

Response to Examiner Andrew Seaman letter of 11 August 2023.

Examination ref: 02/AS/MBNP

I am sorry that my response to the letter of 2nd August lacked the clarity you sought.

Additional information is provided below in the order it is sought.

The further change to the submitted plan in response to Regulation 16 is in reference to the response received from Colchester City Council in relation to the Essex Coast RAMS Policy. The representation requested that the following policy be included: "ESSEX Coast Recreational Disturbance Avoidance and Mitigation Strategy (RAMS) – All residential development within the zone of influence of habitats sites will be required to make a financial contribution towards mitigation measures, as detailed in the Essex Coast RAMS 2018-2038, and adopted Supplementary Planning Document, to avoid the adverse in-combination effects of increased recreational disturbance to the Essex coast habitats sites." This could be inserted to the Neighbourhood Plan (NP) section entitled 'Environment'.

Consultation Statement Regulation 15(2) (a-d).

Regulation 15(2)(a)

The statutory and other consultees who were consulted about the proposed neighbourhood development plan as proposed to be modified (listed on page 1 of the Consultation statement) are:

- Colchester Borough Council
- Essex County Council
- West Bergholt Parish Council
- Boxted Parish
- Great Horkeley Parish Council
- Langham Parish Council
- Ward Councillors representing: Mile End/Highwoods/Braiswick
- National Highways
- Natural England
- Environment Agency
- English Heritage
- Network Rail
- Anglian Water
- Suffolk and North East Essex Integrated Care Board
- The Oaks Private Hospital
- Local Churches
- Colchester Community Stadium
- ASDA
- East of England Co-op
- Mill Road, Myland GP Practice
- Local Schools

Regulation 15(2)(b)

On August 3rd 2022 Regulation 14 statutory and other consultees as listed on page 1 of the Consultation Statement were emailed advising of the Regulation 14 consultation and provided with a copy of the NP with proposed changes and the Myland and Braiswick Green Network as a separate extract.

Details of the proposed Neighbourhood Plan, supporting documents and the consultation were made available on the Myland Community Council website.

Regulation 15(2)(c)

The main issues raised by the persons consulted:

Four responses were received from Statutory Consultees (Colchester Borough Council; Suffolk and North East Essex Integrated Care Board (ICB); National Highways; and ADP for Mersea Homes). These have been summarised at 'Statutory Consultation' on page 3 of the Consultation Statement. However, the full responses are attached to the covering email to this letter.

No further representations were received from households.

Regulation 15(2)(d)

Apart from CCC's points the three other responses did not require changes to NP objectives or policies. Added information on any subsequent actions taken by MCC is as follows:

- MCC actions against CCC points raised are highlighted on the attached copy of the CCC response. These are embedded in the NP submitted for examination.
- Suffolk and North-East Essex Integrated Care Board (ICB) comments supporting the Neighbourhood Plan coverage on health and well-being welcomed. MCC now engaging with ICB on regular supportive liaison starting with ICB representatives speaking to MCC annual residents' meeting.
- National Highways support for the A12 Crossing aspiration welcomed and their wish for early engagement with them has already commenced with MCC leading on joint representation for neighbouring wards and parishes. Stakeholder meeting with National Highways to be arranged.
- ADP for Mersea Homes were advised that the Network map is designed to show green sites and their connectivity, not the development progress of Chesterwell. ADP recommendation to have the map only show the main spine road shown through Chesterwell agreed and already actioned. The map in the NP submitted for examination reflects this.

A version of the Neighbourhood Plan showing the track changes from the original version was also made available. A copy is attached to the covering email with this letter. This is available on the MCC and CCC websites.

Pre-submission consultation and publicity

Regulation 14(a-b)

On August 3rd 2022 statutory and other consultees as listed on the Consultation Statement were emailed advising of the Regulation 14 consultation and provided with a copy of the NP with proposed

changes and the Myland and Braiswick Green Network as a separate extract. The timeline for completion was advised to them as 18th September 22 (6 weeks). An email address was provided for responses.

Details of the proposed Neighbourhood Plan, supporting documents and the consultation were made available on the Myland Community Council website. Contact details and how to request a hard copy of the plan were also made available on the website.

Myland and Braiswick residents were informed that the draft Neighbourhood Plan was available on the MCC website.

Regulation 14(c)

A copy of the proposals for the draft Review Neighbourhood Plan were sent to the local planning authority.

Full copies of the consultation responses received as a consequence of the Pre-submission consultation and publicity are attached to the covering email to this letter.

Regulation 14(a)(v)

In June 22 a Regulation 14 'Statement of Changes' was produced and highlighted Modification 2 as the suggested category of change. A copy is attached.

Pete Hewitt

For MCC NP Group

Colchester Borough Council Officer Comments on Myland and Braiswick Neighbourhood Plan Review
– Regulation 14 Consultation

The table below includes comments on the Regulation 14 consultation on the draft review Neighbourhood Plan. Comments are from the Colchester Borough Council’s Planning teams. We hope that these comments are helpful, and we will continue to provide comments and advice as the review of the Myland and Braiswick Neighbourhood Plan progresses.

Section/Policy	Comments
General Comments	<p>The Myland Design Statement (MDS) is a useful evidence base document supporting the Neighbourhood Plan (NP). However, if the Neighbourhood Plan is adopted it will become a statutory document that is part of the Colchester Development Plan. This statutory status gives the Neighbourhood Plan more weight than other local planning documents such as parish plans and village design statements. It is therefore suggested that where elements of the MDS are relevant in influencing planning decisions, these are set out in full in the NP rather than signposting to a section of the MDS.</p> <p>It is also suggested that as part of the NP review, the opportunity could be taken to review and check that all sections of the MDS are still up to date and relevant, so that this evidence base document is in line with the NP. Although much of the MDS is likely to remain relevant, there may be a few areas that could be updated. For example, p.17 of the NP states that the first MDS bullet point (in relation to Roads and Transport) <i>is now contrary to the ambitions of ‘modal shift...’</i></p> <p>As the Myland Design Statement was adopted as a Planning Guidance Note, suggest that references to the MDS are amended to just ‘Myland Design Statement’</p> <p><i>Accepted. All MDS recommendations reviewed and merged with NP policies as appropriate.</i></p>
General Comments	<p>Update any references to the ‘Emerging Local Plan’ to read ‘Colchester Local Plan’</p> <p><i>Accepted. Changes made.</i></p>
General Comments	<p>Recommend amending text that refers to policies within the Colchester Local Plan from ‘CBC Policy ...’ to read ‘Colchester Local Plan Policy ...’</p> <p><i>Accepted. Changes made.</i></p>
NP Objectives	<p>Suggest either the new objective could contain reference to the public realm, as this is the subject header for the policies relating to this objective or that the title of the section starting on p.19 of the NP could be amended to Health and Wellbeing?</p> <p><i>First option actioned and changes incorporated.</i></p>
HOU1	<p>The revised text could be made more generally related to meeting the challenge of climate change and other environmental concerns while including examples eg: <i>‘Developers should achieve the highest quality of design commensurate with current national and local design guidance, addressing the challenge of climate change and improving sustainability, including electric charging points and alternative fuel sources..’</i></p> <p><i>Accepted. Changes made.</i></p>

	<p>Is this policy referring to the MDS recommendations on page 15 of the MDS (building styles and designs) and page 17 of the MDS (materials)? I am not sure if there are recommendations on page 14 of the MDS?</p> <p>As set out in comments above, it is suggested that key elements are taken from these recommendations and set out in the policy, while referring to the relevant MDS chapters and full recommendations in the rationale text below. Accepted and clarified.</p>
HOU2	<p>It is recommended that this policy also takes into account non-designated heritage assets. It is also suggested that the desire to preserve and display any archaeological remains found in the future is reflected in policy. We can provide further advice on this area and some suitable Policy wording if required.</p> <p>For information: The Colchester Historic Environment Record (HER) is the database of all known archaeological sites and historic buildings in the Borough. The online Historic Environment Record for Colchester Borough can be found here: Colchester Heritage Explorer and includes the Colchester Borough Local List. Accepted and change made.</p>
HOU3	<p>Policy NC3 of the Colchester Local Plan requires the allocated Land at Braiswick to be comprehensively planned as one development in order to make the most efficient use of the land, reduce the number of access points, deliver better local infrastructure including combined onsite open space provision. Suggest rewording Policy HOU3 to reflect this requirement eg – <i>'Sites for housing proposals in Braiswick should be comprehensively planned as set out in Colchester Local Plan Policy NC3 to respect...'</i> Accepted and change made.</p>
Housing Policies Rationale and Evidence	<p>Paragraph 3 – the data has been amended. The reference to where this data is taken from can also be updated as this information is now set out in the Housing Diversity section of the Colchester Local Plan (Local Plan para. 7.48)</p> <p>Paragraph 5 – is the recommendation on Sheltered Housing in the MDS on page 21, not page 27? Are there any key elements from this part of the MDS that could be set out in the policy?</p> <p>Paragraph 6 – suggest the sentence in relation to the Braiswick residential allocations could be focused on what should be achieved in the future. Also suggest changing reference to sites as '086A' and '086B' as these were references used in the Local Plan Call-for-Sites and sites have been renamed in the adopted Local Plan. For example:</p> <p><i>'The possibility of small development pockets in Braiswick (see Colchester Local Plan Policy NC3) was intended by CBC to be subject to an overarching development plan for Braiswick. Part of this site has received planning permission in isolation through appeal. It is even more important therefore that the remaining part of the allocation in the Colchester Local Plan should be considered collectively. Access to and between those sites should not be subject to 'breaking through' the existing street scene or environment. This is to ensure that any development of the remaining part of the allocation are of</i></p>

	<p><i>a design, density and character befitting the surrounding neighbourhood and its infrastructure.'</i></p> <p>Accepted and changes made.</p>
Education Policy - Rationale and Evidence	<p>No comment on Policy. Suggest second paragraph of rationale text should focus on what the NP is seeking to achieve in the future in relation to education provision.</p> <p>Considered to already do this within MCC's remit.</p>
EMP1	<p>As per comments above, it is suggest that key relevant elements of the MDS recommendations are included within this Policy with more detail/signposting to the page number in the rationale and evidence section.</p> <p>Accepted and changes made.</p>
ENV5	<p>Policy ENV5 refers to the Myland and Braiswick Green Network. Are there any other key recommendations in that document that could be included in NP Policy ENV5? It is also recommended that consideration is given to including the plan from the Myland and Braiswick Green Network document in the main body of the NP in order to clearly link it to the Policy requirements in ENV 5.</p> <p>In addition to protecting and maintaining the green network, Policy ENV5 could go further so that proposals for development 'enhance' the green network where appropriate.</p> <p>Suggestions accepted and changes made.</p>
ENV6	<p>As currently worded, this appears to be an action for Myland Community Council (MCC) rather than a planning policy. If the intention is for this to be applied as a planning policy when considering planning applications, it is recommended that the text is amended to reflect this. For example: <i>'MCC will support proposals that seek to make a positive contribution towards protecting and improving the local environment and biodiversity.'</i></p> <p>The text relating to MCC seeking to make a positive contribution... within its area and in all of its activities could be moved to the rationale and evidence section as an action for MCC.</p> <p>As per comments above, if there are any recommendations in the MDS that are key to this policy, it is suggested that they are also added into the policy. In particular, it might be useful to provide examples of how development could improve biodiversity.</p> <p>Suggestions accepted and changes made.</p>
Social Amenity Policies	<p>Is the recommendation concerning developments delivering usable and accessible community facilities set out in the MDS? As per previous comments, suggest including any relevant recommendations from the MDS within the Policy.</p> <p>Confirmed and suggested change made.</p>
Sport and Leisure Policies	<p>Set out relevant recommendations from MDS in the Sport and Leisure policies. The more general reference to the relevant MDS section (<i>'collectively these developments should address the recommendations of the MDS'</i>) could remain in the rationale and evidence.</p> <p>Accepted and change made.</p>
Roads and Transport Policies	<p>Suggest setting out the main relevant recommendations from MDS within the Roads and Transport policies.</p> <p>Accepted and changes made.</p>

RAT1	<p>Recommend adding the word guidance into first bullet: '<i>...cycle infrastructure design guidance...</i>' or reword to '<i>...take account of LTN 1/20: Cycle Infrastructure Design ...</i>,'</p> <p>Second option adopted.</p>
Roads and Transport Policy – Relevant Policy	<p>Colchester Local Plan Policy DM21 'Sustainable Access to Development' and Policy DM22 'Parking' are also relevant to this section.</p> <p>Accepted and inserted.</p>
Development and the Public Realm	<p>Suggestion made above that this section could be renamed to reflect the focus on 'Health and Wellbeing' Not chosen</p> <p>Reference is made to 'Building for Life' in the rationale text. The most recent version of this document is 'Building for a Healthy Life'. Noted</p>

MYLAND AND BRAISWICK NEIGHBOURHOOD PLAN 2016 -2032

REVIEWED SPRING 2022

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STATEMENT OF CHANGES

Statement

In accordance with Regulation 14(a) (v) of the Neighbourhood Planning Regulations 2012 Myland Community Council and Braiswick Residents Association have considered under which of the three types of Neighbourhood Plan modification the Review contained herewith should be categorised.

The three types of modification are understood to be:

1. “Minor (non-material modifications to a neighbourhood plan or order are those which would not materially affect the policies in the plan or permission granted by the order. These may include correcting errors, such as a reference to a supporting document, and would not require examination or a referendum.
2. Material modifications which do not change the nature of the plan or order would require examination but not a referendum. This might, for example, entail the addition of a design code that builds on a pre-existing design policy, or the addition of a site or sites which, subject to the decision of the independent examiner, are not so significant or substantial as to change the nature of the plan.
3. Material modifications which do change the nature of the plan or order would require examination and a referendum. This might, for example, involve allocating significant new sites for development.”

In relation to the Review of the Myland and Braiswick Neighbourhood Plan Review spring 2022 the modifications under Plan headings comprise:

- Context and Scope, update of review and community engagement since adoption in 2016.
- Objectives, the insertion of an objective for the section ‘Public Realm’.
- Housing Policy HOU1, enhancing with climate challenge options.
- Housing a new Policy HOU3, in relation to development pockets in Braiswick.
- Employment Policy EMP1, amending title of employment zone.
- Environment Policy ENV4, enhance protection of High Woods Country Park.
- Environment new Policy ENV5 to protect the adopted Myland and Braiswick Green Network.
- Environment new Policy ENV6, to reflect Myland Community Council’s policy document on the environment and biodiversity.
- Social Amenity Policy SAM2, deleted as time-lapsed.

Based on guidance available the Myland Community Council and Braiswick Residents Association in harmony with their Local Planning Authority, Colchester Borough Council, consider that whilst the main text, rationale and evidence of the existing Plan remains materially the same the modifications may be regarded as more significant than modification type 1 but not as significant as modification type 3. It is concluded therefore that the modifications made require examination but not a referendum.

June 2022