



Tiptree Parish Council
56 Church Road
Tiptree
CO5 0SU

26th April 2022

Dear Sir,

Tiptree Neighbourhood Draft Plan: Regulation 14

Thank you for the opportunity to comment on the Tiptree Neighbourhood Plan. The following comments are made on behalf of both the landowners and the land promoters [Mersea Homes] of the land to the north of Tiptree at Highland Nursery and Elms Farm. These two sites have been identified as site allocations within the Tiptree Neighbourhood Plan.

The Tiptree Neighbourhood Plan has been positively prepared and represents a 'sound' overarching plan to guide the spatial strategy for the village.

Policy TIP01 meets the requirements of 'Policy SS14: Tiptree' of the emerging Colchester Local Plan, which requires a minimum of 400 dwellings to be allocated on specific sites within the village. This policy also supports the policy approach set out in paragraphs 60 and 61 of the NPPF, i.e. to significantly boost the supply of homes and meet the development needs of the area.

The landowners, together with Mersea Homes have been involved in the neighbourhood planning process from very early in the process and have developed a strong working relationship with the Tiptree Neighbourhood Plan Working Group. Policy TIP01 meets the collective vision that has been developed through extensive consultation and evidence gathering to meet the needs and aspirations of the local community, and deliver the essential local infrastructure.

The identified site allocations in Policy TIP01 at Highland Nursery and Elms Farm, both to the north of Tiptree, would represent a logical extension to the village that would contribute to the strategic aims of the emerging Colchester Borough Local Plan and that of the Tiptree Neighbourhood Plan. As a whole, the Tiptree Neighbourhood Plan sets out an appropriate framework to develop these sites in a planned and integrated manner, with specific and appropriately detailed policy elements in:

- Policy TIP06: Cycling, Walking and Disability Routes
- Policy TIP07: Mitigating the Impact of vehicular Traffic Through Tiptree Village
- Policy TIP09: Small-Scale Commercial Workspaces
- Policy TIP10: Provision of Community Infrastructure

- Policy TIP13: Highland Nursery
- Policy TIP14: Elms Farm
- Map 2.1
- Tiptree Policies Map

This land is available for development and there are no known constraints that would prevent the development of either Highland Nursery and Elms Farm from being delivered. These sites will also help deliver important local infrastructure in the form of land for a medical facility, and future highway enhancements.

The landowners, together with Mersea Homes can also confirm that the development of these sites is both viable and deliverable. A planning application is expected to be submitted for the first phase of development soon after the adoption of the Tiptree Neighbourhood Plan.

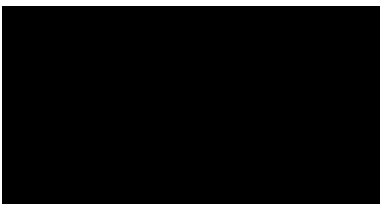
The Neighbourhood Plan process has fully considered all the reasonable alternative sites, and through this process, it is clear that no other site as closely matches the aim and objectives of the Neighbourhood Plan or scored as highly in terms of the sustainability benefits.

The Neighbourhood Plan approach followed complies with the guidance set out in the paragraph 098 of the PPG [Reference ID: 41-098-20190509] as it is clear that the Parish Council has followed the relevant guidance and neighbourhood planning toolkits on assessing sites and they have carried out a strategic environment assessment.

I trust these comments will be considered during the Independent Examination and we look forward to the Tiptree Neighbourhood Plan being taken forward to the Referendum.

I understand that the Examination will be heard via written representations, but in the event that a Public Hearing is called, as the agent representing the landowners and land promoters of the proposed allocations, we would request attendance at such a hearing.

Yours faithfully,



Andrew Ransome MRTPI

Planning Director

Darl Sweetland <dSweetland@anglianwater.co.uk>

Tue 22/03/2022 05:39

To:

- Julie Webster

Dear Julie and Neighbourhood Plan team

Anglian Water is now targeting our strategic planning engagement to work with local authorities on their Local Plans and supporting documents.

This is to ensure that there are up to date district wide policies that can support sustainable development. Our objective across the 58 local planning authorities and 4 joint planning bodies we serve, including Colchester, is to assist Council's in selecting development locations that can be served by low carbon water supply and water recycling options.

While we are currently unable to directly support the preparation of Neighbourhood Plans (NP) we continue to welcome local policy which supports higher levels of water efficiency in new development and requires the use of Sustainable drainage systems (SuDS). I'm confident that officers at Colchester have and will be directing NP groups towards local and national best practice examples of policies which support Local Plan objectives and Policy.

Examples may include the Emerging Local Plan policy PP1 on Infrastructure Water Management, DM23 on Flood Risk and DM25 on Water Efficiency.

Table SG2 and Policy SS14 of the emerging plan looks to allocate 400 homes in Tiptree in addition to 326 committed new homes and in note the emerging plan indicates these will be planned in detail through the Neighbourhood Plan.

I can confirm that from a water recycling capacity perspective, Tiptree is a Sustainable Settlement within which to accommodate the 726 new homes as the existing Water Recycling Centre would have capacity to cater for circa 900 homes based on its current permit.

For development sites would be served by Anglian Water developers should be encouraged to complete a pre-application enquiry to develop a feasible solution for water recycling and drainage requirements.

As Tiptree is within the area from which Anglian Water sources and supplies water, advice on water use can be found at <https://www.anglianwater.co.uk/help-and-advice/save-water/>

Advice on drainage and flooding can be found at <https://www.anglianwater.co.uk/help-and-advice/flooding-guidance/reduce-the-risk-of-flooding/>



Darl Sweetland MRTPI
Spatial Planning Manager

Mobile: 07929 712541

Web: www.anglianwater.co.uk

Pronounced: dahl-sweetlund (he/him)

Anglian Water Services Limited

Lancaster House, Lancaster Way, Ermine Business Park, Huntingdon, Cambridgeshire, PE29 6XU

From: Julie Webster <tiptreecouncil@btconnect.com>

Sent: 11 March 2022 17:10

To: Darl Sweetland <dSweetland@anglianwater.co.uk>

Subject: Tiptree Neighbourhood Draft Plan - Reg 14 Consultation

TIPTREE NEIGHBOURHOOD PLAN

REGULATION 14 PUBLIC CONSULTATION

REPRESENTATIONS BY EDWARD GITTINS & ASSOCIATES

Introduction

Our representations focus on serious deficiencies in the draft Neighbourhood Plan (NP) which, if not addressed, threaten to result in the NP being found unsound. These deficiencies are identified and discussed in these representations but can be summarised as follows:

1. The NP fails to have regard to the National Planning Policy Framework (NPPF) which notes the contribution small and medium-sized can make to meeting the housing requirements of an area - especially as they are often built-out relatively quickly. Accordingly, the NPPF states that land to accommodate at least 10% of the housing requirement should be found on sites no larger than one hectare unless there are strong reasons for not doing so. Contrary to this stipulation, and without the necessary justification, the NP relies on large allocations for the whole of its minimum housing requirement and makes no provision for small and medium-sized sites. This is contrary to NPPF paragraphs 69 and 70 which specifically emphasise the importance of ensuring provision is made for small and medium-sized sites especially in the preparation of Neighbourhood Plans;
2. The NP does not explain and justify the delineation of the Tiptree Settlement Boundary as shown on the Tiptree Policies Map which is drawn without making the necessary provision for allocated sites of under one hectare to supplement its main housing allocations; and
3. The Settlement Boundary is, in certain locations, both anomalous and inconsistent in the way it includes or excludes established development and hence requires review.

We now elaborate the above deficiencies in more detail before advocating how the Tiptree Settlement Boundary can be adjusted in order to assist in addressing the absence of small and medium-sized sites.

1. The need to make provision for sites for sites of under one hectare

The NPPF is explicit in the duty of Neighbourhood Plan Groups to make provision for small and medium-sized housing sites. Paragraph 70 states:

“Neighbourhood plan groups should also give consideration to the opportunities for allocating small and medium-sized sites (of a size consistent with paragraph 69a) suitable for housing in their area.”

Referring back, therefore, to the specifically relevant parts of paragraph 69, it states:

“Small and medium-sized sites can make an important contribution to meeting the housing requirements of an area, and are often built-out relatively quickly. To promote the development of a good mix of sites local planning authorities should:

- a) *identify, through the development plan and brownfield registers, land to accommodate at least 10% of their housing requirement on sites no larger than one hectare, unless it can be shown, through the preparation of relevant plan policies, that there are strong reasons why the 10% target cannot be achieved;*
- b) *use tools such as area wide design assessments and Local Development Orders to help bring small and medium-sized sites forward.”*

The requirement in the NPPF to make provision for small and medium-sized sites of under one hectare unless there are strong reasons for non-compliance is therefore mandatory, not discretionary. The NP, however, disregards the above requirements – choosing instead to pursue a strategy of allocating two large sites (Highland Nursery and Elms Farm) to the north of the village and making no provision for small and medium-sized sites elsewhere. The whole of the minimum housing requirement of 400 dwellings is therefore taken up by these two large sites as each is earmarked for 200 dwellings in Policy TIP01: Tiptree Spatial Strategy.

Indeed, the focus on large sites to the exclusion of small and medium-sized sites is even more pronounced if one takes account of the large Barbrook Lane site released on Appeal. As this site also has an approximate capacity of 200 dwellings, the minimum of 600 new dwellings originally earmarked for Tiptree in the emerging Colchester Section 2 Local Plan would therefore be absorbed in just 3 large sites - with no other allocations elsewhere. All other provision within the Settlement Boundary is therefore confined to “windfall” sites. “Windfall” sites are addressed separately in paragraph 69(c), however, and are not eligible for consideration as an alternative to the provision of small and medium-sized sites.

If such a Spatial Strategy remains unchanged in the absence of any “strong reasons” for not meeting the minimum 10% provision from small and medium-sized sites as required by the NPPF in paragraph 69(a), the NP is at serious risk of being found to be unsound.

2. The absence of small and medium-sized sites within the Tiptree Settlement Boundary

The Settlement Boundary has been drawn tightly around the built-up area together with the inclusion of the three large sites referred to above. Had regard been paid to NPPF paragraphs 69 & 70, the Settlement Boundary would have been drawn with a view to also making provision for small and medium-sized sites, but as drawn no such provision has been made. There are therefore no small or medium-sized sites allocated in or on the edge of Tiptree. All other provision within the Settlement Boundary is therefore confined to “windfall” sites. As noted

above, “windfall” sites do not obviate the need for provision to be made for small and medium-sized sites and, in the absence of strong reasons for this lack of provision, this brings the NP into direct conflict with the NPPF. Bearing in mind the 400 dwelling housing provision is a minimum figure, and that at least 10% of this provision should be found in small and medium-sized sites, the NP must make provision for a minimum of 40 dwellings to comply with the NPPF.

3. Anomalies in the delineation of the Tiptree Settlement Boundary

There are also significant anomalies in the delineation of the Settlement Boundary as it appears on the Tiptree Policies Map. For example, with regard to the Employment Zones - the Wilkins Jam Factory Employment Zone is included within the Settlement Boundary but the Tower House Employment Zone is excluded. Then, in the vicinity of the Tower House site, housing along the southern side of Kelvedon Road forms part of the village’s built-up area but is excluded from the Settlement Boundary. Similarly, a line of dwellings on the eastern side of Hall Road and those on the former International Camp site on its western side, all of which form part of the built-up area, are currently excluded from the Settlement Boundary. We consider such anomalies need to be rationalised.

Specifically, the anomaly in the Hall Road area can be addressed by amending the Settlement Boundary whilst at the same time addressing the need to make provision for small and medium-sized sites, as outlined below.

PROPOSED AMENDMENT TO THE TIPTREE SETTLEMENT BOUNDARY

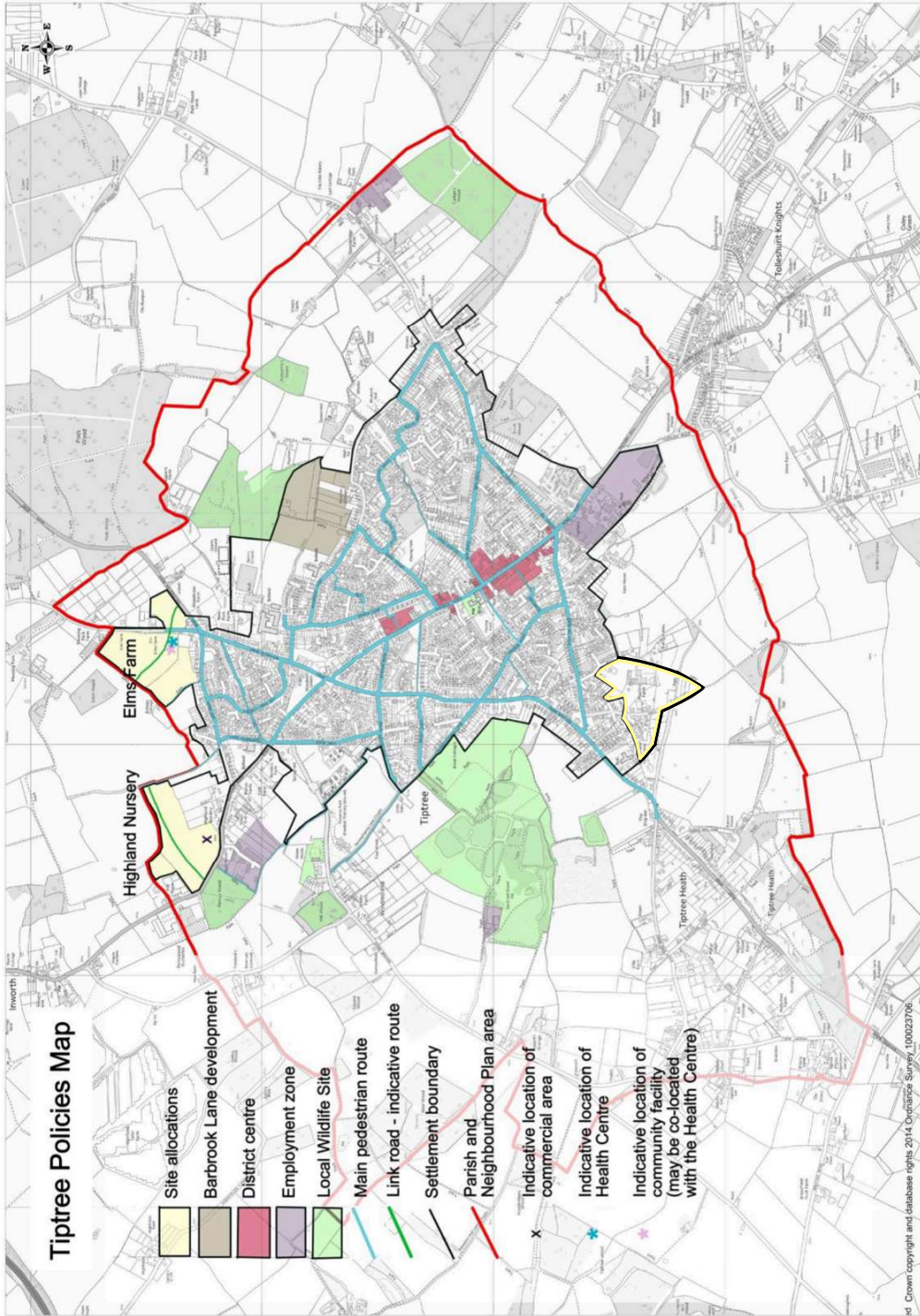
As identified in Annex EGA1, the Settlement Boundary as shown in Map 14 : Tiptree Policies Map be drawn to include established village housing on and opposite the former “International Camp” site on Hall Road, then southwards along Hall Road to include the triangle of established village housing at the southern end of Hall Road, (including the southern tip of the triangle), then northwards to follow the line of Bull Lane to include land and buildings currently occupied by Tiptree Egg Farm.

This revised Settlement Boundary:

- **follows a clear and logical defensible boundary provided by Hall Road and Bull Lane**
- **embraces established village housing development currently excluded from the Settlement Boundary**
- **retains the narrow green wedge between Tiptree and Tiptree Heath; and**
- **makes provision for village housing on small and medium-sized sites in order to ensure the NP is compliant with the NPPF.**

Action is therefore required in order to ensure the NP is compliant with the NPPF and we therefore respectfully request an amendment be made to the Tiptree Settlement Boundary to include land at Hall Road and Bull Lane.

**Edward Gittins FRTPI
Chartered Town Planner
Edward Gittins & Associates
April 2022**



TIPTREE NEIGHBOURHOOD PLAN

REGULATION 14 PUBLIC CONSULTATION

REPRESENTATIONS BY ICARUS HOMES

LAND NORTH OF OAK ROAD, TIPTREE

Icarus Homes have an interest in the land north of Oak Road identified in red in ANNEX 1 and seek to include this site within the Tiptree Settlement Boundary as an extension to the Elms Farm allocation.

The site lies to the north of Oak Road and includes the frontage of “The Bonnie Blue Oak Public House”. To the east, the site directly adjoins the Elms Farm allocation as identified in Consultation Document’s Map: 12.1 Site Allocations earmarked for the provision of 200 dwellings. It is submitted that the Elms Farm allocation should be extended westwards to include this site for the following reasons:-

1. The site constitutes a block of land with development potential adjoining the proposed Tiptree Settlement Boundary and lies to the immediate west of the Elms Farm allocation. Perusal of Map 12.1 Site Allocations in the Consultation Document and Annex 1 herewith shows the site is enclosed by strong and clearly defined defensible boundaries comprising the access lane to Bishops Cottage to the north running along the Parish and Neighbourhood Plan boundary, established village housings’ curtilage boundaries to the south-west, Oak Road to the south, and to the east a pathway abutting the entire length of the Elms Farm allocation’s western boundary. The site is therefore closely-related both physically and visually to the Elms Farm allocation and the reasoning behind its exclusion from this allocation is therefore not clear.
2. Technical studies undertaken in collaboration with one of the promoters of the Elms Farm allocation demonstrate that an estate road access off Oak Road can be provided between “The Bonnie Blue Oak Public House” and the curtilage of No. 32 Oak Road. This access is also capable of providing the Elms Farm allocation with a western vehicular access combined with the pedestrian access for Elms Farm’s connectivity as envisaged in the Consultation Document’s Map 7.1 Sustainable Movement. This would remove the necessity for most of the allocation’s vehicular traffic flows to gravitate eastwards to use a single access point. Given the aim to provide accessibility westwards towards the B1023 and A12, and that the envisaged northern link road is a long-term aspiration which may not be realised, it makes sense to exploit the opportunity to route this traffic more directly towards the A12 via our proposed western access.
3. The site is crossed by the South Essex Waterworks pipeline which also passes through the Elms Farm allocation to the east. Whilst this will sterilize a swathe of land from development, it also provides an opportunity to form a large central open space incorporating the wayleave both within this site and the Elms Farm allocation as an alternative to the envisaged northerly open space in both the Elms Farm and Highland Nursery allocations - stated to be the preferred location in paragraph 12.8 of the Consultation Document. There is ample room to provide judicious landscaping along the northern boundary but a more central open space would be far more accessible for

future residents and offers better opportunities for creating a new neighbourhood with a sense of place.

4. Tiptree's 400 dwelling requirement is a minimum figure and can be exceeded especially if this enables community benefits to be delivered via sustainable development. There will be a loss of housing capacity within the Elms Farm allocation arising from the pipeline wayleave which can be made good on this adjoining land to the west in association with the delivery of a western access to the development and a combined and enlarged central open space.

We therefore consider there are strong grounds to forward plan the land north of Oak Road in conjunction with the Elms Farm allocation and respectfully request that the land be included within the Tiptree Settlement Boundary in Map 12.1 Site Allocations with consequential revisions to Policy TIP14 Elms Farm.



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LAND AT RHUBARB HALL, GROVE ROAD, TIPTREE

In order to off-set the deficiency in the provision of small and medium-sized sites and to comply with the NPPF, we identify in ANNEX EGA1: Illustrative Site Plan - land at Rhubarb Hall, Grove Road, Tiptree and seek its inclusion within the Tiptree Settlement Boundary. The pink area extends to 1.0 hectares and constitutes a medium-sized site whilst the frontage site within the blue pecked line extends to 0.5 hectares and constitutes a small site. We seek, first and foremost, the inclusion of the medium-sized site within the Tiptree Settlement Boundary but alternatively, the inclusion of the frontage site only. We estimate the medium-sized site would have a capacity of 25-30 dwellings with up to 9 dwellings on the frontage only.

The land at Rhubarb Hall directly abuts the Tiptree Settlement Boundary, as shown in Annex EGA1. The frontage to Grove Road therefore represents a gap between the existing bungalow known as Rhubarb Hall to the north-west and established village housing to the south-east and is therefore adjacent to the Settlement Boundary on two sides. A marginal adjustment to the Settlement Boundary here would therefore enable the Rhubarb Hall bungalow and the pink line area in Annex EGA1 to be included within the Settlement Boundary.

In addition to its ability to provide a medium-sized site for village housing, the site would be associated with a woodland buffer and landscaping which would act as a screen to the adjacent sewage treatment works and the concrete works and commercial area to the north, as shown in Annex EGA1. This woodland buffer and screen landscaping would

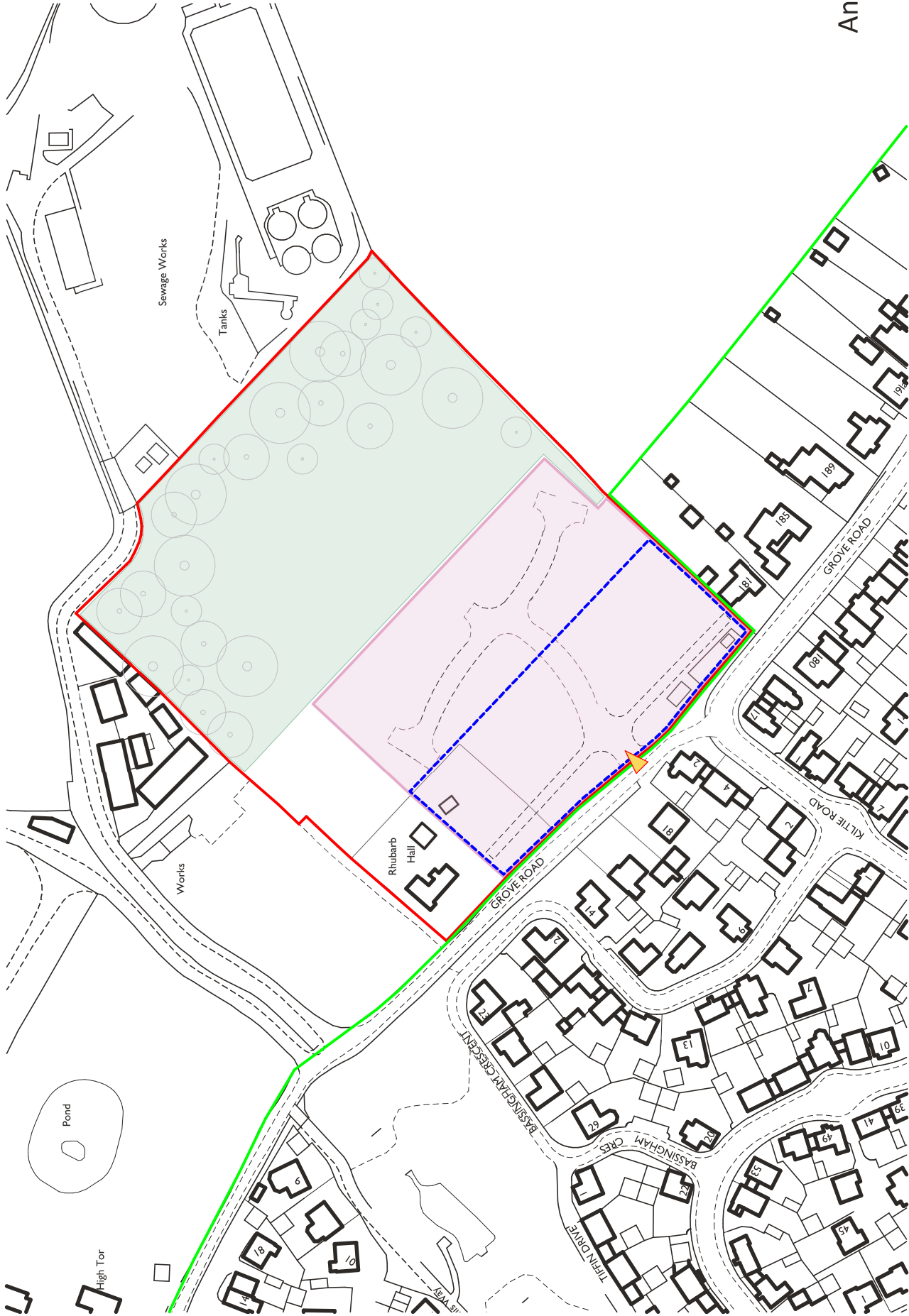
extend to 1.25 hectares would be secured by way of a s106 Agreement and would create a landscape feature in its own right within the shallow valley north of Newbridge Road.

Conclusion

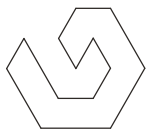
Unless action is taken to supplement the main housing allocations with small and medium-sized sites, the Neighbourhood Plan is in conflict with the National Planning Policy Framework and is deemed to be unsound. A review of the Settlement Boundary is necessary in any event to remove current discrepancies. As part of that review, and in order to secure compliance with the National Planning Policy Framework, we therefore respectfully request the inclusion of Rhubarb Hall and land shown pink in Annex EGA1 within the Tiptree Settlement Boundary (Map 14 : Tiptree Policies Map) in order to help address the current dearth of small and medium-sized sites.

**Edward Gittins FRTPI
Chartered Town Planner
Edward Gittins & Associates
April 2022**

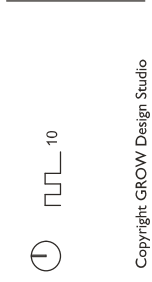
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Annex EGA1



GROW Design studio
 Unit 14 Park Farm
 Kelvedon Rd, Inworth
 Colchester CO5 9SH
 01376 572588
 www.studiogrow.co.uk



- Information:**
- Housing Block - 1 hectare
 - Landscape woodland planted buffer
 - Access
 - Frontage land - 0.5 hectare
 - Indicative road layout
 - Tipreese Settlement Boundary

Change Name
 RevID 01
 Copyright GROUW Design Studio

Date
 21/04/2022

Project: PROPOSED VILLAGE HOUSING
Address: Rhubarb Hall, Grove Road, CO5 0JB
Client: D Morrall
Drawn / checked: JC / AJ
Drawing no / Rev: 1010_A_CD_00
Date: 29/04/2022
Scale: 1:1250@ A3
Status: CONCEPT

Essex and Suffolk Water
Land at Tiptree



Ordnance Survey © Crown Copyright 2018. All rights reserved. Licence number 100022432. Plotted Scale - 1:7500

Promap
LANDMARK INFORMATION GROUP

CAPL429610/A6/001/28.11.2018/MH/BW

Tiptree Neighbourhood Plan Reg 14 Consultation – EBA Response

EBA responded previously to an earlier iteration of this Plan, and we are extremely disappointed to note that our previous comments and recommendations have been excluded from the revised version of the plan.

Therefore, we make the following points, which we kindly request are given greater consideration.

We are disappointed to see that provision for walkers and cyclists only seems to have been considered but equestrians ignored, and it is not acceptable for the Plan to discriminate against any user group. The Plan should also consider the wider access to the surrounding countryside and here equestrians desperately need to be considered too. The Plan should acknowledge the need to link with the open countryside outside of the immediate village and the parish/NP boundary.

In terms of potential new development, the Plan should also address the impact of any construction vehicle activity upon small lanes where equestrian usage is commonplace,

It is therefore of concern that there is no acknowledgement of the existence of equestrians let alone their needs in the entire Plan. For a Parish with a large countryside environs it is unacceptable that they have been ignored entirely. There is not even one mention of their existence as a user group, with the exception of a mention of Bridleways in TIPO2 (vi). There is a Bridleway that runs alongside Cadgers Wood (PROW 150_24), it is not mentioned in the Plan. Similarly the Restricted Byway (PROW150_17) is not mentioned. This is extremely disappointing and should be rectified.

Specifically:

P14 Objectives: We are disappointed to see in the Objectives that provision for walkers and cyclists only seems to have been considered but equestrians ignored. For example, Objective 3 has an aspiration to *'improve movement through Tiptree for vehicular traffic, but also for walking and cycling....'* whilst equestrian-accessible paths may not be needed going to the village centre, the Objectives should also consider the wider access to the surrounding countryside and here equestrians need to be considered too. The Objectives are too 'inward looking' and need to acknowledge the need to link with the open countryside outside of the immediate village and the parish/NP boundary.

P26 Policy TIPO6 Cycling, Walking and Disability Routes -This policy, by virtue of its heading, excludes equestrians which is unacceptable. Any new off-road route, especially those which lead into the wider countryside and linking with the existing network, should contain a requirement for them to be fully accessible to all user groups where practical. Point E should therefore be amended to read: *'Development must retain and enhance the quality and accessibility of Public Rights of Way, **where possible upgrading them to include all users, and main pedestrian and cycle routes...***. This is supported in the NPPF in para 98 where it states: *'Planning policies and decisions should protect and enhance public rights of way and access, including taking opportunities to provide better facilities for users...'*

Finally, the title of the Policy should include all users; therefore, we suggest it is amended to 'Non Motorised User Access Routes'. This includes all those user groups who need protection from the ever-increasing traffic on the roads.

P41 TIP11: Green Infrastructure A. should be re-worded as follows: *'to improve the connectivity for as many user groups as possible between wildlife areas and green spaces through measures such as improving and extending existing footpaths, cycle paths and Bridleways..'*

P51 Non Policy Actions, it states that the village's aspiration is to create a new country park in the Tiptree area, and we ask that if this comes to fruition that all user groups will be able to access this. We would suggest that line 4 under Countryside and Green spaces should read *'to establish a country park in the Tiptree area accessible to all user groups'*.

Martin Crisp
19.04.22

Tiptree Neighbourhood Plan Regulation 14 Consultation

Introduction

Do you consent to Tiptree Parish Council storing your personal data and using it as outlined in the Data Protection statement above?

Yes

Do you consent to be contacted with regard to your response by Tiptree Parish Council?

Yes

Do you consent to allow Tiptree Parish Council to pass your contact details to Colchester Borough Council so that you can be contacted by them regarding the Regulation 16 Consultation?

Yes

Please enter the document reference

No Response

Your Details

You may respond as an individual, a business, an organisation or as a statutory consultee. Please select only one capacity below. If you wish to reply in more than one capacity, please make a separate response to this consultation for each one.

I am responding as a statutory consultee

Your First Name:

Lisa

Your Last Name:

Collins

Address line 1:

Address line 1:

Feering Parish Council, Feering Community Centre

Address line 2:

Coggeshall Road

Town:

Feering

Your Postcode:

CO5 9QB

Your email address (preferred):

clerk@feeringparishcouncil.gov.uk

Company / organisation name (if applicable):

Feering Parish Council

The Policies – Starting with TIP01: TIPTREE SPATIAL STRATEGY

Q1. Do you agree with policy TIP01?

No Opinion

Q2. Optional comment about TIP01:

No Response

Policy TIP02: GOOD QUALITY DESIGN

Q3. Do you agree with policy TIP02?

No Opinion

Q4. Optional comment about TIP02:

No Response

Policy TIP03: RESIDENTIAL CAR PARKING

Q5. Do you agree with policy TIP03?

No Opinion

Q6. Optional comment about TIP03:

No Response

Policy TIP04: BUILDING FOR A HEALTHY LIFE

Q7. Do you agree with policy TIP04?

No Opinion

Q8. Optional comment about TIP04:

No Response

Policy TIP05: FIRST HOMES

Q9. Do you agree with policy TIP05?

No Opinion

Q10. Optional comment about TIP05:

No Response

Policy TIP06: CYCLING, WALKING AND DISABILITY ACCESS ROUTES

Q11. Do you agree with policy TIP06?

No Opinion

Q12. Optional comment about TIP06:

No Response

Policy TIP07: MITIGATING THE IMPACT OF VEHICULAR TRAFFIC THROUGH TIPTREE VILLAGE

Q13. Do you agree with policy TIP07?

No Opinion

Q14. Optional comment about TIP07:

No Response

Policy TIP08: TIPTREE VILLAGE CENTRE

Q15. Do you agree with policy TIP08?

No Opinion

Q16. Optional comment about TIP08:

No Response

Policy TIP09: SMALL-SCALE COMMERCIAL WORKSPACES

Q17. Do you agree with policy TIP09?

Q17. Do you agree with policy TIP09?

No Opinion

Q18. Optional comment about TIP09:

No Response

Policy TIP10: PROVISION OF COMMUNITY INFRASTRUCTURE

Q19. Do you agree with policy TIP10?

No Opinion

Q20. Optional comment about TIP10:

No Response

Policy TIP11: GREEN INFRASTRUCTURE

Q21. Do you agree with policy TIP11?

No Opinion

Q22. Optional comment about TIP11:

No Response

Policy TIP12 : RECREATIONAL DISTURBANCE AVOIDANCE AND MITIGATION

Q23. Do you agree with policy TIP12?

No Opinion

Q24. Optional comment about TIP12:

Q24. Optional comment about TIP12:

No Response

Policy TIP13: HIGHLAND NURSERY

Q25. Do you agree with policy TIP13?

No Opinion

Q26. Optional comment about TIP13:

No Response

Policy TIP14: ELMS FARM

Q27. Do you agree with policy TIP14?

No Opinion

Q28. Optional comment about TIP14:

No Response

Would you like to return to a previous answer? If so please check the appropriate policy.

No Response

General Plan Comments

Q29. Optional comment about the Tiptree Neighbourhood Plan

Feering Parish Council have a neutral view of this Neighbourhood Plan Document. The plan does not appear to have addressed the reality of vehicular traffic on the Inworth Road. Feering Parish Council do not agree that Inworth Road will not be as trafficked as suggested and this needs to be considered in any future proposals. Feering Parish Council are also disappointed that the policy on one- and two-bedroom homes seems disproportionate to other local Neighbourhood Plans.

Q30. Would you be inclined to support this plan in a referendum?

No

Q31. If no, please can you tell us why, apart from any comments you have already submitted.

No Response

Meakins, Corinne <corinne.meakins@forestrycommission.gov.uk>

Tue 29/03/2022 09:05

To:

Julie Webster

To Tiptree Parish Council

Thank you for inviting the Forestry Commission to respond to the consultation on the Neighbourhood Plan, Unfortunately we do not have the resources to respond to individual plans but we have some key points to make relevant to all neighbourhood plans.

Forestry Commission and Neighbourhood Planning

Existing trees in your community

The Forestry Commission would like to encourage communities to review the trees and woodlands in their neighbourhood and consider whether they are sufficiently diverse in age and species to prove resilient in the face of tree pests and diseases or climate change. For example, if you have a high proportion of Ash, you are likely to see the majority suffering from Ash Dieback. Some communities are proactively planting different species straight away, to mitigate the effect of losing the Ash; you can find out more [here](#). Alternatively, if you have a high proportion of Beech, you may find they suffer particularly from drought or flood stress as the climate becomes more extreme. There are [resources](#) available to help you get ideas for other species you can plant to diversify your tree stock and make it more resilient.

Ancient Woodland

If you have ancient woodland within or adjacent to your boundary it is important that it is considered within your plan. Ancient woodlands are irreplaceable, they have great value because they have a long history of woodland cover, with many features remaining undisturbed. This applies equally to Ancient Semi Natural Woodland (ASNW) and Plantations on Ancient Woodland Sites (PAWS). It is Government policy to refuse development that will result in the loss or deterioration of irreplaceable habitats including ancient woodland, unless “there are wholly exceptional reasons and a suitable compensation strategy exists” (National Planning Policy Framework paragraph 180). The Forestry Commission has prepared joint [standing advice](#) with Natural England on ancient woodland and veteran trees. This advice is a material consideration for planning decisions across England and can also be a useful starting point for policy considerations. The Standing Advice explains the definition of ancient woodland, its importance, ways to identify it and the policies that relevant to it. It provides advice on how to protect ancient woodland when dealing with planning applications that may affect ancient woodland. It also considers ancient wood-pasture and veteran trees. It will provides links to Natural England’s [Ancient Woodland Inventory](#) and [assessment guides](#) as well as other tools to assist you in assessing potential impacts.

Deforestation

The overarching policy for the sustainable management of forests, woodland and trees in England is a presumption against deforestation.

Woodland Creation

The UK is committed in law to net zero emissions by 2050. Tree planting is recognised as contributing to efforts to tackle the biodiversity and climate emergencies we are currently facing. Neighbourhood plans are a useful mechanism for promoting tree planting close to people so that the cultural and health benefits of trees can be enjoyed alongside their broader environmental benefits. Any planting considered by the plan should require healthy

resilient tree stock to minimise the risk of pests and diseases and maximise its climate change resilience, a robust management plan should also be put in place. There are currently a number of grants available for Local Authorities the Urban Tree Challenge Fund <https://www.gov.uk/guidance/urban-tree-challenge-fund> and the Local Authority treescape Fund <https://www.gov.uk/guidance/local-authority-treescapes-fund>

Yours sincerely,

Corinne Meakins

(Pronouns she/her)

Local Partnership Advisor

Forestry Commission East and East Midlands Area

I am working mainly from home. Please note my normal working pattern is 8-4.30 pm Monday, Tuesday and Thursday.

You can contact me by email or my mobile

number. Corinne.meakins@forestrycommission.gov.uk Mobile; 07900 227 123

Tiptree Neighbourhood Plan Regulation 14 Consultation

Introduction

Do you consent to Tiptree Parish Council storing your personal data and using it as outlined in the Data Protection statement above?

Yes

Do you consent to be contacted with regard to your response by Tiptree Parish Council?

Yes

Do you consent to allow Tiptree Parish Council to pass your contact details to Colchester Borough Council so that you can be contacted by them regarding the Regulation 16 Consultation?

Yes

Please enter the document reference

No Response

Your Details

You may respond as an individual, a business, an organisation or as a statutory consultee. Please select only one capacity below. If you wish to reply in more than one capacity, please make a separate response to this consultation for each one.

I am the authorised representative of an organisation in Tiptree

Your First Name:

Simon

Your Last Name:

Chaffe

Address line 1:

Address line 1:

[REDACTED]

Address line 2:

No Response

Town:

London

Your Postcode:

WC1B 3HP

Your email address (preferred):

[REDACTED]

Company / organisation name (if applicable):

[REDACTED]

The Policies – Starting with TIP01: TIPTREE SPATIAL STRATEGY

Q1. Do you agree with policy TIP01?

No Opinion

Q2. Optional comment about TIP01:

No Response

Policy TIP02: GOOD QUALITY DESIGN

Q3. Do you agree with policy TIP02?

Mostly Agree

Q4. Optional comment about TIP02:

A7 to include '...or elsewhere within the parish.' at the end of the sentence so as to read as follows:
'In order to address the need for biodiversity net gain, integral features of benefit to wildlife should be incorporated into buildings and amenity areas or elsewhere within the parish.'

Policy TIP03: RESIDENTIAL CAR PARKING

Q5. Do you agree with policy TIP03?

No Opinion

Q6. Optional comment about TIP03:

No Response

Policy TIP04: BUILDING FOR A HEALTHY LIFE

Q7. Do you agree with policy TIP04?

No Opinion

Q8. Optional comment about TIP04:

No Response

Policy TIP05: FIRST HOMES

Q9. Do you agree with policy TIP05?

No Opinion

Q10. Optional comment about TIP05:

No Response

Policy TIP06: CYCLING, WALKING AND DISABILITY ACCESS ROUTES

Q11. Do you agree with policy TIP06?

No Opinion

Q12. Optional comment about TIP06:

No Response

Policy TIP07: MITIGATING THE IMPACT OF VEHICULAR TRAFFIC THROUGH TIPTREE VILLAGE

Q13. Do you agree with policy TIP07?

No Opinion

Q14. Optional comment about TIP07:

No Response

Policy TIP08: TIPTREE VILLAGE CENTRE

Q15. Do you agree with policy TIP08?

No Opinion

Q16. Optional comment about TIP08:

No Response

Policy TIP09: SMALL-SCALE COMMERCIAL WORKSPACES

Q17. Do you agree with policy TIP09?

Q17. Do you agree with policy TIP09?

No Opinion

Q18. Optional comment about TIP09:

No Response

Policy TIP10: PROVISION OF COMMUNITY INFRASTRUCTURE

Q19. Do you agree with policy TIP10?

No Opinion

Q20. Optional comment about TIP10:

No Response

Policy TIP11: GREEN INFRASTRUCTURE

Q21. Do you agree with policy TIP11?

Mostly Agree

Q22. Optional comment about TIP11:

In respect of C the additional text '...throughout the parish...' to be added so that the introductory sentence reads as follows;
'In order to address the requirement for biodiversity net gain, development proposals should explore a wide range of opportunities throughout the parish including:'

Policy TIP12 : RECREATIONAL DISTURBANCE AVOIDANCE AND MITIGATION

Q23. Do you agree with policy TIP12?

No Opinion

Q24. Optional comment about TIP12:

No Response

Policy TIP13: HIGHLAND NURSERY

Q25. Do you agree with policy TIP13?

Mostly Agree

Q26. Optional comment about TIP13:

Item f) to include additional text 'Such gains should be sought and delivered within the parish in the the first instance if available'. The paragraph would then read as follows;
'Development should deliver net environmental and biodiversity gains, in addition to protecting existing habitats and species. Such gains should be sought and delivered within the parish in the the first instance if available.
Any negative impacts on biodiversity, including flora and fauna, and local wildlife must be adequately mitigated and/or offset.'

Policy TIP14: ELMS FARM

Q27. Do you agree with policy TIP14?

Mostly Agree

Q28. Optional comment about TIP14:

In respect of 'h' the same comment applies as for TIP13 'f'.

Would you like to return to a previous answer? If so please check the appropriate policy.

No Response

General Plan Comments

Q29. Optional comment about the Tiptree Neighbourhood Plan

No Response

Q30. Would you be inclined to support this plan in a referendum?

Yes

Q31. If no, please can you tell us why, apart from any comments you have already submitted.

No Response

Date: 21 April 2022
Our ref: 386583
Your ref: N/A



Hornbeam House
Crewe Business
Park
Electra Way
Crewe
Cheshire
CW1 6GJ

T 0300 060 3900

Julie Webster (Secretary Tiptree Neighbourhood Plan)
nptiptree@btconnect.com

BY EMAIL ONLY

Dear Ms Webster

Tiptree Draft Neighbourhood Plan - Regulation 14 consultation

Thank you for your consultation on the above dated 11 March 2022.

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

Natural England is a statutory consultee in neighbourhood planning and must be consulted on draft neighbourhood development plans by the Parish/Town Councils or Neighbourhood Forums where they consider our interests would be affected by the proposals made.

Tiptree Neighbourhood Plan

Vision and Objectives

It is noted that the re-drafted Regulation 14 Neighbourhood Plan has seen the number of Objectives for the Plan rationalised from 31 to just 6. The objectives that relate to the protection and enhancement of the natural environment have been re-drafted in a single Objective (4) which is: "To protect and enable Tiptree's green environment, wildlife and biodiversity to thrive and grow." Although it seems reasonable to reduce the number of objectives, there is a concern that in doing so the Plan may lose the breadth of its objectives for the natural environment as well as introducing some ambiguity. For example, the earlier objective (11) which sought "to integrate green corridors for ...recreation and wildlife into new developments" would not be achieved through the proposed Objective 4. Also, the specific reference in the earlier objective (29) to protect and enhance "local wildlife sites and other valued habitats in the surrounding area" is not as clearly reflected in the proposed Objective 4. In our response to consultation on the previous Regulation 14 Plan Natural England advised that Objective 29 should also refer to nationally and internationally designated sites to ensure protection for all relevant designated sites and not just those at a local level. The same advice applies to the proposed wording for Objective 4.

Tiptree Neighbourhood Plan Policies

TIP01: Tiptree Spatial Strategy

The beginning of the Spatial Strategy Chapter lists the applicable Objectives which include Objective 4 – To protect and enable Tiptree's green environment, wildlife and biodiversity to thrive and grow. The Chapter also identifies that the SuDs that will be required for the new housing allocations will offer scope to "enhance green infrastructure within the plan area". However, the proposed wording for Policy TIP01 does not reflect Objective 4 or the general expectation that housing development of the scale proposed in the site allocations should incorporate good quality green infrastructure. This requirement could be included as an addition to section C of the policy. For consistency, it may also be appropriate to identify the provision of SuDs as a specific expectation within section C.

TIP12: Recreational Disturbance Avoidance and Mitigation

Natural England welcomed the inclusion of an Essex Coast RAMS policy in the previous drafts of the Tiptree Neighbourhood Plan as the whole Neighbourhood Plan Area falls within the Zone of Influence for the Essex Coast RAMS. The wording for the policy in this draft of the Neighbourhood Plan includes the addition of Section B. The wording for Section A makes clear the expectation for mitigation for recreational disturbance from the in-combination effects of new housing so Section B appears superfluous.

Policy TIP13: Highlands Nursery and TIP14: Elms Farm

The Site Allocations chapter identifies Objectives 1,2,3 and 6 as relevant drivers for the delivery of the proposed site allocations. Natural England considers that Objective 4 would also be relevant and it is reflected in the wording for the two site allocation policies.

As indicated in previous consultation responses, the policy requirement for the provision of public open space focuses mainly on provision for recreation whereas a policy requirement for the provision of multi-functional green infrastructure would deliver greater benefits in terms of biodiversity and the wider natural environment. Accordingly, Natural England would encourage the inclusion of reference to good quality green infrastructure as an addition to both policies.

Tiptree Neighbourhood Plan Strategic Environmental Assessment (March 2022)

Natural England has no comments to make on the Strategic Environmental Assessment.

Tiptree Neighbourhood Plan Habitat Regulations Assessment Screening

Natural England supports the conclusions of the Screening report.

I trust the above comments are helpful. For clarification of any points in this letter please contact Tessa Lambert at: tessa.lambert@naturalengland.org.uk. For any further consultations on your plan, please contact: consultations@naturalengland.org.uk.

Yours sincerely

Tessa Lambert
Lead Adviser – Sustainable Development
West Anglia Area Team

14/04/2022

By Email Only

Planning.policy@colchester.gov.uk

Dear Sir/Madam

Tiptree Neighbourhood Plan

Thank you for communicating with North East Essex Clinical Commissioning Group (CCG) regarding the Tiptree Parish Council proposal to create a Neighbourhood Plan (NP). The CCG is encouraged to see mention of building for a healthy life as a theme and objective in the plan. This will help in reducing the impact on local healthcare facilities and welcomes this inclusion in the Neighbourhood Plan. The CCG recognises that the parish of Tiptree has primary healthcare facilities inside the parish.

Health provision is clearly very important to the residents of Tiptree and this can be seen throughout the plan and the CCG are proactively working with the GP Practice and the Primary Care Network in which the Practice is part of to enable primary care capacity to be increased. It is recognised that the current medical centre is 471m² over capacity. Colchester Borough Council and the CCG have previously created an Infrastructure Delivery Plan for the area of Tiptree and we have committed to working together with the Tiptree Parish Council in moving forward with a solution.

Each Primary Care network needs to establish an overarching Estates Strategy, which is currently underway, this will form the basis of future decision making regarding clinical capacity across the network alongside other considerations of which the NHS England business case process require;

1. Digital First solutions – reducing patient footfall
2. Identifying space across the PCN and other ICS buildings
3. Flexible/home working
4. Installing digital pods in under-utilised areas (i.e. waiting rooms)
5. Consolidating estate where space can be shared across surgeries
6. Utilising floor space evenings, weekends (could create potentially 30hrs of additional capacity per room per week on average)
7. Using rooms throughout the opening hours of the surgery – PCN roles utilising space outside of surgeries traditional clinic times
8. Last resort – reconfigure existing space utilising capital funds, relocate or new build

The NP indicates that a minimum of 400 dwellings will be permitted on two sites. The two sites in question are:

- Highland Nursery site (minimum of 200 dwellings)
- Elms Farm site (minimum of 200 dwellings)

It is indicated in the NP that 0.4 hectares is allocated for a (standalone) medical centre but that a larger hub is preferred. The CCG cannot confirm at this stage if any provision of land within the permitted sites listed will be considered whilst awaiting the outcome of the forthcoming Primary Care Network Estates Strategy, however, it is acknowledged that the NP's ambition is for a "health and wellbeing hub" to serve the parish community.

North East Essex CCG would like to make the Parish Council aware that smaller developments make it more difficult to gain mitigation through Section 106 for healthcare than larger developments, with this in mind the relatively large scale of the developments proposed in the NP should allow for substantial amounts of mitigation to be requested (along with that already accrued previously) which go towards the capital costs of any future health project in the area.

The feedback received by residents in the NP clearly demonstrates that issues in obtaining access to health care exist. Of those responding to the community consultation, 10% of people were unable to register with a dentist in Tiptree and 47% have found it very difficult to get an urgent appointment at Tiptree Medical Centre. The CCG would like to reassure the Parish Council and the residents of Tiptree that it is working with local primary care providers, The Local Planning Authority and the Parish Council in finding a long-term solution. The appearance of Covid-19 has meant that a lot of old strategies have to be re-assessed as new ways of working and new methods of healthcare provision begin to come into effect.

Policy TIP01 indicates that health infrastructure issues must be addressed by those developments in TIP13 & TIP14 as key infrastructure. It is worth noting that monies exist from previous developments in the area and this is also intended to go towards the provision of creating more capacity for the benefit of patients of Tiptree Medical Centre.

It is noted that TIP04 Building for a Healthy Life is a policy within the NP and the CCG supports the requirement of any developer to meet those standards. These standards help create communities that are both beneficial to physical health and mental health as design is aimed at allowing people to be more active and interact with each other more. This can be hugely beneficial to the more vulnerable in the communities and can help reduce impact on the NHS services.

We would welcome the addition of a simple statement, to confirm that Tiptree Parish Council will support North East Essex CCG and NHS England in ensuring suitable and sustainable provision of Primary Healthcare services for the residents of Tiptree. North East Essex CCG would welcome the opportunity to discuss with the Parish Council potential solutions to ensure sustainable care services for the local community going forward.

If you have any queries or require further information, please do not hesitate to contact me

Yours faithfully



Jane Taylor
Senior Estates Development Manager
North East Essex Clinical Commissioning Group

cc. Mark Roberts – Tiptree Medical Centre

High quality care for all, now and for future generations

Martin Chapman – CoTe PCN
Oge Chesa, Anthony West, Daniel Turner, Chris Crisell – NEE CCG

28 April 2022
CAPL429610/A3/MH/BW



Julie Webster
Secretary
Tiptree Neighbourhood Plan

By email: nptiptree@btconnect.com

Mark Hodgson BA (Hons) DipTP MRTPI
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Dear Julie

RE: REGULATION 14 TIPTREE NEIGHBOURHOOD PLAN

Thank you for your letter dated 23 March regarding the above.

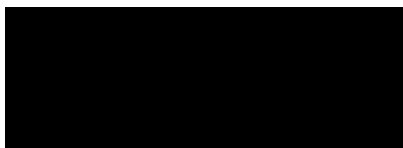
It is obviously disappointing to my client that the Tower End allocation is proposed to be deleted from the emerging Tiptree Neighbourhood Plan. However, we would like to make it clear to the Parish that the land owned by my client still remains available for allocation as part of the Neighbourhood Plan process.

It is noted in the Strategic Environmental Assessment (SEA) of the Plan dated March 2022 that the Tower End site appears in Growth Scenarios 2, 3 and 4. According to Table 6.1 in this report the Tower End site performs best in terms of landscape, heritage and land, soil and water. Notwithstanding the conclusions that have been reached about our client's site it still remains that it is a sustainable location for development given its previous proposed allocations and the nature of the assessment in the SEA.

It is further noted at paragraph 7.13 of the Neighbourhood Plan that there is still a future aspiration for a link road from Kelvedon Road to Grange Road. We would like to reiterate that the NWL land as shown on the attached plan is available for development either as part of this Neighbourhood Plan or in the future.

If you should have any queries please do not hesitate to contact me.

Yours sincerely



Mark Hodgson BA (Hons) DipTP MRTPI
Director



28 April 2022



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Dear Tiptree Neighbourhood Plan Group

**Tiptree Neighbourhood Plan
Regulation 14 Public Consultation
Representation on behalf of Marden Homes Ltd**

This letter has been prepared by Savills on behalf of Marden Homes. You will be aware of Marden Homes' interest in land south of Kelvedon Road with them having previously submitted a planning application to deliver 130 homes (190647).

An appeal against the non-determination of this application by Colchester Borough Council was made by Marden Homes and it therefore was recently presented to the Planning Inspectorate for determination via a Public Inquiry (APP/A1530/W/21/3278575). The application is now being considered further by the Inspector before the appeal is determined in the coming weeks.

In the previous iteration of the Draft Neighbourhood Plan (2020 Reg 16), the land the subject of Marden's application fell within the wider Tower End allocation Policy TIP13. The allocation an area extending beyond the land under Marden's control, and advised it was suitable for approximately 175 homes. Growth in this area directly complied with one of the Areas of Growth set out in the emerging Colchester Local Plan which holds significant weight given its proximity to adoption.

The 2022 Regulation 14 version, to which this representation relates, no longer proposes the allocation of land at Tower End.

Strategic Environmental Assessment of the Tiptree Neighbourhood Plan Environmental Report March 2022

The previous attempt at preparing a Tiptree Neighbourhood Plan (TNP) failed at the Examination stage, with the Examiner identifying a number of concerns. Such concerns including that it was 'more than likely' that there had been a premature fixing of the spatial strategy, with decisions on the direction of growth made ahead of SEA, contrary to the Environmental Assessment of Plans and Programmes Regulations (2004).

Other concerns included the fact that the spatial strategy was predicated on the proposed new link road, with the Examiner agreeing with an objector to the TNP that there was "*no evidence to suggest that the proposed link road is needed, would be of benefit, is deliverable, or represents the optimum route for a new link road*".

Subsequent to the outcome of the previous TNP, Colchester's Local Plan Section 2 (LPS2) has been subject to main modifications relating to Policy SS14 (which concerns Tiptree and which will guide the TNP). These include:

- Number of new homes specifically required to be delivered in Tiptree through the TNP reduced from 600 to 400 (but number expressed as a minimum);
- Amendments to preferred areas of growth (but still include that at Tower End);
- Insertion of the following, regarding the TNP and policies to support new infrastructure: *“This will include a detailed transport assessment with a view to confirming provision of the first phases of a road between the B1022 and B1023”*

In respect of the final modification, an objection was made by Bloor Homes in response to consultation on the proposed main modifications (comment reference 8987). This was summarised as follows by the Colchester in its Representations Summary (December 2021):

“Delivery of first phase of Link Road through the Neighbourhood Plan is premature fixing of the Neighbourhood Plan strategy, contrary to SEA regulations. Questionable whether there is potential for a new link road, no robust evidence to suggest deliverable. Lack of evidence that link road would be appropriate. See attachment for further information.”

The Council’s response, in relation to changes to the Plan, was as follows:

“None stated - other than leaving ref to the link road to the Neighbourhood Plan”.

Whether the Council’s response is sufficient to satisfy the Examination Inspector that this main modification should remain is yet to be seen – at the time of writing the Inspector’s Report is awaited. However, if it is, it is clear that this main modification to Policy SS14 is *not* seeking to *require* a new link road of the TNP, and thus did not give rise to any concerns regarding the premature fixing of a strategy. Rather, the issue of a new link road – and whether or not it would be proposed – is a matter for the TNP to consider.

Logically, the LPS2 cannot have committed to the provision of a new link road. The Sustainability Appraisal of the LPS2 (including LPS2 Main Modifications) did not consider the new link road. In such circumstances, if the LPS2 were to direct provision of a new link road between the B1023 and B1022, in the absence of any Sustainability Appraisal of such an approach, this would render the LPS2 clearly at risk of being found contrary to the SEA Regulations, and its adoption vulnerable to legal challenge under S113 of the Planning and Compulsory Purchase Act 2004.

The Draft TNP SEA seeks to provide the justification for the proposed strategy in the Draft TNP. As per Regulation 16 of the SEA Regulations, the SEA of the TNP is required to explain the reason for the selection of options, and the rejection of reasonable alternatives. As already noted, concerns with the previous TNP included those relating to its SEA, including the premature fixing of a spatial strategy, and the over-reliance on a new link to determine the spatial strategy.

On review of the Draft TNP and accompanying Draft TNP SEA, there are evident concerns that issues that caused the previous TNP to fail at Examination are being repeated. It is clear, for example, that the Draft TNP SEA has considered the potential for sites to facilitate delivery of the new link road the Draft TNP proposes as a determinant factor in site and option selection. There are clear suggestions that the draft proposals in the Draft TNP have again been formulated based on the premature assumption that the strategy should seek to deliver a new link road between the B1022 and B1023. This appears to be made on the mistaken assumption that LPS2 expressly supports the provision of such a road. At paragraph 5.7 of the Draft TNP SEA it states:

“The Parish Council is focused on growth scenarios that would deliver, enable or facilitate road infrastructure upgrades to relieve traffic pressure on ‘hot spot’ locations, most notably the stretch of the B1023 that passes through the village centre, known as Church Road. It is not easy to envisage ‘village bypass’ options; however, the potential for new ‘relief roads’ to ease the situation can be envisaged, including a road linking the B1022 and B1023 to the north of the village, as supported by the Local Plan. In the long term, new relief/link roads delivered alongside new development could potentially serve to effectively bypass the village. As well as addressing traffic concerns, new road infrastructure could support local bus services” (Emphasis added).

In addition, at paragraph 2.7 of the Draft TNP SEA it states:

“An important point to note is that Main Modifications version of the LPS2 introduced two key changes, relative to the submission version. Firstly, the housing requirement was reduced from 600 to 400, to reflect a new committed site, specifically a site to the east (‘Barbrook Lane’) which gained permission in 2020 for 200 homes, following a recovered appeal. Secondly, there is now explicit support for delivering the first phases of a new link road between the B1022 and B1023 (Tiptree’s two main roads) to the north of the village.” (Emphasis added).

The Draft TNP SEA does not include an assessment of the sustainability or otherwise of a new link between the B1022 and B1023, and instead appears to proceed on the false basis that this is required of any TNP and therefore there is no alternative option to this. As discussed, this cannot be the case.

A further concern with the reliance on a new link to inform the spatial strategy is that the central section of the proposed route lies outside Tiptree Parish and in neighbouring Messing-cum-Inworth Parish. To be completed, the link road requires land that is beyond the scope of the TNP – and located within Messing-cum-Inworth Parish. The Draft TNP acknowledges this at paragraph 7.12:

“The first phase of the link road will be incorporated into the allocated sites at Highland Nursery and Elms Farm (Map 7.4). However the centre section of this road lies in the parish of Messing and, although this land was offered on the Call for Sites, it is outside the scope of this Neighbourhood Plan. Additional phases of works to be delivered outside of this Neighbourhood Plan through future plan making would connect the first phases together”.

The emerging LPS2 requires the TNP to include preparation of a *detailed* transport assessment, with a view to confirming provision of the first phases of a road between the B1022 and B1023. However, within paragraph 13 of the TNP Highways Note, it expressly confirms that it has *not* been produced to the level of detail of a Transport Assessment. Instead, it states that it is “*high-level*” document, and that this approach was agreed with Essex County Council. Whilst such an approach may have been agreed with Essex County Council, it is not what the emerging LPS2 requires.

In any case, the TNP Highways Note fails to explain how one of the key issues with the previous attempt at a TNP could be overcome: how the new link road could be delivered in full, despite this requiring land beyond the scope of the TNP. It is not of course a requirement of the LPS2 for the Highways Note to do this. However, if the TNP is to propose a strategy predicated on delivery of such a road, then clearly it will have to not only show that such a road is sustainable, but that it is deliverable. It may be that this is beyond the scope of the TNP Highways Note, but it is required to be evidenced in some form, if the TNP is to continue to pursue the strategy the Draft TNP suggests.

Lack of ability to deliver a new link road may not be such a key issue of concern for the TNP, if it was not for the fact that it is the aspiration for the new link road that has driven the direction of the draft spatial strategy and has been a fundamental, determinant factor in the site selection process in the Draft TNP. Doubts as to the deliverability of the new link road proposed in the previous attempt at preparing of a TNP were one of the reasons for its failure at Examination. The Draft TNP appears to seek to address this by only proposing the first sections of the link road – elements of the proposed route that lies within Tiptree Parish. However, without any scope to deliver the central section of the new link road, simply providing the first sections does not achieve

any of the purported benefits of the new link road. Accordingly, the selection of a strategy on the basis that it will deliver a new link road – and the purported benefits of this – is inherently flawed.

Another, significant flaw with the Draft TNP SEA is its apparent failure to acknowledge that the LPS2 requires a *minimum* of 400 additional dwellings to be allocated through the TNP. This is particularly problematic, as the express reason for the rejection of one of the options in the Draft TNP SEA (citing text provided by the TNP Steering Group) is “*because it would involve support for too many homes in the plan period.*”

Notably, the Draft TNP SEA fails to consider the provision of more than 400 homes. This is evidently a “reasonable alternative”, in the context of the legal requirements of a SEA process given the emerging LPS2 expressly identifies this number as a minimum; and that the Draft TNP SEA suggests suitable sites able to contribute more. It appears that the upper number of new homes to be provided through the TNP has been prematurely determined without proper consideration and appraisal through SEA of alternative options.

The Draft TNP SEA considers various sites and concludes, following a shortlisting exercise, there are only three site combinations that warrant further consideration:

- Tower End (including the Appeal site) (200 homes)
- Highland Nursery (200 homes)
- Elms Farm (200 homes)

In relation to the above, the TNP SEA 2022 states, at paragraph 5.18:

*“These three broad sites could potentially come forward in **any** combination”* (Emphasis added).

On the basis of these three sites, four reasonable options are identified by the Draft TNP SEA, comprising various combinations of these three sites. All but Growth Scenario 1 include the Appeal site. Under the heading ‘Reasons for supporting the preferred approach’ the TNP Draft SEA states:

“The Steering Group provided the following text:

*“Scenario 1 is preferred in light of the assessment, which is considered to align well with the findings of our site selection process, as set out in the Site Selection Topic Paper. Scenario 1 is considered to align strongly with the established neighbourhood plan objectives, and it is noted that the assessment presented above does not highlight any ‘significant negative effects’ in respect of the SEA objectives. Having said this, we recognise that Scenario 1 gives rise to certain tensions with environmental and wider sustainability objectives, and that there are potentially certain draw-backs relative to alternatives. The assessment serves to highlight a particular tension in respect of loss of best and most versatile agricultural land, which unfortunately is largely unavoidable, but other issues/tensions, including in respect of heritage and landscape objectives, can and will be addressed through stringent development management policy, developed in collaboration with the land-owners (to ensure that policy requirements are achievable). Briefly, taking the non-preferred scenarios in turn: Scenarios 2 and 3 are **not supported** primarily because the **opportunity to deliver a new strategic link road** across the north of the village, **in line with the emerging Local Plan proposal/requirement, would not be realised**; whilst Scenario 4 is not supported primarily because it would involve support for **too many homes in the plan period**”.* (Emphasis added).

In short, the only reason for the rejection of a strategic option that includes the Appeal site, as well as both Elms Farm and Highland Nursery, is that this would “*involve support for too many homes*” (TNP SEA table 6.1 and para 7.2). Such reasoning is flawed, having regard to the LPS2 setting a *minimum* housing requirement, and in the context of the NPPF’s exhortation to significantly boost housing land supply. Separately, the only reason for rejection a strategic option that would involve the Appeal site plus one of either Elms Farm or

Highland Nursery is that this would not deliver the proposed new link road – a new link which cannot be delivered by the TNP, and which there is no commitment to deliver through any other vehicle.

Importantly, the TNP Draft SEA clearly confirms there are no issues with the Appeal site in terms of its suitability for housing. Even if one were to overlook the TNP Draft SEA's misguided rejection of the Appeal site on the basis that it would not facilitate delivery of the new link road, it acknowledges that the Appeal site *could* come forward for development *as well as* the sites required to facilitate the desired link road – the only reason for the rejection of this option is based on the entirely flawed premise that this would provide 'too many' homes.

Case law *Cogent Land v Rochford DC* confirms that defects in the SEA process can be rectified. There is potential for the TNP and its accompanying SEA to resolve defects as it is progressed. Indeed, one of key functions of the Regulation 14 stage is to enable such concerns to be raised and then subsequently addressed. The Appellant intends to make constructive representations to the current consultation on the Draft TNP, that will include raising the issues set out above.

At present, the TNP, whilst a material consideration, cannot carry anything more than very limited weight. This is consistent with the approach taken in the determination of the 'Peckleton Lane' appeal in which the Inspector concluded that the Desford Neighbourhood Plan could only be afforded very limited weight, as it had not yet reached the Regulation 16 consultation stage, and was subject to substantive unresolved objections.

Potential Link Road

We continue to have concerns over the lack of justification predicating the proposed link road to take traffic around the east and north of the village, and the ultimate delivery of this given that it relies land outside of the Parish and Neighbourhood Plan area to be connected.

The delivery of any such piece of major infrastructure requires the cooperation of a number of landowners and stakeholder, with any landowner needing to know that their land can deliver additional development to fund the physical delivery of the road. Each individual landowner or developer also cannot control land outside of their site boundary.

Regardless of these constraints to the delivery of the proposed link road, the application submitted for Tower End safeguards land for widening of the access road to serve the wider link road objectives, should they come to fruition in the future. This ensures that the development of this land can continue to meet the needs of the Neighbourhood Plan and local community into the future.

Land south of Kelvedon Road

The land under Marden Homes' control is in a sustainable location, adjacent to the existing settlement boundary of Tiptree. As set out in the documentation submitted as part of the associated appeal, these settlement boundaries are also now considered out of date.

The delivery of new homes in this location would provide the following benefits:

- Provision of new homes including affordable homes
- Biodiversity net gain
- Contribution to economy
- Sustainable location
- Efficient use of land in line with NPPF
- Tree canopy cover increase
- Footpath extensions, connectivity improvements and safeguarding of future routes
- Bespoke design
- Off-site recreation avoidance mitigation strategy
- S106 contributions to ensure mitigation and improvements to local infrastructure

Summary

Land at Tower End provides a sustainable location for growth. This has been recognised in the emerging Local Plan which identifies the site as a preferred area of growth for Tiptree. The exclusion of the land as a site for residential development from the latest version of the Neighbourhood Plan appears to be unjustified and unnecessarily restricts and puts a ceiling on opportunities for the growth of this sustainable settlement.

The site is immediately available and deliverable and therefore represents an opportunity for the delivery of new homes in Tiptree as part of a sustainable Neighbourhood Plan.

Yours sincerely



James Firth MRTPI
Director

Planning South <Planning.South@sportengland.org>

Mon 21/03/2022 08:20

To:

Thank you for consulting Sport England on the above neighbourhood plan.

Government planning policy, within the National Planning Policy Framework (NPPF), identifies how the planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. Encouraging communities to become more physically active through walking, cycling, informal recreation and formal sport plays an important part in this process. Providing enough sports facilities of the right quality and type in the right places is vital to achieving this aim. This means that positive planning for sport, protection from the unnecessary loss of sports facilities, along with an integrated approach to providing new housing and employment land with community facilities is important.

It is essential therefore that the neighbourhood plan reflects and complies with national planning policy for sport as set out in the NPPF with particular reference to Pars 98 and 99. It is also important to be aware of Sport England's statutory consultee role in protecting playing fields and the presumption against the loss of playing field land. Sport England's playing fields policy is set out in our Playing Fields Policy and Guidance document.

https://www.sportengland.org/how-we-can-help/facilities-and-planning/planning-for-sport#playing_fields_policy

Sport England provides guidance on developing planning policy for sport and further information can be found via the link below. Vital to the development and implementation of planning policy is the evidence base on which it is founded.

https://www.sportengland.org/how-we-can-help/facilities-and-planning/planning-for-sport#planning_applications

Sport England works with local authorities to ensure their Local Plan is underpinned by robust and up to date evidence. In line with Par 99 of the NPPF, this takes the form of assessments of need and strategies for indoor and outdoor sports facilities. A neighbourhood planning body should look to see if the relevant local authority has prepared a playing pitch strategy or other indoor/outdoor sports facility strategy. If it has then this could provide useful evidence for the neighbourhood plan and save the neighbourhood planning body time and resources gathering their own evidence. It is important that a neighbourhood plan reflects the recommendations and actions set out in any such strategies, including those which may specifically relate to the neighbourhood area, and that any local investment opportunities, such as the

Community Infrastructure Levy, are utilised to support their delivery.

Where such evidence does not already exist then relevant planning policies in a neighbourhood plan should be based on a proportionate assessment of the need for sporting provision in its area. Developed in consultation with the local sporting and wider community any assessment should be used to provide key recommendations and deliverable actions. These should set out what provision is required to ensure the current and future needs of the community for sport can be met and, in turn, be able to support the development and implementation of planning policies. Sport England's guidance on assessing needs may help with such work.

<http://www.sportengland.org/planningtoolsandguidance>

If new or improved sports facilities are proposed Sport England recommend you ensure they are fit for purpose and designed in accordance with our design guidance notes.

<http://www.sportengland.org/facilities-planning/tools-guidance/design-and-cost-guidance/>

Any new housing developments will generate additional demand for sport. If existing sports facilities do not have the capacity to absorb the additional demand, then planning policies should look to ensure that new sports facilities, or improvements to existing sports facilities, are secured and delivered. Proposed actions to meet the demand should accord with any approved local plan or neighbourhood plan policy for social infrastructure, along with priorities resulting from any assessment of need, or set out in any playing pitch or other indoor and/or outdoor sports facility strategy that the local authority has in place.

In line with the Government's NPPF (including Section 8) and its Planning Practice Guidance (Health and wellbeing section), links below, consideration should also be given to how any new development, especially for new housing, will provide opportunities for people to lead healthy lifestyles and create healthy communities. Sport England's Active Design guidance can be used to help with this when developing planning policies and developing or assessing individual proposals.

Active Design, which includes a model planning policy, provides ten principles to help ensure the design and layout of development encourages and promotes participation in sport and physical activity. The guidance, and its accompanying checklist, could also be used at the evidence gathering stage of developing a neighbourhood plan to help undertake an assessment of how the design and layout of the area currently enables people to lead active lifestyles and what could be improved.

NPPF Section 8: <https://www.gov.uk/guidance/national-planning-policy-framework/8-promoting-healthy-communities>

PPG Health and wellbeing section: <https://www.gov.uk/guidance/health-and-wellbeing>

Sport England's Active Design Guidance: <https://www.sportengland.org/activedesign>

(Please note: this response relates to Sport England's planning function only. It is not associated with our funding role or any grant application/award that may relate to the site.)

If you need any further advice, please do not hesitate to contact Sport England using the contact details below.

Yours sincerely

Planning Administration Team

Planning.south@sportengland.org

Sport England

This Girl Can

Sport Park, 3 Oakwood Drive, Loughborough, Leicester, LE11 3QF

Sport England Linked In

Sport England Twitter

Tiptree Village[®]

This is a statutory consultation on the Tiptree Neighbourhood Draft Plan of March 2022 in accordance with Regulation 14 Neighbourhood Planning (general) Regulations 2021. **This consultation runs from 11th March to 1st May 2022.** All responses to this consultation must be received in writing prior to the end of the consultation period.

It will help the Neighbourhood Plan Working Group and reduce the time to publish the results if you would be so kind as to enter your response online.

You can find the online consultation at: www.tiptreeparishcouncil.gov.uk/neighbourhoodplan.

Anonymous responses will not be accepted nor will any responses that are considered to contain inappropriate language, defamation or are deemed to be offensive. If your comment is not accepted, we will notify you if contact details have been provided and your consent has been given. Please note the fields marked with a * are required. Failure to provide required information may result in your response not being considered. **Please see the data protection statement and consent overleaf.**

You may respond as an individual, a business, an organisation or as a statutory consultee. Please select **only one** capacity below. If you wish to reply in more than one capacity, **please fill in a separate response form** for each one.

Capacity* Please select only one.		
<input type="checkbox"/> I am a Tiptree resident	<input type="checkbox"/> I am a non-Tiptree resident	<input type="checkbox"/> I am responding as a statutory consultee
<input type="checkbox"/> I am responding as a Tiptree business / worker	<input type="checkbox"/> I am responding as a non-Tiptree business	
<input type="checkbox"/> I am the authorised representative of an organisation in Tiptree	<input checked="" type="checkbox"/> I am the authorised representative of an organisation outside Tiptree	

Your First Name*	Lee
Your Last Name*	Melin
Address line 1*	Coval Hall
Address line 2	Rainsford Road
Town*	Chelmsford
Your Postcode*	CM1 2QF
Email address (preferred)	lee.melin@struttandparker.com
Company / organisation name (if applicable)	Strutt & Parker on behalf of Bloor Homes

You may find this response form useful to note your thoughts or draft your response before you enter it online.

The survey that follows relates to the policies in the draft Neighbourhood Plan. We would really like you to give us your opinion both positive and negative on all the policies. An opportunity for general comment on the plan is provided on the final page.

The responses to this consultation will be analysed and considered regarding possible modifications to the draft plan. The outcome of this consultation will be published on the Neighbourhood Plan website: www.tiptreeparishcouncil.gov.uk/neighbourhoodplan.

Please do not write any personal details on this form other than those requested.

Data Protection Statement

A summary of all comments will be made publicly available. Please note that any other personal information provided will be confidential and processed in line with the Data Protection Act 2018 and General Data Protection Regulations. The Parish Council will process your details in relation to the preparation of the Neighbourhood Plan only.

We will not publish your personal details for any purpose nor use them except as detailed below.

- Your postcode may be used to establish your locality in Tiptree (North, Northeast, Southeast, South, Southwest, Northwest, Central), but will not be published.
- The Neighbourhood Plan Group will enter the data provided, analyse your comments and collate the results.
- Your comments, but not your personal details, will be supplied exactly as written to Colchester Borough Council when the plan is Submitted under Regulation 15 of the Neighbourhood Planning (General) Regulations 2012.
- Personal data will not be shared with any other parties and will only be retained for up to 6 months after this Neighbourhood Plan process has been completed.

Tiptree Parish Council is the Data Controller under the Data Protection Act 2018.

You can find the policy at www.tiptreeparishcouncil.gov.uk/tiptree-parish-council/privacy-policy

or you may collect a copy at The Parish Council Office in 56 Church Road, Tiptree, CO5 0SU, telephone - 01621 817030.

Consent

We need to store your personal information in order to receive your comments. Please confirm that you agree to the following by ticking the relevant box. Please note that we will be unable to consider your response if you do not consent below.

I consent to Tiptree Parish Council storing my personal data and using it as outlined in the Data Protection statement above.

The tick boxes below are optional and relate to being able to contact you in future with regard to the Neighbourhood Plan.

I consent to be contacted with regard to my response by Tiptree Parish Council.

I consent to allow Tiptree Parish Council to pass my contact details to Colchester Borough Council so that I can be contacted by them regarding the Regulation 16 Consultation.

The consultation commences overleaf.

Do you agree with policy TIP01? Agree / Mostly Agree / Disagree / No Opinion

please choose one only

Optional comment about TIP01:

Please see our attached statement for detailed comments

Do you agree with policy TIP02? Agree / Mostly Agree / Disagree / No Opinion

please choose one only

Optional comment about TIP02:

Do you agree with policy TIP03? Agree / Mostly Agree / Disagree / No Opinion

please choose one only

Optional comment about TIP03:

Do you agree with policy TIP04? Agree / Mostly Agree / Disagree / No Opinion

please choose one only

Optional comment about TIP04:

Do you agree with policy TIP05? Agree / Mostly Agree / Disagree / No Opinion

please choose one only

Optional comment about TIP05:

Do you agree with policy TIP06? Agree / Mostly Agree / Disagree / No Opinion

please choose one only

Optional comment about TIP06:

Do you agree with policy TIP07? Agree / Mostly Agree / Disagree / No Opinion

please choose one only

Optional comment about TIP07:

Please see our attached statement for detailed comments.

Do you agree with policy TIP08? Agree / Mostly Agree / Disagree / No Opinion

please choose one only

Optional comment about TIP08:

Do you agree with policy TIP09? Agree / Mostly Agree / Disagree / No Opinion

please choose one only

Optional comment about TIP09:

Do you agree with policy TIP10? Agree / Mostly Agree / Disagree / No Opinion

please choose one only

Optional comment about TIP10:

Please see our attached statement for detailed comments.

Do you agree with policy TIP11? Agree / Mostly Agree / Disagree / No Opinion

please choose one only

Optional comment about TIP11:

Do you agree with policy TIP12? Agree / Mostly Agree / Disagree / No Opinion

please choose one only

Optional comment about TIP12:

Do you agree with policy TIP13? Agree / Mostly Agree / Disagree / No Opinion

please choose one only

Optional comment about TIP13:

Please see our attached statement for detailed comments.

Do you agree with policy TIP14? Agree / Mostly Agree / Disagree / No Opinion

please choose one only

Optional comment about TIP14:

Please see our attached statement for detailed comments.

General Plan Comments

Please enter any general comments about the content of the draft Neighbourhood Plan in the box below. Referencing your comment(s) to a section or page of the plan would be helpful.

Please see our attached statement for detailed comments.

Would you be inclined to support this plan in a referendum? Y / N *please choose one only*

If no, please can you tell us why, apart from any comments you have already submitted.

This completes the regulation 14 Neighbourhood Plan consultation.

If you would like to comment on any other document, such as the Strategic Environmental Assessment (SEA), that accompanies the Neighbourhood Plan on the Parish Council website (www.tiptreeparishcouncil.gov.uk/neighbourhoodplan), please do so by letter or email to the Parish Council: nptiptree@btconnect.com.

Thank you for completing this form. Your feedback is very much appreciated, and your comments will be taken seriously.

If you are not already on our contact list to be kept informed of Neighbourhood Plan developments but would like to be, please contact the Parish Council at the office or by email to nptiptree@btconnect.com.

If you have not made a response online, please return your completed consultation form to: Tiptree Parish Council, 56 Church Road, Tiptree, CO5 0SU by the 1st May 2022.

Tiptree Neighbourhood Plan Regulation 14 Consultation

Introduction

Do you consent to Tiptree Parish Council storing your personal data and using it as outlined in the Data Protection statement above?

Yes

Do you consent to be contacted with regard to your response by Tiptree Parish Council?

Yes

Do you consent to allow Tiptree Parish Council to pass your contact details to Colchester Borough Council so that you can be contacted by them regarding the Regulation 16 Consultation?

Yes

Please enter the document reference

No Response

Your Details

You may respond as an individual, a business, an organisation or as a statutory consultee. Please select only one capacity below. If you wish to reply in more than one capacity, please make a separate response to this consultation for each one.

I am the authorised representative of an organisation outside Tiptree

Your First Name:

Vysian

Your Last Name:

Banyard

Address line 1:

Address line 1:

[REDACTED]

Address line 2:

[REDACTED]

Town:

Maldon

Your Postcode:

[REDACTED]

Your email address (preferred):

[REDACTED]

Company / organisation name (if applicable):

Tolleshunt Knights Parish Council

The Policies – Starting with TIP01: TIPTREE SPATIAL STRATEGY

Q1. Do you agree with policy TIP01?

Mostly Agree

Q2. Optional comment about TIP01:

Tolleshunt Knights Parish Council agrees with the proposal to focus new development to the north of Tiptree. We consider it vital that a clear green buffer zone is maintained between Tiptree and Tolleshunt Knights in order to keep the separate identity of each village and to prevent Tolleshunt Knights from becoming a suburb of Tiptree.

Policy TIP02: GOOD QUALITY DESIGN

Q3. Do you agree with policy TIP02?

Q3. Do you agree with policy TIP02?

Agree

Q4. Optional comment about TIP02:

No Response

Policy TIP03: RESIDENTIAL CAR PARKING

Q5. Do you agree with policy TIP03?

Agree

Q6. Optional comment about TIP03:

No Response

Policy TIP04: BUILDING FOR A HEALTHY LIFE

Q7. Do you agree with policy TIP04?

Agree

Q8. Optional comment about TIP04:

No Response

Policy TIP05: FIRST HOMES

Q9. Do you agree with policy TIP05?

Agree

Q10. Optional comment about TIP05:

Q10. Optional comment about TIP05:

No Response

Policy TIP06: CYCLING, WALKING AND DISABILITY ACCESS ROUTES

Q11. Do you agree with policy TIP06?

Agree

Q12. Optional comment about TIP06:

All such cycling and pedestrian routes should be put in place before any major development takes place.

Policy TIP07: MITIGATING THE IMPACT OF VEHICULAR TRAFFIC THROUGH TIPTREE VILLAGE

Q13. Do you agree with policy TIP07?

Agree

Q14. Optional comment about TIP07:

New infrastructure should be in place before major building starts to avoid more difficulties in an already overstretched system.

Policy TIP08: TIPTREE VILLAGE CENTRE

Q15. Do you agree with policy TIP08?

Agree

Q16. Optional comment about TIP08:

No Response

Policy TIP09: SMALL-SCALE COMMERCIAL WORKSPACES

Q17. Do you agree with policy TIP09?

Agree

Q18. Optional comment about TIP09:

No Response

Policy TIP10: PROVISION OF COMMUNITY INFRASTRUCTURE

Q19. Do you agree with policy TIP10?

Agree

Q20. Optional comment about TIP10:

We agree with the above but past history eg at the Wilkinds development on Factory Hill has shown that developers can renege on promises to make provisions such as allotments and medical centres. The Plan recognises that these facilities are already severely overstretched, and will become even more so given further development in Tiptree and the surrounding villages. It is noted that one of the options in the review of the Maldon District Local Plan is to focus more development in villages around Tiptree in order to make use of its facilities. Improved services must therefore come before any major development.

Policy TIP11: GREEN INFRASTRUCTURE

Q21. Do you agree with policy TIP11?

Agree

Q22. Optional comment about TIP11:

No Response

Policy TIP12 : RECREATIONAL DISTURBANCE AVOIDANCE AND MITIGATION

Q23. Do you agree with policy TIP12?

Q23. Do you agree with policy TIP12?

Agree

Q24. Optional comment about TIP12:

No Response

Policy TIP13: HIGHLAND NURSERY

Q25. Do you agree with policy TIP13?

Agree

Q26. Optional comment about TIP13:

The provision of a northern link road is essential to avoid future severe congestion.

Policy TIP14: ELMS FARM

Q27. Do you agree with policy TIP14?

Mostly Agree

Q28. Optional comment about TIP14:

No Response

Would you like to return to a previous answer? If so please check the appropriate policy.

No Response

General Plan Comments

Q29. Optional comment about the Tiptree Neighbourhood Plan

The stance of Tolleshunt Knights Parish Council is emphasised:

Q29. Optional comment about the Tiptree Neighbourhood Plan

A buffer between Tiptree and Tolleshunt Knights must be maintained.
Major development must be preceded by an improvement to transport infrastructure and medical facilities which are already inadequate. Developers must be required to address these issues and deliver such services before major developemnt takes place.

Q30. Would you be inclined to support this plan in a referendum?

Yes

Q31. If no, please can you tell us why, apart from any comments you have already submitted.

No Response



Neighbourhood Plan Consultation Response

Tiptree Neighbourhood Plan (Regulation 14) (2022)

Bloor Homes

April 2022

DRAFT

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1. Introduction and Overview

- 1.1 These representations are made in respect of consultation on the proposed Tiptree Neighbourhood Plan (Regulation 14 (2022)) ('the TNP'), and are submitted on behalf of Bloor Homes.
- 1.2 Bloor Homes is actively promoting the development of Land at Maldon Road, Tiptree ('the Site') (site reference TIP65 in the Neighbourhood Plan process) for housing. The Site is referenced TIP01 in Colchester Borough Council's (CBC) Local Plan process.
- 1.3 The Site was the subject of an outline planning application (CBC ref. 192025) for residential development of up to 255 dwellings with associated car parking, landscaping, public open space areas, SuDS, link road, associated infrastructure and provision of parent drop-off area for Tiptree Heath Primary School. This application was refused by Colchester Borough Council under delegated powers on the 5 February 2020.
- 1.4 Six reasons for refusal were cited. These included: contrary to Development Plan; prematurity in respect of emerging Local Plan and Neighbourhood Plan; visual impact; impact on habitat; lack of mechanism to secure contributions; lack of sufficient information regarding mineral resources at the time the application was determined. The application was the subject of an appeal (ref. APP/A1530/W/20/3248038), which was dismissed on the 18th August 2020.
- 1.5 However, the reasons for dismissing the appeal were significantly narrower than those relied upon for refusing the original application for planning permission. They are summarised at paragraph 147 of the Appeal Decision Letter as follows:
- "The proposed development would conflict with CS Policy ENV1, due to its location in the countryside, and also due to its adverse impact on the local landscape and townscape in causing coalescence between Tiptree and Tiptree Heath".*
- 1.6 The current iteration of the NP follows the failure of a previous version to secure a positive recommendation following independent examination. The Report of Examination (October 2020), concluded that it failed to meet the Basic Conditions and

legal requirements. We are concerned that the current Reg. 14 document has not successfully addressed these matters.

1.7 The Site is within a broad area of growth identified for Tiptree in the emerging Colchester Local Plan Section 2 (LPS2). The Inspectors' report is still awaited and the plan has not yet been adopted. Putative Policy SS14 was the subject of proposed modifications, in respect of which there are a number of objections.

1.8 The current, Reg. 14 TNP, does not propose to allocate the Site for development.

1.9 One of the key functions of the TNP is the proposed allocation of land to address a housing requirement identified for Tiptree in the new Local Plan. A further element of the TNP of particular significance is a proposed new relief road to the north of Tiptree.

1.10 In overview, the key concerns include:

- The TNP is contrary to numerous aspects of national policy and guidance.
- The TNP conforms to neither existing nor emerging strategic policies in the Development Plan;
- The spatial strategy which the TNP proposes to pursue is based on delivery of infrastructure for which there is a distinct lack of evidence to justify its needs or its benefits, and lack of evidence of its deliverability; and
- Issues of legal compliance in respect of the accompanying Strategic Environmental Assessment (SEA).

1.11 This Neighbourhood Plan has been identified as a plan for which Strategic Environmental Assessment (SEA) is required. The SEA prepared must meet the requirements of the Environmental Assessment of Plans and Programmes Regulations 2004 ('the SEA Regulations'). Indeed, this is expressly confirmed within Regulation 15 of the Neighbourhood Planning (General) Regulations 2012 (as amended by The Neighbourhood Planning (General) (Amendment) Regulations 2015).

1.12 Whilst an SEA of the TNP has been prepared we have concerns in respect of both the content of this and the process by which it has been prepared. We consider that the SEA does not meet the SEA Regulations. Whilst this also goes to basic condition e) (the

making of the neighbourhood development plan does not breach, and is otherwise compatible with, EU obligations) as a legal compliance issue which, if unresolved, would in our view leave the Neighbourhood Plan highly vulnerable to legal challenge, we address this separately

2. Basic Conditions

Background and requirements of a Neighbourhood Plan

- 2.1 The role of the Independent Examiner that will be appointed to consider the TNP will include the determination of whether the TNP meets the 'basic conditions' as per Paragraph 8(2) of Schedule 4B to the Town & Country Planning Act 1990. These are as follows:
- a) having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the order;
 - b) having special regard to the desirability of preserving any listed building or its setting or any features of special architectural or historic interest that it possesses, it is appropriate to make the order;
 - c) having special regard to the desirability of preserving or enhancing the character or appearance of any conservation area, it is appropriate to make the order;
 - d) the making of the order contributes to the achievement of sustainable development;
 - e) the making of the order is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area);
 - f) the making of the order does not breach, and is otherwise compatible with, EU obligations; and
 - g) prescribed conditions are met in relation to the order and prescribed matters have been complied with in connection with the proposal for the order.
- 2.2 It is recognised that b) and c) only apply to the consideration of Neighbourhood Development Orders, as opposed to Neighbourhood Plans.
- 2.3 The TNP is considered to fail basic conditions a), d), e) and f) for the reasons described in this section of this representation, as follows.

National Policy and Guidance

Achieving sustainable development

- 2.4 The NPPF places great emphasis on the need for plan-making to promote sustainable development, describing this as the purpose of the planning system (paragraph 7). As the need to contribute towards sustainable development is a distinct and separate basic condition, this is dealt with under separate heading later within this representation. However, for the avoidance of doubt, the TNP failings discussed later in this regard not only mean that it fails to meet a basic condition, but also renders it contrary to the NPPF.

Justification for proposed approach

- 2.5 The National Planning Policy Framework (NPPF) (paragraph 31) is clear on the need for plans to be supported by robust and proportionate evidence that justifies the approach proposed. Failure to ensure Neighbourhood Plans are supported by robust evidence justifying the spatial strategy and site selection process was one of the concerns identified by the Independent Examiner in respect of the previous TNP, which resulted in it being found to have failed to meet the Basic Conditions
- 2.6 The TNP preferred option is derived from four growth scenarios that have been tested through the SEA process. The options tested are limited to three sites (Highland Nursery, Elms Farm and Tower End), all of which are located to the north of Tiptree. The south west growth option identified in LSP2 was apparently dismissed at an early stage.
- 2.7 As with the previous NP, the site selection and preferred growth option appears to have been influenced by the NP Steering Group's desire to facilitate a new link road between the B1022 and B1023. However, only part of any link road could actually be provided within the proposed NP allocations, the remainder of the land required being outside the designated NP area.
- 2.8 There is no evidence that the proposed link road could actually be delivered, nor that the provision of a link road would deliver the sustainability objectives of the TNP.

- 2.9 Separately, but also on the issue of a lack of justification to support the approach taken, we note that the TNP includes proposed allocation of land at Elms Farm (to the north of Tiptree) – a site that is immediately adjacent to a Grade II listed building (Elms Farm).
- 2.10 The SEA includes assessment of the proposed Elms Farm allocation, identifying a cluster of four listed buildings at the northeast extent of the village associated with Elms Farm and the Messing Road/Colchester Road crossroads. It concludes:
“there are a number of factors at play, but the overriding consideration is judged to be the risk of impacts to the setting of the cluster of grade 2 listed buildings to the northeast of Tiptree, particularly the cluster of three listed buildings at the Elms. On this basis, it is fair to highlight scenarios involving Elms Farm as less preferable, but it is not possible to predict the likelihood or risk of significant negative effects.”
- 2.11 Furthermore, we have been unable to identify any evidence that this potential harm can be appropriately mitigated. On the contrary, the TNP appears to merely rely on the requirement for a future application for the site’s development to be accompanied by a Heritage Impact Assessment. However, such an approach is wholly unsatisfactory, as it leaves very much in doubt whether development can be accommodated at all on the site without harming the significance of designated heritage assets, let alone what quantum of development may be acceptable.
- 2.12 In respect of the sites selected being “more likely” to meet the vision and objectives (plural) of the plan, this is vague. It fails to explain how that is the case or for which objectives specifically. For example, it should be noted that Objective 1 (para 4.3) of the TNP is *“To deliver development prioritising local distinctiveness in keeping with the village feel, rural surroundings and heritage of Tiptree.”* Yet the SEA identified that the proposed Elms Farm allocation has the potential to result in a negative impact on heritage assets.
- 2.13 It then goes on to make reference to the specific objective of improving movement through Tiptree, for vehicular traffic but also for walking and cycling (Objective 3). The SEA (page 27) states that “a key objective for the TNP is to deliver new strategic road links to address existing traffic congestion hotspots, and there is a long term aspiration to provide alternative routes to strategic destinations, thereby reducing non-local traffic through the village, most notably Church Road.”

- 2.14 However, the new link, if delivered, would only serve to relieve traffic on a relatively short stretch of road within the village and it is not clear, nor evidenced, how the wider aspirations of Objective 3 would be realised.
- 2.15 Our submission in respect of the previous Reg. 16 TNP concluded that “. . . *there is no evidence to suggest that the proposed link road is needed, would be of benefit, is deliverable, or represents the optimum route for a new link road.*” The Examiner agreed and he conclude that Policy TIP07 failed the Basic Conditions (para. 8.10).
- 2.16 This Reg. 14 consultation includes a number of documents that provide a high level analysis of transport-related issues, primarily concerned with addressing the shortcomings of the previous TNP. However, the travel to work data is based on the 2011 Census, and fails to take account of the changes in work patterns that have resulted from the COVID-19 pandemic
- 2.17 There is still, therefore, no evidence that any detailed assessment work has informed the view that the proposed link road will not result in a negative impact, or that they will help ease congestion.
- 2.18 As such, reliance on a site’s ability to help deliver the proposed link road as justification for the rejection or selection of site is wholly misplaced.
- 2.19 We note that a document titled ‘Site assessment and selection process leading to the NP 2022’ (February 2022) has been published on the Parish Council’s website. This appears to seek to explain how sites have been selected for allocation. It concludes that “Sites that lacked the ability to deliver a strategic link road would only exacerbate existing poor traffic conditions.” This would suggest that the starting point for the analysis of suitable sites has been the delivery of a specific stretch of road, which has weighed disproportionately against other sustainable options.
- 2.20 In addition to the lack of conclusive evidence to suggest the proposed new link road is either the optimum link road, its benefits, or whether a new link road is required at all, there is little evidence to suggest that the proposed new road is deliverable. On the contrary, its delivery appears highly unlikely.

- 2.21 In addition to the lack of evidence to support the selection of sites, there is a similar lack of evidence to support the rejection of reasonable alternatives.
- 2.22 The Planning Practice Guidance (PPG) notes that reasoning and evidence informing the Local Plan process is likely to be relevant to the consideration of the basic conditions against which a Neighbourhood Plan is tested¹.
- 2.23 LPS2 is at a relatively advanced stage in the examination process. It identifies the area commensurate with TIP65 as a broad area of growth (a matter that we return to later within this representation). The LP is supported by an evidence base, and in submitting the Local Plan for examination, the Borough Council evidently consider it to be sound, and as such *inter alia* justified. However, the TNP does not appear to have considered any of the evidence that the Borough Council utilised to reach its conclusions in respect of the LP and the broad areas of growth identified for Tiptree.
- 2.24 The Tiptree Site Selection Process report dismisses TIP65 on the basis that it could potentially lead to coalescence with Tiptree Heath and add traffic to Maldon Road by Heath School.
- 2.25 The above appears to imply that the main concern was the impact of traffic generated from the development of this site, and in particular concerns given its proximity to the Tiptree Heath School.
- 2.26 The SEA that accompanies this Reg. 14 consultation, as set out above, considers only three potential sites. The SA/SEA that accompanied the previous iteration of the NP was more comprehensive and assessed all potential sites. It provided the following reason for the rejection of TIP65:

“The findings of the comparison of sites promoted for development show that most sites perform very similarly against the SEA objectives. TIP65 performed well in the NP SLAA, the RAG score was only a little lower than the preferred sites. However, development here is likely to have a negative impact on the adjacent Local Wildlife Site and the site offers few planning gains over and above other sites – particularly in

¹ Paragraph: 009 Reference ID: 41-009-20190509

terms of traffic impact. Traffic from this area would, of necessity, exacerbate traffic conditions in Maldon Road and would do so in the vicinity of The Heath Primary School. The site would increase coalescence between the main Tiptree settlement and the hamlet of Tiptree Heath. This site is not considered to be a more sustainable alternative to the preferred sites.”

- 2.27 There are a number of concerns with the SA/SEA in relation to the above.
- 2.28 Firstly, in respect of concerns that the site would result in a negative impact on the Local Wildlife Site, the proposed development of the site has been subject to a planning application and an appeal (reference 192025), through which it was confirmed that its development would not result in harm to the Local Wildlife Site.
- 2.29 Secondly, in respect of the planning gains not being considered to be “over and above” the selected sites, we would question this assertion. It is not clear what planning gains, for example, the Elms Farm allocation would facilitate. This sets an entirely artificial and inappropriate bar for alternative to clear – there is no reason why the site should be required to provide planning gains “over and above” those that may be provided by selected sites. Indeed, this stance suggests that, as a starting point, the selected sites are justified by default and that others must in some way be shown to be significantly preferred in order to the SA/SEA to suggest alternatives should be preferred.
- 2.30 Thirdly, the SA/SEA implies here that selected sites will result in traffic benefits – without evidence to support this assertion.
- 2.31 Fourthly, it makes reference to concerns in respect of coalescence between Tiptree and Tiptree Heath. Existing development already extends along both sides of the road which connects Tiptree and Tiptree Heath. On the southern side of this road, there is no break in built form between the two settlements. On the northern side, the Site and adjoining field provide a brief break in the built form that extends along the road frontage, but this is the only break.
- 2.32 These matters were considered in detail as part of the appeal in respect of the application for up to 255 dwellings. In dismissing the appeal, the inspector cited “. . . *adverse impact*

on the local landscape and townscape in causing coalescence between Tiptree and Tiptree Heath.”

- 2.33 Further detailed assessment and design work has been undertaken by Bloor to address these matters: the introduction of a significant green buffer on the southern boundary of the site, with a concomitant reduction in dwelling numbers, would successfully address these issues.
- 2.34 Fifthly, the response of the Highway Authority in respect of the recent planning application and appeal (reference 192025) raises no objections in respect of the proposed development of the site’s impact on highways.
- 2.35 The flawed approach to the SA/SEA of site TIP65, with conclusions that are not only baseless but for which the Local Planning Authority has evidence which expressly contradicts these, results in parallels between the TNP and the Henfield Neighbourhood Plan. The Henfield Neighbourhood Plan was subject to a successful legal challenge (*Stonegate Homes Ltd v Horsham DC* [2016] EWHC 2512). One of the successful grounds concerned how the SA/SEA described the reason for rejection of one site (to the west of Henfield) as being that it would “place unsustainable pressure on the local road system”, despite this issue having been addressed through a separate planning appeal. One of the reasons for refusal has been a highways reason. However, through appeal, that was withdrawn by the Council as a result of an agreement between Barratt and the Highways Authority on highway works and contributions. The SA/SEA failed to reflect this. Consequently, as confirmed through the judgment, the Examiner of the Neighbourhood Plan was “proceeding on a false basis”.
- 2.36 In the case of the TNP, by citing alleged impact on the local highway network and Local Wildlife Site as the reason for the site’s rejection would also be to proceed on a false basis.

Deliverability

- 2.37 The PPG confirms Neighbourhood Plans should be deliverable².

² Paragraph: 005 Reference ID: 41-005-20190509

- 2.38 In addition, the NPPF (paragraph 16) confirms that whilst plans may be aspirational they also need to be realistic. There remain significant doubts as to the deliverability of the new proposed link road.
- 2.39 The new Local Plan represents a potential vehicle through which land outside of Tiptree Parish could be addressed. Indeed, this may be the more appropriate approach, given for matters which impact on more than one Parish. However, as noted already, the Borough Council is at an advanced stage in the preparation of its Local Plan and the LP does not propose such a safeguarded route.
- 2.40 Even if one were to ignore the aforementioned barriers to delivery (which is in itself, are substantial issues) then it is still far from clear how the safeguarded route would be delivered through land on which no development is proposed; and whether its delivery would be viable. We have not been able to identify any evidence of estimated costs of the new link road, how this will be funded, or the agreement of necessary landowners to the proposals.
- 2.41 The TNP itself acknowledges the difficulty of the development of this new road. Para 1.5 states:
- “Future phases of the link road are located outside of this Neighbourhood Plan area and are therefore outside the scope of this Plan. It is envisaged future phases of the road will be delivered through another plan making process outside of this Neighbourhood Plan.”*
- 2.42 Such acknowledged uncertainty in respect of delivery is particularly disconcerting given the proposed relief road appears to be central to the TNP strategy, and to have been key to site selection decisions.

Emerging Local Plan

- 2.43 Colchester Borough Council is progressing a new Local Plan which is required to *inter alia* deliver the District’s development needs (albeit in accordance with the 2012 NPPF, rather than current national policy) in full, including housing needs, and the unmet needs of neighbouring areas where reasonable and sustainable to do so.

- 2.44 Whilst this LPS2 is at a relatively advanced stage, it is nevertheless not yet part of the Development Plan.
- 2.45 Policy SS14 of the submitted LPS2 proposes 600 dwellings be provided in Tiptree, with the (TNP) to allocate sites to deliver these. Main modifications propose this number be reduced to 400 (a proposed main modifications which is subject to objections) but that, importantly, it be expressed as a minimum.
- 2.46 The Policies Map shows the broad areas of growth are located on the western side of Tiptree, including a broad area of growth in which TIP65 is located.
- 2.47 It must be recognised that the LPS does not simply instruct the TNP to seek to deliver a minimum of 600 homes (400 as modified), but that the Neighbourhood Plan allocations to deliver these should be within the broad areas of growth LPS2 identifies.
- 2.48 The TNP includes the proposed allocation of Elms Farm (Policy TIP14) – a site which is located to the north of the village and does not relate to the LPS2’s broad areas of growth in the Plan, as submitted. Proposed modifications do, subsequently include this area, but its inclusion will be subject to the Inspectors’ findings.

Compatibility with EU obligations

- 2.49 The relevant aspects of European Directive 2001/42/EC (SEA Directive), in relation to plan-making are transposed into UK law through the Environmental Assessment of Plans and Programmes Regulations 2004 (Statutory Instrument 2004 No.1633) (the SEA Regulations).
- 2.50 The TNP has been identified as a plan for which SA/SEA is required. This SA/SEA is required to meet the SEA Regulations.
- 2.51 However, we consider the SA/SEA of the TNP fails to meet a number of the requirement of the SEA Regulations. Further details are set out within Section 3 of this representation.

3 Sustainability Appraisal / Strategic Environmental Assessment and legal compliance

Introduction

- 3.1. Whilst Sustainability Appraisal / Strategic Environmental Assessment (SA/SEA) is not always required in respect of the preparation of a Neighbourhood Plan, it clearly is in the case of the Tiptree Neighbourhood Plan, given that it will make decisions on strategic issues such as the location of new development and the provision of new roads.
- 3.2. Indeed, the Basic Conditions Statement prepared alongside the TNP confirms that the need for SA/SEA of this Neighbourhood Plan was agreed at an early stage in its preparation.
- 3.3. As noted in Section 2, as the TNP is a plan for which SA/SEA is required, the SA/SEA must meet the requirements of the SEA Regulations.
- 3.4. The TNP is accompanied by an SEA.
- 3.5. However, there are a number of concerns in respect of the SEA and compliance with the SEA Regulations, as set out within this section of the representation.

Evaluation of alternatives and the need for this to be on an evidential basis

- 3.6. Regulation 12(2) of the SEA Regulations requires the SA/SEA to identify, describe, and evaluate the likely significant effects on the environment of proposed options, as well as on reasonable alternatives.
- 3.7. Regulation 12(3) sets out the information required to be included within an SA/SEA, referring to Schedule 2 of the SEA Regulations. In turn, Schedule 2 states that SA/SEA should consider short, medium and long term effects; permanent and temporary effects; positive and negative effects; and secondary, cumulative and synergistic effects.

- 3.8. The judgment in *Heard v Broadland DC, South Norfolk DC & Norwich City Council* [2012] EWHC 344 (Admin) confirms the need to consider reasonable alternatives through SA/SEA, and to do so to the same level of detail as the preferred option.
- 3.9. Separately, the judgment in *Stonegate Homes Ltd v Horsham DC* [2016] EWHC 2512) confirms that flaws in the assessment of sites can result in an SA/SEA failing its requirement in respect of Regulation 12; and that it is imperative for conclusions reached by the SA/SEA on an evidential basis.
- 3.10. In our view, *Stonegate* is of particular relevance to the TNP and how it has considered alternatives. We have already noted the parallels between *Stonegate* and the assessment of Site TIP65 within Section 2 of this representation. We do not repeat the details of this again here. But, to confirm, the lack of evidential basis for the SA/SEA conclusions that development of Site TIP65 would result in harm to a Local Wildlife Site or give rise to concerns in respect of highway impacts not only means that the TNP fails to meet the basic conditions, but is considered to also constitute a breach of the SA/SEA Regulations.

The requirement to avoid premature fixing of a spatial strategy

- 3.11. Both *Heard* and *Stonegate* confirm the need to avoid the premature fixing of a particularly strategy without proper consideration of alternatives.
- 3.12. However, in the case of the TNP a lack of willingness to depart from an already agreed strategy, regardless of the findings of SA/SEA is evident.
- 3.13. The TNP appears based around an assumption (and one for which there is little evidence) that a relief road to the north of Tiptree forms part of a suitable strategy and is deliverable. The SA/SEA expressly fails to consider alternatives, resulting in a very similarly failing to that identified in *Heard*.

Reason for the selection of options and the rejection of alternatives

- 3.14. Regulation 16 of the SEA Regulations requires that the reason for the selection of options, and the reasons for the rejection of reasonable alternatives, be made clear

within the SA/SEA. This requirement in relation to plan-making has been confirmed through case law (for example, *Save Historic Newmarket Ltd v Forest Heath District Council* [2011] EWHC 606 (Admin)).

- 3.15. Again, the judgment in *Heard* and its confirmation of the need for conclusions to be evidentially based, is relevant here. Put simply, the SA/SEA must back up its conclusions with evidence. In this instance, it manifestly fails to do so.
- 3.16. The reason for the selection of sites and rejection of alternatives is flawed and based on assertions without evidence. This includes in relation to certain sites having a positive impact in respect of highways, and others a negative impact, without any reference to technical evidence to support this. Indeed, in the case of TIP65 the SSEA ignores evidence that the site would not have an adverse impact on highways.
- 3.17. The SEA considers what purports to be ‘four reasonable growth scenarios’ albeit, all four scenarios relate only to three sites to the north of Tiptree. The SEA concludes: *“Many other scenarios can be envisaged, including scenarios involving Site 65 (which has support through the Local Plan) but are ruled out as unreasonable on balance.”*
- 3.18. The comments in respect of site [TIP]65 set out the following analysis:
“This site was given close consideration by the Steering Group, when preparing the previous version of the TNP, and (accordingly) the emerging Local Plan Policies Map indicates that this is a potential direction of growth. An application for a 255 home scheme (plus other uses onsite) was refused at appeal in 2020 (ref. 192025) for reasons including “coalescence between Tiptree and Tiptree Heath.” Other potential concerns include traffic, including noting the adjacent primary school (the previous scheme proposed school parking, but the potential for this to be effective is not entirely clear). In summary, there are a range of issues and the scheme, as previously proposed, would contribute little towards strategic objectives. There is a clear argument for considering the site in combination with other land parcels, with a view to potentially realising relief road / bypass aspirations, rather than considering a piecemeal village extension.”
- 3.19. The SEA references the NP Steering group’s assessment of the preferred growth scenario which relates solely to delivery of the link road. Other options are not supported:

“ . . .primarily because the opportunity to deliver a new strategic link road across the north of the village, in line with the emerging Local Plan proposal/requirement, would not be realised.”

- 3.20. As already addressed in Section 2, there is no evidence to suggest that the proposed new link is needed, would be of benefit, is deliverable, or represents the optimum route for a new link road. As such, not only does reliance on it to justify sites selected give rise to concerns in respect of meeting the basic condition, it also becomes a legal compliance issue in respect of Regulation 16 of the SEA Regulations.

Ensuring the SA/SEA is legally compliant

- 3.21. As we set out in our Regulation 14 representations, case law (see *Cogent Land LLP v Rochford District Council* [2012] EWHC 2542 (Admin)) confirms that defects in the SA/SEA process can be addressed.
- 3.22. However, *Cogent* also confirms the need to avoid any additional SA/SEA work undertaken being merely *ex post facto* justification of a strategy already agreed. It will be necessary for defects in the SA/SEA to be addressed and for the TNP to be reviewed to reflect these.

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General Comment

CBC fully commend the continued effort by Tiptree Parish Council and the Neighbourhood Plan Steering Group in delivering the Tiptree Neighbourhood Plan.

CBC remain committed to supporting the Qualifying Body through the neighbourhood plan making process.

Paragraph 2.11

This section should also include reference to the Tiptree Jam Factory Plan which forms part of the Colchester Development Plan.

Vision and Objectives

CBC supports the vision and objectives of the Tiptree Neighbourhood Plan.

Paragraph 5.8

This paragraph could also include reference to the Colchester Local Plan Section 2 Policy OV2, which further provides the policy context for development within the countryside.

Paragraphs 5.9 to 5.12

It is unclear why these paragraphs relating to flood risk and sustainable drainage systems are included with the Spatial Strategy chapter. These sections may be more appropriate within Chapter 11. If these paragraphs are moved here, Chapter 11 could be renamed to 'Green Infrastructure, Green Spaces and Countryside'.

Policy TIP01 – Spatial Strategy

CBC support this policy.

The spatial strategy of the Draft Tiptree Neighbourhood Plan now takes into account the 200 dwellings granted on appeal at Barbrook Lane. As a result, the Plan is now making allocations for a minimum 400 dwellings (in accordance with Emerging Local Plan Policy SS14 as proposed to be modified).

The Draft Tiptree Neighbourhood Plan presents a strategy in accordance with the Emerging Colchester Local Plan Section 2.

The policy could be updated to consider coalescence between Tiptree and Tiptree Heath, given that both settlements are within the Neighbourhood Plan Area.

Map 7.1 Sustainable Movement

This map could be updated to include cycleways and bridleways to show all potential sustainable travel methods.

Paragraph 7.14

As it is currently unknown the final details of the A12 widening scheme from Junctions 19 to 25 and that the Tiptree Neighbourhood Plan is likely to proceed ahead of the Development Consent Order (DCO) process which will grant planning permission, the Tiptree Neighbourhood Plan could commit to considering the need for undertaking a focused review once permission is granted.

Paragraph 8.5

A footnote should be added to provide the full reference of the Strategic Housing Market Assessment (SHMA) report which is an evidence base document to the Colchester Local Plan.

Chapter 9 – Employment

This chapter could include an additional policy to safeguard existing employment areas within Tiptree, particularly any areas outside of those identified in the Section 2 Colchester Local Plan.

Paragraph 9.3

This paragraph should make clear that the Local Employment Areas (LEAs) are allocated in the Section 2 Colchester Local Plan as per policies SG4 and SS14.

Policy TIP09 – Small Scale Commercial Workspaces

The principle of this policy is supported.

However, it is currently unclear from the policy and supporting text, the evidenced need for 1.1 ha of employment land within Highlands Nursey.

Clause b, paragraph b should be updated to include the Section 2 Colchester Local Plan policy references SG4 and SS14.

Chapter 11 – Countryside and Green Spaces

Given the extent of green infrastructure, landscape character and green spaces surrounding Tiptree, this chapter could be updated to include a policy regarding landscape impacts/character.

The Tiptree Neighbourhood Plan should also consider designating land as Local Green Spaces in accordance with NPPF paragraphs 101 to 103.

The Tiptree Neighbourhood Plan could consider preparing a Landscape Character Assessment and/or Environmental Audit to support any further policies.

Local Green Spaces have been allocated in the West Bergholt Neighbourhood Plan and the Marks Tey Neighbourhood Plan identifies a series of landscape views and character areas.

Paragraph 11.3

A footnote should be added to provide the full reference details of the Local Wildlife Sites Review which is an evidence base document to the Colchester Local Plan.

Policy TIP13 – Highland Nursey

As mentioned in response to Policy TIP09, it is currently unclear the evidenced need for 1.1ha of employment land within this allocation.

There is no mention of community facilities within this policy.

Policy TIP 14 – Elm Farm

Within supporting text to policy TIP10 – Provision of Community Infrastructure, the wording is more flexible for a 'Health and Wellbeing Hub'. Further explanation/commentary should be provided within the supporting text to Policy TIP14 to provide more clarity of the vision for the Hub.

Similarly, an additional clause should be added to Policy TIP14 to outline that there is scope for the medical centre and community hall to be considered as one 'health and wellbeing hub'.