

COPFORD WITH EASTHORPE NEIGHBOURHOOD PLAN NOTE TO THE COUNCILS FROM THE EXAMINER

I have prepared this note for the consideration of Copford with Easthorpe Parish Council and Colchester Borough Council. It sets out two aspects of the Copford with Easthorpe Neighbourhood Plan (CENP) about which I have concerns and on which I would therefore like clarification.

1. Duplication of policies

As the Parish Council is aware, neighbourhood plans must meet the “basic conditions” set out in Schedule 4B of the Town and Country Planning Act. In so far as it has regard to national planning policy (as set out in the NPPF) and is in general conformity with the strategic policies in the development plan for the area (ie the Colchester Local Plan), I am broadly satisfied that the CENP achieves that important objective. These are conditions (a) and (e) in the Schedule respectively.

However, condition (a) goes further than requiring a satisfactory relationship with national and local planning *policies*: neighbourhood plans must also have regard to national *guidance*.

A particularly relevant aspect of this guidance is found in paragraph 16f) of the NPPF, which says that “plans should ... serve a clear purpose, avoiding unnecessary duplication of policies that apply to a particular area ... [my emphasis]”. In addition, paragraph 041 of the Planning Practice Guidance says that “A policy in a neighbourhood plan ... should be distinct to reflect and respond to the unique characteristics and planning context of the specific neighbourhood area for which it has been prepared [my emphasis]”.

It is therefore clear that a neighbourhood plan which unnecessarily duplicates extant policies at national level or in the local development plan, and adds little to them, runs the risk of failing to meet one of the basic conditions.

I find that the CENP includes a significant amount of duplication of Local Plan policies. Examples include:

- Policy CE3: there is very little here which is not already set out in Local Plan Policies SP4 and DM15
- Policy CE4: see LP Policies DM15 and DM23
- Policy CE5: see LP Policies CC1, ENV3, SP6B, DM20, DM21

Furthermore, in several instances this duplication does not simply replicate policies in the LP, but expresses them in a slightly different way. This could clearly be the source of confusion, particularly for applicants and decision-makers. It is also the case that there is a degree of duplication within the CENP policies themselves.

Clarifying information required

I would like the Parish Council to reassess how much ground the CENP policies cover that is already found in the Local Plan and provide me with a note setting out:

- Which, if any, CENP policies they accept do little more than duplicate LP policies and therefore essentially serve no purpose. In those cases, I am likely to recommend that the policy be removed.
- Which CENP policies (or specific elements of them) they consider to genuinely add to, or refine, policies in the Local Plan, supported by a brief explanation.

This assessment will help me to formulate my recommendations and hopefully minimise any potential delay in my completing the examination.

I would add that if significant changes are ultimately made to some of the policies as a result, the introductory material in the Plan could be amended to explain that it is designed to avoid unnecessary duplication of other policy documents and could include a summary of the scope of the LP coverage of the particular issues involved to further aid public understanding.

The Parish Council might like to consider asking for assistance with this process from CBC.

2. Settlement boundaries and development

This is the title of Policy CE1, which seeks to prevent coalescence with adjoining settlements (something which is already provided for in Local Plan Policy SP3). Despite its title, however, the policy itself makes no reference to the settlement boundaries drawn up for both main villages – in particular to their significance in development management terms. While I was unable to find any policy in the Local Plan (as opposed to general text) which refers to settlement boundaries, it is clear that they are considered important in determining where development might be appropriate in principle (see for example paragraph 3.11 of LP Part 2).

The first paragraph of the introduction to CENP Policy CE1 actually reads like a policy: it seeks to ensure that the distinctiveness of the three villages (ie including Copford Green) is not damaged “by coalescence either with each other; or with neighbouring parishes; or with any significant new adjacent developments. Therefore in principle, development will only be supported within the identified settlement boundaries of the three villages, in order to enhance their separate identities” [my emphasis]. While the policy itself repeats the point about coalescence, it does not refer to the implications for development of the settlement boundaries (which are reproduced at the end of the Plan document – and whose source is not explained).

This is confusing, especially since the introduction to Policy CE7e (which is actually about pollution) goes on to say: “In the possible event of the car boot sale field site coming forward in the future..... then it would be an aspiration for this to be developed subject to discussion and agreement with Marks Tey parish”. This land is not mentioned anywhere else in the Plan; but the Basic Conditions Statement, when looking at the NPPF, says, under Policy CE4 , “The Plan will promote small scale development appropriately located on ‘Brownfield’ sites where and when they become available, for example the Car Boot field”.

The BCS has a further reference to the site when assessing compliance with the LP, but this time it is under NP Policy CE1: “Whilst the CENP is not allocating additional homes beyond the 120 already allocated by CBC, within Local Plan Part 2 there is an agreement “in principle” to support development on the Car Boot sale Field”. It goes on to say,

"There is support for this in the CENP Policy CE4 Housing" (which I am unable to find), and it also says that this can be done without leading to coalescence.

I find this very confusing.

Clarifying information required

I would therefore for ask for clarification about the intended status of the car boot sale site, which straddles the boundary with Marks Tey Parish. If, despite its apparent role in separating the two Parishes (which I was able to discern from my visit) and the apparent policy intent set out in the introduction to CE1, the Plan sees it as being suitable in principle for development, it is important that it should say so clearly and explain the apparent contradiction.

Deadline for responses

I appreciate that I am asking the Parish Council to carry out further work on the Plan and that this could take some time. I am therefore not setting a deadline. I would, however, like to receive confirmation from the Parish Council as soon as possible that they are in a position to provide the information I have requested. At that point, I would be happy for them to set a realistic and achievable deadline for submission of that information to me.

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