I heard that the units proposed are smaller than those approved and therefore the overall scale would not be much greater than already approved. There is no policy limit on the numbers to be provided by the site, it is brownfield land, site assessment work has been undertaken and the applicants own the site.

175. I consider that the evidence provided by the Council demonstrates that there is a realistic prospect that 72 units will be delivered on the site within five years.

Fiveways Fruit Farm (250)

176. This is an adopted allocation. A hybrid planning application for the 250 dwellings has a resolution to grant subject to a S.106 agreement. I heard from the Council that substantial progress has been made with the S.106.

177. The two developers of this site have a good track record of delivery in Colchester and one of them, Mersea Homes, is already working on a smaller site on the other side of the road. Mersea Homes have confirmed to the Council that they have secured the site via an Option Agreement with a single owner; that they expect to immediately prepare reserved matters after planning permission is granted; site set up is anticipated to start in 2020 with the first completions to be ready by 2021; and that it is anticipated that there will be 100 completions per annum.

178. For these reasons I consider that the 250 homes are deliverable.

Essex County Hospital (118)

179. This site does not have an allocation in the development plan, there is no planning permission for the dwellings and no planning application had been submitted at the time of the Inquiry. I understand that the Council has been discussing the site for over 3 years; a detailed masterplan has been prepared; the site is subject of a Planning Performance Agreement²⁴, and it is within a residential area. However, I heard that there are issues in respect of affordable housing provision and the site also involves a Listed Building. Both of these

²⁴ C5

matters have the potential to add complexity, delay and issues of viability. I am not persuaded that there is a realistic prospect that the site will be developed within the 5 years. I therefore discount this site from the HLS.

Creffield Road (7)

180. This is a non-allocated site but is in the eLP housing trajectory. The Inspector in WB⁵ discounted this site but Planning permission has been granted since that decision. It is therefore deliverable.

University of Essex (547)

181. This has a development plan allocation. There is a current application under consideration which the parties agree works out to represent 547 dwellings after the student conversion rate is applied. The land has already been subject to flood mitigation land raise in anticipation of the development and it is protected by the Colne tidal barrier. I have no good reason to believe that the issue of flooding would prevent deliverability.

182. I heard at the Inquiry that there are no serious archaeology or ecology constraints. I also heard that the Council prefer student homes to be on campus and that the University usually delivers housing quickly.

183. I do not accept the appellant's argument that the number of deliverable units should be reduced due to the university taking other dwellings out of use for a temporary period for refurbishment. Neither do I give much weight to the university's expansion plans as these are not part of assessing need in the SM. It is the longer-term supply that is relevant. Firm progress has been made with this site so I include 547 dwellings in the HLS.

Land East of Hawkins Road (115)

184. This site is not allocated for housing in the LP but is allocated for business use. It is included in the latest trajectory. I heard that employment use is not viable on the site; there is already student accommodation on this road and there is demand for student accommodation in the area.

185. An application for 282 rooms was being considered at the time of the Inquiry which the Council claim would equate to 115 dwellings to be added to the HLS. It had officer support and the only objection from interested parties related to car parking but the Council were confident that this objection could be overcome. This application remained, at the time of the Inquiry, undetermined since the WB appeal which indicates some kind of delay and it is contrary to the development plan. Overall, the evidence is not robust enough to persuade me that there is a realistic prospect that housing will be delivered on the site within 5 years.

Britannia Car Park/Runwalds Street (55)

186. This site is allocated for low carbon housing. No application has been submitted but it is at an advanced stage of preparation which includes full detailed drawings and structural calculations. The site is owned by the Council and would be developed by the Council's own "arm's length"²⁵ development company, Amphora Homes, which has set out a timetable for development in the Amphora

²⁵ Para 3.28, P10 Sean Toft Rebuttal

Homes Business Plan approved by the Council. This shows that a full application would be submitted in November, condition discharge by April 2020 and completion by the end of 2022. There is no other residential development that would look onto it so an application is unlikely to raise objections in respect of living conditions. Therefore, I consider that the 55 homes are deliverable.

Garrison K1 (25)

187. This site is allocated in the development plan for residential growth. A major housing association owns the site and it is part of a wider site which has been built out. The disputed part of the site does not have planning permission but a preliminary enquiry has been submitted. The Council say that the agents are keen to submit a planning application. However, I am unconvinced that firm progress has been made in respect of the application. Clear evidence has not been demonstrated in respect of deliverability within five years. I therefore do not include this site in the supply.

Military Road (8)

188. No residential planning permission exists for this site and it is not allocated in the development plan. The Council argue that it has been included within the housing trajectory as a specific site for several years. The site has no ownership constraints as it is owned by the Council; it is brownfield and has been cleared ready for development. A planning application with a recommendation for approval was due to be heard at the 26 September 2019 Planning Committee. At the time of the Inquiry it was undetermined and therefore I do not include it in the supply.

Wyvern Farm Phase Two (100)

189. This site is allocated for employment use in the LP but proposed as a residential allocation in the eLP. A detailed application for residential development has gained a resolution for approval but at the time of the current Inquiry it was waiting for a S.106 agreement to be signed. S.106 agreements can take time to resolve but they do not generally take years. This particular site is part of a larger scheme which has been built out by a major housebuilding company and it is logical that the development will be carried forward onto this part of the site. I therefore consider this site to be deliverable.

Mill Road (150)

190. This is an allocation in an emerging Eight Ash Green Neighbourhood Plan and is subject to a current hybrid application for 650 dwellings. The residential element of the application is in outline. It is Council owned and a delivery timetable was submitted with the Council's evidence. However, it is not an adopted allocation and at the time of the Inquiry did not have any planning permission. I do not have the clear evidence that this can be delivered in the 5 years.

Gosbecks Phase Two (150)

191. This is an emerging allocation and a full planning application is under consideration. There is a Planning Performance Agreement and a timetable of delivery from the developer who has a good track record of delivery. However, at the time of the Inquiry there was no current allocation or planning permission, the site is outside of the existing settlement boundary and therefore contrary to the adopted development plan and there are objections to the planning application. Therefore, I discount the site.

Chits Hill (100)

192. The site is an emerging allocation in the eLP. There is a resolution to grant subject to access issues being resolved and the completion of a S.106 agreement. The applicants are already on site doing some pre-commencement work. I consider that there is a realistic prospect that this site can deliver 100 homes within the timescale.

Eight Ash Green (150)

193. This is an allocation in an eNP. However, there is no existing allocation and there is no planning permission although an outline application was under consideration at the time of the Inquiry. In my view, the scheme is not progressed enough to persuade me that it has a realistic prospect of delivery in the five-year period so I discount this site.

Conclusion in relation to HLS

194. The above sites would add about 1193 dwellings to the supply. This needs to be added to the undisputed supply from other named sites (3361) and the windfall allowance (578). This would give a HLS of around 5132 dwellings. The required supply is 5701 so the shortfall is roughly 569 units equating to a supply of about 4.7 years. This is a small shortfall.

Other Matters

Habitats

195. There is no dispute between the parties in relation to this matter. However, I must consider this appeal under the Part 6 of the Conservation of Habitats and Species Regulations 2017. Therefore, I have had regard to the Information Habitats Regulations Assessment (IHRA) which was submitted by the appellant as part of the appeal documentation.

196. The appeal scheme proposes up to 200 dwellings on a site within an identified Zone of Influence (ZoI) of a number of European / internationally designated sites. These are Essex Estuaries Special Area of Conservation (SAC), Blackwater Estuary Special Protection Area (SPA) / Ramsar Site, and Abberton Reservoir SPA / Ramsar site. The site is also technically within the ZoI for the Dengie SPA / Ramsar site but this site is separated from the appeal site by the Blackwater Estuary which forms a significant barrier to access and residents would need to travel over 40km by road to get to it so detailed consideration has not been afforded to this latter SPA.

197. The Abberton Reservoir SPA and Ramsar and the Blackwater Estuary SPA support birds. The Blackwater Estuary Ramsar site supports saltmarsh habitat, rare invertebrate fauna and wintering winterfowl. The Essex Estuaries SAC is designated for its Atlantic salt meadows, estuaries, Mediterranean and thermo-Atlantic halophilous scrubs, sandbanks, and mudflats and sandflats with plant colonies.
198. Up to 200 dwellings is likely to result in approximately 480 new people based on an average of 2.3 people per household. The shortest distance from the application site to the boundary of the sites is approximately 7km and about 10km to suitable car parking areas. Visitors would need to access the sites to have an effect. Given the above, it is unlikely that new residents would visit the sites in significant numbers on a regular basis. It is therefore unlikely that habitats would be damaged or degraded by the new residents. Furthermore, the key habitats for the qualifying species include open water (Abberton Reservoir) or estuarine habitats (Blackwater Estuary) which are generally inaccessible for walkers.
199. On this basis, the development would not be likely to have a significant effect on the protected sites. However, taking a precautionary stance, in the absence of avoidance or mitigation measures, there is some potential for the development proposals to contribute towards a significant effect on Blackwater Estuary SPA / Ramsar site via potential disturbance effects, and Essex Estuaries SAC via physical damage and degradation, when considered in combination with other plans and projects, and therefore an appropriate assessment is required.
200. The proposed development would deliver informal recreational opportunities for new residents in the form of a network of open spaces, including an off-lead area for dogs. This will maximise "on the doorstep" opportunities for new and existing residents and provide mitigation.
201. The draft Essex Coast Recreational disturbance Avoidance and Mitigation Strategy Supplementary Planning Document 2019 (RAMS SPD) (CD sets out detailed mitigation measures that would be funded by S106 contributions at a specified tariff per dwelling. They include a range of habitat-based measures such as wardens, access management, monitoring and communication.
202. A signed planning obligation secures the payment of the contributions which are 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, and in accordance with Regulation 122 of the CIL Regulations.
203. Natural England has provided written confirmation that it would raise no objection to the proposed mitigation package and the broad conclusions of the IHRA. Consequently, I am satisfied that the proposed development would not adversely affect the protected sites.

Ecology of the site itself

204. I have had regard to the Ecological Impact Assessment²⁶ submitted by the appellant. The site is dominated by semi-improved grassland fields, much of which are categorised and "poor". There are some hedgerows, lines of trees,

²⁶ CSA Environmental, August 2018

orchards, ponds and streams but the majority of the site is of limited ecological interest. However, foraging and commuting bats, foraging badgers, numerous breeding birds and reptiles use the site. Mitigation measures are proposed to address potential impacts so that there would be no overall harm to wildlife and these can be secured by conditions. These are detailed in the EIA and include boundary planting, nectar-rich grassland creation, community orchard creation, provision of new bird and bat roosting features and creation of wetland SUDs features.

Planning Balance

205. The Council cannot demonstrate an up to date 5-year HLS and for this reason, along with the reasons explained in Paragraph 147, the most relevant policies for housing, i.e., CS Policies SD1 and H1, are not up to date and I therefore attach only some weight to these policies. Furthermore, CS Policy ENV1, as discussed in Paragraph 148, is inconsistent with the Framework and is also out of date but I attach moderate weight to this policy in so far as recognising the intrinsic character and beauty of the countryside. In these circumstances, I must consider the proposal against Paragraph 11 (d) of the Framework which directs that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole. The "tilted balance" applies.
206. The Framework outlines the overarching interdependent objectives for planning to achieve sustainable development: social, economic and environmental.
207. The main social benefit would lie in the provision of up to 200 additional dwellings in a location which would provide new residents with a choice of modes of travel. The dwellings would go a significant way to meeting the Council's current undersupply of housing land. Furthermore, the provision of 30% affordable housing, within the context of an agreed continuing unmet need, would be a substantial benefit.
208. Modest social benefits would also arise from the provision of informal public open space for local residents. There would also be some minor economic benefits in respect of the construction of the dwellings and the contribution that new residents would make to local shops and services.
209. The only demonstrable harm I have identified would be a loss of open countryside. However, this harm is limited by the physically enclosed nature of the site. Even though the HLS shortfall is small, the adverse impacts of granting permission would not significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole. The benefits outweigh the harm.
210. I note the Council's and interested parties concern about precedent. There were numerous other sites surrounding the settlement that developers showed an interest in during the call for sites during the eNP consultations. However, the issue of scale and any other associated harm, including that of a cumulative impact over and above development that has already been permitted, is a matter that can be considered in any future development proposals. As I have concluded

that the proposal would be acceptable on its own particular merits, I see no reason why it would lead to harmful developments on other sites in the area.

Recommendation

211. The policies which are most important for determining the appeal are out-of-date. The adverse impacts of allowing the appeal would not significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole. I therefore recommend that the appeal is allowed in accordance with the conditions.

Siobhan Watson

INSPECTOR

APPEARANCES

FOR THE COUNCIL (CBC)

Mr Simon Pickles of Counsel, Instructed by Karen Syrett, Place and Housing Manager, CBC

He called

Sean Tofts MSc, Associate RTPI, Planning Policy Officer CBC
Laura Chase BA, MA, PhD, MRTPI Planning Policy Manager CBC
Eleanor Moss BSc(Hons), MSc, Senior Planning Officer CBC

In addition, at the roundtable discussion:

Simon Cairns BA(Hons) Dip TP, Dip BBC, MRTPI, IHBC, Development Manager CBC

FOR THE APPELLANT

John Barrett of Counsel, Instructed by Richard Lomas, Gladman Developments Ltd

He called

Phil Wooliscroft, Croft Transport Planning and Design
Sebastian Tibenham, MRTPI, MiED, MTCP, Pegasus Group
Richard Lomas, BSc (Hons) DipTP, MRTPI, Planning Manager, Gladman Developments Ltd

INTERESTED PERSONS

Colin Bigg, Chairman, Tiptree Parish Council Planning Committee
Jonathan Greenwood, Chairman Tiptree Neighbourhood Planning Steering Group
Julie-Ann Harper, on behalf of local residents

DOCUMENTS SUBMITTED AT THE INQUIRY

Amended signed Statement of Common Ground

List of agreed suggested conditions

Opening on behalf of the appellant

Opening on behalf of the Council

Closing on behalf of the appellant

Closing on behalf of the Council

Closing on behalf of Tiptree Neighbourhood Planning Steering Group

APP 1 – Planning & Economic Statement Meadows 3 University of Essex, The JTS Partnership LLP, August 2019

APP 2 – Additional Table Produced by Sebastian Tibenham 2014 Household Projection Data (20 year and 10 year projections by Household Age Group Representative)

APP 3 – extract from Birmingham Plan 2031, January 2017

C1 – Letter to The Planning Inspectorate re APP/A1530/W/18/3207626 from CBC dated 29 August 2019

C2 – Emails between CBC and Jackson and Co Property Services in respect of student accommodation

C3 – emails between CBC and Pegasus in respect of Gosbecks

C4 Emails between CBC and JTS Partnership LLP in respect of Flooding

C5 Planning Performance Agreement between CBC and Essex Housing

C6 – K1 Garrison location plan

C7 – Correspondence from Planning Policy Officer re- Hawkins Road site, April 2019

C8 – Land use plan

C9 – Planning obligation summary

C10 – CIL Compliance Schedule

IP1 – Objection Letter

IP2 – Summary of objections by Tiptree Parish Council

IP3 - Summary of objections by Tiptree Neighbourhood Plan Steering Group

IP4 – Submission by Julie-Ann Harper on behalf of the Barbrook Land/Grove Road residents.

Annex 1 – Schedule of Conditions

- 1) Details of the appearance, landscaping, layout and scale (hereinafter called “the reserved matters”) shall be submitted to and approved in writing by the Local Planning Authority before any development begins and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the Local Planning Authority no later than the expiration of three years beginning with the date of the grant of this outline permission; and the development to which this permission relates must be begun no later than the expiration of two years from the date of approval of the last of the reserved matters to be approved.
- 3) The development hereby permitted shall be carried out in complete accordance with the following plans: Site Location Plan ref CSA/3725/111 and the Access Plan ref 2179-F01 Rev B.
- 4) The reserved matters application(s) shall include detailed scale drawings by cross section and elevation that show the development in relation to adjacent property, and illustrating the existing and proposed levels of the site, finished floor levels and identifying all areas of cut or fill. The development shall thereafter be completed in accordance with the agreed scheme before development is first occupied.
- 5) No works shall take place until details of all earthworks have been submitted to and agreed, in writing, by the Local Planning authority. These details shall include the proposed grading and mounding of land areas including the levels and contours to be formed, showing the relationship of proposed mounding to existing vegetation and surrounding landform. The development shall thereafter be carried out in accordance with the approved details.
- 6) No works shall take place until all trees, shrubs and other natural features not scheduled for removal on the approved plans have been safeguarded behind protective fencing to a standard that will have previously been submitted to and agreed, in writing, by the Local Planning Authority. All agreed protective fencing shall thereafter be maintained during the course of all works on site and no access, works or placement of materials or soil shall take place within the protected areas without prior written consent from the Local Planning Authority.
- 7) No burning or storage of materials shall take place where damage could be caused to any tree, shrub or other natural feature to be retained on the site or on adjoining land.
- 8) All existing trees and hedgerows shall be retained throughout the development construction phases, unless shown to be removed on the approved drawing and all trees and hedgerows on and immediately adjoining the site shall be protected from damage as a result of works on site. All existing trees and hedgerows shall then be monitored and recorded for at least five years following contractual practical completion of the development. In the event that any trees and/or hedgerows die, are removed, destroyed, or fail to thrive during this period, they shall be replaced during the first planting season thereafter to specifications agreed, in writing, with the Local Planning Authority. Any tree works agreed to shall be carried out in accordance with BS 3998.

- 9) No works or development shall be carried out until and Arboricultural Implications Assessment, Arboricultural Method Statement and Tree Protection Plan in accordance with BS 5837, have been submitted to and approved, in writing, but the Local Planning Authority (LPA). This shall be carried out in accordance with the submitted Tree Survey and Arboricultural Impact Assessment referenced CSA/3725/04 dated January 2019. Unless otherwise agreed, the details shall include the retention of an Arboricultural Consultant to monitor and periodically report to the LPA, the status of all tree works, tree protection measures, and any other arboricultural issues arising during the course of development. The development shall then be carried out strictly in accordance with the approved method statement.
- 10) During all construction work carried out underneath the canopies of any trees on the site, including the provision of services, any excavation shall only be undertaken by hand. All tree roots exceeding 5 cum in diameter shall be retained and any pipes and cables shall be inserted under the roots.
- 11) At least 3.24 hectares of land within the redline boundary shall be laid out for use as amenity open space in accordance with a scheme (including phasing) which shall be submitted to and agreed, in writing, by the Local Planning Authority before the development commences. The space shall be made available for use within 12 months of the occupation of the first dwelling and thereafter it shall be retained for public use.
- 12) Prior to commencement of the development, details of a scheme of traffic management works at the Barbrook Lane/Grove Road junction shall be submitted to and approved in writing by the Local Planning Authority. The agreed works shall be implemented in full in accordance with the approved details prior to the first occupation of any dwelling hereby approved.
- 13) No occupation of the development shall take place until the following have been provided or completed:
 - a. A priority junction off Barbrook Lane to provide access to the appeal site as shown in principle on the drawing hereby approved.
 - b. Upgrade to two bus stops before any dwelling is first occupied. The details of the upgrade shall be submitted to and approved in writing prior to the occupation of any dwelling.
 - c. Residential travel information packs as prior approved by the local planning authority. The information packs shall be provided to each dwelling before they are occupied.
- 14) No works shall take place until a detailed surface water drainage scheme for the site has been submitted to and approved in writing by the Local Planning Authority based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development. The scheme shall include but not be limited to:
 - a. Limiting discharge rates from the site to the 1 in 1 year greenfield run-off rate or as close as is reasonably practicable for the 1 in 1 year and 1 in 100 year rainfall events;

- b. Provide sufficient surface water storage so that the runoff volume is discharged or infiltrating at a rate that does not adversely affect flood risk and that unless designated to floor that no part of the site floods for a 1 in 30 year event, and 1 in 100 year event in any part of a building or utility plant within the development;
- c. Provide sufficient storage to ensure no off-site flooding as result of the development during all storm events up to and including the 1 in 100 year plus climate change event;
- d. Provide details of pre and post 100 year, 6 hour runoff volume;
- e. Provision of suitable "urban creep" allowance;
- f. Final modelling and calculations for all areas of the drainage system;
- g. The appropriate level of treatment for all runoff leaving the site, in line with the CIRIA SuDS Manual C753;
- h. Detailed engineering drawings of each component of the drainage scheme;
- i. A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features;
- j. A written report summarising the final strategy and highlighting any minor changes to the approved strategy;
- k. A scheme to minimise the risk of offsite flooding during the construction works.

The approved scheme shall subsequently be implemented prior to occupation of the first dwelling.

- 15) No works shall take place until a Maintenance Plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies, has been submitted to and agreed, in writing, by the Local Planning Authority. Should any part be maintainable by a maintenance company, details of long term funding arrangement shall be provided.
- 16) The applicant or any successor in title must maintain yearly logs of maintenance which should be carried out in accordance with any approved Maintenance Plan. These must be available for inspection upon request by the Local Planning Authority.
- 17) No development shall take place until an investigation and risk assessment, in addition to any assessment provided with the planning application, has been completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the prior written approval of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings shall be submitted to and approved in writing by the Local Planning Authority before the commencement of development. The report and findings shall include:

- a. A survey of the extent, scale and nature of contamination, including contamination by soil, gas and asbestos;
 - b. An assessment of the potential risks to, human health; property, crops, livestock, pets, woodland and service lines and pipes; adjoining land; groundwaters and surface waters; and ecological systems.
 - c. An appraisal of remedial options and proposal of the preferred option(s).
 - d. The above shall be conducted in accordance with DEFRA and the Environment Agency's *Model Procedures for the Management of Land Contamination CLR11* and the Essex Contaminated Land Consortium's *Land Affected by Contamination: Technical Guidance for Applicants and Developers*.
- 18) No works shall take place until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, the natural environment has been submitted to and agreed in writing by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.
- 19) No development shall place until the remediation scheme is carried out in accordance with the approved details. The Local Planning authority shall be given two weeks written notification of commencement of the remediation works. Following completion of the remediation works a verification/validation report that demonstrate the effectiveness of the remediation carried out must be produced and approved in writing by the Local Planning Authority before any dwelling is constructed.
- 20) In the event that contamination not previously identified, is found at any time when carrying out the approved development, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with Conditions 17-19.
- 21) No development shall take place until a Construction Method Statement has been submitted to and approved in writing, by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period and shall provide details for:
- a. The parking of vehicles of site operatives and visitors;
 - b. Hours of deliveries and hours of work;
 - c. Loading and unloading of plant and materials;
 - d. Storage of plant and materials;
 - e. The erection and maintenance of security hoardings;
 - f. Wheel washing facilities;
 - g. Measures to control the emission of dust and dirt during construction; and

- h. A scheme for recycling/disposing of waste resulting from demolition and construction.
- 22) The reserved matters application(s) shall include a detailed acoustic assessment and mitigation report. The report shall have been undertaken by a competent person and provide details of the noise exposure at the façade of the residential dwellings; internal noise levels in habitable rooms and noise levels in all associated amenity spaces. The design and layout shall avoid, as far as practicable, exposure of habitable rooms to noise levels that exceed the following: NPR – 60dB LAeq 16 hours (daytime outside); 55dB LAeq 8 hours (night outside)
- 23) The reserved matters application(s) shall include a Biodiversity Method Statement, a Construction Environmental Management Plan, a 5-10 year Management Plan and a scheme of biodiversity and habitat retention, mitigation (including a detailed lighting scheme), protection and enhancement, including an implementation timetable, to include but not be limited to the details set out in the Ecological Reports submitted with the application. The development shall thereafter be carried out in accordance with the agreed details.
- 24) No development shall take place until a Written Scheme of Investigation of archaeological remains shall have been submitted to and approved in writing by the local planning authority. The scheme shall include an assessment of significance and research questions - and:
- a. The programme and methodology of site investigation and recording;
 - b. The programme for post investigation assessment;
 - c. The provision to be made for analysis of the site investigation and recording;
 - d. The provision to be made for publication and dissemination of the analysis and records of the site investigation;
 - e. The provision to be made for archive deposition of the analysis and records of the site investigation;
 - f. The nomination of a competent person or persons/organization to undertake the works set out within the Written Scheme of Investigation.
- 25) No development shall commence until a detailed mitigation and avoidance scheme for the Essex Coast European sites is submitted to and approved in writing by the Local Planning Authority (in consultation with Natural England). It will include:
- a. Final details of the enhancements to on-site open space, including the provision of an off-lead dog area, dog bins, pedestrian connection to Grove Road and an interpretation board and
 - b. A scheme for the promotion of alternative informal recreational routes in the local area including details of an information pack to be supplied to all new residents.
- 26) The reserved matters application(s) shall include details of a scheme to facilitate pedestrian access to the northern redline boundary of the site.



Ministry of Housing, Communities & Local Government

www.gov.uk/mhclg

RIGHT TO CHALLENGE THE DECISION IN THE HIGH COURT

These notes are provided for guidance only and apply only to challenges under the legislation specified. If you require further advice on making any High Court challenge, or making an application for Judicial Review, you should consult a solicitor or other advisor or contact the Crown Office at the Royal Courts of Justice, Queens Bench Division, Strand, London, WC2 2LL (0207 947 6000).

The attached decision is final unless it is successfully challenged in the Courts. The Secretary of State cannot amend or interpret the decision. It may be redetermined by the Secretary of State only if the decision is quashed by the Courts. However, if it is redetermined, it does not necessarily follow that the original decision will be reversed.

SECTION 1: PLANNING APPEALS AND CALLED-IN PLANNING APPLICATIONS

The decision may be challenged by making an application for permission to the High Court under section 288 of the Town and Country Planning Act 1990 (the TCP Act).

Challenges under Section 288 of the TCP Act

With the permission of the High Court under section 288 of the TCP Act, decisions on called-in applications under section 77 of the TCP Act (planning), appeals under section 78 (planning) may be challenged. Any person aggrieved by the decision may question the validity of the decision on the grounds that it is not within the powers of the Act or that any of the relevant requirements have not been complied with in relation to the decision. An application for leave under this section must be made within six weeks from the day after the date of the decision.

SECTION 2: ENFORCEMENT APPEALS

Challenges under Section 289 of the TCP Act

Decisions on recovered enforcement appeals under all grounds can be challenged under section 289 of the TCP Act. To challenge the enforcement decision, permission must first be obtained from the Court. If the Court does not consider that there is an arguable case, it may refuse permission. Application for leave to make a challenge must be received by the Administrative Court within 28 days of the decision, unless the Court extends this period.

SECTION 3: AWARDS OF COSTS

A challenge to the decision on an application for an award of costs which is connected with a decision under section 77 or 78 of the TCP Act can be made under section 288 of the TCP Act if permission of the High Court is granted.

SECTION 4: INSPECTION OF DOCUMENTS

Where an inquiry or hearing has been held any person who is entitled to be notified of the decision has a statutory right to view the documents, photographs and plans listed in the appendix to the Inspector's report of the inquiry or hearing within 6 weeks of the day after the date of the decision. If you are such a person and you wish to view the documents you should get in touch with the office at the address from which the decision was issued, as shown on the letterhead on the decision letter, quoting the reference number and stating the day and time you wish to visit. At least 3 days notice should be given, if possible.

