



# **Report on Tiptree Neighbourhood Plan 2022-2033**

**An Examination undertaken for Colchester City Council with the support of Tiptree Parish Council on the August 2022 Regulation 16 Consultation Version of the Plan.**

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Date of Report: 15 December 2022

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## Main Findings - Executive Summary

From my examination of the Tiptree Neighbourhood Plan (the Plan/TNP) and its supporting documentation including the representations made, I have concluded that, subject to the policy modifications set out in this report, the Plan meets the Basic Conditions.

I have also concluded that:

- The Plan has been prepared and submitted for examination by a qualifying body – Tiptree Parish Council;
- The Plan has been prepared for an area properly designated – the Tiptree Parish Council area, as shown on Map 2.1 on Page 5 of the submitted Plan;
- The Plan specifies the period to which it is to take effect: 2022 – 2033; and
- The policies relate to the development and use of land for a designated neighbourhood area.

I recommend that the Plan, once modified, proceeds to referendum on the basis that it has met all the relevant legal requirements.

I have considered whether the referendum area should extend beyond the designated area to which the Plan relates and have concluded that it should include Messing Cum Inworth Parish.

## 1. Introduction and Background

### Tiptree Neighbourhood Plan

- 1.1 The Tiptree Parish Council administers a Parish which, as noted within the TNP, is situated to the south-west of the Colchester City administrative area. It has an agricultural heritage, albeit now it contains a high number of key services, community facilities and commercial activities serving a resident population of over 9,000 and the surrounding area. Colchester lies approximately 15 km to the north. A detached, cluster of houses to the south-west of the main village is known as Tiptree Heath.
- 1.2 The TNP has been in preparation for a number of years. As set out in the Consultation Statement and elsewhere, the Plan's development was instigated by the Parish Council and led by a working party. The Parish Council has consistently sought to gain the views of its residents in shaping its objectives and content, through the use of public meetings, questionnaires and engagement events.

- 1.3 The TNP contains<sup>1</sup> a 'Vision' and a set of 'Objectives' for the area which are informed by an awareness of the challenges that the Parish faces. These recognise the need for growth whilst simultaneously preserving the village feel of Tiptree with its close relationship to established heritage assets and the surrounding countryside. The Plan seeks to strengthen the community through enabling sympathetic, sustainable development and by ensuring a thriving rural centre with a sustainable economy and robust infrastructure. The subsequent suite of TNP policies is tailored to ensure that appropriate forms of sustainable development are secured which will contribute towards the delivery of the TNP Vision.
- 1.4 I am mindful that an earlier version of the TNP was previously examined with a recommendation not to proceed to referendum. Since that time, the TNP has been reviewed, updated and its evidence base refreshed in key areas. I also note that Colchester Borough Council (CBC) has adopted Part 2 of its development plan. As a consequence, I am satisfied that the currently submitted TNP stands to be considered in relation to its revised content, against the most recent evidence updates and with regard to the recent processes of production, including a Regulation 14 consultation stage held earlier in 2022.

#### The Independent Examiner

- 1.5 As the Plan has now reached the examination stage, I have been appointed as the examiner of the TNP by Colchester Borough Council<sup>2</sup> with the agreement of Tiptree Parish Council.
- 1.6 I am a chartered town planner and former government Planning Inspector, with experience of development and neighbourhood plan examinations. I am an independent examiner, and do not have an interest in any of the land that may be affected by the draft Plan.

#### The Scope of the Examination

- 1.7 As the independent examiner I am required to produce this report and recommend either:
- (a) that the neighbourhood plan is submitted to a referendum without changes; or
  - (b) that modifications are made and that the modified neighbourhood plan is submitted to a referendum; or

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<sup>1</sup> Chapter 4 of the Plan.

<sup>2</sup> Following the granting of City Status on 23 November 2022, the Council has now become Colchester City Council. As a result, reference remains in this report to Colchester Borough Council (CBC) due to the examination commencing before 23 November 2022. Where reference is made to future activity or the place of Colchester, the correct reference of Colchester City has been used.

(c) that the neighbourhood plan does not proceed to a referendum on the basis that it does not meet the necessary legal requirements.

1.8 The scope of the examination is set out in Paragraph 8(1) of Schedule 4B to the Town and Country Planning Act 1990 (as amended) ('the 1990 Act'). This clarifies that the examiner must consider:

- Whether the plan meets the Basic Conditions;
- Whether the plan complies with provisions under s.38A and s.38B of the Planning and Compulsory Purchase Act 2004 (as amended) ('the 2004 Act'). These are:
  - it has been prepared and submitted for examination by a qualifying body, for an area that has been properly designated by the local planning authority;
  - it sets out policies in relation to the development and use of land;
  - it specifies the period during which it has effect;
  - it does not include provisions and policies for 'excluded development'; and
  - it is the only neighbourhood plan for the area and does not relate to land outside the designated neighbourhood area.
- Whether the referendum boundary should be extended beyond the designated area, should the plan proceed to referendum.
- Such matters as prescribed in the Neighbourhood Planning (General) Regulations 2012 (as amended) ('the 2012 Regulations').

1.9 I have considered only the matters that fall within Paragraph 8(1) of Schedule 4B to the 1990 Act, with one exception. That is the requirement that the Plan be compatible with the Human Rights Convention.

#### The Basic Conditions

1.10 The 'Basic Conditions' are set out in Paragraph 8(2) of Schedule 4B to the 1990 Act. In order to meet the Basic Conditions, the neighbourhood plan must:

- Have regard to national policies and advice contained in guidance issued by the Secretary of State;
- Contribute to the achievement of sustainable development;

- Be in general conformity with the strategic policies of the development plan for the area;
- Be compatible with and not breach European Union (EU) obligations; under retained EU law<sup>3</sup>; and
- Meet prescribed conditions and comply with prescribed matters.

1.11 Regulation 32 of the 2012 Regulations prescribes a further Basic Condition for a neighbourhood plan. This requires that the making of the neighbourhood development plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017.<sup>4</sup>

## 2. Approach to the Examination

### Planning Policy Context

- 2.1 Planning policy for England is set out principally, although not exclusively, in the National Planning Policy Framework (NPPF).<sup>5</sup> The Planning Practice Guidance (PPG) offers guidance on how this policy should be implemented. All references in this report are to the July 2021 NPPF and the accompanying PPG.
- 2.2 The Development Plan for this part of the city administrative area, not including documents relating to minerals and waste development, is the recently adopted two-part Colchester Local Plan (Sections 1 and 2) (CLP)<sup>6</sup> which runs until 2033 and the extant Tiptree Jam Factory DPD (2013).

### Submitted Documents

- 2.3 I have considered all policy, guidance and other reference documents which I consider relevant to the examination, including those submitted<sup>7</sup> which comprise:
- the Tiptree Neighbourhood Plan (August 2022);
  - Map 2.1 of the Plan, which identifies the area to which the proposed Neighbourhood Plan relates;
  - the Consultation Statement, August 2022;
  - the Basic Conditions Statement, August 2022;

<sup>3</sup> The existing body of environmental regulation is retained in UK law.

<sup>4</sup> This revised Basic Condition came into effect by virtue of the Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018.

<sup>5</sup> View at: <https://www.gov.uk/guidance/national-planning-policy-framework>

<sup>6</sup> View at: <https://www.colchester.gov.uk/local-plan/>

<sup>7</sup> View at: <https://www.colchester.gov.uk/tiptree-neighbourhood-plan/>

- all the representations that have been made in accordance with the Regulation 16 consultation;
- the Strategic Environmental Assessment (SEA) documentation including the Scoping Report (February 2019) and Regulation 16 Report (August 2022);
- the Habitat Regulations Assessment (HRA) Screening (March 2022) and Main Reports (August 2022); and
- the clarifications received from Tiptree Parish Council (9 November 2022) and CBC (11 November) to my correspondence (1 November 2022)<sup>8</sup> and further submissions.

#### Site Visit

2.4 I made an unaccompanied site visit to the Neighbourhood Plan Area on 14 November to familiarise myself with it, and to visit relevant sites and areas referenced in the Plan and evidence documents. These include Tiptree Village, Tiptree Heath, the Local Green Spaces, the site allocations and the neighbouring area.

#### Written Representations with or without Public Hearing

2.5 This examination has been dealt with by written representations. I considered hearing sessions to be unnecessary as the consultation responses clearly articulated the objections to the Plan and presented adequate arguments for and against the Plan's suitability to proceed to a referendum. This is not altered by requests for a hearing session, for example in relation to Colchester United Football Club.<sup>9</sup> I am satisfied that all relevant issues have been adequately aired through written submissions.

#### Modifications

2.6 Where necessary, I have recommended modifications to the Plan (**PMs**) in this report in order that it meets the Basic Conditions and other legal requirements. For ease of reference, I have listed these modifications separately in the Appendix.

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<sup>8</sup> View at: <https://www.colchester.gov.uk/tiptree-neighbourhood-plan/examination-october-2022/>

<sup>9</sup> View at: <https://cbccrmdata.blob.core.windows.net/noteattachment/CBC-null-Tiptree-Examiner-Letter-Hearing-Request-16-November-2022.-Tiptree%20Examiner%20Letter%20Hearing%20Request%2016%20November%202022.pdf>



### 3. Procedural Compliance and Human Rights

#### Qualifying Body and Neighbourhood Plan Area

- 3.1 The TNP has been prepared and submitted for examination by Tiptree Parish Council, which is a qualifying body for an area that was designated by CBC on 2 February 2015. The designated area is shown at TNP Map 2.1 and constitutes the Parish of Tiptree, which is a logical proposition.
- 3.2 It is the only Neighbourhood Plan for Tiptree and does not include land outside the designated Neighbourhood Plan Area. I note the existence of a Statement of Common Ground (SoCG) between Tiptree Parish Council and the adjacent Messing Cum Inworth Parish Council regarding improvement works to the A12 and a potential northern 'link' road for Tiptree.

#### Plan Period

- 3.3 The Plan specifies the period to which it is to take effect, which is from 2022 to 2033. This aligns appropriately with the CLP.

#### Neighbourhood Plan Preparation and Consultation

- 3.4 As referenced in the Plan, the supporting Consultation Statement and the Basic Conditions Statement, the Parish Council resolved to produce a Neighbourhood Plan in 2013/2014 and commenced work in earnest on the Plan following the formal designation of the Neighbourhood Plan Area. The Parish Council wished to influence the future growth of the village and general development within the Parish. It is clear from the consultation statement that the Parish Council prioritised the need to keep residents informed and to provide suitable opportunities to influence the process of plan production.
- 3.5 These included an initial community consultation and exhibition (2015) which attracted concerns at the possible options being considered for the village centre and a preference for housing to be located on the outskirts of the village. A further community consultation (2015) was undertaken which identified key themes for the TNP and led to the distribution of a village questionnaire to all homes in 2016. The questionnaire received over 1,100 responses and, over time, led to further public 'Feedback Exhibitions' and, amongst other matters, a subsequent youth survey and housing needs survey.
- 3.6 Statutory consultations were held on an initial version of the TNP, informed by Strategic Environmental Assessment (SEA) and Habitat Regulation Assessment (HRA) reports, leading to its submission for

independent examination. That examination concluded that the TNP should not proceed to referendum.<sup>10</sup>

- 3.7 Thereafter, and in response to the previous examination, further work was undertaken by the Parish Council to produce a revised version of the TNP. Such work has taken into account changes in the development plan, housing requirements and includes specific transport evidence and revised SEA and HRA reports.
- 3.8 Supported by new SEA and HRA Reports, the revised TNP was subject to Regulation 14 public consultation from 11 March 2022 to 1 May 2022 producing over 200 responses.<sup>11</sup> The consultation included:
- consultation with statutory bodies;
  - notification on where, when and how to view and comment on the Plan;
  - email notification to interested parties;
  - attendance at publicised exhibition events was encouraged; and
  - consultation with other Parish Councils and bodies.
- 3.9 Following further review and amendment, the TNP was submitted to CBC and subject to Regulation 16 consultation from 30 August 2022 to 12 October 2022. Consultation responses are available to view on the Council's website.<sup>12</sup>
- 3.10 I am satisfied that a transparent, proportionate, fair and inclusive consultation process has been followed for the Plan that has had regard to the advice in the PPG on plan preparation and is procedurally compliant in accordance with the legal requirements.

#### Development and Use of Land

- 3.11 The Plan sets out policies in relation to the development and use of land in accordance with S.38A of the 2004 Act.

#### Excluded Development

- 3.12 The Plan does not include provisions and policies for 'excluded development'.

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<sup>10</sup> [Examiner's Report](#)

<sup>11</sup> See Consultation Statement including Appendix A10.

<sup>12</sup> See also Regulation 16 Schedule of Representations. View at: [https://cbccrmdata.blob.core.windows.net/noteattachment/CBC-null-Reps-Schedule-Tiptree%20NHP%20Regulation%2016%20Reps%20Schedule%20-%20October%202022%20\(1\).pdf](https://cbccrmdata.blob.core.windows.net/noteattachment/CBC-null-Reps-Schedule-Tiptree%20NHP%20Regulation%2016%20Reps%20Schedule%20-%20October%202022%20(1).pdf)

## Human Rights

- 3.13 The Basic Conditions Statement concludes that the Plan has had regard to the fundamental rights and freedoms guaranteed under the European Convention of Human Rights Act 1998, and I note that CBC does not raise a concern that the Plan would impinge Human Rights (within the meaning of the Act). From my independent assessment, with particular focus on the policy content and plan production process, I agree.

## 4. Compliance with the Basic Conditions

### EU Obligations

- 4.1 The Tiptree Neighbourhood Plan has been subject to the production of a SEA Report following an initial Scoping exercise in 2019. Following the previous examination, a new SEA Report has been produced. I have noted the content of the current Report which has updated the 'framework' under which the TNP has been assessed. Appropriate consultation has been undertaken in compliance with the relevant regulations. Representations have been made suggesting a failure to account for Colchester United FC's 'Sports Strategy' but, whilst described in general terms, no specific strategy document has been identified to me such that I conclude the SEA process is flawed in this regard.
- 4.2 The SEA is constructed around 8 key topics forming the basis of the assessment framework which includes 5 additional objectives to those previously considered. The SEA includes a finding that the TNP will have broadly neutral effects upon biodiversity and climate change, significant positive effects upon communities, positive effects upon the economy and transport, neutral effects upon the historic environment and a risk of negative effect upon land, soil and water resources due to the loss of best and most versatile agricultural land (BMV). The loss of BMV is found to be likely unavoidable given the parameters within which the TNP is prepared. I have no reason to disagree.
- 4.3 I find that the EU obligations have been satisfied. Further discussion on the application of the SEA to inform the TNP is included below.
- 4.4 The Plan is also accompanied by a HRA Screening and a subsequent 'Report to Inform HRA'. The latter has the following stated objectives:
- To identify any aspects of the TNP that would cause an adverse effect on the integrity of international sites (Special Areas of Conservation (SACs), Special Protection Areas (SPAs)) including, as a matter of Government policy, Ramsar sites, either in isolation or in combination with other plans and projects, and
  - To advise on appropriate policy mechanisms for delivering mitigation where such effects were identified.

- 4.5 This latter report identifies 4 TNP policies<sup>13</sup>, relating to housing and infrastructure development, with the potential to cause a likely significant effect on relevant protected sites. Section 5 within the report constitutes an in-combination appropriate assessment which assesses the likely effect of the TNP on water pollution, recreational pressure, functionally linked land and the in-combination effects.
- 4.6 I have been mindful of the findings in 'People Over Wind'<sup>14</sup> which clarifies that the mitigation of potential impacts should be assessed within an appropriate assessment (AA). Notwithstanding the Screening Report which indicates that, when considered alone, the TNP would not adversely affect the integrity of protected sites having regard to existing and new open space, an AA has been undertaken and the final HRA Report does consider the issue of potential mitigation appropriately.
- 4.7 Furthermore, it is clear from the HRA Report that the potential effect of the TNP upon 'functionally linked land' is assessed with a clear conclusion that, subject to policy amendments, the TNP would not adversely affect the integrity of relevant protected sites. I do not dissent from this finding.
- 4.8 The TNP is not allocating a level of net new dwellings which exceeds that identified in the recently adopted CLP which included consideration of the emerging TNP. As a consequence, the TNP may reasonably be assessed for its in-combination effects with the CLP which, mindful of mitigation, found that there would be no adverse effect on protected sites. The TNP HRA Report recommended text changes to the TNP which have been incorporated.
- 4.9 No objections are raised by statutory consultees, including Natural England. Overall, I find that relevant EU obligations are satisfied.

#### Main Issues

- 4.10 Following the consideration of whether the Plan complies with various procedural and legal requirements, it is now necessary to deal with whether it complies with the remaining Basic Conditions; particularly the regard it pays to national policy and guidance, the contribution it makes to the achievement of sustainable development and whether it is in general conformity with strategic development plan policies. I test the Plan against the Basic Conditions by considering specific issues of compliance with all the Plan's policies.
- 4.11 As part of that assessment, I consider whether the policies in the Plan are sufficiently clear and unambiguous, having regard to advice in the PPG. It is important to note that a policy should be drafted with sufficient clarity that a decision maker can apply it consistently and with confidence when

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<sup>13</sup> TIP01, TIP10, TIP15, TIP16.

<sup>14</sup> <https://curia.europa.eu/juris/document/document.jsf?docid=200970&doclang=EN>

determining planning applications. It should be concise, precise and supported by appropriate evidence.<sup>15</sup> I recommend some modifications to the Plan as a result.

4.12 Accordingly, having regard to the Plan, the consultation responses, the written evidence and my site visit, I consider that the main issues for this examination are whether the Plan policies:

- have regard to national policy and guidance, including their justification;
- are in general conformity with the adopted strategic planning policies<sup>16</sup> (see CLP and Table 4.1 of the Basic Conditions Statement); and
- would contribute to the achievement of sustainable development.

4.13 Following the sequence within the Plan, I shall assess these issues on the basis of the Plan's following chapters: Vision and Objectives, Spatial Strategy, Design and Housing, Traffic and Movement, Tiptree Village Centre, Employment, Community Infrastructure, Countryside, Green Spaces and Green Infrastructure, Site Allocations.

#### Vision and Objectives

4.14 As previously noted, the TNP Vision is underpinned by an awareness of the challenges facing the Parish which are set out at TNP paragraph 4.1. Following community engagement, the Vision seeks to ensure sympathetic development is enabled within Tiptree to establish a thriving rural centre that is supportive of its community. The village feel of Tiptree is identified as important alongside its close relationship with both its heritage and the surrounding countryside.

4.15 As such, the Vision is a logical and clear statement of what Parish residents and stakeholders wish to achieve during the plan period and is informed by appropriate community engagement. It aligns with the principle of achieving sustainable forms of development and is supported by 6 key objectives derived from the community feedback. These relate to local distinctiveness, housing/infrastructure, movement through the Parish, the protection and enhancement of the green environment, a thriving village centre for leisure, community and economic activities.

4.16 These collectively support and inform the suite of policies which follow. The Vision is clear and the objectives logical. Both are informed by community consultation which is at the heart of the neighbourhood planning process. I consider them reasonable and suitable for the TNP and supportive of sustainable forms of development. There is no conflict with the development plan or national policy.

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<sup>15</sup> PPG Reference ID: 41-041-20140306.

<sup>16</sup> Including Policies SP1-9; SG1-8, ENV1-5, CC1 and PP1.

- 4.17 The TNP and its evidence incorporate an assessment of the wider planning context within Colchester Borough and the issues affecting development within the area. These consequently influence the spatial strategy for the Parish. The TNP recognises that Tiptree is a District Centre as defined by the CLP wherein the village is seen as a sustainable settlement capable of receiving additional development.<sup>17</sup> CLP Policy SS14 envisages, amongst a range of matters, that the TNP will define the settlement boundary for the village and allocate specific sites for housing allocations to deliver a minimum of 400 dwellings. Preferred directions of growth are indicated to the southwest and north/northwest of the village.
- 4.18 The TNP includes an analysis of the character of the Parish and the village in particular, demonstrating an awareness of community requirements and the range of existing facilities and services. TNP Paragraph 5.5 explains the general approach of the TNP with regard to new development and is clearly informed by the overarching planning context, including the extant development plan and existing planning permissions. The spatial strategy of the TNP is expressed by Policy TIP01. The policy directs major housing development towards two allocated sites on the northern edge of Tiptree within a revised settlement boundary with an expectation that key infrastructure will be delivered as appropriate.
- 4.19 There is no requirement within the CLP that development must be provided for by the TNP within both of the preferred directions of growth included within Policy SS14. It has been brought to my attention that the Inspector's report into the CLP Part 2 noted the need for flexibility in Policy SS14. Therefore, the TNP focus for growth to the north of the village and not the southwest, is not in direct conflict with the extant development plan. The thrust of the policy is consistent with the CLP, including Policy SG1 (Colchester's Spatial Strategy), and has due regard to the objective of securing sustainable forms of development as required by national policy.

#### *Spatial Allocations*

- 4.20 Parts B and C of Policy TIP01 relate predominantly to the two proposed site allocations and effectively set the intended spatial strategy for new development within Tiptree. As noted above, CLP Policy SS14 provides a key element of the planning policy context for the site allocations of the TNP. Amongst other matters, it indicates that within the preferred directions of growth, and mindful of constraints, the TNP will allocate sites for a minimum of 400 new dwellings and include a strategic transport appraisal in relation to the provision of a phased delivery of a road between the B1022 and B1023.

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<sup>17</sup> See CLP Policies SG1, SG2, SG5 et al.

- 4.21 Unlike the preparation of local plans and spatial development strategies, there is no legal requirement for a neighbourhood plan to be supported by a formal 'sustainability appraisal' which would promote sustainable development by assessing the extent to which the emerging plan, when judged against reasonable alternatives, will help to achieve relevant environmental, economic and social objectives. The PPG indicates that a proportionate approach can be taken to demonstrating how a neighbourhood plan will contribute to achieving sustainable development which may include reference to SA guidance. It is clear however that a SEA is required to support a neighbourhood plan where potential significant effects upon the environment may arise from the plan.
- 4.22 I am mindful of the SEA Regulations<sup>18</sup> and in particular that Regulation 12(2) states:
- (2) The report shall identify, describe and evaluate the likely significant effects on the environment of—*
- (a) implementing the plan or programme; and*
- (b) reasonable alternatives taking into account the objectives and the geographical scope of the plan or programme.*
- 4.23 Tiptree Parish lies within the Zones of Influence agreed by Natural England as shown in the Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy (RAMS) which is designed to address potential significant effects upon protected habitats through increased recreational disturbance arising, for example, from additional residential development. Against this context, CBC issued a scoping opinion for the TNP which included SEA objectives, and which did not attract objection from statutory consultees. Thereafter a SEA Environmental Report has been produced.
- 4.24 The latest version of the SEA, updated to reflect the adopted CLP, extant planning permissions and the most recent TNP Regulation 14 consultation responses, explains how reasonable alternatives to the preferred options within the TNP were explored.
- 4.25 This is predicated in particular on the housing target requirement of the CLP to ensure that the TNP provides for a minimum of 400 new homes and addresses strategic transport matters. As explained in Sections 4 and 5 of the SEA Report, 4 'growth scenarios' were identified for the Parish in response to its intention to facilitate the levels of housing growth indicated by the CLP. This was deliberately distinct from the consideration of individual site options. The 4 locational scenarios considered were:
- Scenario 1: Highland, Elms Farm (400 homes)
  - Scenario 2: Highland, Maldon Road (450)
  - Scenario 3: Elms Farm, Maldon Road (450)

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<sup>18</sup> The Environmental Assessment of Plans and Programmes Regulations 2004.

- Scenario 4 Highland, Elms Farm, Maldon Road (650)

Each of these have been assessed against the SEA framework topics.

- 4.26 The growth scenarios were identified with a cognisance of the CLP and extant planning permissions which includes 130 homes<sup>19</sup> not accounted for by the CLP when setting the requirement for 400 homes within Tiptree. Paragraph 5.12 of the SEA summarises the strategic considerations which have influenced the growth scenarios, including the community transport objectives which seek to avoid exacerbating traffic volumes through the village itself and to mitigate 'hot spots' to the north through new infrastructure. The SEA analysis is further informed by the available site options evidence. I consider it logical for the SEA to take into account the CLP, including preferred directions of growth, which consequently does not represent a methodological flaw in the SEA as referenced in representations.
- 4.27 A summary of the process underpinning potential housing site allocations within the TNP is provided by the updated Housing Topic Paper. This references two separate 'call for sites' stages (2014 and 2017), the CLP Strategic Housing Land Availability Assessment, an initial sift of responses and a subsequent two stage assessment of site suitability, availability, and deliverability against identified criteria. Ultimately, 39 sites within the Parish were taken forwards to a second stage of assessment.
- 4.28 Table 1 of the Topic Paper summarises, at a high level, why sites to the east, south and west of the village were considered unsuitable. This is supplemented by an analysis of conjoined blocks of sites against criteria which assessed whether a significant contribution to the provision of 400 new homes was arising, whether CLP Policy SS14 was satisfied, whether the TNP objectives were met, the extent of community gain and their deliverability. Such analysis is summarised in Topic Paper Table 3. Ultimately, the Topic Paper confirms that the consideration of a 'strategic link road' and site availability resulted in a preference for two sites to the north of the village over other options, for example land to the west or in the vicinity of Tower End.
- 4.29 Since the completion of the examination into the previous TNP, evidence concerning the transportation implications of the TNP has also been prepared. This has culminated in a high-level Strategic Highways Note (February 2022) which takes into account earlier evidence on broad locations for growth within the Parish and considers, amongst other matters, the potential routes for a 'link' road. I consider this to be a proportionate response to the issues arising for the Parish and is a reasonable response to the provisions of CLP Policy SS14(iv, v).
- 4.30 The evidence identifies that the majority of traffic anticipated from new developments will travel to/from the A12 to the north. Based on a broad

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<sup>19</sup> 'Marden Homes' site. Application 190647.



analysis, the evidence indicates that a new 'link' road, as a consequence of development to the north of the village and mindful of land outside of the TNP area, would deliver highway improvements for Tiptree. More detailed transport assessment would be linked to planning applications in due course which is a reasonable conclusion. Such evidence proportionately addresses the matters arising from CLP Policy SS14 and earlier iterations of the TNP.

- 4.31 When considered in the round, these considerations, in the analysis of the Parish Council, favour expansion of the village to the north and northwest over and above elsewhere, including the east and south. The process undertaken by the Parish Council concludes that the TNP preferred sites, at Highland Nursery and Elms Farms, represent suitable sustainable development and would provide the greatest benefits in respect of the TNP objectives.
- 4.32 CLP Policy SS14 clearly does not include land to the west of the village as a preferred direction of growth. The TNP and its supporting evidence, which includes consideration of planning applications, demonstrates, in a proportionate manner, that suitable regard has been had to the extant development plan in resolving its spatial strategy.
- 4.33 I recognise the disagreements between omission site proponents and the Parish Council in how the conclusions upon the merits of sites have been reached. Nevertheless, in terms of the spatial strategy for the TNP, the content of the development plan and local highway considerations contribute reasonably to the justification of the TNP content. The TNP site allocations are designed to contribute to meet the expectations of the CLP, including at least 400 homes. The inclusion of additional land, for example, at Oak Road adjoining the Elms Farm allocation, is not warranted at this time. There is insufficient persuasive evidence to indicate that the approach of the TNP towards its spatial objectives is irrevocably flawed and that the discounting of site development to the east, south and west to meet its housing objectives is not justified.
- 4.34 There is no specific requirement within national policy for the TNP to make specific provision for small and medium sized sites within its housing allocations. The absence of which does not render the TNP unjustified.
- 4.35 I am satisfied that the decision to develop and assess reasonable alternatives in relation to the matter of housing growth in light of the TNP objectives is satisfactory and enables the identification of potential significant effects which may arise. This is aligned adequately with the SEA Regulations.
- 4.36 Whilst I recognise the historic preferences of the previous TNP, I am satisfied that the SEA Report provides a reasonable options analysis which supports the decisions taken by the Parish Council in producing the

current TNP with a spatial strategy that has not, as some representations suggest, been prematurely fixed. The evidence shows that the spatial strategy has been informed by the adopted CLP, the preferred Vision and objectives of the community, an awareness of high-level constraints and with a proportionate assessment of potential development site availability.

- 4.37 I identify no fundamental flaw in the methodology of the submitted SEA with regards to the identification and assessment of growth options which has had regard to development site options. Reasonable alternatives to the preferred option must be distinct and proportionate. Whilst I note concerns raised by interested parties to the TNP which include suggestions that possible alternative strategies have not been considered, I am satisfied that the SEA identifies sufficient reasonable alternatives to the preferred strategy mindful of, but not slavish to, the objectives of the TNP. I note the absence of objection to the SEA from Natural England. Overall, the evidence is proportionate in its depth and coverage such that it adequately supports the spatial strategy of the TNP.

#### *Settlement Boundary*

- 4.38 The CLP defines the existing settlement boundary for Tiptree as shown on the CLP Policies Map. In so doing, the boundary was informed by, amongst other evidence, the CLP Part 2 Settlement Boundary Review (2017) and CLP Part 2 Topic Paper 6.
- 4.39 As indicated by CLP Policy SS14, the TNP has a remit to consider the extent of the village settlement boundary. The TNP seeks to redefine, via its policies map, a settlement boundary for the village. However, with the exception of the proposed housing allocations, it is unclear how this redefined settlement boundary has been informed by specific new evidence, for example an analysis of the settlement edge and the existing uses/built form in relation to their context. As a consequence, the proposed boundary contains changes from the extant development plan that appear evidentially unjustified.
- 4.40 When subject to detailed comparison, the TNP includes numerous changes to the extant settlement boundary. Some changes are of a relatively large scale such as the exclusion of Colchester United FC's land to the northwest of the village and the inclusion of land around Thurstable School; whilst some changes are of a relatively minor scale, such as the inclusion/exclusion of individual properties and their gardens, for example around Viners Farm and to the south-west of Park Drive plus others. Furthermore, there are some built areas of the village which are not included within the settlement boundary but the reasoning for this is unclear.
- 4.41 The effective implementation of the development plan partially relies on a justified supporting policies map. I have had regard to the evidence

sources cited, including the TNP questionnaire results, the TNP Vision and Objectives, the site selection process for the Plan and the SEA. However, even when considered cumulatively, these do not present a proportionately robust justification for the specifics of the revised settlement boundary within the TNP, excepting the site allocations.

- 4.42 As a matter of common sense, the inclusion of any proposed housing allocations within the settlement boundary are justified but the remaining changes are not warranted in the absence of clear reasoning. As a consequence, I find that the settlement boundary should, with the exception of the proposed allocations, remain as per the existing development plan and recommend accordingly **(PM1)**. A future review of the settlement boundary with proportionate evidence could be undertaken through a partial review of the TNP or through updates to the CLP in due course.
- 4.43 In its detail, Policy TIP01(A) is sufficiently clear albeit the justification for criterion (c) and its precise meaning is unclear. The existing settlement boundary is tightly drawn to the south-western edge of Tiptree such that there is only limited scope for policy compliant new development to extend the village towards Tiptree Heath. The policy implies that coalescence would, of itself, be unacceptable but no clear reasoning is provided as to why this would be the case (for example, landscape impacts). It may be the case that policy compliant development would be acceptable on the edge of Tiptree notwithstanding, for example, some form of minor intrusion beyond the established settlement edge. I therefore find that criterion (c) should be modified to specifically exclude harmful forms of development. I amend accordingly **(PM1)**.
- 4.44 TIP01(D) seeks to preserve the indicative route of a possible new link road within the site allocations. The justification for the link road is established by the commissioned transport evidence. I recognise that for it to be delivered in its entirety, land outside of the designated area would be required; nevertheless, there is support from the Borough Council and landowners for the link road provision and there is a broad SoCG between the two affected Parish Councils. On balance, the content of Policy TIP01 is reasonable and there is no evidence delivery of its requirements within Tiptree over the plan period is not feasible.

#### Design and Housing (Policies TIP02-05)

- 4.45 Chapter 6 of the TNP addresses housing and design issues within the Parish. The TNP and its evidence combine to demonstrate an adequate understanding of the national and local housing context with a suitable analysis of the relevant planning policy considerations. The TNP is informed by the feedback from the community, including the desire to retain a 'village feel'. As a consequence, Policy TIP02 establishes a requirement for good quality design which respects and enhances the

character and appearance of its surrounding area. This is consistent with national policy and has suitable regard to the CLP which contains a number of salient policies, including SP7 (Place Shaping Principles), DM12 (Housing Standards), DM13 (Domestic Development) and DM15 (Design and Amenity).

- 4.46 Part A of Policy TIP02 refers to 10 criteria (a-j) albeit not all will be applicable to all forms of development that may arise in the Parish (for example, domestic extensions). Consequently, precision will be secured if the policy makes clear that proposals should address the criteria where applicable, and I recommend a modification accordingly **(PM2)**.
- 4.47 Criterion (i) refers to high quality materials. However, 'high quality' is not defined and is a subjective and imprecise term. To ensure that the policy may be implemented without ambiguity I recommend a modification which simply ensures that materials complement their context **(PM2)**.
- 4.48 Criterion (j) requires properties to be designed to enable retro-fitting for new electricity and digital technology. As worded, it is not clear as to how the policy could be implemented; for example, how can a property be designed for the retro-fitting of technologies which are not currently known? To ensure clarity of implementation, I recommend that the second part of the criterion is omitted **(PM2)**.
- 4.49 Part C of the policy refers to sufficient external amenity space and associated space for refuse et al. It is unclear what is meant by 'sufficient'. I therefore recommend a modification to ensure clarity **(PM2)**.
- 4.50 TNP Policy TIP03 relates to residential car parking which I appreciate from the community feedback is an issue of interest within the Parish. I am mindful that CLP Policy DM22 already provides a clear approach to assessing levels of parking for new residential development. The CLP notes that the Borough Council's existing 2009 parking standards will be reviewed, that the standards offer guidance within a context where flexibility will be required to take account of local circumstances, including the nature of a development and its location. Consequently, it is not appropriate for a planning policy to require adherence to standards that are designed to offer guidance and where the development plan already anticipates the need for flexibility. Nevertheless, it is entirely reasonable for a policy to expect that regard should be had to local standards where they may have been produced. I therefore recommend a modification to TNP Policy TIP03 **(PM3)**.
- 4.51 Policy TIP03 also encourages the utilisation of off-street parking which is reasonable and the provision of on-street parking in laybys which would not preclude alternative designs where appropriate. Overall and subject to my recommendation, Policy TIP03 is consistent with the development plan and has appropriate regard to national policy.

- 4.52 The TNP reflects the aspirations of the CLP through the inclusion of Policy TIP04 which encourages major residential development to demonstrate how the Building for a Healthy Life standards would be met. Such encouragement does not conflict with the development plan and has appropriate regard to national policy.
- 4.53 The TNP acknowledges that the CLP provisions for affordable housing (Policy DM8) were constructed under the transitional arrangements which followed the change of national policy to require the specific provision of First Homes. Consequently, TNP Policy TIP05 makes clear that at least 25% of affordable units secured through development contributions should be First Homes which aligns with national policy and the guidance of the PPG.<sup>20</sup>

#### Traffic and Movement (Policies TIP06-07)

- 4.54 One of the identified objectives for the TNP is to improve both vehicular and non-vehicular movement through and around Tiptree. TNP Policy TIP06 contains 5 parts which specifically relate to non-motorised user access routes. The policy supports development which enables cycling, walking and equestrian infrastructure alongside safe pedestrian access to services and facilities within the village.
- 4.55 Policy TIP06(D) requires that development proposals which significantly increase the numbers of children walking to school must contribute towards pedestrian crossings as deemed necessary by the Highway Authority. In the absence of baseline data, it is unclear what a significant increase in the number of children walking to school would be or how this would be measured. Consequently, the policy is imprecise, and its effective implementation would be challenging. I recommend a modification to ensure that the policy is clear in its reference to the pedestrian journeys to and from school by children and their parents/guardians and to ensure it is capable of effective application with reference to pedestrian crossings and any other potential measures which arise based on local circumstances. This will maintain the objective of ensuring that, where necessary, the effect of development proposals on pedestrian and general highway safety is mitigated adequately **(PM4)**.
- 4.56 The TNP, as shown through its evidence, its objectives and its policy content, has clearly been developed with an awareness of transport related issues affecting the wider area. These include initiatives to enhance the A12 to the north which has implications for traffic connections from and through Tiptree. I am mindful of the TNP consultation comments of Colchester Borough Council, Essex County Council and National Highways which do not object to the principles embodied within the TNP.

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<sup>20</sup> Paragraph: 013 Reference ID: 70-013-20210524.

- 4.57 Policy TIP07 seeks to mitigate the impact of vehicular traffic through Tiptree village. The TNP is supported by evidence which includes the local Review of Transport Issues Notes, a Strategic Highways Note and within the Housing Topic Paper. I consider the evidence base to be proportionate to the content of the TNP. This evidence incorporates a high-level assessment of the need, options and potential effects of securing a 'link road' to alleviate traffic issues within Tiptree and concludes that a location to the northern edge of the village is optimal.
- 4.58 Parts A-C of Policy TIP07 seek to minimise vehicular congestion and support traffic flow improvements whilst indicating the likely access points to the proposed development site allocations. The intentions and content of the policy are clear and justified.
- 4.59 Parts D-F require that the first phase of the northern link road should be delivered through the housing allocations required by TNP Policies TIP15 and TIP16 and should be designed appropriately for its edge of settlement location. Whilst I recommend modification of the policy **(PM5)** to avoid inflexibility in requiring adherence to the 2018 Essex Design Guide, I find that these elements of the policy are sufficiently justified by the evidence and do not conflict with the development plan, including Policy SS14, or fail to have sufficient regard to national policy.

#### Tiptree Village Centre (Policy TIP08)

- 4.60 The TNP recognises the important role that the village centre plays for Parish residents and the wider area. As TNP paragraph 8.1 summarises, with reference to the CLP and the designation of the village as a District Centre, Tiptree has a substantial convenience goods shopping offer which serves the western part of Colchester Borough alongside meeting its service needs. Consequently, TNP Policy TIP08(A and B) reasonably seeks to protect and enhance the retail offering of the village and supports new, appropriately located, office-based business units.
- 4.61 TIP08(C) supports the provision of suitably located sheltered housing in the village centre to meet the needs of older people which is reasonable. TIP08(D) supports the principle of proposals for the provision of appropriately sited public parking which is logical. TIP08(E) seeks to avoid adverse effects arising from development upon residential amenity which is a reasonable aspiration albeit the policy should be amended in the interests of its future effectiveness, to focus upon unacceptable effects and I recommend accordingly **(PM6)**.
- 4.62 Overall, Policy TIP08 complements the extant development plan, including policies SG5, SS14 and DM2, and is justified.

#### Employment (Policy TIP09)

- 4.63 The Parish of Tiptree has historically served a locally important economic function, especially since the jam factory was established in 1885. The CLP designates and safeguards four Local Economic Areas which are noted within the TNP. The TNP is supported by an Employment Topic Paper and identifies that future economic growth is likely to arise from small scale businesses, including start-ups and micro businesses which create a demand for smaller flexible business spaces.
- 4.64 As a consequence, the TNP allocates an additional 1.1ha of employment land to supplement existing provision. TNP Policy TIP09 subsequently supports small scale offices/workspaces which I do not find to conflict with Policy TIP01 in relation to the settlement boundary which I have addressed above. Overall, the approach of the TNP is proportionately justified, is consistent with the development plan and has regard to national policy.

#### Community Infrastructure (Policy TIP10)

- 4.65 The TNP reasonably identifies that the provision of appropriate community infrastructure within the Parish should be supported to address anticipated needs. As a consequence of the TNP spatial strategy, Policy TIP10 places an emphasis on new community infrastructure arising from the plan's residential development allocations. Broad details are provided by TIP10(B and C) which identify the need for land to provide a community hub, allotments et al. The requirements are proportionately justified by the available evidence.
- 4.66 I find the approach of the TNP to be suitably justified whilst having suitable regard to the development plan and national policy. A typographical error requires resolution through a minor non-material change in the last sentence of TIP10(A) via the introduction of *contributions* in lieu of *contributes*.<sup>21</sup>

#### Countryside, Green Spaces and Green Infrastructure (Policies TIP11 – TIP14)

- 4.67 Tiptree village and the wider Parish are set in a predominantly rural landscape which, based on the community feedback during the TNP production process, provides valued environmental assets which are detailed in the supporting draft Environment Working Group Report (EWGR, work in progress 2018).

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<sup>21</sup> This minor inaccuracy can be addressed as a non-material revision under the terms of PPG Reference ID: 41-106-20190509.

- 4.68 Policy TIP11 specifically relates to 'green infrastructure', as defined at TNP paragraph 11.2, and requires that new development should integrate with the existing green infrastructure network and improve connectivity where possible. Such an objective is reasonable in the context of the Parish, the development plan and national policy.
- 4.69 Policy TIP11 also affirms that Local Wildlife Sites are protected and that CLP Policy ENV1 will apply to development proposals. On balance and notwithstanding an element of repetition, this clause is acceptable.
- 4.70 Part C of Policy TIP11 sets out a broad approach to requiring biodiversity net gain from new development with appropriate reference to the enhancement of ecological networks, the restoration of wildlife habitats and the potential utilisation of sustainable urban drainage techniques. These do not conflict with current legislation, national policy or the extant development plan, including Policy ENV1 which establishes the requirement for at least 10% biodiversity net gain.
- 4.71 Overall, Policy TIP11 has due regard to the CLP, including Policy ENV3, and is consistent with national policy.
- 4.72 The TNP recognises that new developments have the potential to impact upon the environment. Policy TIP12 specifically addresses landscaping and biodiversity. The policy requires major new development to use appropriately designed green buffers where possible, whilst developments that face open countryside are required to respect prevailing building heights and be designed to provide an appearance appropriate to their setting. Such an approach is reasonably predicated on securing suitably designed development that retains a 'village feel', reflects national policy and the extant development plan, including Policy ENV1.
- 4.73 Policy TIP13 designates 7 Local Green Spaces (LGS) across the Parish as shown on TNP Map 11.1. The NPPF<sup>22</sup> sets out the purpose and process for identifying LGS. In particular:
- "The Local Green Space designation should only be used where the green space is:*
- (a) in reasonably close proximity to the community it serves;*
  - (b) demonstrably special to a local community and holds a particular local significance, for example because of its beauty, historic significance, recreational value (including as a playing field), tranquillity or richness of its wildlife; and*
  - (c) local in character and is not an extensive tract of land".*
- 4.74 LGS was not proposed in the Regulation 14 version of the TNP and there is no single evidence source supporting the LGS sites within the TNP. Reliance is placed by the Parish Council on the supporting EWGR, the responses received from public consultation exercises including the

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<sup>22</sup> NPPF Paragraphs 101-103.



Regulation 14/16 responses, and the content of the TNP itself. The TNP identifies the following areas as LGS:

- Brook Meadow
- Warrior's Rest
- Park Lane Nature Reserve and Amenity Land
- Grove Road Playing Field
- Grove Lake
- Windmill Green
- Birch Wood

The EWGR does not contain a site-by-site analysis of the proposed areas of LGS against the criteria of the NPPF albeit does include a commentary in relation to Brook Meadow. The questionnaire and consultation responses do not specifically clarify the value of proposed LGS sites in relation to the NPPF criteria albeit they do support the provision of additional green space, nature conservation and the protection of landscape character et al.

- 4.75 Whilst evidence in support of a neighbourhood plan should be proportionate to the issues of interest, there is a paucity of evidence in relation to the proposed LGS within the Plan which includes consideration of the NPPF criteria, for example as advised by Locality.<sup>23</sup> It may be the case that the areas identified within the Plan have demonstrable value, but it is also the case that this is not substantially evidenced in the TNP submission documentation.
- 4.76 The PPG advises<sup>24</sup> that *"...the qualifying body should contact landowners at an early stage about proposals to designate any part of their land as Local Green Space. Landowners will have opportunities to make representations in respect of proposals in a draft plan"*. As noted above, LGS was not part of the Regulation 14 version of the TNP. Nevertheless, it is clear from the submitted evidence that the Parish Council did seek to engage with private landowners, such as those at Brook Meadow, with regard to the Regulation 16 version of the TNP to draw attention to the proposed LGS designation.
- 4.77 The PPG is guidance and not regulation such that I am satisfied from the available evidence that reasonable attempts were made to inform those responsible for Brook Meadow. In any event and in general terms, all landowners and interested parties have had an opportunity to comment on the submitted Plan and thereby have been aware of its content and have responded to the Regulation 16 consultation as appropriate. I do not find that prejudice has arisen to the interests of landowners by reason of the process of TNP production such that consideration of the LGS designation should not be undertaken as part of the current examination.

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<sup>23</sup> [Making local green space designations in your neighbourhood plan](#). Neighbourhood Planning (Locality).

<sup>24</sup> PPG Reference ID: 37-019-20140306.

- 4.78 Brook Meadow is adjacent to the village and the area of LGS is shown upon the TNP Policies Map. Critically, in the context of Tiptree and neighbourhood planning in general, it is a particularly large area. The area is in excess of 11ha in size which, in my judgement, is an extensive tract of land which runs counter to the content of the NPPF.
- 4.79 The area is part of the wider Inworth Grange Local Wildlife Site (LWS) and is a defined area of unimproved grassland which contributes to its wildlife value. Whilst I saw that the area contains a number of informal tracks, I note, based on the submissions made to the Regulation 16 consultation and the examination, that the site owners state that the site is not in public ownership, there are no public rights of access and there is no intention from the landowners to enable public recreational use. This position contrasts with other TNP evidence, such as the consultation responses to the submitted Plan, which indicates that public access of the area has historically been enjoyed by visitors and residents.
- 4.80 The land at Brook Meadow is close to the village. Rights of public access are evidently in dispute. The PPG is clear that "...land could be considered for designation even if there is no public access (e.g., green areas which are valued because of their wildlife, historic significance and/or beauty)".
- 4.81 If access is not legally permitted, then Brook Meadow's recreational value to Parish residents and visitors, as noted within TNP paragraphs 11.14 to 11.18, would be reduced. However, based on my inspection, it is clear that access onto the land has historically occurred and, based on the community and consultation comments, it is also clear that the land has provided some recreational value to parts of the community. Nevertheless, even if public access was permissible, it is insufficiently clear from the submitted evidence why the land in its entirety is 'demonstrably special' to the Parish and locally significant for its recreational value.
- 4.82 Furthermore, I have had regard to all of the consultation responses to the TNP and have identified no clear evidence that the land is valued by the community for its historic significance or beauty. With regard to the latter, my attention has been drawn to the absence of any statutory landscape designation for the LGS site and that it is not a 'valued landscape' as defined by paragraph 174a of the NPPF. Respondents opposed to the LGS designation consider that the land has been assessed as having a medium landscape susceptibility, a medium landscape value and a medium landscape sensitivity (with a potential in landscape and visual terms to support sensitively designed residential development). Whilst LGS does not have to be part of a 'valued landscape' as defined by the NPPF, there is insufficient evidence to suggest that the area holds a particular local significance due to Brook Meadow's beauty or, furthermore, for being unduly tranquil. Based on the submitted evidence,

the site does not demonstrably hold a particular local significance because of its beauty, historic significance or tranquillity.

- 4.83 I have noted that the land is part of a LWS which, by extension, provides a wildlife value to the area that, based on responses to the community consultations, is noted by respondents. The EWGR is a summary of the Environment Working Group's research and preliminary conclusions, but any underpinning final report is unavailable. In summary, the wildlife merits of the site appear to revolve around its "flower rich grassland" and its suitability for orchids although the differentiation (if any) between the proposed LGS and the wider LWS is unclear or how the former area is specifically valued. The summary EWGR is helpful but does not sufficiently indicate a 'richness in wildlife' pertinent to the designated LGS site that is demonstrably special to the local community with a particular local significance.
- 4.84 I am mindful of the need for proportionate evidence in support of any neighbourhood plan. However, the absence of sufficient clear evidence addressing the criteria of the NPPF, in combination with its extensive size, means I cannot conclude at this time that the Brook Meadow LGS is justified. I therefore recommend a modification of the TNP accordingly **(PM7)**.
- 4.85 Warriors Rest is land within public ownership and adjacent to other community facilities at the north-eastern edge of the village. While it is close to the settlement, there is very limited evidence of its current value to the community, particularly in relation to its perceived beauty, historic significance, recreational value, tranquillity or richness of its wildlife. Notwithstanding an intention to develop future walks and rides which will enhance its public accessibility and its identification as a LWS, without specific evidence which explains why the land is currently perceived to be demonstrably special in conjunction with its extensive size (9.4ha), I find that the criteria of the NPPF for its designation as LGS are not met. As such, the LGS designation is not currently justified, and the area should be omitted from the TNP **(PM7)**.
- 4.86 In contrast to the above two areas of proposed LGS, the remaining 5 areas are not extensive tracts of land. Notwithstanding an absence of specific evidence from the Parish Council, these are areas which I saw, from my visit, have clearly established recreational value. As a consequence of their condition, location, ownership and apparent usage these may, proportionately and on balance, be deemed demonstrably special to the local community.
- 4.87 Park Lane Nature Reserve and Amenity Land is an established area, close to the south-eastern edge of Tiptree, accessible for public recreation and not unduly large in size. The NPPF criteria would be met and the LGS designation is justified.

- 4.88 Grove Road Playing Field is an established area, central to Tiptree, modest in size and clearly well used for public recreation. The NPPF criteria would be met and the LGS designation is justified.
- 4.89 Grove Lake is an attractive public area within the centre of the village. It is compact in size and is clearly established for public recreation. The NPPF criteria would be met and the LGS designation is justified.
- 4.90 Windmill Green is a relatively informal area of green space on a main access route into the village centre. It clearly has recreational amenity value such that the NPPF criteria would be met and the LGS designation justified.
- 4.91 Birch Wood lies to the south of the village albeit abutting the settlement boundary. Public access is already established with indications of regular public access for recreational purposes and not unduly large in size such that the NPPF criteria are met and the LGS designation justified.
- 4.92 Policy TIP13 requires further modification to ensure that it is consistent with national policy which requires that development proposals must be managed in a manner consistent to those for Green Belts which does not preclude all built development unless circumstances warrant. With regard to the NPPF<sup>25</sup>, I recommend accordingly **(PM7)**. Overall, the modified TNP approach towards LGS is justified and has regard to national policy.
- 4.93 Policy TIP14 sets out the TNP approach towards recreational disturbance, avoidance and mitigation for protected habitats. Overarching the policy is the CLP, including Policies ENV1 and SP2, and the Essex Coast Recreational Avoidance and Mitigation Strategy (RAMS), which seek to avoid adverse in-combination effects on such habitats. I have had regard to the available evidence base, including the HRA Report, and whilst I note that the CLP provides an existing policy stance towards such matters, TNP Policy TIP14 does provide specific local references such that I am satisfied that undue repetition is avoided and the policy would add value to the development plan.

#### Site Allocations (Policies TIP15 – TIP16)

- 4.94 The TNP site allocations are informed by a range of evidence which is referenced in the Housing Topic Paper, a developer Deliverability Statement and elsewhere. I find that the approach taken is proportionate to the objectives of the TNP.
- 4.95 Policy TIP15 identifies approximately 11 hectares of land at Highland Nursery for a minimum of 200 dwellings. The criteria within the policy provide suitable clarity for the assessment of any development scheme that may emerge and includes reasonable provision for affordable

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<sup>25</sup> NPPF Paragraph 147 onwards.

housing and necessary infrastructure. In light of the available evidence, including the extant development plan and the Transport Report, I am satisfied it is consistent with the development plan, including the reference to an indicative route for a link road shown on Map 12.1.

- 4.96 Policy TIP16 allocates approximately 10 hectares at Elms Farm for a minimum of 200 dwellings. The criteria within the policy provide suitable clarity for the assessment of any development scheme that may emerge and includes reasonable provision for affordable housing and necessary infrastructure, including drainage. The development will likely increase the use of Oak Road which I saw is variable in its geometry. However, whilst I note some local concerns at the implications of increasing traffic along this existing route, there is no specific objection from the County Council (as highway authority) and no evidence that the development would lead to unacceptable impacts on the highway network either within or outwith the Parish. On the balance of the available evidence, the allocation is justified and consistent with the development plan, including the reference to the intended link road.

#### Policies Map

- 4.97 The policies map should illustrate geographically the policies in the development plan. As such, those included within the TNP will need to be revised to take account of this report should the plan proceed through referendum and be made.

## 5. Conclusions

### Summary

- 5.1 The Tiptree Neighbourhood Plan has been duly prepared in compliance with the procedural requirements. My examination has assessed whether the Plan meets the Basic Conditions and other legal requirements for neighbourhood plans. I have had regard to all the responses made following consultation on the TNP, and the evidence documents submitted with it.
- 5.2 The TNP, as modified, would be in general conformity with the strategic policies of the development plan, have due regard to national policy and would support sustainable development.
- 5.3 I have made recommendations to modify the suite of policies to ensure the Plan meets the Basic Conditions and other legal requirements. I recommend that the Plan, once modified, proceeds to referendum.

## The Referendum and its Area

- 5.4 I have considered whether the referendum area should be extended beyond the designated area to which the Plan relates. I am particularly mindful of the housing allocations, including the intended roads, and the close proximity of Messing Cum Inworth Parish.
- 5.5 The Planning Practice Guidance on the Independent Examination explains:  
*"It may be appropriate to extend the referendum area beyond the neighbourhood area, for example where the scale or nature of the proposals in the draft neighbourhood plan or Order are such that they will have a substantial, direct and demonstrable impact beyond the neighbourhood area."*
- 5.6 Whilst I note the helpful SoCG between the two Parish Councils and the absence of representation on immediate cross boundary effects, there are relatively large development site allocations in the TNP which abut the adjoining Parish. These are identified to increase the use of the road network towards the A12 and include the aspiration to create a northern 'link road' which would cross part of Messing Cum Inworth Parish, feasibly with a future realignment of the Parish boundaries. The nature and scale of what is proposed in the Plan would have a substantial, direct and demonstrable impact beyond the Neighbourhood Plan Area.
- 5.7 I recommend that the boundary for the purposes of any future referendum on the Plan should be the boundary of the designated Neighbourhood Plan Area and include Messing Cum Inworth Parish.

## Overview

- 5.8 In conducting the examination, I appreciated the opportunity to familiarise myself with the issues affecting the Parish and visiting Tiptree and its surrounds. The Plan follows a clear structure. The Consultation Statement and the Basic Conditions Statement were helpful. The Parish Council, the Steering Group and other stakeholders are to be commended for their efforts in developing the document which, incorporating the modifications I have recommended, will make a positive contribution to the development plan for Colchester City and will assist in creating sustainable development as envisaged by national policy.

*Andrew Seaman*

Examiner

Appendix: Modifications

Note: deletions shown with ~~strike through~~ and additions shown in *italics*.

<b>Proposed modification number (PM)</b>	<b>Page no./ other reference</b>	<b>Modification</b>
PM1	19	<b>POLICY TIP01: TIPTREE SPATIAL STRATEGY</b> A. New development in Tiptree parish shall be focused within the settlement boundary of Tiptree village and on the site allocations in Policies TIP15 (Highland Nursery) and TIP16 (Elms Farm) as identified on the Policies Map. Development proposals outside the settlement boundary will only be permitted where:  a. it relates to necessary utilities infrastructure and where no reasonable alternative location is available; or b. it is in accordance with CLP S2 Policy SG1 (Colchester’s Spatial Strategy) and Policy OV2 (Countryside) in respect of development in the countryside; and c. there is no <i>harmful</i> coalescence between the built-up area of Tiptree village and the hamlet of Tiptree Heath.  ...
	60	Policies Map – the settlement boundary to be amended to reflect the extent of the extant development boundary defined by the CLP plus the TNP site allocations.
PM2	21	<b>POLICY TIP02: GOOD QUALITY DESIGN</b> A. All development within Tiptree must demonstrate good quality design and respect and enhance the character and appearance of the surrounding area and the way it functions. Achieving good design in Tiptree means responding to and integrating with local surroundings and landscape context as well as the existing built environment. In particular <i>and where applicable</i> , proposals must demonstrate

		<p>that they will appropriately address the following:</p> <ul style="list-style-type: none"> <li>a. Ensure new development proposals reflect the local vernacular in terms of building styles, building set back and arrangements of front gardens, walls, railings or hedges.</li> <li>b. Incorporate inter-connected areas of open space and green infrastructure to form discreet groups of buildings to break up the building mass.</li> <li>c. Retention of existing landscape features such as mature trees and hedgerows which contribute to local landscape character and ecological diversity.</li> <li>d. Incorporate the principles of Secured by Design to design out crime.</li> <li>e. Propose trees and mixed hedges of predominantly native species to screen development and integrate it into the landscape.</li> <li>f. Development must minimise the visual impact of built development on existing green infrastructure networks such as footpaths, cycle paths, bridleways and leafy lanes.</li> <li>g. 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 in the parish.</li> <li>h. Ensure safe access to routes for pedestrians, cyclists and road users, particularly towards the village centre, local schools and other amenities.</li> <li>i. Use of <del>high quality</del> materials that complement the existing dwellings in the immediate vicinity.</li> <li>j. Properties to be designed so they incorporate appropriate infrastructure, including electric car charging points, <del>and can be retro-fitted for new electricity and digital technology.</del></li> </ul> <p>B. Designs that incorporate new technology to increase energy efficiency and reduce the carbon footprint will be encouraged.</p>
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		<p>C. In order to ensure a high quality and well managed streetscape, developments must ensure that sufficient external amenity space is provided <i>to meet the needs of occupants</i>, as well as space for refuse and recycling storage and car and bicycle parking.</p>
PM3	22	<p><b>POLICY TIP03: RESIDENTIAL CAR PARKING</b></p> <p>A. All new residential developments within Tiptree must demonstrate <del>sufficient</del> <i>adequate</i> provision of off-street car parking that <del>meets</del> <i>has regard to</i> the relevant local standards.</p> <p>B. In order to ensure that off-street parking is fully utilised, the provision of open parking under car ports, on drives or on parking courts with designated spaces is encouraged in preference to garages. Height and width of parking spaces should <del>be in accordance with</del> <i>have regard to</i> the space dimensions set out in 'Essex Parking Standards: Design and Good Practice' document (2009) or successor document.</p> <p>C. In order to achieve an orderly streetscape, on-street parking is encouraged to be provided in lay-bys.</p>
PM4	26	<p><b>POLICY TIP06: NON-MOTORISED USER ACCESS ROUTES</b></p> <p>...</p> <p>D. In order to ensure the provision of safe direct walking and cycling routes to Baynard's Primary School and Thurstable Secondary School, development proposals that will <del>significantly</del> increase the numbers of <del>children</del> <i>pedestrians</i> walking to <i>and from</i> school must contribute towards the provision of suitable pedestrian crossings, <i>or other measures</i>, as deemed necessary by the Highway Authority. In respect of the site allocations in Policies TIP15 (Highland Nursery) and TIP16 (Elms Farm), the need for pedestrian crossings of Kelvedon Road, Oak Road, Colchester Road Maypole Road and the link road must be considered.</p>

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PM5	32	<p><b>POLICY TIP07: MITIGATING THE IMPACT OF VEHICULAR TRAFFIC THROUGH TIPTREE VILLAGE</b></p> <p>...</p> <p><u>Link Road</u></p> <p>D. The first phase of the northern link road <del>are</del> <i>is</i> to be delivered through the following allocations: a. Policy TIP15 (Highland Nursery) b. Policy TIP16 (Elms Farm)</p> <p>E. The new link road will reflect the rural character of this edge-of-settlement location and will <del>meet</del> <i>have regard to</i> the necessary specifications as set out in the Essex Design Guide (2018) <i>or subsequent guidance</i>, in particular ensuring it is sufficient to support a bus route and forecast levels of non-residential traffic.</p> <p>F. Driveways serving new dwellings along the route of the link road should not be accessed directly from the link road, but dwellings may still front the road behind footpaths/grass verges and parallel access roads.</p>
PM6	35	<p><b>POLICY TIP08: TIPTREE VILLAGE CENTRE</b></p> <p>...</p> <p>E. Proposals must not <del>adversely</del> <i>unacceptably</i> affect residential amenity, particularly in terms of on-street car parking, noise and hours of operation.</p>
PM7	45 - 49	<p><b>POLICY TIP13: LOCAL GREEN SPACES</b></p> <p>A. The following spaces as shown on the Policies Map are designated as Local Green Spaces: 1. <del>Brook Meadow</del> 2. <del>Warrior's Rest</del> 3. 1. Park Lane Nature Reserve and Amenity Land 4. 2. Grove Road Playing Field 5. 3. Grove Lake 6. 4. Windmill Green 7. 5. Birch Wood</p> <p>B. <del>Proposals for built development on</del> <i>Proposals consisting of inappropriate development affecting a Local Green Space</i> will only be permitted in <del>exceptional</del> <i>very</i></p>

		<p><i>special circumstances. All other development shall be determined with regard to national policy.</i></p> <p>11.13 The following 7-5 areas (shown on Map 11.1 and the Policies Map) are considered to fulfil all of the criteria of the NPPF:</p> <ol style="list-style-type: none"> <li>1. <del>Brook Meadow LWS</del></li> <li>2. <del>Warriors Rest...</del></li> </ol> <p>Omit paragraphs 11.14-11.19</p> <p>Amend policies map and text updates</p>
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