

Wivenhoe Neighbourhood Plan Examination

Questions of clarification from the Examiner to the Wivenhoe Town Council (WTC) and Colchester Borough Council (CBC)

From the Examiner, Ann Skippers

Having completed my initial review of the Neighbourhood Plan (the Plan), I would be grateful if both Councils could kindly assist me as appropriate in answering the following questions which either relate to matters of fact or are areas in which I seek clarification or further information. Please keep answers as brief as possible and do not send or direct me to evidence that is not already publicly available.

1. Please let me know the start date for the Plan.

WTC response: It is intended that the start date of this Plan will as soon as possible after the date it has been approved by means of a Referendum by residents of Wivenhoe and then adopted by CBC.

CBC response: Start date to be 2019 based on the assumption that the Plan will be made during the year.

2. The Plan area:

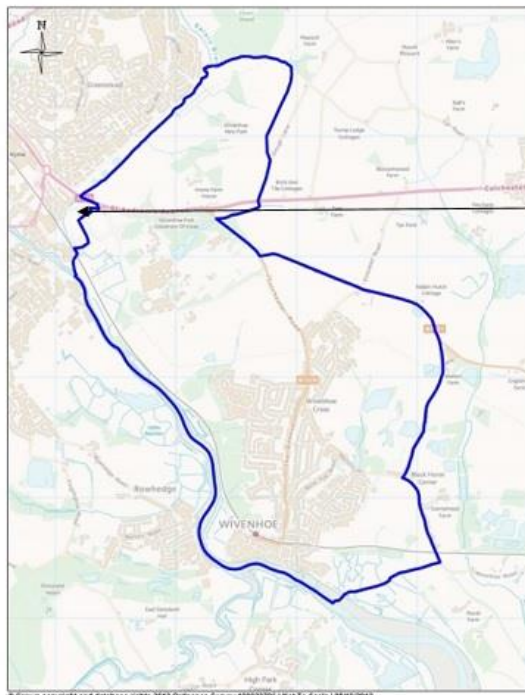
a. Please confirm the date on which the Plan area approved.

WTC / CBC response: It was approved by Colchester Borough Council on 29th July 2013. This was agreed by the Local Plan Committee on this date.

b. I understand that the Plan area is conterminous with the Town Council's administrative boundary following amalgamation of two wards (Wivenhoe Cross and Wivenhoe Quay) in 2016. Is this correct?

WTC response: The Plan area covers the two former Borough Council wards (Wivenhoe Cross and Wivenhoe Quay) at the behest of Colchester Borough Council. Initially the thinking of Wivenhoe Town Council and the WNP Group was that the WNP should focus on the Wivenhoe Parish area but we agreed to CBC's direction. When the two wards were amalgamated the boundary on the eastern side by the University was extended slightly so that the boundary follows Salary Brook. However this amalgamation of these two wards took place in March 2015, after the WNP area had been agreed, and in consequence the WNP area does not include the whole of the wards. See pictures below:

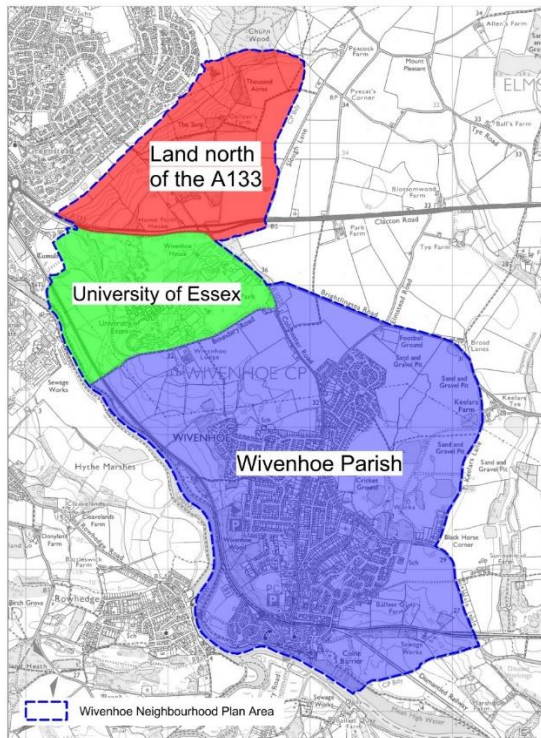
Wivenhoe Neighbourhood Plan Area



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- c. WTC response: The WNP area is not coterminous with the Town Council's boundary which covers only little more than the Wivenhoe Settlement area and then to Boundary Road to the north. See the blue area marked Wivenhoe Parish on the map below.

Areas of the Wivenhoe Neighbourhood Plan



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d. Did the Plan area approved cover both former wards?

WTC response: Yes but see the earlier comment in para b.

CBC Response: The area designated is as shown on the Plan above

3. Was the Strategic Environmental Assessment (SEA) Addendum of October 2017 subject to consultation? Please detail all the consultation undertaken in relation to SEA.

WTC response: CBC conducted a consultation on the Wivenhoe Neighbourhood Plan which ran for 6 weeks between **5th February 2018** and **19th March 2018**.

On its web site, Colchester Borough Council said: The Wivenhoe Neighbourhood Plan sets out the planning framework about how Wivenhoe residents and businesses would like the parish to develop over the next 15 years up to 2033. The Wivenhoe Neighbourhood Plan Submission documents (a) - (e) listed below accord with Part 5 Regulation 15 of The Neighbourhood Planning (General) Regulations 2012.

- a) Map showing the Wivenhoe Neighbourhood Plan Area
- b) Proposed Neighbourhood Plan
- c) Basic Conditions Statement
- d) Consultation Statement
- e) Wivenhoe Neighbourhood Plan Strategic Environmental Assessment Environmental Report and addendum report.

For CBC's web page, see: <https://www.colchester.gov.uk/info/cbc-article/?catid=neighbourhood-planning&id=KA-01416>

4. Please can CBC set out and update me on the latest position with any relevant plans at Borough level and any implications any may have for the neighbourhood plan.

CBC response: The plan relevant to the Wivenhoe neighbourhood Plan is the Colchester Emerging Local Plan comprising a Strategic Section 1 and Borough wide Section 2. The following update has been sent to Stakeholders which summarises the latest position;

"We are contacting you to update you on the status of our emerging Local Plan. Work to date has included submission of the plan in October 2017. This was followed by examination sessions on the shared strategic Section 1, completed with partner authorities Braintree and Tendring District Councils, which were held in January and May 2018.

Joint work currently involves carrying out further work as requested by the Inspector in his letter of 8th June on aspects of the plan's evidence base and Sustainability Appraisal. The Inspector has indicated that the authorities should take as much time as is needed to complete this work and has accordingly confirmed in his letter of 10th

December that the Examination is 'paused' while this work is undertaken. During this period, the Inspector will not generally be accepting representations or correspondence on the Plan apart from a monthly progress update from the Councils and any relevant legal opinions.

The Councils are proposing that consideration of the revised evidence base and revised Sustainability Appraisal is programmed for mid-summer 2019. This would mean further examination sessions could take place in the autumn of 2019. Examination of the Colchester-specific Section 2 policies and allocations would then follow at a date to be advised by the Planning Inspectorate.

Work on the revised Sustainability Appraisal includes a technical consultation with those who are taking part in the Examination. This will look at the methodology for completing further analysis prior to the full public consultation on the revised SA to be carried out in summer 2019. This current technical consultation will run from 14 December 2018 to 1 February 2019.

All information on Section 1 of the Local Plan, including consultation information and the Council's monthly progress report, is available on the [shared examination](#) website which is hosted by Braintree District Council."

5. Is there any overlap or inconsistency between policies in the Plan? For example, two policies refer to care homes?

WTC response: Two potential sites have been allocated for a residential care home. Care homes can differ in type (some, for example, specialise just in dementia care). Wivenhoe currently has no care homes. Whether any potential developers come forward is likely to depend on market conditions. We do not think there is any overlap in these policies. Policy 25 states: Proposals for a residential care home (Use Class C2) within the Neighbourhood Plan area will be supported. This is a general policy whilst Policies Wiv28 and Policy WIV31 are site specific policies.

We have also re-considered Policy WIV24 and propose to amend it as follows for the sake of clarity:

POLICY WIV 24

New Infrastructure

Proposals for new residential development should provide evidence that local infrastructure will be provided and/or improved relative to the size and scale of the development proposed. This requirement will apply to all infrastructure, including education provision and flood prevention (fluvial, sea and surface water).

Note: This Policy previously read:

POLICY WIV 24

New Infrastructure

Proposals for new residential development will be supported which provides evidence that local infrastructure will be provided and/or improved relative to the size and scale of the development proposed. This requirement will apply to all infrastructure, including education provision and flood prevention (fluvial, sea and surface water).

CBC Response: It is agreed that the suggested alternative wording for Policy WIV24 provides more clarity than as originally drafted if the Examiner is minded to propose such a modification.

6. Page 19 and 20 of the Plan identify specific infrastructure identified through community engagement. Has any other evidence been gathered to support these? If so please briefly detail what work has been carried out.

WTC response: See table below.

New cemetery	The current cemetery is almost full with just one or two spaces available, excepting where some people may have family plots. St Mary's Church PCC as well as Wivenhoe Town Councillors have been expressing concern about declining spaces for a very long time. Correspondence and meeting notes exist which demonstrate that concern and attempts were made to find alternative sites. Wivenhoe residents wanting a burial rather than a cremation will shortly have to apply to Colchester Borough Council for a plot in the Colchester cemetery.
Allotments	There is a long waiting list for allotments and this has been the case for at least 5 years with up to 65 people on the waiting list. This number was correct when the last draft Plan was released. The number has fallen to 48 currently through plot allocations as some people have given up their plots.
Open Spaces – for wildlife etc	Public consultations held in Wivenhoe indicated that residents want to see more land allocated for wild life as well as land for recreational use. The children at Millfields School in Wivenhoe have also expressed their desires for more wild life protected areas.
Open Spaces – for recreation as well as the benefit of flora and wildlife	The land behind the Cricket Club is much used particularly by dog walkers. Part of the site is also home to orchids. It has relatively recently been classified as a local wildlife site.

New cycle tracks and footways	<p>Elmstead Road does not have a footpath for much of its length and is quite narrow. The proposed cycle path link to the Broad Lane Sports Ground is intended to provide a safer route for cyclists to the sports facilities from lower Wivenhoe by avoiding the main roads of The Avenue and Rectory Road. This proposal has been widely welcomed by residents in public consultations. There is plenty of anecdotal evidence from cyclists about the dangers of cycling on these roads. The proposed footpath and cycle route from Croquet Gardens to the Quarry site is looking to the future when the Quarry site might be developed after gravel workings are finally completed. This might also be used by people to avoid the Rectory Hill road which has no pavement.</p>
Playing Fields (for football and rugby)	<p>The Wivenhoe & District Sporting Facilities Trust which manages Broad Lane Sports Ground with such clubs as Wivenhoe Town Football Club and Wivenhoe Youth Football Club serve a wider district than just Wivenhoe. On 24th September 2014, the Chairman of the Trust made a direct approach to the WNP Group about this issue and we have remained in contact since. There is excess demand for the facilities. For example, Wivenhoe Ladies Football Club have to play on a pitch in neighbouring Alresford. There is a limit to how much wear and tear a pitch can take during a season, especially if the winter is very wet. Teams and groundsmen also need to consider mid-week training sessions. The University also have football pitches but these are used to capacity, especially with student numbers growing at the University. Demand for football pitches exceeds supply which has been a persistent situation. Apart from the very well-used pitches at the University, there are no other pitches for other sports as rugby, hockey or basketball.</p>
Local play areas for children	CBC has a policy for new developments
Community rooms and indoor hall space	See Section 23 – Appendix 3 of the draft WNP for the availability of halls in Wivenhoe. An additional table showing the

	availability and frequency of bookings for the various halls in Wivenhoe – see the analysis that follows this table which was prepared in 2013.
Social housing	We have followed CBC policy on Social Housing. In 2010, there were 4,591 people on CBC's Housing Register. In November 2018 the number of people on the Register had fallen to 4,119 of whom 1,666 people were banded in the higher needs bands of A to C. We don't have any specific analysis showing how many of these people presently reside in Wivenhoe but must presume that some of these people are already housed in Wivenhoe in unsuitable accommodation.

Analysis of Community Hall Space in 2013

Wivenhoe Public Spaces List 2013	FLOORSPACE	COST	AVAILABILITY IN NEXT TWO WEEKS	AVAILABILITY	USAGE	ACCESS Anyone unless stated	Fit for purpose	DISTANCE FROM SIA IN METERS	restrictions on use
William Loveless Hall	249.6	£15 per hour	Flexible	Flexible	Varies	Wivenhoe Town Council on 822864	Very good	277	Different prices for Resident, Non Residents and Commercial
Scout & Guide Hall	151.25	£8 per hour	yes	Limited	Evenings	Bonnie Hill 823073	Adequate	254	Does not hire out to parties where a lot of alcohol might be used.
St Marys Church	288.4	50% of door takings	full	10 music sessions per year	full this year	Rev. Erwin Lammens 822511	Adequate	155	will do community events, price subject to event additional to us
British Legion	248.5	£60 for event £10 for Bar	yes	very	not much	Martin Carrick 823090/07717026103	Very good	228	Upstairs opening in Summer and new staircase going in soon.
Philip Road Centre Main Hall	73.5	?	none	none	full		Good	150	Currently used by CP School finishing in July, they hire out to 3 groups. All set to change
Congregational Church and Hall		£12 per hour week day £15 per hour weekend	yes	some	weekday morning a two afternoons	Irene Atkinson 82346	Adequate	387	if you require alcohol and dancing you have to get your own Tens License.
Colne Social Club	66.64	n/a	n/a	n/a	2 evening 1 afternoon per week	Tony Forsgate 822019 Members Only	Poor	227	Private men only snooker club. Does not hire out.
Broad Lane Football Club						Lorraine 07931 134001		2284	
Broad Lane Tennis Club	102.94	Not Hireable	n/a	n/a	Weekends and by Coach during week	Members Only	New	2284	Do not hire only clubhouse is a Portacabin. Measurements include Portacabin, shed and toilet block.
The Bowls Club	324	Members Only or friends of Members	n/a	na/	Variable	Members Only Tony Gibbs 826350	Very good	521	Members or friends of, can hire the Clubhouse
Wivenhoe Cricket Club	209.377	£175 per evening	yes	yes	Summer weekend are busy	Linda Yearling 07890347121	Very good	1116	Anyone can hire available through the winter and Friday evenings during summer season.
Methodist Church and Hall	266.88	Subject to agreement with bookings clerk	Don't know	Don't know	at least 3 evening a week and Sundays	Email via Website	Adequate	581	Anyone can hire but must contact via their website and is subject to their approval.
Milfields Primary School Hall	124.8	£14 ph day £15ph w/e	yes	Evening and School Hols	Mon-Fri 8-4	Anita Sparrow 823044 Business Manager	Very good	1181	Different prices for Commercial hire and Classrooms also available for hire during w/e and holidays
Public Library	147.69	n/a	no	none	5 days a week	Anyone 825123	Good	242	Not hireable
The Pavilion or the King George playing Field	125.514	n/a	no	none		Jo Cousins 827126	Adequate	199	Not hireable
The Wivenhoe Sailing Club	311	Didn't want to give us their prices but as a member we know that it is approx £175 - £250 per evening dependant on Member or non member	yes	yes	Thurs, Fri and mon Eves and Sundays some Sat in Daytime and 3 groups for half days each week	Jane Valentine 820236 need to know a member	Excellent	737	Members and Non Members can hire building at different prices but non members must know a member to sponsor them who must be at the premises the whole of the event and must either be a key holder or know one who will provide the keys.
The Grayhound Pub Upstairs Function Room	49.05	£100 Dry hire per event	yes	yes	varies	825573	Good	93	None, can also be hire for 50 people sitting down with food only or food, drink & disco prices vary
The Flag Pub Function Room	49.044	£50 per event flexible	yes	yes	available	Anyone	Adequate	1601	None, different price with food. 40 sitting 70 standing.
Broomgrove Junior School hall	143.38	individual pricing per event no list.	possibly	Very Restricted	Mon-Fri 8-4	822893	Excellent	1836	Long term bookings preferred. Hiring is subject to governors approval
Broomgrove Infants School Hall	195.3	£17 per hour	NO	NONE	Mon-fri 8-4	822141	Excellent	1836	Long term bookings preferred
Little Avenues Preschool	105	n/a	n/a	n/a	mon-fri 8-6	Broomgrove infants school 822141	Good	1836	Hired out to Little Avenues Playgroup and AfterSchool Club not hired out otherwise.
The Nottage	287.5	£40 per day upstairs room £100 per day whole building	no	September to April	April to end of August	Anyone	Good	243	Only available for hire during Winter times varying rates for Non Commercial and Commercial prices can hire whole building, room upstairs or library.
Cutting Corners Exhibition Space	31.2	Variable	no	yes	Variable	Anyone Subject to owners approval	Adequate	340	Available for exhibitions, small parties, courses.
Police Houses and Gardens now owned by Council		local people who are	homeless				N/A	250	
St Monicas Catholic Church	77	Variable	?	?	Sundays and Friday morning mass	anyone subject to Priests approval	Adequate	428	Hiring is subject to the Priests Approval and price upon request.
Open Space (at Wivenhoe Business Centre)	40	£10 per hour £75 per day	yes	yes	available	Anyone	Good	355	No Adult Parties. Prefers Wellbeing, creative workshops, pilates yoga classes etc.
Masonic Hall	227.52	£75 for Half a day	?	yes	?	Anyone if they know a Member	Good	601	contact brian.heasman@btinternet.com
	4181.965								
		Hireable as public or Members within 800 M Mark							
		Hireable but outside the 800m mark							
		Could not get hold off a friend of mine did say it was very difficult to hire at the moment.							

7. Policy WIV 1 refers to a settlement boundary. It is not clear to me whether this is the adopted settlement boundary, a newly defined settlement boundary or taken from the emerging Local Plan?

WTC response: The settlement boundary referred to in Policy WIV 1 is the settlement boundary shown on the Wivenhoe Neighbourhood Plan Proposals Map. This settlement boundary corresponds to the settlement boundary in Colchester's current Local Plan but extended to include the sites for the proposed new housing. It is also the settlement boundary shown in the Borough's proposals map for the emerging Local Plan.

CBC response: It is confirmed that the settlement boundary is newly defined to include the sites proposed in the WNP which is consistent with the settlement boundary shown in the emerging Local Plan

8. Policy WIV 10 refers to the Goods Shed:

a. Does the site fall within a Conservation Area?

WTC response: Yes

b. Paragraph 11.4 indicates the site is currently designated for "leisure, culture and tourism..."; where is this current designation from i.e. which permission or plan?

WTC response: The Borough Local Development Framework C Maps shows the land use designations for the current Local Plan. Most of the settlement area of Wivenhoe is shown as predominantly mixed use residential but the Goods Shed is an exception as it is presently covered in the current Adopted Local Plan 2001 – 2021 under Tourism, Leisure and Culture (Policy DP10).

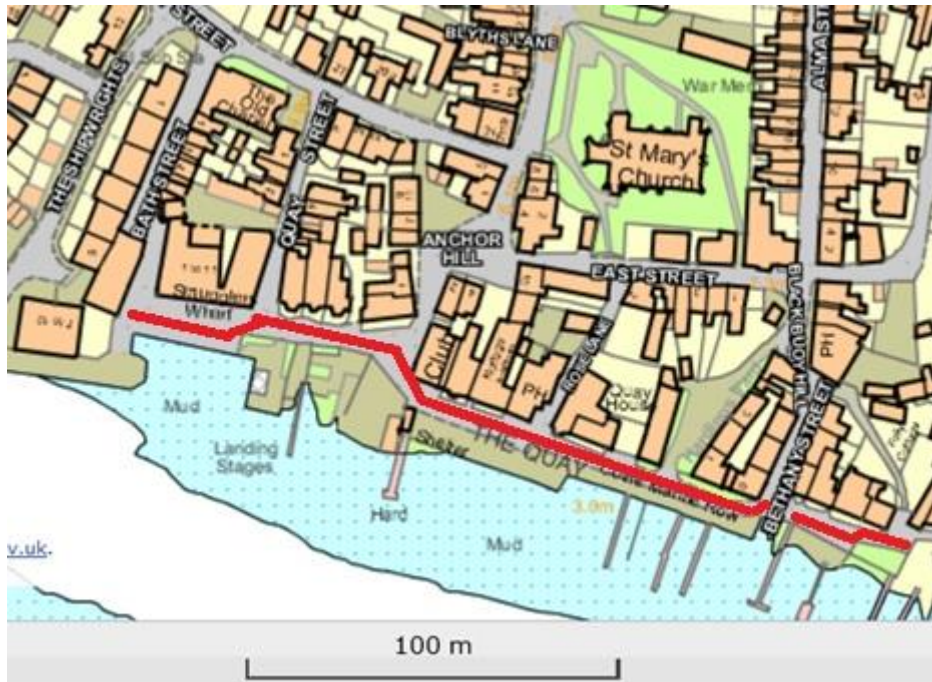
When the present Adopted Local Plan was being considered, there were plans to acquire this building for use as a potential community theatre. Hence the reason for this policy. The building was itself Grade II listed (in 1988).

In 2008 the project to save this building was abandoned and building fell into decay. In September 2015, the building was almost completely destroyed by fire and Network Rail, owners of the building, applied to have it de-listed in July 2016. That de-listing was granted a year later.

We are not aware what plans Network Rail has for this building.

9. Policy WIV 11 refers to The Quay. Would it be useful to show the area this policy relates to on a map and if so, please could this be provided?

WTC response: We propose to insert this picture into the WNP to add clarity to the area covered by this policy.



Caption: The Quay at Wivenhoe showing the entire length covered by policy WIV11

10. **Policy WIV 16 refers to the Knowledge Gateway Business Park. Please could further general information about this be provided?**

WTC response: The Knowledge Gateway is a research and technology park on the University of Essex Colchester campus. It started in 2010 though planning permissions predate this. The eventual hope of the University is that it will employ some 2000 people. The space on the campus site is limited so it may eventually need more land.

Further details are available at <https://www.essex.ac.uk/business/knowledge-gateway>

11. **Policy WIV 17 refers to the “Wivenhoe Settlement area”; is this the same as the settlement boundary or a different area? I am not clear where this is. And what is preferred; the phrase ‘settlement boundary’ or ‘settlement area’ (if these are the same things)?**

WTC response: The settlement area is all the land enclosed by the settlement boundary defined on the Proposals Map in the WNP document on page 94.

CBC response: As the two descriptions represent the same area CBC preference would be settlement boundary as this is consistent with the Local Plan terminology.

12. **Policy WIV 20 refers to the Brook Street Business Centre being designated as an employment zone. I am not clear whether the policy seeks to designate it as such and if so what the designation would mean?**

WTC response: The current CBC adopted Local Plan does not designate this business centre as an “employment zone”. This is relevant to any applications for change of use since it is one firm which owns the freehold of the site. To protect the Brook Street Business Centre for employment purposes the draft WNP proposes that the area shown on the Plan should have this designation rather than its current mixed residential designation.

13. **Pages 69 and 70 of the Plan (Chapter 16 Housing Policies) contain a number of bullet points in bold text which could be said to read as if they were policy. However, there are no policies that sit alongside them. What status do the bullet points have and what could be done to make this section clearer?**

WTC response: To assist in providing greater clarity to the WNP document, we propose inserting the following paragraph as an extension of paragraph 16.3.

Insert: The sentences which follow in bold text are intended to assist with the interpretation of policies WIV 23, WIV 24, WIV 25, WIV 26 and WIV 27.

Note: In para 16.12 we have noted an error. The third sentence should not be a bullet point as shown below.

16.12 There are a number of additional considerations:

- Any application for development of family-type housing must prove that there is adequate educational and medical provision within the Wivenhoe Neighbourhood Plan area before it will be approved.
- A proportion of new homes should be available on an affordable-rental basis and that ideally preference for such properties would be given to people already living in the Wivenhoe Parish area or having close family connections with people already living in the area.

Any new development should adhere to the Design and Access Policy [WIV 27] shown below:

- Some self-build and shared-equity projects will be encouraged.
- All new development schemes will be expected to contribute to the need for more community facilities in the Wivenhoe Parish area to mitigate the additional use of facilities arising from an increase in the number of residents.
- Remove permitted development rights on all new developments in order to preserve the nature of Wivenhoe’s housing stock as far as possible, especially with regard to the conversion of bungalows into two storey houses.

14. **Page 71 of the Plan contains a table and information about the types of new homes “across all four sites”. How does this relate to the policies in the Plan?**

WTC response: The Plan aims to specify the overall number of dwellings of different types aggregated across the four proposed sites. Each individual site allocation specifies the size and type for that particular site. As stated in the text some are

specified as a minimum number for a type and some as a maximum number, so, for example, if developers preferred to use some of their “ration” of four or more bedroom houses to build 3 bedroom houses they could do so provided they met the requirements for one or two bedroom dwellings and for homes suitable for the elderly.

15. Policy WIV 28 (land off Croquet Gardens) falls within a Minerals Safeguarding Area. Please advise of what, if any implications this might have on the deliverability of the site.

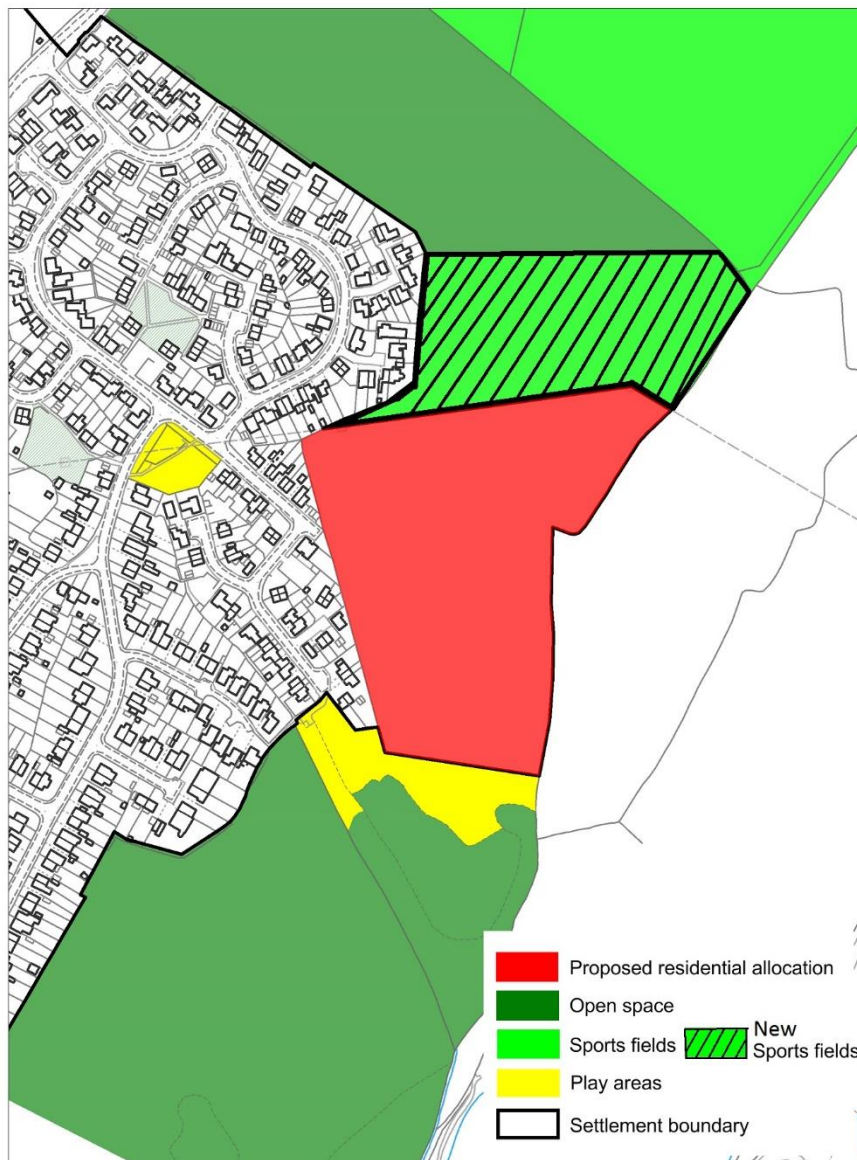
WTC response: Minerals have already been extracted from the immediately adjacent site to the north and the land has been infilled. Gravel has now all been extracted from the quarry site to the east, owned by Tarmac. Until recently some gravel processing took place on the Tarmac site but this has now been moved. There is still some coated stone processing on part of the quarry site which Tarmac leases out but at some distance from the proposed housing. We have consulted extensively with Tarmac and they are happy with the Croquet Garden proposals. The officers at ECC concerned with mineral extraction also have no concerns since they have accepted that this particular site is now exhausted.

CBC Response: Essex County Council have responded to the WNP and do not appear to have any concerns regarding any implications of this allocation on the Minerals Safeguarding Area. The wording of paragraph 17.17 recognises the presence of the Mineral Safeguarding Area and EEC have indicated that they are satisfied with the wording.

16. I am not clear what land Policy WIV 29 (land behind Broadfields) applies to. Please provide a map, but also see the next query which relates to this as well.

WTC response: We propose replacing the plan on page 82 with this one which we feel should make more clear which is the parcel of land which has been offered as new playing fields. See picture below.

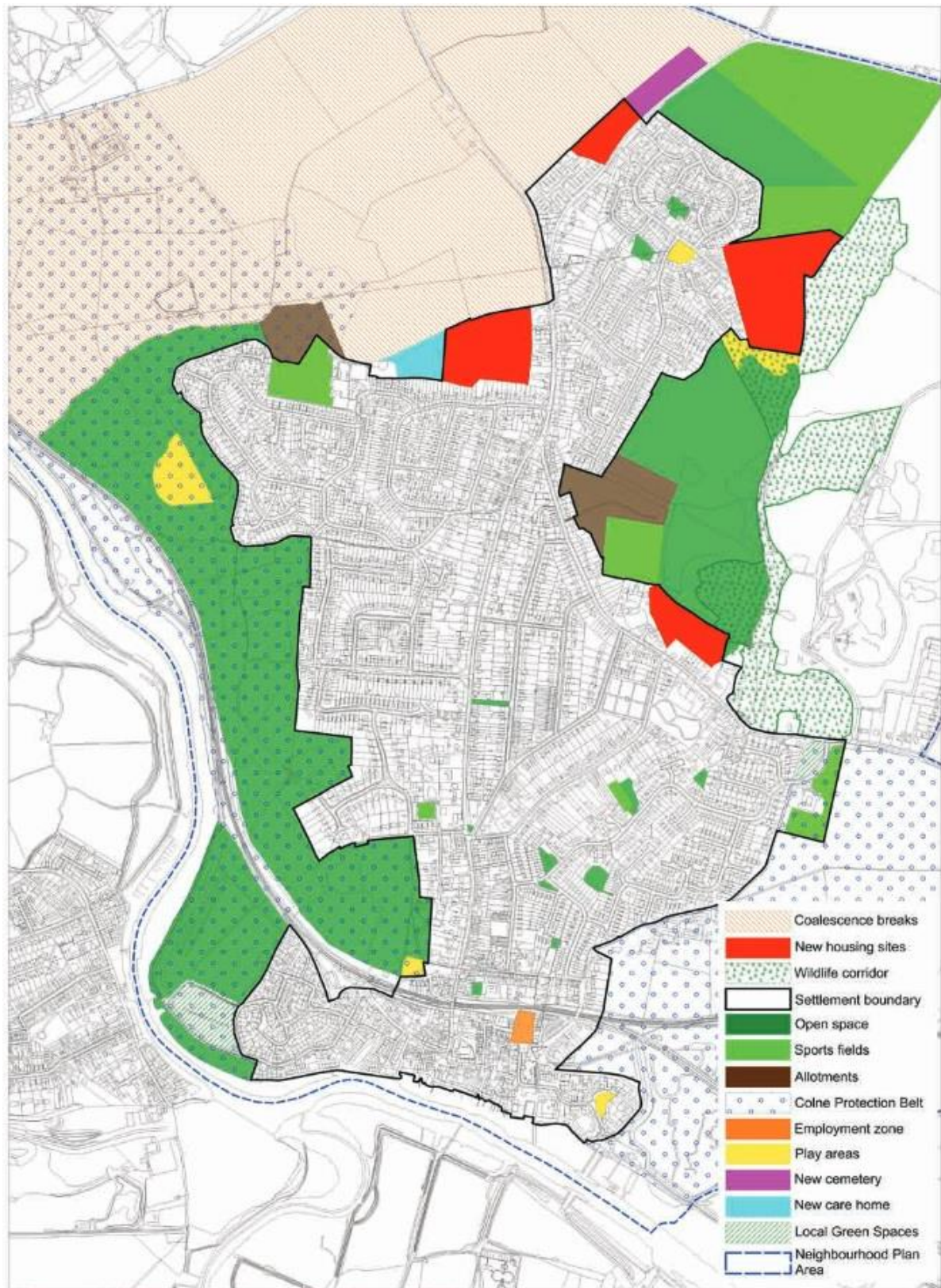
Broadfields residential allocation



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- 17. With regard to the four site allocation policies (Policies WIV 28, 29, 30 and 31), it may be clearer to have one map/plan/figure for each proposed site allocation that shows all of the proposed land to be allocated including for the other (non-residential) elements etc. if these requirements are integral to the allocation(?)**

WTC response: The four sites allocated for residential development are marked in red on the Proposals Map as are the proposed land allocations with their new designations. See the following map (from page 94 of the WNP document).

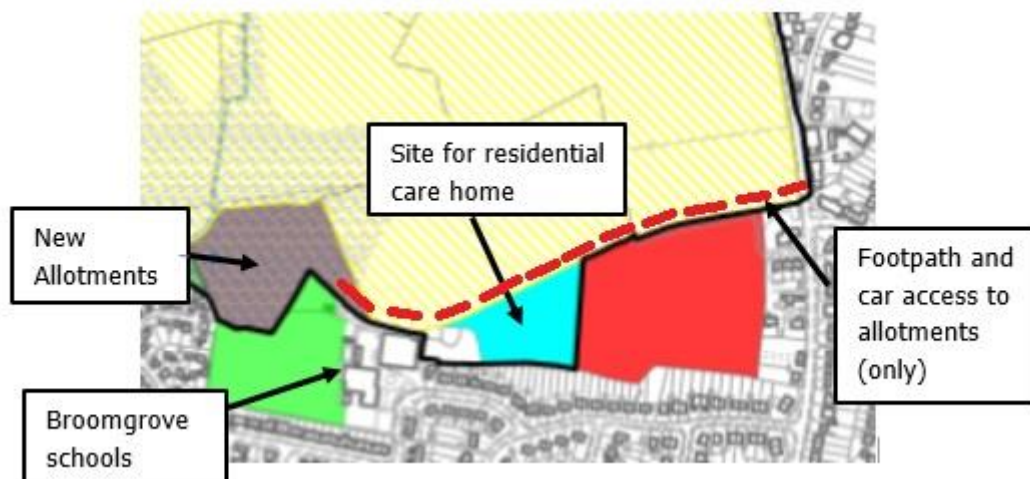


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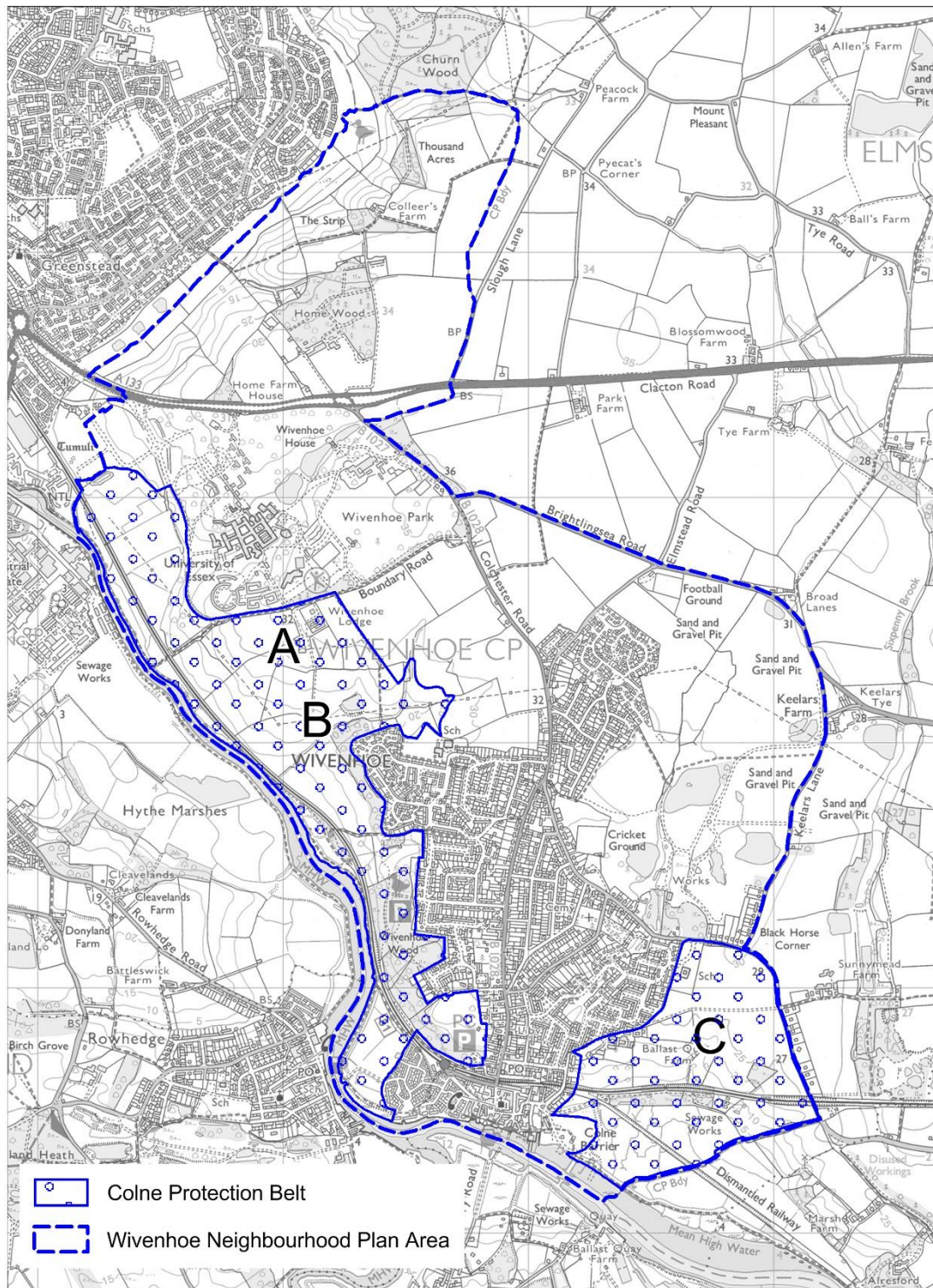
18. Does the site subject to Policy WIV 31 fall in the Coastal Protection Belt? If so, what implications arise?

WTC response: The land allocated for housing and the potential care home is on the Wivenhoe plateau and there is no inter-visibility with the estuary. The original boundary of the Coastal Protection Belt arbitrarily used Colchester Road as a feature to set the eastern limit and all of the proposed housing, care home and allotments would fall within this Coastal Protection Belt area. The emerging Part 2 of the CBC Local Plan proposes to redefine the Coastal Protection Belt (CPB) and under these proposals the site would no longer fall within the CPB.

The land allocated for Allotments will fall in that land which, under Policy WIV 4, called Colne Protection Belt but to be re-named River Colne Special Character Area in a later version of the Plan) is covered by this Policy but it is felt that this use of this piece of land for growing vegetables etc is not inconsistent with the objectives of this Policy.



Colne Protection Belt



Note: WTC has previously agreed to change the name of the WNP Policy WIV4 from Colne Protection Belt to River Colne Special Character Area. Maps shown in the WNP will need to be updated to reflect this agreed change.

CBC Response: To add to the WTC explanation the Coastal Protection Belt was reviewed by Chris Blandford's Associates as part of the evidence base to inform the emerging Local Plan. As indicated this review removed some areas of the earlier designation including land incorporating this site at Wivenhoe. Informed by WNP evidence base the NHP has included a local designation based on specific evidence and characteristics which is defined accordingly and renamed as the River Colne Special Character Area (formerly Colne Protection Belt).

It may be the case that on receipt of your anticipated assistance on these matters that I may need to ask for further clarification or that further queries will occur as the examination progresses. Please note that this list of clarification questions is a public document and that your answers will also be in the public domain. Both my questions and your responses should be placed on the Councils' websites as appropriate.

**With many thanks.
Ann Skippers
30 November 2018**

