



**MYLAND AND BRAISWICK NEIGHBOURHOOD
DEVELOPMENT PLAN**

**INDEPENDENT EXAMINERS REPORT TO COLCHESTER
BOROUGH COUNCIL**

Dr. ANGUS KENNEDY OBE, MA, MRTPI, MCIH

5 May 2016

CONTENTS

	Page
1.0 Introduction	3
2.0 Role of the Independent Examiner	5
3.0 The Neighbourhood Plan Area	6
4.0 Consideration of the Basic Conditions	7
5.0 Regard to the National Planning Policy	10
6.0 Contribution to Sustainable Development	12
7.0 Conformity with the Strategic Policies of the Local Area	14
8.0 Conformity with European Union Obligations	14
9.0 Background Documents and information considered	15
10.0 Evidence Base and Public Consultation	16
11.0 Vision and Objectives	18
12.0 Neighbourhood Plan Policies	19
13.0 Summary and Recommendation	27

1.0 Introduction: Preparation of plan, legislative background and summary of findings

1.1 Neighbourhood Planning is a relatively new process. It was introduced in the Localism Act 2011. It allows local communities to prepare plans and allocate sites for housing and other uses in their own neighbourhood. The Plan once approved will guide future development and become part of the Development framework and will be taken into account when considering future development proposals.

1.2 The Neighbourhood Development Plan (the Plan) has been developed by a working group set up by Myland Community Council (MCC), Braiswick Residents Association (BRA) and the local community. Colchester Borough Council has assisted the process.

1.3 The Plan document is well written and clearly presented with good use of illustrations. ***I recommend that the front cover includes the timeframe of the Plan, 2015-2032 and the date it was published.*** The format follows a logical sequence with a Forward that outlines what a Neighbourhood Plan is with the key driver for the Plan being the current development pressures the area is experiencing. ***The final paragraph outlines the next stages of the process. This needs to be updated to reflect the current stage and future timetable.*** This is followed by a section providing a brief history of the area which outlines the scope of the Plan and the extensive range of survey material used in its production. This leads to the Vision and Objectives for the Plan and the subsequent policy proposals. The following sections provide details of the Plans and Policies that are relevant in the area and the consultation process. There are a series of Appendices with maps that illustrate the Plan Area and sub Neighbourhoods and the North Colchester Masterplans. ***I recommend that Appendix A is amended to show the Neighbourhood Plan Boundary and the title is amended to Myland and Braiswick Neighbourhood Plan and Sub-Neighbourhoods Area.***

1.4 The Plan explains that the reason for promoting a Neighbourhood Plan for Myland and Braiswick is to put in place policies that “enhance community quality of life for residents”. The Plan vision seeks to ensure a cohesive community in neighbourhoods that continue to be desirable places to live.

1.5 The Myland and Braiswick area is located in the north of Colchester. The Plan area consists of the Mile End ward. The Plan supports the policies and land use proposals that are included within the adopted Local plan and the emerging Colchester Local Plan 2017-2032.

1.6 Having carried out the examination, for the reasons set out below and subject to all of the modifications indicated in the following sections of this examination report being accepted, I consider that the Plan meets the basic conditions in terms of:

- having appropriate regard to national planning policy
- contributing to the achievement of sustainable development
- being in general conformity with the strategic policies in the development plan for the local area
- being compatible with human rights requirements
- being compatible with European Union obligations

1.7 If the Plan becomes subject of a referendum and achieves more than 50% of votes in favour, then the Plan would be “made”. The Plan would then be used to guide and determine planning decisions in Mile End ward by Braiswick Residents Association, Myland Community Council and Colchester Borough Council.

2.0 Role of the Independent Examiner

2.1 I was appointed by Colchester Borough Council in March 2016, with the agreement of the Myland Community Council to conduct this examination. The role is known as Independent Examiner.

2.2 Under the terms of the NP legislation I am required to make one of three determinations:

- The Plan should go forward to referendum because it meets all the legal requirements, “the Basic Conditions”
- The Plan should proceed to Referendum if modified
- The Plan should not proceed to Referendum because it does not meet all the legal requirements

2.3 In making my recommendation I must also determine whether the referendum should involve a wider area than the boundary of the Myland and Braiswick Neighbourhood Plan boundary.

2.4 I am a Chartered Town Planner with nearly 40 years experience working in senior roles in Local Government, regeneration agencies and the private sector. I am independent of Colchester Borough Council, Myland Community Council and Braiswick Residents Association. I am independent of residents and stakeholders in the area and have no interest in any of the land within the Neighbourhood Plan area. I am a member of the Neighbourhood Planning Independent Examiner Referral Service (NPIERS) and have carried out the independent examination of six Neighbourhood Plans.

The Examination Process

2.5 The general presumption is that most Neighbourhood Plans will be considered through written evidence. Colchester Borough Council has indicated that in their opinion no public hearing will be necessary for the Neighbourhood Plan and that the examination should consider written evidence only. An Examiner can ask for a public hearing if it is considered that certain aspects need to be more fully explored or to allow individuals to outline their case more fully. In view of the relatively straight forward nature of the plan proposals, the lack of land use allocations and the fact that there

have been limited representations through the recent consultation period I consider that no public hearing is required. I consider that I am able to make a recommendation based on the extensive evidence that has been provided. ***Where modifications are recommended in this document they are highlighted in bold and italics.***

3.0 The Neighbourhood Plan Area

3.1 The Myland and Braiswick NP area is located one mile north of Colchester town centre. The Plan area boundary is formed by the A12 to the west and north, by the railway line and Colchester railway station to the South and by the High Woods Country Park to the east.

3.2 There has been development in parts of the area for many centuries. During the early twentieth century a large mental health facility (Severalls) was built in the north of the plan area. Later major facilities such as the Colchester General Hospital and additional housing were constructed which began to urbanise the area. Over the last twenty years the rate of development has increased rapidly and over the last decade the area has been the subject of a number of Masterplans, some of which are now being implemented with major construction underway. The population has increased rapidly, from just over 6200 in 2001 to 12,093 in 2014. As a considerable number of homes are planned over the next decade by 2025 the population is likely to be over 20,000. In 1.2 it states that the population is predicted to be 28,700 by 2030. ***I understand that this number is based on earlier estimates that have been superseded by recent planning approvals. I recommend that an updated estimate is inserted.***

3.3 Significant transport infrastructure improvements have taken place or are underway providing a new link to the A12. New commercial and leisure developments have been built or are under construction. The Council has ambitious plans for a 100ha area around the Weston Homes Community Stadium to become a major leisure and recreational destination providing 3000 jobs.

3.4 The Plan area has now become a patchwork of urban neighbourhoods. The opening of a Park and Ride facility just north of the new A12 junction in 2012 means that the Plan area has become the northern gateway to Colchester. The scale of recent and planned changes has been a key driver for the development of the NP. ***I recommend that an A4 size Plan showing the Plan boundary and key features such as the Country Park, the railway line the A12 and new northern distributor road is included as part of section 1.***

4.0 Consideration of the Basic Conditions

4.1 There are a number of basic conditions that the Myland and Braiswick Neighbourhood Plan has to meet in order for it to go forward to a Referendum. These are set out in the Neighbourhood Planning (General) Regulations 2012 and paragraph 8 of Schedule 4B of the Town and Country Planning Act 1990 (as amended by the Localism Act 2011).

4.2 Paragraph 8 sets out the requirements for Neighbourhood Plans to meet these “**Basic conditions**”, before they may come into force.

“Neighbourhood Plans must:

- have appropriate regard for national policy
- contribute towards the achievement of sustainable development
- be in general conformity with the strategic policies of the development plan for the local area
- be compatible with human rights requirements and
- be compatible with EU obligations.”

A Neighbourhood Plan Basic Conditions Statement has been prepared by the Myland Community Council Steering group.

Qualifying Body and Neighbourhood Area Designation

4.3 Colchester Borough Council made a bid in 2011 to the Department of Communities and Local Government for a number of wards and Parishes to receive grant funding under the Neighbourhood Planning Front Runners Programme to support preparation of a Neighbourhood Development Plan.

4.4 This bid was successful and approved by the Department of Communities and Local Government in March 2012. Myland therefore became part of the fifth wave of Neighbourhood Planning Frontrunners.

4.5 Myland Community Council considered that the scale of past and future developments affecting the whole of the Parish meant that it would be desirable for Myland to be regarded, considered and developed as a coherent, sustainable neighbourhood. Myland Community Council originally submitted an application for the designation of Myland Parish and the New Braiswick Park site to be confirmed as a **Neighbourhood Planning Area** to Colchester Borough Council as the relevant Planning Authority. Following discussions with Colchester Borough Council and Braiswick Residents Association it was agreed that the area boundary should be changed to include the whole of Myland Ward. The Council considered that the revised boundary would not affect the boundaries of areas already designated.

4.6 The Local Planning Authority publicised the application for designation as a Neighbourhood Area from 9 November 2012 to 7 January 2013. The application was published on the Council's website and was available at various locations throughout the area. One objection was received but it was not considered to raise any reasons why the designation would be inappropriate.

4.7 The Council assessed that there was no overlap with any other proposed neighbourhood plan area and that the proposed boundary did not overlap with any adjoining parish or designated area. In planning terms the amended boundary is appropriate. The Myland and Braiswick Neighbourhood Area was approved by Colchester Borough Council on 28 January 2013.

4.8 The Council considered that the Myland Community Council satisfied the conditions for a relevant Qualifying Body and Neighbourhood Forum.

4.9 I am satisfied that the Myland and Braiswick Neighbourhood Development Plan meets the basic condition of having a suitable Qualifying Body, a relevant body in accordance with section 61G of the 1990 Town and Country Planning Act (inserted by the Localism Act 2011), the Myland Community Council.

Basic condition: Neighbourhood Plan Area

4.10 I am satisfied that the Myland and Braiswick Neighbourhood Plan area meets the basic condition of having a suitable Neighbourhood Plan area designated as outlined in Section 5 of the Neighbourhood Planning (General) Regulations 2012.

4.11 I am also satisfied that the Myland and Braiswick Neighbourhood Plan (the Plan), does not relate to more than one neighbourhood area and that there is no other Neighbourhood Development Plan in place within this neighbourhood area.

4.12 The Myland and Braiswick Plan covers the period 2015 – 2032. It therefore covers the period of the emerging Colchester Local Plan due for adoption in October 2017, which relates to the period 2017 -2032.

4.13 I am, therefore, satisfied that the Plan meets the Basic Condition relating to the timeframe of the Plan period.

4.14 The Basic Conditions Statement prepared by the Myland Community Council confirms that the Plan does not deal with County matters, any nationally significant infrastructure or any other matters set out in S61K of the Town and Country Planning Act 1990.

5.0 Regard to National Planning Policy

5.1 As outlined in paragraph 4.2 Neighbourhood Plans need to meet the basic condition of having regard to national and local planning policies.

5.2 I therefore considered the Myland and Braiswick Neighbourhood Plan in line with National Planning Policy and Guidance, various Colchester Borough Council Strategies and the emerging Colchester Local Plan 2017-2032.

5.3 I will outline my view on whether the Plan can demonstrate that it supports these policies and recommend modifications where necessary.

5.4 Should the Neighbourhood Plan be confirmed after a referendum it will achieve a status in the Development Plan hierarchy. The significance of this is clarified in Section 2.1 of the July 2014 Colchester Local Plan Adopted Focussed Review of the Core Strategy (2008) and Development Policies (2010) which confirms that “Planning applications that accord with the policies in this Local Plan (and, where relevant, with policies in neighbourhood plans) will be approved without delay unless material considerations indicate otherwise.” Section 5.5 confirms that Neighbourhood Plans “will be adopted as part of the Development Plan for Colchester, if they pass a referendum, while Village Design Statements and Parish Plans will continue to be adopted as planning guidance.”

National Planning Policy Framework (NPPF) (2012)

5.5 Paragraphs 183 -185 of the National Planning Policy Framework (NPPF) outline the Governments view on Neighbourhood Plans. Government consider that neighbourhood planning gives communities direct power to develop a shared vision for their neighbourhood and deliver the sustainable development they need and ...neighbourhood forums can use neighbourhood planning to set planning policies through neighbourhood plans to determine decisions on planning applications.

5.6 Neighbourhood planning provides a powerful set of tools for local people to ensure that they get the right types of development for their community. The ambition of the neighbourhood should be aligned with the strategic needs and priorities of the wider local area. Neighbourhood plans must be in general conformity with the strategic policies of the Local Plan. Provided that neighbourhood plans do not promote less development than set out in the relevant Development Plans or undermine the strategic policies, neighbourhood plans may shape and direct sustainable development in their area.

5.7 I am satisfied, that the Plan has adequate regard to the policies in the NPPF. In reaching this opinion I have been assisted by the comprehensive Basic Conditions Statement prepared in support of the draft Plan by Myland Community Council Neighbourhood Plan Steering group which I understand was published in November 2015. It would be helpful to identify the publication date of the Basic Conditions Statement on the front page.

5.8 The Basic Conditions statement confirms that MCC and BRA actively support the NPPF and outlines how the Myland and Braiswick Neighbourhood Plan contributes positively to nine of the core planning principles that underpin the framework (paragraphs 18 -149). The Plan clearly demonstrates where its Policies relate to particular NPPF policies. Thus the Housing policies support NPPF paragraph 50 and will encourage development for older people and self build, the Education policy is in line with NPPF paragraph 72, the Social Amenity Policy is in line with paragraph 70 and the Sport and Leisure supports paragraph 73.

5.9 Appendix 1 of the Basic Conditions Statement provides a useful table outlining how the Plan policies or objectives relate directly to one or more of the NPPF goals. I consider that the Plan will provide a framework for future development and has evolved through extensive consultation with residents and relevant organisations and agencies. I consider that it will support a number of the key aspirations of national planning policy and the NPPF, in particular, in relation to high quality housing provision, supporting a prosperous economy, promoting healthy communities and sustainable transport.

5.10 I consider that the Plan provides a series of policies aimed at enhancing the character and amenity of the area and promotes alternative forms of transport such as cycling and walking.

6.0 Contribution to Sustainable Development

6.1 The United Nations General assembly defined sustainable development as “meeting the needs of the present without compromising the ability of future generations to meet their own needs” (Resolution 42/187).

6.2 The NPPF outlines the Government view in paragraphs 6 and 7. The purpose of the Planning system is to contribute to the achievement of sustainable development. There are three aspects of sustainability, namely economic, social and environmental.

6.3 Colchester Borough Council has adopted a positive approach in seeking to meet objectively assessed development needs of the Borough. The policies in the Local Plan provide a clear framework to guide sustainable growth and the management of change, thereby following the Government’s presumption in favour of sustainable development. The Council has confirmed that the Neighbourhood Plan is in general conformity with the Colchester Borough Council Local Plan and the emerging Local Plan.

6.4 The Neighbourhood Plan Basic Conditions Statement provides details how the policies contained in the Myland and Braiswick NP support the principle of sustainable development. This is evidenced by policies promoting sustainable transport, in particular encouraging more walking and cycling, supporting appropriate business and economic growth and protecting retail facilities, and promoting accessibility improvements. The Plan does not seek to make any further land use allocations. This is understandable in view of the scale of recent development and the extensive future approvals. The Plan therefore proposes policies that concentrate on ensuring that the developments that are planned will add to the quality of community life rather than detract from it.

6.5 I consider that the developments that will be delivered through the proposals in the Plan should deliver sustainable development within Myland and Braiswick.

7.0 Conformity with the Strategic Policies of the Local Area

7.1 The Neighbourhood Plan Basic Conditions statement confirms that the Plan has been prepared in general conformity with the Colchester Borough Council 2008 Core Strategy and Development DPD 2010. The Council has confirmed that the Plan is in broad conformity with the strategic policies in the adopted Local Plan.

7.2 Appendix Two of the Basic Conditions document is a detailed checklist providing evidence that the Plan contributes to 14 of the strategic Local Plan policies to some degree. In many cases the NP policy mirror closely or

expand the Local Plan policy with additional specific local detail. It should be noted that there are a number of objectives in the Local Plan that are not relevant to the Plan area.

7.3 I am satisfied that the Myland and Braiswick Neighbourhood Plan is in general conformity with the strategic objectives of the adopted Colchester Borough Council Local Plan.

8.0 European Union (EU) obligations, Habitat and Human Rights requirements

8.1 A Neighbourhood Plan must be compatible with EU regulations in order to be legally compliant. The Strategic Environmental Assessment (SEA) Directive seeks to provide high level protection of the environment by integrating environmental considerations into the processing of plans.

8.2 It is the responsibility of the local authority to decide whether or not any of the proposals of the Plan are significant enough for the Plan to require an SEA. There are no land use allocations in the Plan. The Council undertook a screening assessment of the Plan. It found that the Plan did not deviate from any relevant overarching Colchester Borough Council (development plan) policies which had already been subject to an independent SEA. It concluded that a detailed SEA would not be required. It also concluded that no Habitat Regulations Assessment would be needed.

8.3 I agree with the Council's findings and consider that the Neighbourhood Plan can demonstrate that it does not breach and is compatible with the EU obligations and Human Rights requirements.

8.4 I am satisfied, therefore, that the Neighbourhood Plan meets the European Union, Habitat and Human Rights Basic condition requirements.

9.0 Background documents and Information considered

9.1 In order to examine and reach conclusions on the Neighbourhood Plan Proposals of the Myland Community Council I have considered the following documents:

- Colchester Local Plan: Adopted Focussed Review of the Core Strategy (2008) and Development Policies (2010) July 2014
- Colchester Core Strategy 2008 (Selected Policies reviewed July 2014)
- Colchester Site Allocations and Proposal Maps 2010
- Colchester LDF Development Policies 2010 (revised 2014)
- Colchester Borough Council Housing Trajectory 2015
- Colchester Objectively Assessed Housing Needs Study July 2015
- Myland and Braiswick Neighbourhood Plan Area Report January 2013
- Myland and Braiswick NP Strategic Environmental Screening Determination
- Town and Country Planning Act 1990 (as amended)
- National Planning Policy Framework (NPPF) (2011)
- The Localism Act (2012)
- The Neighbourhood Planning Regulations (2012)
- Planning Practice Guidance
- The detailed consultation responses to the consultation

9.2 There were a small number of representations from residents and stakeholders during the final formal consultation period which I have considered. The statutory consultees either supported or had no significant concerns about the Plan. Historic England and Essex Bridleway Association had comments that I will address later in my report. There were a series of detailed comments from Colchester BC. A number of comments were made outlining the emphasis on sport and leisure rather than open space. It is clear from the Plan as a whole that open space provision is seen as important. This

could be recognised by inserting open space in the seventh bullet point of the objectives on Page 5.

9.3 There was one objection to the Plan from a non resident, Rydon Homes and I will address their issue later in my report.

9.4 In addition, I visited the area unaccompanied for one day in April 2016.

10.0 Evidence Base and Consultation

10.1 One of the most important principles in the Neighbourhood Planning Regulations 2012 is that local communities must be given ample opportunity to help to shape the future of their area. Section 15 (1) (b) of the Neighbourhood Planning Regulations 2012 requires a Consultation Statement to be produced and submitted with the Neighbourhood Plan.

10.2 Section 15 (2) specifies that this must contain: details of the persons or bodies that were consulted about the proposed Neighbourhood Plan. It must explain how they were consulted and summarise the main issues and concerns raised by the persons consulted. Furthermore it must describe how these issues have been considered and, where relevant, addressed in the proposed Neighbourhood Development Plan.

10.3 Myland Community Council has provided information regarding the public consultation that took place in preparation of the Plan in the Neighbourhood Plan Consultation report published in November 2015 and attached to the back of the Plan. This confirms that extensive consultation has taken place in the area over a number of years prior to the development of the Plan. Local residents have also been kept informed via the Council's Mylander magazine and a number of community led events. There were 800 responses to the all household resident survey in late 2013 early 2014. The

detailed responses informed the vision, policies and objectives of the Neighbourhood Plan.

10.4 The Draft Plan was prepared and subject to formal Regulation 14 public consultation between May 15 and June 26, 2015. It was widely publicised to all residents and businesses through a letter drop, web site and email. Comments were received and some changes made to the Plan. The Council has confirmed that the consultation was in accordance with their Statement of Community Involvement.

10.5 The Regulation 16 consultation took place between January 11 2016 and 26 February 2016. There were 14 responses. The majority of comments were supportive of the Plan. The Council have confirmed that this stage of the consultation was in accordance with their Statement of Community Involvement.

10.6 I am satisfied that considerable consultation has taken place throughout the various phases of the Plan development and that the Plan has received the overwhelming support from respondents. Where concerns have been raised it is clear that in most cases steps have been taken to respond positively to the comments.

10.7 I am satisfied, therefore, that the Neighbourhood Plan Consultation statement, with the additions that I have recommended, complies with Section 15 (2) of part 5 of the 2012 Neighbourhood Planning Regulations.

11.0 The Myland and Braiswick Neighbourhood Plan Vision and Objectives

11.1 The Myland and Braiswick Neighbourhood Plan has a series of objectives that have been informed by the 800 survey responses which has

enabled a detailed vision for the future to be created. The vision seeks to maintain the area as a desirable place to live with a cohesive community enjoying a good quality of life supported by suitable housing, health, education and leisure facilities.

11.2 There are 8 high level objectives in the Plan which cover housing, education, local employment, environment, social amenity, sport and leisure, roads and transport and communications technology.

11.3 The Plan then outlines how the vision will be realised through 19 policies. These are supplemented by 17 local projects which seek to monitor and review various developments over time that will require the use of the best endeavours of MCC and BRA to influence policy makers to make provisions in line with the Community aspirations. Many of these are not specific land use matters but their achievement would add to the quality of life of the area and therefore contribute to achieving the overall Plan vision.

12.0 Myland and Braiswick Neighbourhood Plan Policies

12.1 The Myland and Braiswick Plan Policies begin in Section 4. The first three policies are housing related. The Plan does not seek to allocate any additional housing sites since there are significant numbers already planned and approved as part of Masterplans or development proposals within the area. The Plan does, however, set down aspirations regarding the range and quality that should be produced.

12.2 During the Regulation 16 consultation a representation was made on behalf of Rydon Homes, landowners of St Botolph's Farm. The submission questions the lack of housing supply policies or allocations. I understand that the Council has issued a Call for Sites as part of the preparation of the emerging Local Plan and that this site has been submitted. It will therefore be

assessed as part of a comprehensive process involving the Strategic Land Availability Assessment and sustainability appraisal. The Council will form a view on its allocation as part of the development of the Local Plan which is scheduled for adoption in 2017. In view of this I am satisfied that the Plan does not need to allocate a reserve site or provide indicative delivery timetables given that the Local Plan process will deal with those matters.

12.3 Policy HOU1 Housing Choice and Design

12.4 The Plan proposes that a variety of housing choices and high quality designs to meet the needs of residents of all ages should be developed. These should reflect the scale and character of the area. This is in line with the CBC Local Plan Policy H3 and NPPF Policy. There are a number of recent housing developments throughout the area and it is clear that are attractive and well designed.

12.5 Recommendation: I do not recommend any changes to this Policy.

12.6 Policy HOU2 New housing should respect heritage assets

12.7 This Policy seeks to ensure that specific attention is paid to the detailed design of new housing located near to heritage assets. This is in line with both the CBC Local Plan and NPPF.

12.8 There is a list of some of the specific sites. ***Although it is acknowledged that this is not meant to be an exhaustive list I recommend that two further bullet points are added to identify the other Grade 2 Listed Building in the Plan area, Church Farmhouse.***

12.9 Recommendation: Subject to the above amendment I do not recommend any changes to this policy.

13.0 Education

13.1 The Plan seeks to address the current situation where a number of children have to travel outside the Plan area to school. The Policy reflects the ambition stated in the Myland Parish Plan that was adopted by CBC in 2012. It seeks to ensure sufficient school provision is made within the Plan area.

13.2 **Policy EDU1** proposes that CBC will give due regard and support the infrastructure requirements for early years, primary and secondary education needs of the area.

13.3 This policy aligns closely with CBC Core strategy SD2 and is in line with the NPPF.

13.4 Recommendation: I do not recommend any changes to this policy.

14.0 Employment Policies

14.1 The Plan takes a positive and proactive stance on employment. It recognises the importance of employment to an individual's health and quality of life. The latest survey found that 16% of residents work within the Plan area and 25% commute to London. This is no doubt influenced by the fact that Colchester North station is located on the edge of the Plan area. The Plan has three employment policies designed to ensure more diverse local employment opportunities are created. If implemented, these will have the combined effect of boosting business in the area and reducing travel to work times.

14.2 Policy EMP 1 North Colchester Strategic Employment Zone

14.3 The Neighbourhood Plan recognises and supports the North Colchester Strategic Employment Zone which is the CBC policy that will deliver local employment opportunities to support the significant housing growth that is anticipated in the next ten years.

14.4 Recommendation: I do not recommend any changes to this Policy.

14.5 Policy EMP2 A range of Business unit sizes

14.6 The second employment policy seeks to encourage the provision of a broad range of business unit sizes. This will facilitate new start up businesses while also helping to retain existing businesses.

14.7 Recommendation: I do not recommend any changes to this policy.

14.8 **Policy EMP3 Encouraging High speed broadband**

14.9 This policy seeks to encourage high speed broadband in all new business and housing developments. This is in line with the NPPF.

14.10 Recommendation: I do not recommend any changes to this policy.

15.0 **Environment Policies**

15.1 The Plan area has undergone significant changes over the last twenty years involving loss of green space which has changed the nature of the area. With considerable further development planned it is understandable that the Plan contains a number of policies aimed at protecting green spaces, habitats and natural assets while ensuring that the development that takes place is carefully managed to reduce flood risk.

15.2 **Policy ENV1 Future Development Design**

15.3 This Policy starts with an overall statement seeking to expand connectivity of green infrastructure within and between development sites and then includes five bullet point sub headings identifying where specific attention should be paid.

15.4 The overarching statement is in line with CBC policy of conserving and enhancing the natural and historic environment and in line with the NPPF. The policy proposals seek green space to be provided in accordance with the approved Colchester North Green Infrastructure Strategy and Ecological Design scheme. ***At the end of the third bullet point I recommend inclusion of the suggestion from Historic England:***

“and not result in harm to the character and appearance or significance of the Registered Park and Garden”.

15.5 There are proposals to relocate Colchester Rugby club. The existing site is one of the largest open spaces remaining within the Plan area and has been well used for many years. Although there is a presumption in the NPPF that most areas will not be suitable for Local Green Space designation it would be appropriate for part of the site to be designated should the relocation take place.

15.6 Recommendation: Subject to the above amendment I do not recommend any changes to this policy.

15.7 Policy ENV2 Reconfiguration of Fords Lane sports field

15.8 This Policy seeks to explore the opportunity to reconfigure part of the Chesterwell development to provide recreational space adjacent to the proposed community centre. This is a sensible approach to take.

15.9 Recommendation: I do not recommend any changes to this policy.

15.10 Policy ENV3 Improved Drainage

15.11 This policy recommends that new developments should be based on sustainable drainage principles as outlined in the Essex County Council SuDS guide. This will promote sustainability and is in line with the NPPF.

15.12 Recommendation: I do not recommend any changes to this policy.

15.13 Policy ENV4 Assets of Heritage Value

15.14 This policy seeks to ensure new developments protect or enhance heritage assets or sites or buildings that promote a sense of place in line with work being done by Myland History group. ***This policy is unclear in its present form. There is not a full list of heritage assets identified and there is no information on how a “sense of place” will be created. A list of heritage assets should be produced. In addition there is no information on the work of the History group. I do, however, understand the desire to ensure that the design of new development does not adversely affect heritage assets. I recommend therefore that this Policy becomes a Local Project.***

15.15 Recommendation: Subject to the above amendments I do not recommend any changes to this policy.

15.16 Policy ENV5 Highwoods Country Park

15.17 This policy recognises the importance of Highwoods Country Park and seeks to ensure that it is protected. There is no detail about the Park in the text and it is not shown in any of the Plans. ***I recommend that a brief description is provided in the text and the Park is identified on the Plan at the outset of the document but also in the Myland Neighbourhoods Plan.***

15.18 Subject to the above I do not recommend any changes to this policy.

16.0 Social Amenity

16.1 Quality of life is at the heart of the vision for Myland and Braiswick. The Plan considers previous S106 contributions have made a limited contribution and seeks to ensure that greater emphasis is placed on this in the consideration of development proposals in the years ahead. The Borough Council Policy is to work with partners to deliver key community facilities to support the Sustainable Community Strategy.

16.2 Policy SAM 1 Provision of Community Facilities

16.3 This policy seeks to encourage provision of community facilities as part of the major Chesterwell, Severalls Phase 2 and Northern Gateway developments. This policy is in line with the national planning policies and the NPPF in particular and CBC Policies SD2 and SD3.

16.4 MCC and BRA have identified the type of community facilities that would be welcomed and will actively support the Council in future negotiations. This positive support could be helpful to the Council.

16.5 I do not recommend any changes to this policy.

16.6 Policy SAM2 Severalls Phase 2

16.7 This Policy seeks to encourage the ultimate developer of Severalls Phase 2 to explore the retention of existing buildings that are suitable for amenity purposes. This development of this site is less advanced than most of the other Masterplans and there are a number of buildings that are likely to be retained so it is appropriate to confirm that MCC and BRA will seek to work closely with the Local Authority to ensure that this aspect is considered as part of the development negotiations.

16.8 I do not recommend any changes to this policy.

17.0 Sport and Leisure

17.1 The developments that have taken place in recent years have resulted in the loss of open space and leisure facilities. This Policy, therefore, seeks to ensure that the planned housing growth is matched by improved sports and leisure provision. It reflects both the CBC strategic policy PR1 Open Space which aims to provide a network of open spaces and sporting and recreational facilities. It also supports the overall objective of improving the well being of the community. **4.6 line 4 should read “complementary”.**

17.2 Policy SPL1 Encouraging Developer Provision of Sport and Leisure facilities

17.3 This Policy seeks to encourage developers and CBC to enable provision of sport and leisure facilities as far as possible on the Chesterwell, Severalls Phase 2 and Northern Gateway developments. The emphasis of the Policy is on encouraging the key organisations to make appropriate provision. There is emerging evidence that further sport and leisure facilities are being provided with a new private sports centre under construction near the Community Stadium.

17.4 I do not recommend any changes to this policy.

17.5 Policy SPL2 Rights of Way

17.6 This Policy aims to protect existing and encourage new rights of way. This is in line with both the NPPF (paragraph 75) and CBC Policy PR1 Open Space.

17.7 I do not recommend any changes to this policy.

17.8 Policy SPL3 Sports Provision

17.9 This Policy aims to ensure that CBC and developers liaise with MCC and BRA as key stakeholders in determining sport provision in north Colchester.

17.10 I do not recommend any changes to this policy.

18.0 Roads and Transport

18.1 Significant transport infrastructure developments have been implemented in order to facilitate the Council's Masterplans for the area, notably the creation of a new access to the A12 and a new northern distributor road that links to the town centre. The Plan recognises that the scale of recent development has increased traffic levels in the Plan area and seeks to ensure that new developments are also supported by appropriate road and transport strategies that provide effective and environmentally friendly travel solutions.

On Page 19 third paragraph the County Council have confirmed that the North Colchester Transport Strategy does not need to be formally adopted so I recommend deletion of "Although this still remains to be adopted".

18.2 Policy RAT1 Integrated Transport

18.3 The Policy outlines how an effective and integrated transport system can be achieved through a range of measures including maximising the opportunities for walking and cycling, promoting Park and Ride and encouraging greater use of public transport.

18.4 These proposals are in line with the national planning policies and CBC policies.

18.5 I do not recommend any changes to this policy.

18.6 Policy RAT2 Off Street Parking

This Policy recommends that new dwellings within the Plan area have sufficient off street parking spaces commensurate with property size and adopted policies.

18.7 I do not recommend any changes to this policy.

18.8 Policy RAT 3 Bridge across the A12

18.9 This policy proposes that MCC and BRA will work with partners to encourage provision of a multi-use bridge across the A12. This would re-establish connections with the Essex Way. This is another Policy where the implementation will require agreement from key organisations and the role of MCC and BRA will be contributing to negotiations. The Steering group may wish to include the additional wording offered by the Essex Bridleways Association.

18.10 I do not recommend any changes to this policy.

19.0 Development and the Public Realm

19.1 The Plan seeks to ensure that new development is designed to high quality standards.

19.2 Policy DPR1 Design Standards

19.3 Recent developments have led to the creation of a series of diverse sub neighbourhoods within the Plan area which was until fairly recently a semi rural area. The policy seeks to achieve a range of house types that will suit people of all ages.

19.4 I do not recommend any changes to this policy.

20.0 Summary and Recommendation

20.1 I would like to congratulate the Myland Community Council and Braiswick Residents for the considerable amount of work that they have undertaken to produce the Myland and Braiswick Neighbourhood Plan. The

Community Council recognise that the Neighbourhood Plan will not solve all of the problems that face the residents in the area and that it will be necessary to use its best endeavours to support and influence the policies of key organisations such as Colchester Borough Council and Essex County Council. The Plan demonstrates, however, the clear vision and aspiration of the community to improve both the physical environment and the life chances of the residents.

20.2 It is evident that the Council have supported the process.

20.3 In accordance with Schedule 4B to the Town and Country Planning Act 1990, outlined below is a summary of my findings.

I am satisfied that Myland Community Council is an appropriate Qualifying Body and is therefore able to produce and submit a Neighbourhood Development Plan for the Parish of Mile End. I am satisfied that the area included in the Myland and Braiswick Neighbourhood Plan is appropriate and was designated accordingly by Colchester Borough Council. I am also satisfied that the Myland and Braiswick Neighbourhood Plan does not relate to more than one neighbourhood area and that there is no other Neighbourhood Development Plan in place within this neighbourhood area.

20.4 The Plan covers the period from 2015 to 2032. This is aligned with the emerging Colchester Borough Council Local Plan which will cover the period 2015 to 2032.

20.5 I am satisfied that the Myland and Braiswick Neighbourhood Plan takes sufficient regard to the policies in the National Planning Policies and that the Plan does not make any provision for any excluded development.

20.6 I consider that the Myland and Braiswick Neighbourhood Plan policies, subject to minor modifications, will make a positive contribution to sustainable development. The policies could promote economic growth and serve to maintain and enhance the physical appearance of the area. The production of the Plan should provide confidence to the community.

20.7 I understand that Colchester Borough Council undertook an SEA and Habitat Regulation Act screening exercise to establish whether a full SEA was required. It concluded that there were no policies included in the Neighbourhood Plan that meant an SEA was required. I consider therefore that the legal requirements of the EU's SEA Directive have been met. The Neighbourhood Plan proposals will have no significant effects on the environment or any European sites.

20.8 I consider that the Plan complies with the rights outlined in the Human Rights Act.

20.9 I consider that extensive public consultation has taken place, led by the Community Council but supported by the Local Authority and am satisfied that it meets the requirements. I am satisfied that the public consultation meets the requirements of Section 15 (2) of Part 5 of the Neighbourhood Planning Regulations 2012.

20.10 I conclude that the Plan meets the basic conditions as defined in the Localism Act 2011, Schedule 10 and Schedule 4B, 8 (2) of the Town and Country Planning Act 1990.

20.11 In accordance with the Town and Country Planning Act 1990, Schedule 10 (2) (b) I recommend the modifications specified in this report are made and that the draft Neighbourhood Plan for Myland and Braiswick is submitted for a Referendum.

Dr Angus Kennedy OBE
Chief Executive
Community Regeneration Partnership
angusk@crp-ltd.co.uk

5 May 2016