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## **Eight Ash Green Neighbourhood Plan 2017 – 2033**

### **Submission Version**

### **Examination Report**

A Report to Colchester Borough Council into the Eight Ash Green Neighbourhood Plan

By Independent Examiner, Jeremy Edge BSc (Hons) FRICS MRTPI

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**20<sup>th</sup> September 2019**



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## Introduction and Role of the Independent Examiner

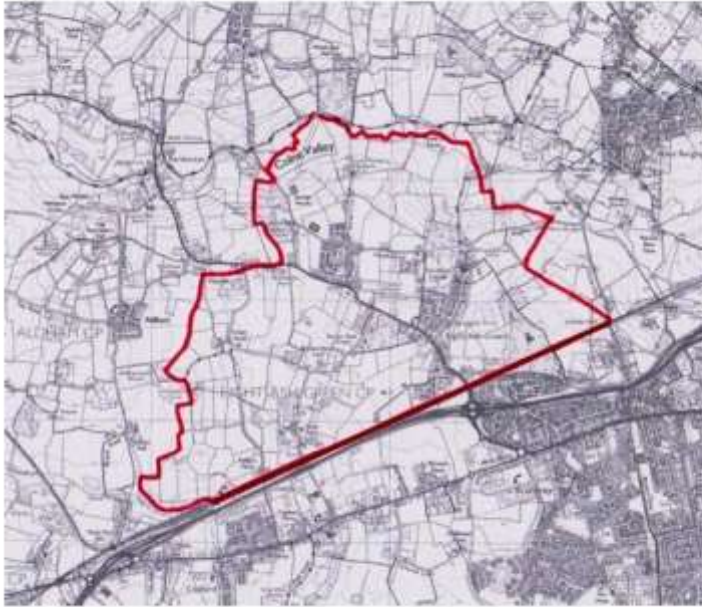
- 1.1 Neighbourhood Planning is an approach to planning introduced by the Localism Act 2011 which provides communities with the power to establish the priorities and policies to shape the future development of their local areas. This Examination Report sets out the findings of the independent examination of the Eight Ash Green Neighbourhood Plan 2017 – 2033 Submission Version.
- 1.2 My role as an Independent Examiner, when considering the content of a neighbourhood plan is limited to testing whether a draft neighbourhood plan meets the basic conditions and other matters set out in paragraph 8 of Schedule 4B to the Town and Country Planning Act 1990 (as amended). The role is not to test the soundness of a neighbourhood development plan, or to examine other material considerations.
- 1.3 Paragraph 8 of Schedule 4B (2) to the Town & Country Planning Act 1990 (as amended), states that the Plan must meet the following “basic conditions”;
- it must have appropriate regard for national policy;
  - it must contribute towards the achievement of sustainable development;
  - it must be in general conformity with the strategic policies of the development plan for the local area;
  - it must be compatible with human rights requirements and
  - it must be compatible with EU obligations.
- 1.4 In accordance with Schedule 4B, section 10 of the Town & Country Planning Act 1990 (as amended), the examiner must make a report on the draft plan containing recommendations and make one of the following three recommendations:
- (a) that the draft order is submitted to a referendum, or
  - (b) that modifications specified in the report are made to the draft order and that the draft order as modified is submitted to a referendum, or
  - (c) that the proposal for the order is refused.
- 1.5 If recommending that the Plan proceeds to a referendum, I am also then required to consider whether the Referendum Area should extend beyond the Eight Ash Green Neighbourhood Plan designated area to which the Plan relates. I make my recommendations at the end of this Report.
- 1.6 I am independent of the qualifying body, associated residents, business leaders and the local authority. I do not have any interest in any land that may be affected by the Plan and I possess appropriate qualifications and experience.



1.7 I was appointed to undertake the independent examination of the Submission Version of the Eight Ash Green Neighbourhood Plan (EAG NP) on 26<sup>th</sup> February 2019. The Regulation 16 Consultation undertaken by Colchester Borough Council (CBC), ran for six weeks between 22nd January 2019 and 5th March 2019. The locally prepared documents have been available to me via the Parish Council's website for this examination. I have taken these into consideration together with documents provided to me by Colchester Borough Council, available via CBC's website. These are listed in Appendix 1.

### Eight Ash Green – Background

- 1.8 Eight Ash Green is a relatively small rural Essex village lying near the border of Essex and Suffolk. It is situated about 5km to the north west of Colchester, Britain's Oldest Recorded town.
- 1.9 The introduction to the EAG NP explains that settlements date from the medieval period but the current administrative area was only formed in 1947 when land south of the River Colne, comprising parts of Stanway, West Bergholt, Copford and Aldham, was transferred to and became the new civil parish of Eight Ash Green. The population at that time was about 600, the working population was engaged in local trades and agriculture.
- 1.10 The Basic Conditions Statement explains the whole Parish of EAG was formally designated as a Neighbourhood Area following an application made on 13th May 2015. This was approved by CBC on 15th June 2015. The Neighbourhood Area boundary therefore corresponds to the civil parish boundary, comprising the settlements of Eight Ash Green, Fordham Heath, Daisy Green, Lexden Heath and Seven Star Green. The geographic extent of the designated area is shown edged red on the map extract from the EAG NP below.
- 1.11 The EAG NP advises that the 2011 census states that the population had grown to about 1,730 persons of whom about 1,070 are of working age,(62%) with 365 people over the age of 65 (21%) and 295 children (17%). Of those persons employed, most work outside the Parish. The EAG NP notes that the housing stock is about 680 dwellings, with no dwellings built on more than two storeys.
- 1.12 In providing a brief socio-economic profile derived from the evidence base, the EAG NP outlines the principal community assets within the parish which are considerable considering the small size of settlements comprised within the parish.
- 1.13 Colchester is the principal settlement nearby providing access to main-line rail connections to London and Norwich for retail and employment opportunities. Eight Ash Green has easy access to good road transport infrastructure with links via the A12 to London to Norwich. Locally, comparison and convenience shopping is provided at Stanway, 1 mile to the south of the village. Local facilities in Eight Ash Green include a village hall, three shops, a takeaway, convenience store, beauty salon and a pub. There is also a primary school located at Choats Corner (Holy Trinity Primary School).



*Eight Ash Green - The geographic extent of the Designated Area of the EAG NP is shown edged red on the map above.*

## Eight Ash Green Neighbourhood Plan 2017 -2033 – Plan Preparation and Consultation

2.0 The Basic Conditions Statement, prepared by the Eight Ash Green Neighbourhood Plan Group, dated 12th November 2018, explains that following the establishment of its Steering Group, work on the Neighbourhood Plan for Eight Ash Green commenced in February 2015, responding to CBC in relation to a, “Call for Sites” programme as part of the proposed development of a Local Plan for the Borough of Colchester. The Basic Conditions Statement notes that the impetus to prepare a neighbourhood plan for EAG derived from an ambition to influence and determine the location of housing development in the neighbourhood area. From this point, the Basic Conditions Statement explains that the Steering Group set about undertaking a comprehensive programme of work, consulting with



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a wide variety of interested parties and to gather appropriate evidence for the preparation of the Eight Ash Green Neighbourhood Plan (EAG NP).

- 2.1 In addition to the Consultation and draft neighbourhood plan, the CS outlines the background information to support the CS and the EAG NP, comprising:
- a. A statement and map that identifies the EAG Neighbourhood Area
  - b. The Regulation 14 Process – Consultation – Outcomes document
  - c. The Evidence Base
  - d. The NP Objectives and Policies – Supporting Evidence document
  - e. The Site Selection Process document
  - f. The Village Settlement Boundary document
  - g. Our Project Plan
  - h. The March 2017 NP questionnaire
  - i. The Technical Report setting out the results/findings from the March 2017 questionnaire
  - j. The Village Design Statement (VDS) of 2013

- 2.2 The submission version of the EAG NP and all background documents were forwarded to CBC for Regulation 16 public consultation on 22nd November 2018. Annex 1 of the National Planning Policy Framework (NPPF), published on 24th July 2018, advises at paragraphs 212- 214:

*“212. The policies in this Framework are material considerations which should be taken into account in dealing with applications from the day of its publication. Plans may also need to be revised to reflect policy changes which this replacement Framework has made. This should be progressed as quickly as possible, either through a partial revision or by preparing a new plan.*

*213. However, existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).*

***214. The policies in the previous Framework will apply for the purpose of examining plans, where those plans are submitted on or before 24 January 2019. Where such plans are withdrawn or otherwise do not proceed to become part of the development plan, the policies contained in this Framework will apply to any subsequent plan produced for the area concerned.....”***

- 2.3 Therefore, the policies of the EAG NP are examined against the NPPF (2012), as the EAG NP and supporting documents were submitted for the purpose of examination well before the 24<sup>th</sup> January 2018.

- 2.4 The chronology of the preparation and consultation of the EAG NP is set out in detail in the matrix of activities undertaken in Annex A of the CS, from 10<sup>th</sup> February 2015 when the Parish Council mandated the preparation of a neighbourhood plan for EAG, to the completion of the submission version of the EAG NP in mid-November 2018. The CS catalogues the various activities undertaken involving Colchester Borough Council (CBC), EAG residents, the Parish Council, landowners, education establishments and businesses. The work undertaken in consulting with the local community including assessing the existing reports, including the 2014 traffic survey, the Village Design Statement (2013), research undertaken into Sustainability and Equality Impact Assessments and the start made at that time on the nine potential housing sites advanced following CBC's "Call for Sites", in preparation for a new local plan. The Parish Council also met with other parishes nearby to glean further information in preparing a neighbourhood plan for Eight Ash Green. The CS in Annex A explains that in early 2016, the Parish Council had decided that the Council wished to take an active interest in the allocation of housing sites for the emerging Local Plan. As a consequence, engagement took place with the landowners of the 9 sites under consideration at that time by the Parish Council, followed in March 2016 with a meeting with CBC officers to discuss varying the Settlement Boundary to accommodate plans for growth. On 19<sup>th</sup> March 2016 a Focus Group Meeting took place at which 24 attendees were invited to assess the identified potential housing sites. This was the first occasion according to the CS, that Site 226 (Fiddlers Field) emerged as the preferred site. This was confirmed by those attending the second Focus Group in April 2016. On the 30<sup>th</sup> April, a Village Meeting took place, attended by 153 villagers. This was the third meeting at which Site 226 emerged as being the single preferred residential development site by the local community. At the Parish Council Meeting on 11<sup>th</sup> May 2016, The Parish Council considered the three highest ranked potential residential sites. At that meeting the preferred site remained as being Site 226, with Site 150 as the second-most preferred site. The third site was dropped from further consideration at that meeting. Further discussions took place briefing the landowners of the Parish Council's decision and discussions with CBC took place. Over the summer discussions between the Parish Council, local schools, community groups in addition to the local business community regarding further employment opportunities in the village, including Moat Farm a "Designated Business Area".
- 2.5 At the Parish Council Meeting on 14<sup>th</sup> September 2016, the CS records that by that date, *"the CBC "Preferred Options" consultation paper, clearly shows Site 226 as our "Preferred Site"; a report of the meeting with the owners of Site 226; the feedback from meetings with businesses and schools; our recent communications with villagers; the documentation the NP Group is working on; the importance of the forthcoming questionnaire; and next steps eg the AGM in November."* The CS advises that meetings with landowners regarding potential housing and employment development land continued up to the AGM, attended by 85 villagers on 16<sup>th</sup> November 2016. At that meeting, the Parish Council resolved that there should be a single strategic site, for, "up to 150 houses rather than having



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piecemeal development throughout the village”.

- 2.6 The Annex to the Consultation Statement explains that in March 2017 a questionnaire was delivered to each household in the village for the purpose of undertaking a village survey against which planning policies for the neighbourhood plan could be developed and justified. The results were captured and presented in the Technical Report, May 2017, forming part of the suite of documents available to me in undertaking this examination. The evidence base provides a rich source of local information concerning village demography and aspirations. The development of the draft neighbourhood plan continued with regular consultation with CBC, landowners, business interests and the local residential community until late 2017, by which time the draft Plan was approaching the point at which the Regulation 14 consultation could commence.
- 2.7 The Regulation 14 consultation ran from 12th February – 25th March 2018. Annex T of the CS provides a copy of the Regulation 14 consultation form issued to the consultees, to complete and return. The Regulation 14 Process-Consultation-Outcomes Report, 12th Sept 2018 Final, provides a detailed breakdown of the activities associated with the preparation for this consultation and the national and regional bodies consulted, categorised between statutory and non-statutory organisations, developers, community organisations, landowners, schools and business interests. These are identified in Annex B. The responses to the consultation are summarised in Annex D. This usefully records the areas / issues of EAG NP of concern, summarises the comments made, in addition to the consequential changes introduced to the neighbourhood plan.
- 2.8 The Consultation Statement explains how comments following the Regulation 14 consultation were assessed in conjunction with CBC and the Plan updated (version 27). At this point, a Pre – Examination Health Check was commissioned undertaken by Ann Skippers, (Past President of the Royal Town Planning Institute, and an experienced local neighbourhood plan examiner). By 7th August 2018, CBC was content that the draft neighbourhood plan supported by all necessary documents required to be considered as part of the independent examination had been prepared and could be submitted under Regulation 15 for validation and agreement by CBC. The CS makes reference to further clarification on a number of points with the landowners, developers and CBC, including the outcome of the “Health-check” prior to the submission of the EAG NP and associated statements and related information to CBC, required for independent examination of the Plan in November 2018.





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## Consultation Summary

- 2.9 To meet the requirements of Regulation 15(2) of Neighbourhood Planning Regulations 2012, the consultation statement should:
- contain details of the persons and bodies who were consulted about the proposed neighbourhood development plan;
  - explain how they were consulted;
  - summarise the main issues and concerns raised by the persons consulted; and
  - describe how these issues and concerns have been considered and where relevant addressed in the proposed neighbourhood development plan.
- 2.10 From the brief synopsis of the consultation activities throughout the preparation of the submission version of the EAG NP, from the detailed record of events during the preparation of this Plan, it is evident that there has been a high degree of liaison and consultation with CBC over the entire period as well as with landowners, developers, community groups, business interests and the residents of Eight Ash Green as the Plan has evolved. From the evidence provided in the Consultation Statement, the Basic Conditions Statement and the Regulation 14 - Process, Consultation and Outcomes Report prepared by the Parish Council, I am in no doubt that the consultation process meets the requirements of Regulation 15(2) of Neighbourhood Planning Regulations 2012.
- 2.11 I conclude that the consultation process reviewed above in relation to the preparation of the EAG NP is acceptable in meeting the requirements of Regulation 15(2) of Neighbourhood Planning Regulations 2012.

## Basic Conditions

- 3.1 The Neighbourhood Plan contains policies relating to the development and use of land within the Neighbourhood Plan area and has been prepared in accordance with the statutory requirements and processes set out in the Town and Country Planning Act 1990 (as amended by the Localism Act 2011) and the Neighbourhood Planning Regulations 2012.
- 3.2 The Basic Conditions Statement (BCS) explains that it has been prepared by the EAG NP Group on behalf of the EAG Parish Council (EAG PC) in support of its submission by the EAG NP to CBC under Regulation 15 of the NP (General) Regulations 2012. The BCS confirms that the EAG PC is the Qualifying Body, entitled to submit a NP for its own Parish and that the EAG NP Group is a sub-group of the EAG PC.



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3.3 The BCS further confirms that:

- A) The whole Parish of EAG has been formally designated as a Neighbourhood Area (NA) approved by CBC on 15th June 2015 and that the NA aligns with the EAG parish boundary.
- B) The submission version of the EAG NP (v30) contains Objectives and Policies relating to the development and use of land within the NA. Proposals relating to planning matters (the use and development of land) have been prepared in accordance with the statutory requirements and processes set out in the Town and Country Planning Act 1990 (as amended by the Localism Act 2011) and the Neighbourhood Planning Regulations 2012.
- C) The identified period to which it relates as 2017 – 2033, to align with the draft CBC Local Plan.
- D) The Plan does not deal with county matters (e.g. mineral extraction and waste development), excluded development, nationally significant infrastructure or other matters set out in Section 61K of the Town and Country Planning Act 1990.
- E) The Plan only relates to the Parish of EAG; it does not relate to more than one NA; and there are no other NPs in place within the EAG NA.

3.4 The Basic Conditions Statement notes that the four “basic conditions” required by the Regulations must be satisfied if the Plan is to proceed to referendum and explains how this requirement has been met, namely;

- The Plan must have appropriate regard to national planning policy;
- Neighbourhood Plans must promote the achievement of Sustainable Development;
- The Objectives and Policies of the submission version of the Plan must be in general conformity with the strategic Policies in the CBC adopted plan, which consists of;
  - the Core Strategy adopted in 2008 and amended in 2014,
  - the Site Allocations Development Plan Document (DPD) adopted in 2010 and
  - the Development Policies DPD adopted in 2010 and amended in 2014.
- The Plan must be compatible with European Union (EU) and European Convention on Human Rights (ECHR) obligations.



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## Conformity with the National Planning Policy Framework (NPPF).

- 3.5 In demonstrating how the submission version of the EAG NP conforms to and has appropriate regard to national planning policy, the BCS provides a comprehensive matrix at paragraph 18 identifying how the Plan meets paragraph 17 of the NPPF which assesses how the Plan will deliver sustainable development through the planning system via meeting the 12 core planning principles and the pursuit of 13 sustainability objectives supporting the three economic, social and environmental dimensions within the NPPF (2012).
- 3.6 Similarly, the BCS provides a further matrix demonstrating how the objectives and policies of the EAG NP are in general conformity with the adopted strategic policies of the CBC Core Strategy.

### Achieving sustainable development

- 3.7 The NPPF advises that all plans should be based upon the presumption in favour of sustainable development with clear policies that guide how the presumption should be applied locally. Paragraph 16 of the NPPF acknowledges that the application of the presumption in favour of sustainable development will have implications for how communities engage in neighbourhood planning. In particular, neighbourhoods should develop plans that support the strategic development needs set out in Local Plans, including policies for housing and economic development and plan positively to support local development, shaping and directing development in their area that is outside the strategic elements of the Local Plan. The NPPF explains at paragraph 183, that neighbourhood planning gives communities direct power to develop a shared vision for their neighbourhood and deliver the sustainable development they need. The national guidance confirms that Parishes and neighbourhood forums can use neighbourhood planning to:
- set planning policies through neighbourhood plans to determine decisions on planning applications; and
  - grant planning permission through Neighbourhood Development Orders and Community Right to Build Orders for specific development which complies with the order.
- 3.8 The Basic Conditions Statement identifies how the EAG NP has been positively prepared, reflecting the presumption in the NPPF in favour of sustainable development. In Section 2, paragraph 20, the BCS summarises how the objectives and policies in the Plan will contribute towards the three strands of sustainable development, delivering environmental, economic and social benefits by reference to the draft policies. I concur that the EAG NP has been prepared with regard to principles of delivering sustainable development as identified in the Basic Conditions Statement, and in the event that subject to my recommendations, the Plan proceeds to referendum and is subsequently made, it will assist in delivering sustainable development within the Parish.



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### General conformity with the strategic policies of the adopted Core Strategy

- 3.9 Paragraph 184 of the NPPF requires that neighbourhood planning policy should be aligned with the strategic needs and priorities of the wider local area and that neighbourhood plans must be in general conformity with the strategic policies of the Development Plan. Furthermore, neighbourhood plans should reflect these policies and neighbourhoods should plan positively to support them.
- 3.10 Section 3 of the BCS advises that the EAG NP must be in general conformity with the strategic policies of the adopted Local Plan. It has also taken into account the direction of the draft Local Plan, now also subject to examination. The matrix at paragraph 26 of the BCS provides details of how the EAG NP policies are in general conformity with both the strategic policies in the adopted Local Plans. In undertaking this examination, I have given consideration to the emerging Local Plan in limited circumstances where relevant, as pointed out in this examination report.
- 3.11 I agree that the general thrust of the draft policies in the Neighbourhood Plan will contribute to achieving sustainable development by seeking positive improvements to the quality of the natural, built and historic environment, as well as in people's quality of life in Eight Ash Green over the life of the Plan.
- 3.12 I am also content that the EAG NP, subject to the recommended policy alterations, would be in general conformity with national and adopted strategic local planning policies and that the EAG NP does not promote less development than set out in the adopted Local Plan, or undermine its strategic policies. The EAG NP if made, would help shape and direct sustainable development in the Parish. I am also content that the EAG NP complies with the provisions of paragraph 185 of the NPPF which seeks to avoid duplication of adopted planning policies covering the same geographic area, at the neighbourhood spatial scale.

### EU obligations

#### Appropriate Assessment, Strategic Environmental Assessment and Habitats Regulation Assessment

- 3.13 During the preparation of the EAG NP it had not been considered necessary to undertake Strategic Environmental Assessment in relation to the likely environmental effects associated with the emerging neighbourhood plan since the expectation of CBC was that the EAG NP would be unlikely to cause



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significant adverse effects, having regard to the European Directive 2001/42/EC and associated Environmental Assessment of Plans and Programmes Regulations 2004.

- 3.14 In April 2018, in the case *People Over Wind & Sweetman v Coillte Teoranta* (“People over Wind”), the Court of Justice of the European Union, (CJEU) clarified that it is not appropriate to take account of mitigation measures when screening plans and projects for their effects on European protected habitats under the Habitats Directive. This judgment led to uncertainty for those working on neighbourhood plans and rendered a range of other planning tools inoperable where a case is determined likely to have significant effects on a protected habitats site as explained in the Chief Planning Officer’s letter to planning officers dated 15th January 2019, informing them that consequential changes to the Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018 came into force on 28 December 2018. The regulations now allow neighbourhood plans and development orders in areas where there could be likely significant effects on a European protected site to be subject to an ‘Appropriate Assessment’ to demonstrate how impacts will be mitigated, in the same way as would happen for a draft Local Plan or planning application, to meet the basic condition of no likely significant effects on Habitat sites.
- 3.15 If Appropriate Assessment is required, the Strategic Environmental Assessment Directive states that SEA is mandatory. Accordingly, to meet these requirements both Appropriate Assessment and SEA were undertaken by CBC in relation to the EAG NP and published in January 2019 and then subject to consultation.

### Habitats Regulation Assessment

- 3.16 Under Directive 92/43/EEC, also known as the Habitat’s Directive, it must be ascertained whether the draft Plan is likely to have significant effects on a European site designated for its nature conservation interest. The Directive is implemented by the Conservation of Habitats Regulation Regulations 2010. Assessments under these regulations are known as Habitats Regulation Assessments (HRA). CBC published an HRA Screening Report in July 2018. The screening report acknowledges that because Zones of Influence (ZoI) have been set as part of the Essex Coast Recreational Disturbance Avoidance Mitigation Strategy (RAMS), endorsed by Natural England and since all of Colchester Borough lies with the ZoI for various Essex European sites, all residential development in Colchester is likely to significantly affect the integrity of European sites, in-combination.

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## Appropriate Assessment

- 3.17 Colchester BC concluded in preparing the Appropriate Assessment, (January 2019), that recreational disturbance with other plans is the only issue that could not be screened out of further assessment in the consideration of pathways of impact and likely significant effects. However, the Report states that, *“The LPA has concluded that due to the provision of open space within Eight Ash Green, together with the requirement for new areas of open space, and there being no Habitats sites within a reasonable walking distance of Eight Ash Green, the Eight Ash Green Neighbourhood Plan alone will not adversely affect the integrity of any Habitats sites.”*
- 3.18 The Appropriate Assessment report concluded that the screening matrix of all planning policies within the Eight Ash Green Neighbourhood Plan showed that **Policies VSB 1 and FF 1**, which extends the settlement boundary to include the Fiddler’s Field site a site for the development of 150 dwellings cannot be screened out. The report advised that, *“These policies will lead to the physical development of land in accordance with the Local Plan spatial strategy (policy SG1). There is potential for likely significant effects in-combination with the Local Plan from increased levels of recreational disturbance.”*

## Cumulative effects of Neighbourhood Plan policies

- 3.19 The Appropriate Assessment Report notes that Colchester Borough Council has carried out an appropriate assessment of the Section 2 Local Plan, including a detailed in-combination assessment, which considered the in-combination effects of the Section 2 Local Plan with other neighbourhood plans and other Local Plan’s across Essex, on Habitats sites. The Report also confirms that a Statement of Common Ground signed by Colchester Borough Council and Natural England, notes that that Natural England agrees with the conclusion that Section 2 will not lead to adverse effects on the integrity of Habitats sites either alone or in-combination. In particular, Policy SS5 of the Local Plan provides for the development of 150 dwellings in Eight Ash Green. This policy was screened out of further assessment owing to the location of Eight Ash Green in relation to Habitats sites.
- 3.20 The Appropriate Assessment report advised that a draft SPD has been prepared and although consultation on the RAMS SPD was expected to commence in May 2019, this appears to have been delayed. The Appropriate Assessment Report confirms that the EAG NP includes the LPA’s standard RAMS policy for neighbourhood plans (Policy RAMS 1) which has been agreed by Natural England, and requires development within the zones of influence of a Habitats site to make financial contributions towards the mitigation measures set out in the RAMS, (including interim measures prior to the confirmation of RAMS). This policy is considered favourably at the end of section 5 of this examination report below.



- 3.21 The AA Report concludes that the Eight Ash Green neighbourhood plan will not adversely affect the integrity of Habitats sites alone or in-combination. The basic condition set out in Schedule 2 of The Neighbourhood Planning (General) Regulations 2012 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 is therefore met.

### Strategic Environmental Assessment

- 3.22 The unusual circumstances leading to the late preparation of the Eight Ash Green Neighbourhood Plan Strategic Environmental Assessment (SEA), January 2019, of the likely environmental effects of the submission version of the EAG NP, includes risk that the SEA will not be fit for purpose. However, the SEA has been prepared in accordance with the requirements of the SEA Directive and sets out the likely environmental effects of the neighbourhood plan and reasonable alternatives. The summary table of the assessment of the likely impact on environmental receptors of the EAG NP policies following implementation of the Plan (page 39), shows the neighbourhood plan will, result in positive effects on all of the SEA objectives. I note that these effects will occur throughout the plan period and the effects will largely be permanent. However, a negative effect is likely on biodiversity as the allocated site is adjacent to a local wildlife site.
- 3.23 Mitigation measures to overcome this negative effect, suggested in the SEA, were to include criteria added to Fiddlers Field policies FF2-FF14, requiring an application for development of the allocated site to demonstrate that the adjacent local wildlife site will not be adversely affected by development. The SEA suggested that this could include details of new open space within the site to meet the daily needs of future residents.
- 3.24 The SEA also recommended that to reflect the NPPF and provide greater certainty over what is required, the term “heritage assets” should be used in Policy Her 1. Also, to mitigate negative effects expansion of existing employment areas, additional text should be included in relation to policies BP 1 and BP 2.
- 3.25 The SEA further notes that a Sustainability Appraisal, incorporating Strategic Environmental Assessment, has been prepared for the emerging Colchester Local Plan and that this has not identified any negative environmental effects in Eight Ash Green.
- 3.26 Under the circumstances of the late preparation of the SEA, it may be open to criticism of being self – serving. However, I consider that the SEA has been prepared professionally and recommend that its findings and conclusions should be accepted.



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## Convention on Human Rights

3.27 In addition to conforming to its EU obligations, I am content that the Plan does not breach, and is not otherwise incompatible with the European Convention on Human Rights. This statement is justified through the extensive engagement with the community and stakeholders as indicated in the Consultation Statement. I also note that considerable care has been exercised throughout the preparation and drafting of the EAG NP to ensure that the views of the whole community were considered to avoid unintentional negative impacts on particular groups. I am therefore of the opinion that there are unlikely to be any prejudicial effects on Human Rights and the related Equality Act 2010 if the Plan were to be made in accordance with my recommendations in this examination report.

## Basic Conditions – Interim Conclusion

3.28 The Basic Conditions Statement (BCS) has been clearly and systematically prepared in setting out how the Plan meets the Basic Conditions. These matters are clearly set out in the section on Background and Legal Requirements in the BCS. In addition to the Basic Conditions Statement, the EAG NP is supported by a Consultation Statement, Appropriate Assessment Report, Strategic Environmental Assessment Report and a significant evidence base seeking to justify the Plan's policies.

3.29 The Basic Conditions Statement notes that the EAG NP is in general conformity with the strategic policies of the adopted Development Plan Documents (DPD) that are referred to as the adopted Local Plan which guides future growth and development in CBC's administrative area up to 2021. The DPD comprises the:

- Core Strategy (adopted 2008, amended 2014);
- Site Allocations DPD (adopted 2010);
- Development Policies DPD (adopted 2010, amended 2014);
- Proposals Maps (adopted 2010);
- Tiptree Jam Factory DPD (adopted 2013).

3.30 In examining the EAG NP I have assessed the extent to which the neighbourhood plan conforms to guidance in the NPPF and is in general conformity with adopted strategic local policies. Under the principle of general conformity with adopted strategic local policies, neighbourhood plan policies may differ to some extent from strategic local policies, yet still meet the basic conditions. General conformity is considered for the whole neighbourhood plan, so does not imply absolute conformity on every detail of strategic policy. Relevant considerations include whether the neighbourhood plan policy or development proposal supports and upholds the general principle with which strategic policy is concerned; the degree of conflict if any, between the draft neighbourhood plan and strategic policy;





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the extent to which draft neighbourhood plan policy provides an additional level of detail and/or a distinct local approach, beyond that set out in strategic policy without undermining that policy; and the rationale for the approach taken in the draft neighbourhood plan and the evidence to justify that approach. I make my comments in respect of specific draft policies in Section 5 and more generally in the Summary and Conclusions sections of this report below.

## Background Documents

- 4.1 The background documents referred to in the preparation in this examination report are listed in Appendix 1.

## Eight Ash Green Neighbourhood Plan 2017-2033 – Planning Policies

- 5.1 The submission draft EAG NP sets out in section 9, the objectives and policies of the Plan and supporting text. To assist and for convenience, the submission draft policies of the EAG NP are reproduced in Appendix 2 to this examination report. Where, in my opinion, the explanatory or supporting text to the EAG NP requires alteration the changes suggested in this report are advisory and for clarification; they are not mandatory in order to meet the Basic Conditions test.
- 5.2 If the EAG NP is to proceed to referendum, the recommended modifications to the policies must be accepted by the Parish Council in order that the Plan may move forward to that stage. Where I have recommended changes to the draft policies, the recommended revisions are shown as tracked changes in Appendix 3 with “clean” copies of the altered policies in Appendix 4. Where policy revisions are recommended, the explanatory text relating to those policies subject to alteration may also require some modification to reflect the recommended modified policies. Such changes will be a matter for the Parish Council to draft, doubtless in conjunction with the Planning Department of the Borough Council, as part of its duty to co-operate, although I have in some cases offered suggested alterations to the supporting text.
- 5.3 I now examine each of the EAG NP draft planning policies and the related explanatory text within the Plan to establish, in accordance with paragraph 184 of the NPPF, whether the neighbourhood plan policies are in general conformity with the strategic policies of the development plan.

### Policy VSB 1



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**Policy VSB 1: To extend the current Village Settlement Boundary to include the area of Fiddlers Field (formerly known as Site 226)**

- 5.4 Colchester Borough Council's Settlement Boundary Review June 2017 considered the opportunities for expanding the size of Eight Ash Green together with other settlements within the Borough Council's administrative area in connection with preparing its evidence base for the emerging Local Plan. The settlement boundary review considered the options for additional housing development, the principal of which was supported by the EAG Neighbourhood Plan Group. Various potential housing sites were considered. The settlement boundary review determined that the settlement boundary adopted to accommodate anticipated housing growth would be guided by the site allocations made by the neighbourhood plan. The settlement boundary review is therefore inter-linked with the site allocation for new housing within the settlement over the Plan period.
- 5.5 The policy conforms to the guidance in paragraph 55 of the NPPF (2012) in relation to the sustainable provision of rural housing. As indicated in the BCS, Policy VSB 1 conforms to the strategic aspirations of Core Strategy Policy SD1 to provide housing in appropriate rural settlements, including Eight Ash Green, requiring a change to the current settlement boundary.
- 5.6 Policy VSB 1 is supported by the document, "Village Settlement Boundary", prepared by the EAG NP Group. This advises:
- There is a general presumption against development in the "countryside", beyond the settlement boundary unless it accords with the special circumstances set out in the development plan or the National Planning Policy Framework;
  - Since the existing settlement boundary is not considered sustainable through the inclusion of Seven Star Green, because it is located south of Halstead Road (the A1124) and is separated from the key facilities in the village, it is proposed to exclude this element from the defined boundary;
  - Colchester Borough Council Policy SS5 and the draft of the Local Plan, places a requirement on the Neighbourhood Plan to "Define a new Settlement Development Boundary for Eight Ash Green". Following the decision to accept 150 dwellings on Fiddlers Field (formerly Site 226), on 8th February 2017, the Parish Council agreed to the principle that the current Settlement Boundary will be extended to include the Fiddlers Field site.
  - The Parish Council decided that the only extension to be made to the Village Settlement Boundary would be to include the Fiddlers Field site, because;



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- i) Over the Local Plan period 2017 to 2033, based on the Colchester Borough Council's Objective Assessment of Housing Need, the village should grow by 150 houses to be accommodated on the single strategic location on the Fiddlers Field site, and
  - ii) New residents moving into the village can have their needs met by housing on the Fiddlers Field site.

5.7 I note that in relation to the Regulation 16 consultation, specific comments were made in relation to this policy on behalf of Hopkins Homes by Pegasus Planning the promoters and agents respectively for Site 39 at EAG. Hopkins Homes complain that the site selection process which resulted in the delivery of single site allocation was fundamentally flawed due to the criteria used and the veracity of the site selection process. The thrust of this argument is that had additional site selection criteria been used, then this would have resulted in the selection of site 039. Also, this objection suggests that if the selection had given a greater weighting to the "Secondary" selection criteria, a different outcome would have resulted and that Site 039 should have been the preferred site, based on the scores of those secondary criteria. This in turn, it is indicated, would have resulted in the selection of Site 039 being the housing allocation site and requiring that the village settlement boundary being extended to include Site 039, rather than Fiddlers Field (Site 226).

5.8 I agree that EAG NP policies VSB 1 and FF 1 are interlinked, but not that the site selection process was flawed. I have reached that for the reasons that are clear from the Site Selection Process<sup>1</sup> prepared by the EAG NP Group. This document explains the work undertaken and the chronology of events in selecting the preferred site. The Site Selection Process Report advises at the outset in the introduction that this process involved a detailed, on-going programme of consultation which included Colchester Borough Council; land-owners; developers and/or their agents, "... but primarily members of the village. The latter were seen as the primary audience or customers recognising, not only the democratic process but also the fact to the report that it is their village and they are the ones to be mainly affected by additional housing." Moreover, in January 2016, the Parish Council notified the Borough Council, that the Neighbourhood Plan Group would allocate land for development in the EAG NP rather than being determined by CBC in the emerging Local Plan. This was not contested by CBC, but goes to the heart of localism, enabling the local community in exercising choice in relation to determining the future growth, within the constraints of adopted strategic planning policy. From the information contained in the Site Selection Process report, it is clear that the selection assessment and determination has been made on a transparent, justified and fair basis by the neighbourhood planning group in association with CBC, taking into account the preferences of the local community. The ranking

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<sup>1</sup> Site Selection Process, 15th November 2018, EAG NP Group  
<http://eightashgreen.net/Reg16Docs/Site%20Selection%20process%2015th%20November%202018.pdf>



of the first, second and third preferred sites, (which I note did not include Site 039), was based on the community's primary and secondary criteria supported by the community in Eight Ash Green. It is apparent from the Site Selection Process report that the clear preference of the local community in supporting future housing growth at Eight Ash Green in delivering 150 dwellings on a single site was that this should be at Fiddlers Field.

- 5.9 I note however, that in comments made on 18<sup>th</sup> April 2019, CBC suggested that the Settlement Boundaries Map should be replaced with a more distinctive version. I agree with that suggestion. To improve clarity, I recommend that the draft policy should be amended to read as shown in Appendix 3 (tracked changes) and Appendix 4 (amended text). No amendment is necessary to the supporting text.

### **FIDDLERS FIELD DEVELOPMENT (FORMERLY SITE 226)**

#### **Policies FF1 – FF14**

- 5.10 The allocated housing site in the EAG NP, is subject to 14 related policies which, as they all relate to the development of Fiddlers Field (formerly site 226). As drafted, these policies state:

- FF 1 – To designate Fiddlers Field as a single Strategic Site for the development of 150 dwellings**
- FF 2 – Up to 150 residential dwellings on Fiddlers Field with a layout of medium density and design to be compatible with the character and context of the village**
- FF 3 – A mix of residential dwellings comprising houses, bungalows and flats of no more than two storeys high which meet the evidenced housing needs of the village offering homes for first time buyers, downsizers, families and executives**
- FF 4 - A new direct access road built to a standard which can accommodate HGV traffic and to the satisfaction of the local Highways Authority, will be provided directly linking Fiddlers Hill to the A1124 with access to the said road being provided by way of priority junctions**
- FF 5 – A specific speed limit and other speed limiting measures that are appropriate to the residential roads within Fiddlers Field site**
- FF 6 – A new pavement built to standards outlined within Highways England Design Manual for Roads and Bridges, Volume 7 Pavements Design and Maintenance, will be provided along the northern edge of the A1124 to connect the site to the village facilities**
- FF 7 – A pedestrian through route linking to the Holy Trinity School and the Fiddlers Folly development**
- FF 8 – Two new bus stops, including lay-by, raised kerb and shelter located on the A1124 within 50 metres of the site entrance**
- FF 9 – A suitable landscaping plan which provides screening to the existing businesses on Fiddlers Farm and adjacent houses, to include the Grade 2 listed Fiddlers Farmhouse, all of**



**which border and limit any expansion of the site, to ensure that ambient noise and amenity currently enjoyed at these properties is maintained**

**FF 10 – A scheme demonstrating that appropriate surface water drainage is provided within the site**

**FF 11 – Appropriate wiring to be installed within each property to provide for charging for electric cars/vehicles**

**FF 12 - Ducting to be installed to every new house on the site for the provision of either copper or fibre superfast broadband**

**FF 13 - All the new dwellings on the site should have the potential for the installation of sustainable battery pods that stores energy from renewable sources**

**FF 14 – A Section 106 agreement in respect of a recreational play area on the site, a contribution towards the delivery of a new community centre/hub, a contribution towards the expansion of the local primary school and should it be found necessary, a contribution towards the expansion of capacity of Junction 26 of the A12**

- 5.11 At the time of writing, I am aware that there is a live planning application made in relation to this housing site promoted by developer Gladman. Whilst I am aware of this application, I make no comment upon it other than briefly in relation to matters of affordable housing policy, deliverability / viability in relation to the proposed Fiddlers Field allocation in the EAG NP. Consideration of the application is plainly outside of my terms of reference which is limited to the extent to which the Eight Ash Green Neighbourhood Plan meets the Basic Conditions tests within the Neighbourhood Planning Regulations.
- 5.12 The proposed housing allocation at Fiddlers Field (Site 226) generated the most Regulation 16 consultation comments.
- 5.13 Mr. Gittins complained that a wider strategy should be taken to provide for a greater amount of expansion of the settlement at Eight Ash Green and that the planned housing growth in the period to 2033 as being derisory. He suggested that a ring of “Key Satellite Villages” maintained as free-standing settlements but linked to Colchester by improved bus services, could be expected to absorb a substantial number of new village houses associated with additional investment in community services, including Eight Ash Green. This high level comment fails to consider how the EAG NP fits into the spatial context of the emerging Local Plan and the housing provision anticipated over the Local Plan period and the work undertaken in site assessments undertaken by CBC in that regard and also the broad level of expansion supported by the Parish Council and positive approach taken by the community enshrined in the four principal issues that the EAG NP seeks to address over the life of the Plan, which are:
- 1) To preserve the character of Eight Ash Green;
  - 2) To take responsibility for accepting reasonable growth within the wider settlement area of Colchester;



- 3) To ensure that the housing allocation of 150 dwellings is located on land chosen by villagers;  
and
- 4) To encourage local employment in the village by supporting small enterprises.

- 5.14 The Fiddlers Field housing allocation and related policies in the submission version of the EAG NP conform to the national planning guidance in the NPPF at paragraphs 50, 52, 54 and 55 concerning deliver a wide choice of high-quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities, through planning for larger scale development, such as new settlements or extensions to existing villages. This housing allocation will facilitate the delivery of appropriate rural affordable housing and assist in supporting local enterprise. The allocation will enhance the vitality of this rural community and avoid the creation of isolated homes in the countryside.
- 5.15 The BCS explains by way of the matrix in Section 3, how the Fiddlers Field policies conform with the strategic planning policies in the Core Strategy. In particular, the BCS notes that FF 1 provides for a single, strategic site for the development of 150 dwellings as part of the emerging CBC Local Plan, fully conforms with CBC Core Strategy (Focused Review version) Policy SD1 in terms of making efficient use of land and promoting sustainability.
- 5.16 Concerning housing density, the BCS notes that EAG NP Policy FF 2 conforms to CBC Core Strategy Policy H2 where new developments are expected to enhance local character and density of development informed by the provision of open space, parking, the character of the area and housing mix.
- 5.17 The BCS also cites EAG NP Fiddlers Field Policies FF 1-4 and Environment Policies EP2 and EP4 policies as conforming to Core Strategy Policy UR2 – Build design and character concerning providing a network of open spaces and recreational opportunities that meet local community needs and facilitate active lifestyles by providing leisure spaces within walking distance of people’s homes in addition to protecting and enhancing existing open spaces and sports facilities.
- 5.18 Gladman, the promoters of Fiddlers Field are unsurprisingly supportive of the housing allocation in the EAG NP, the scale of development and the infrastructure requirements as made plain in their Regulation 16 comments in support of the Plan and the Fiddlers Field housing policies. Hopkins Homes by contrast raise various criticisms concerning the Fiddlers Field housing policies. In relation to Policy FF 2 concerning the scale of the housing allocation, Hopkins through their agent the Pegasus Group, claim that draft policy FF 2 which defines the scale of development envisaged at Fiddlers Field as being inconsistent with Policy SS5 of the emerging Colchester Local Plan which indicates 150 dwellings Green in the form of new allocations in the period 2017-2033 will be provided at Eight Ash Green, whilst Policy FF 2 states the new allocations during this period will be ‘up to’ 150 new homes. The agents



claim that removal of ‘up to’ from a previous draft of Policy SS5 and the reference to “at least 14,720” new homes in (emerging) Policy SG2 demonstrate that the figure of 150 dwellings should not be seen as a maximum limit for Eight Ash Green. This does not necessarily follow, since it would be feasible to maintain the current draft policy wording of “...up to 150” dwellings at Fiddlers Field despite total housing provision in the Local Plan designated area increasing overall during the period 2017 – 2033, but with additional housing being accommodated on other sites in the Borough Council’s administrative area. There is good reason to maintain the current housing expectation of “up to” 150 dwellings because that is the threshold level evaluated in the recent Appropriate Assessment and SEA. It may be feasible to extend the scale of development, but that has not been assessed in the current AA. There would therefore be no need to make a greater allocation of housing land in the EAG NP for the Plan to be in general conformity with (emerging) Local Plan with reference to Policy SG2, were that the test.

- 5.19 In the light of the support given to Fiddlers Field as the single site appropriate to accommodate new housing development in EAG by most local consultees as evidenced in the Consultation Statement, there is no objectively assessed need identified which might justify increasing the number of housing sites, or increase housing density at EAG, as contemplated on behalf of Hopkins Homes. Furthermore, given the fact that a planning application is pending at Fiddlers Field for “up to” 150 dwellings, (Application reference number 171529) and that this would appear to be capable of delivery, I give little weight to these comments and objections, seeking flexibility by allocating additional housing land within the Plan. Moreover, I do not consider that the sustainability weighting afforded to particular secondary criteria, as assessed by the EAG Neighbourhood Group is wrong or inappropriate, (please see my earlier observations in relation to Policy FF 1, above at paragraphs 5.7 - 5.8), or that the EAG NP is in conflict with Basic Condition E as it would not be in general conformity with the strategic policies contained within the emerging Colchester Borough Local Plan.
- 5.20 In the context of the evidence provided and assessments undertaken in the preparation of the EAG NP, I consider that the proposed text for Policies FF 1 and FF 2 are acceptable, subject to the inclusion of a Policies Map for Fiddlers Field defining the extent of this housing allocation.
- 5.21 Furthermore, the BCS avers that Policy FF 3 conforms to Core Strategy Policy H3, where housing developments are expected to provide a mix of housing types, offering housing choice to suit a range of different households. The policy clearly defines the broad physical attributes of the proposed housing but the listing of specific categories of households alone might give the impression that a greater weight should be afforded to these groups in the housing market generally compared with others such as for example, the elderly, or the disabled which from the supporting text would not appear to be the case.



- 5.22 Concerning housing tenure mix, the Fiddlers Field policies should make reference to the affordable housing expected to be delivered by this housing allocation to comply with national planning guidance in the NPPF (2012) paragraphs 47 and 50. In the emerging Local Plan<sup>2</sup>, Draft Policy DM8 states that CBC is committed to improving housing affordability in Colchester and “30% of new dwellings (including conversions) on housing developments of more than 10 dwellings in urban areas and above 5 units in designated rural areas (in accordance with Planning Policy Guidance), should be provided as affordable housing on site”. I further note that correspondence between the promoters of the Fiddlers Field site, indicates that Gladman and CBC are in correspondence regarding the terms for a s106 agreement relating to the current application for 150 dwellings on this site. An e-mail of the 19<sup>th</sup> June 2019, from Mr. Day of Gladman accepts the provision of 30% affordable housing (45 dwellings), and amongst other benefits, an affordable housing tenure mix of not less than 80% of the affordable dwellings to be for affordable rent and no more than 20% to be for shared ownership, equating to at least 36 dwellings for affordable rent and up to 9 dwellings for shared ownership, as requested by CBC’s Development Team on 31<sup>st</sup> May 2019.<sup>3</sup> In the light of this correspondence between the applicant and CBC taken together with CBC’s emergent affordable housing Local Plan policy and the advanced state of the Local Plan examination, I recommend that Policy FF 3 is modified as indicated in Appendix 3 (tracked changes) and Appendix 4 (clean copy) to reflect the enhanced affordable housing provision as the adopted Core Strategy expectation of 20% affordable housing for site allocations of the scale anticipated at Fiddlers Field is plainly below contemporary housing policy expectations.
- 5.23 The supporting text to this policy should be extended through a new second bullet point under the heading, “Rationale” as indicated in Appendix 3 and Appendix 4.
- 5.24 If the Plan were to proceed to referendum, minor amendments would also be appropriate to Annex B, in the submission version of the Plan. Recommended modifications are shown in Appendix 4. The suggested extended title to Annex B as shown in Appendix 4, should also be carried forward with respect to Annex B, to the list of documents in the EAG NP.
- 5.25 The BCS also notes that Fiddlers Field Policies FF4 and 5 conform to Core Strategy transport policy TA4 regarding making best use of the existing road network and managing road traffic demand. I note however that Hopkins Homes represented by the Pegasus Group object to this policy on the grounds that a disproportionate amount of weight has been applied in favour of the delivery of this infrastructure at site 226, which cannot be guaranteed and that consequently this has resulted in a

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<sup>2</sup> The Publication Draft stage of the Colchester Borough Local Plan 2017 – 2033, June 2017

<sup>3</sup> Please see, correspondence  
<https://d0cs.colchester.gov.uk/publisher/docs/F5335D47BABE4C37ECC409F8C4E67846/Document-F5335D47BABE4C37ECC409F8C4E67846.pdf>





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less sustainable site being allocated. In considering these comments I note that no objections to this policy have been raised by the highway authority.

- 5.26 The policy is endeavouring to improve highway safety by diverting heavy traffic from going past the existing school entrance as well as off Wood Lane, in addition to serving the proposed new Fiddlers Field development. There is no suggestion from the promoter in relation to the development of the Fiddlers Field site that the scheme is not viable. Indeed, the current planning application description includes for the provision of a “policy compliant” 30% affordable housing contribution. In briefly considering the material available on Colchester Borough Council’s website concerning the promoter’s planning application in relation to the highway matters, a note<sup>4</sup> dated April 2019 advises that;
- “As a statutory consultee to this application, Highways England have responded to this application suggesting a number of conditions. The Highways Authority have also responded to this application that the proposal is acceptable subject to mitigation and a number of conditions.”*
- 5.27 Despite the objection raised by the Pegasus Group to Policy FF 4, there would appear every prospect that if permitted, the current planning application would be delivered. I therefore conclude that the highways and viability concerns of the objector are overstated.
- 5.28 Concerns about the Fiddlers Field site were also advanced by Mrs Emily Bewg in two representations made during the Regulation 16 consultation concerning traffic and access and also to the consultation phase relating to the site selection as the emerging EAG NP was taking shape. A number of Mrs Bewg’s concerns are specific to the design of the proposal including control of traffic speed, the safe location of bus stops and child play areas. These would normally be expected to be matters for consideration at the planning application stage. It is not apparent to me that other concerns have been raised that the site selection process was misleading. Indeed, the consultation process appears to have been conducted with considerable rigour and a strong appreciation by the EAG NP Group of the need to consult widely and to provide frequent updates of progress to the community.
- 5.29 I conclude the assessment of Policy FF 4 as being acceptable and propose no alteration to it or the supporting text in the EAG NP. However, an illustrative indication of the proposed access road (to a standard which can accommodate HGV traffic) linking Fiddlers Hill to the A1124, should be included on a Fiddlers Field Policy Map.

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<sup>4</sup> Planning Application reference 171529 - Land off Halstead Road, Eight Ash Green, Planning Policy Officer: Bethany Jones Date: April 2019



- 5.30 Central government guidance advises<sup>5</sup> that most road traffic law pertaining to speed limits is contained in the Road Traffic Regulation Act 1984 (RTRA 1984). Other relevant legislation includes the Highways Act 1980, in particular Sections 90A-F concerning the construction and maintenance of road humps and Sections 90G-I concerning other traffic-calming works. I do not consider that it would be appropriate for this policy to be a part of the EAG NP as the policy content is a matter for the traffic authorities, rather than town planning. I therefore recommend that Policy FF 5 and the supporting text in paragraph 10.15, be deleted from the EAG NP.
- 5.31 I have considered Policies FF 6 – FF 8 together as these all relate to transport related engineering operations associated with the development of the Fiddlers Field. The allocation of housing land in the Eight Ash Green neighbourhood area has effectively been delegated by CBC by agreement to Eight Ash Green Parish Council as already indicated. As the neighbourhood plan, if made, will have the same status in law as an adopted local plan, it is a reasonable assumption that in determining the appropriateness of the housing allocation selected in respect of Eight Ash Green, that it might be assessed in relation to transport and traffic impact as might reasonably be expected for local plan housing allocations, although the national Planning Practice Guidance for neighbourhood plan making does not provide clear guidance in such circumstances. During the preparation of the EAG NP, I note that there were proposals to provide further studies to improve the knowledge of the local community regarding traffic capacity following on from the Traffic Survey undertaken in 2014. In the remarks section of the Evidence Base the A1124 is stated as classified as a Category UAP3<sup>6</sup> road with some 60% capacity. Further traffic assessment was requested from Essex County Council during the preparation of the EAG NP by the Neighbourhood Plan Group, but the cost to undertake a fresh survey at 4 new points in the village of £5,890, excluding the time to process the APNR data was considered prohibitive. The Neighbourhood Plan Group did however have the benefit of the district wide guidance from CBC's evidence base concerning likely traffic impact from:
- o Colchester Local Plan Modelling Support Transport Planning Final Report April 2016;
  - o Colchester Local Plan Traffic Modelling Technical Note July 2016 Version Two; and
  - o Colchester Local Plan Traffic Modelling Report 1 July 2017.
- 5.32 The evidence base to the EAG NP confirms that the Colchester Local Plan Traffic Modelling Technical Note July 2016 Version Two is predicated upon the delivery of 150 dwellings at EAG in the Local Plan and that this figure has been used in modelling all 5 of the scenarios tested. The Consultation

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<sup>5</sup> Department for Transport, Department for Transport Circular 01/2013, SETTING LOCAL SPEED LIMITS, January 2013.

<sup>6</sup> Urban All Purpose Road with 30-40 mph speed restriction, with frontage access to roadside development, unrestricted parking and unloading and bus stops at the kerb-side. Highways Agency (1999), Volume 5, Section 1, Part 3, TA 79/99, Amendment 1, 'Chapter 2: General Principles'

Statement explains that during the Regulation 14 consultation, that Essex County Council, Highways Essex and the Highways Agency were consulted on the emerging EAG NP and its draft policies. No comments were received from the Highways Agency or from Highways Essex. Comments received from Essex County Council related to drainage issues, not highways. As to site specific comments<sup>7</sup>, there appears to have been support for a HGV link across Fiddlers Field as part of a housing development. Subsequent comments made during the Regulation 16 consultation, were received from Essex County Council, although again not referring to transport and traffic matters. No comments were received from Highways Essex. The Highways Agency responded saying that they had no comments to make.

- 5.33 In undertaking the site selection assessment, the Neighbourhood Plan Group in devising the assessment questionnaire against which the potential housing sites were compared included a number of highways related questions, but these did not amount to what might be considered as a conventional traffic impact assessment for each site.
- 5.34 The BCS advises that Fiddlers Field Policies FF6 and 7 and Environment Policy EP 4 conform to CBC Core Strategy Policy TA 2, which is about promoting walking and cycling, to include improving national cycle routes with better connections to local destinations. Also, Fiddlers Field Policy FF 8 and Environment Policy EP 4, conform to strategic policy guidance in Core Strategy Policy TA1 in relation to improving accessibility and changing travel behaviour.
- 5.35 Draft Policy FF 6 refers to the provision of a new pavement built to standards outlined within, “*Highways England Design Manual for Roads and Bridges, Volume 7 Pavements Design and Maintenance*”<sup>8</sup>. This new footway is to be provided along the northern edge of the A1124 to connect the site to the village facilities. I note that “Pavement Design” is covered in Part 3 of Volume 7. This reference as explained in the summary on page 2 states: “This Standard provides the details of permitted materials and of thickness for the construction of pavements for **new trunk roads...**” (my emphasis). Policy FF 6 which relates to the A1124 is an all-purpose road, not a trunk road, as established above. More appropriate guidance can be obtained from the Essex Design Guide, 2018<sup>9</sup>. This now includes design guidance for streets and roads, which should be read in conjunction with the Highways Technical Manual which provides specific technical guidance on how to build a layout in compliance with Essex Highways and Manual for Streets standards. I therefore recommend that Policy

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<sup>7</sup> REGULATION 14, PROCESS – CONSULTATION – OUTCOMES, September 12<sup>th</sup> FINAL, EAG Neighbourhood Group

<sup>8</sup> <http://www.standardsforhighways.co.uk/ha/standards/dmrb/vol7/section2.htm>

<sup>9</sup> <https://www.essexdesignguide.co.uk/design-details/streets-and-roads/> and <https://www.essexdesignguide.co.uk/design-details/highways-technical-manual/>

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FF 7 which seeks delivery of a pedestrian through route linking to the Holy Trinity School and the Fiddlers Folly development should be revised to refer to the Essex Design Guide and similarly Policy FF 8, which seeks two new bus stops, including lay-by, raised kerb and shelter located on the A1124 within 50 metres of the site entrance should be incorporated in a single transport policy relating to Fiddlers Field. The recommended policy modification is shown in Appendix 3 tracked changes, and as amended in Appendix 4. The expectations included in the recommended modified policies in FF 6 – FF 8 should be shown on a Fiddlers Field Policy Map for illustrative purposes.

- 5.36 As to Policy FF 9, this seeks the preparation of a suitable landscape plan, providing screening to the existing businesses on Fiddlers Farm and adjacent houses which border the Fiddlers Field site, to ensure that ambient noise and amenity currently enjoyed at these properties is maintained. In relation to advice in national policy, EAG NP Policy FF 9 conforms to the guidance in section 11 of the NPPF, on conserving the natural environment and in particular, paragraph 116. The landscape character of the area is explained in the Colchester Borough Council's Landscape Character Assessment<sup>10</sup>. The landscape character of Eight Ash Green is described within the section assessing the Colne River Valley slopes (A5). The Fiddlers Field site is located on the east – west ridgeline as indicated on Figures 2 and 6 of the Landscape Capacity of Settlement Fringes in Colchester Borough<sup>11</sup> showing Fiddlers Farm to the north. The policy expectation in FF 9 that the amenity of the adjoining businesses and houses to the Fiddlers Field site should be maintained by buffer planting and related landscape proposals should provide appropriate mitigation.
- 5.37 I recommend no alteration to this policy, other than re-numbering to reflect earlier recommended modifications in this report. For clarity the east – west ridgeline as indicated on Figures 2 and 6 of the Landscape Capacity of Settlement Fringes in Colchester Borough, should be shown on the Fiddlers Field Policies Map, with Fiddlers Farm identified to the north. The business premises and existing houses whose amenity is likely to be affected should be identified and an illustrative buffer planting strip should also be shown diagrammatically.
- 5.38 The BCS also confirms that Fiddlers Field Policies FF 10, 11, 12 and 13 conform to Core Strategy ER 1 – Energy, Resource, Waste, Water and Recycling. Essex County Council in its Regulation 16 representations sought a modification to the drafting of Policy FF 10 in its capacity as Lead Local Flood Authority, extending this policy to read '*... in line with the Essex SuDS guide. Where possible SuDS should incorporate above ground features to maximise the provision multifunctional green infrastructure.*' I agree that in order to facilitate an acceptable sustainable surface water drainage

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<sup>10</sup> Colchester Borough Landscape Character Assessment, November 2005, Chris Blandford Associates

<sup>11</sup> LANDSCAPE CAPACITY OF SETTLEMENT FRINGES IN COLCHESTER BOROUGH, Chris Blandford Associates, August 2005.

solution for the development of the Fiddlers Field site, the surface water drainage design should conform to the guidance contained in the Sustainable Drainage Systems Design Guide<sup>12</sup>. Accordingly, Policy FF 10 should be amended as recommended by the tracked changes in Appendix 3 and as shown incorporating these modifications in Appendix 4. The supporting text should similarly be amended for clarity citing the guidance contained Sustainable Drainage Systems Design Guide, Essex County Council, April 2016. This should ensure that the proposed housing allocation will include a new SuDS scheme suitable for approval and adoption and how SuDS will be maintained over the life of the new housing project, thereby delivering sustainable development.

- 5.39 Draft policies FF 11, 12 and 13 relate to facilitating the provision of modern infrastructure in new dwellings constructed on the Fiddlers Field site. This common theme would suggest that these expectations could be included in a single technological infrastructure policy. I recommend that the policy be worded more flexibly to accommodate changing technologies over the period that the Fiddlers Field site is developed. Changing technologies mean that electricity supply and storage can now be completely off-grid, (front-of-the meter (FTM)). For such systems additional ducting or cabling to the utility providers' network is unnecessary, (eg Tesla Powerwall in combination with solar panels). The energy consultancy Wood Mackenzie has predicted that Europe's home battery capacity could climb fivefold in the next five years as more households plug their rooftop solar panels into battery packs. The analysts expect that by 2024, annual home battery installations across Europe could total more than 500MW, the equivalent of building a new gas-fired power plant every year<sup>13</sup>.
- 5.40 The research justifying this policy is further provided by research from Wood Mackenzie Power & Renewables which advises that the global energy storage market will expand 13-fold by 2024. According to their report,<sup>14</sup> energy storage has been creeping into de-carbonising markets over the past 5 years. Wood Mackenzie's report notes that 2018 saw 140% year on year growth from 3.3 GWh -6 GWh globally and where half of this GW capacity was front-of-the meter (FTM), driven by accessible ancillary service revenues in key markets. In terms of residential storage, due to rapid system cost reductions, Wood Mackenzie expect sustainable growth to continue in markets where subsidies are being curtailed such as the UK, noting that consumers are willing to pay a premium to increase their

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<sup>12</sup> Sustainable Drainage Systems Design Guide, Essex County Council, April 2016.

<sup>13</sup> Jillian Ambrose, The Guardian, Tue 6 Aug 2019 19:56 BST  
<https://www.theguardian.com/environment/2019/aug/06/uk-risks-losing-out-europe-home-battery-boom-report-warns>

<sup>14</sup> 'Global energy storage outlook 2019: 2018 year-in-review and outlook to 2024', Wood Mackenzie Power & Renewables.2019. <https://www.woodmac.com/press-releases/global-storage-market-to-grow-from-12-gwh-to-158-gwh-by-2024/>



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use of rooftop solar power and in the process, mitigate the risk of electricity bill increases through this technology.

- 5.41 Proposed policy FF 13 is aspirational. Off grid / FTM installations, such as offered by Tesla, in combination with solar panels are available without significant changes to house construction and as reported above installation costs are expected to fall as diffusion of the technology is taken up by consumers. This policy would not require developers to install these electrical storage systems for new development at Fiddlers Field, but rather to ensure dwellings are designed to “...have the potential for the installation of sustainable battery pods that stores energy from renewable sources”, as sought by this policy. Inclusion of this policy in the EAG NP may require greater consideration of roof design, layout and orientation of dwellings in the design stage at Fiddlers Field but would enable households to more readily choose to install such sustainable energy systems at their discretion.
- 5.42 There were no objections to this policy during the Regulation 16 consultation which potentially offers the prospect of delivering carbon – free power generation and on-site storage. I support this highly sustainable policy initiative the benefits of which are acknowledged in the SEA report of January 2019.
- 5.43 To simplify these policies, I recommend that they be revised as a single policy as shown by tracked changes in Appendix 3 and as revised in Appendix 4. The supporting text should be amended to explain that this policy would expect that proposals would be expected to provide with the Design and Access Statement how this policy would be met by planning proposals, particularly in explaining how design and layout considerations will facilitate the effective potential for the installation of sustainable battery pods to store energy from renewable sources. Existing paragraph 10.29 in the supporting text should be deleted.
- 5.44 In relation to FF 14 (play area) and FF 8 (bus stops), the BCS indicates that these policies fully conform with CBC Core Strategy Policy SD 2, in relation to new developments providing the necessary community facilities, open space and transport infrastructure. In its capacity as Education Authority, Essex County Council in its second representations during Regulation 16 consultation indicated an expectation that new development should provide for infrastructure requirements, in addition to the requirements identified by the Parish Council, such as secondary school contributions if the need arises. The County Council sought clarification in the Plan, that other parties may seek additional contributions from new development via Policy FF 14. CBC, in its amendments to Policy FF 14, sought that the policy be revised to provide greater flexibility of how developer contributions should be secured by including reference to a Section 106 Agreement and/or, through a Community Infrastructure Levy (CIL) payment or other planning obligations. At present, I note that there is not a Community Infrastructure Levy in place in the Borough but acknowledge that this likely within the Plan period. I have therefore recommended that these planning obligations be referred to as, “Financial contributions” in this policy. CBC also seek clarity of the proposed extent of the housing allocation at



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Fiddlers Field, requesting that a policies map should be included in the EAG NP. I agree that this would be of considerable benefit.

- 5.45 Taking these observations into consideration, it is important to keep in mind that CBC as the local planning authority will normally be the decision-maker in relation to planning applications, including planning obligations. At Fiddlers Field it will be important that any planning obligations considered appropriate and necessary in the EAG NP relate to the appropriate policies contained in the emerging Local Plan and in the meantime have regard to the Colchester Local Plan Adopted Focused Review of the Core Strategy (2014). The adopted policies relating to planning obligations relevant in the EAG NP include Core Strategy Policies SD2, SD3 and Development Policy DP3. I recommend that in relation to the development proposals envisaged for Fiddlers Field that the planning obligations policy should be recast as indicated in Appendix 3 (tracked changes) and Appendix 4.
- 5.46 The Strategic Environmental Assessment Report January 2019, reviewed and assessed the alternative possible housing allocations against a range of criteria and whilst recognising some limitations of this “*post hoc*” approach, concluded that the preferred site selected is able to accommodate the total “Objectively Assessed Need” for housing being in close proximity to local amenities including the school, has direct access to the main road through the village and will not lead to coalescence with Stanway, Colchester.
- 5.47 The SEA assesses the significant environmental effects of the Plan policies and proposals and demonstrates that the EAG NP will, cumulatively through implementation of all of the policies, result in positive effects on all of the SEA objectives. These effects will occur throughout the plan period and the effects will largely be permanent. However, a negative effect is likely on biodiversity at the allocated site at Fiddlers Field because the SEA anticipates that new residents may use the adjacent land for recreation, including daily dog walking, which can lead to trampling. Thus, there is a need for mitigation. In relation to the Fiddlers Field suite of policies, the SEA suggests that these are extended requiring an application for development of the allocated site to demonstrate that the adjacent local wildlife site will not be adversely affected by development. The SEA helpfully volunteers that this might include details of new open space within the site to meet the daily needs of future residents. I agree with this conclusion. In making its comments on the submission version of the EAG NP, CBC supported the need for an additional policy which would protect the adjacent wildlife area. I recommend that to deliver sustainable development in Eight Ash Green, the neighbourhood plan should include an appropriate additional policy requirement at Fiddlers Field to mitigate potential harm identified in the SEA concerning possible negative impacts identified on the adjacent wildlife site. In addition, it would be necessary to ensure delivery and maintenance and management of this area of open space. This would normally be undertaken by either the Council or privately by a residents’ association, if formed. As there is at present some uncertainty regarding whether a residents’ association will be formed if the development takes place as envisaged in the EAG NP, I



recommend either solution should be included in the policy, delivered by a further obligation in the section 106 agreement, as shown in recommended revised Policy 9, as proposed in Appendix 3 and 4.

## Policy DH1

**Domestic Housing Policy (DH1): Future development within Eight Ash Green should be able to clearly demonstrate by way of relevant plans and supporting documents that it should:**

- **Be of a density, design, height and layout that respects and responds to the local character of the village and the location/site's context**
- **Provide a mix of dwelling size, type and tenure that reflects the housing needs of the Parish**
- **Provide electric charging points and sustainable battery pods wherever possible and appropriate to do so**
- **Provide suitable connections for the installation of high-quality telecommunications infrastructure**

- 5.48 Turning to other residential development that may occur in Eight Ash Green during the Plan period, the EAG NP provides draft Policy DH1 to guide such proposals. The Basic Conditions Statement indicates that this policy conforms generally to the NPPF second Core Principle by planning "...positively to support local development, shaping and directing development in their area that is outside the strategic elements of the Local Plan". More specifically, it also conforms to Policy H2 of the Core Strategy Focused Review concerning responding to the local character of the village and context.
- 5.49 There were Regulation 16 consultation responses in support of Policy DH1 from Natural England requesting "high quality green infrastructure" be included as a requirement within the policy and CBC concerning the drafting of the policy in the present tense. As advised in the National Planning Practice Guidance, green infrastructure can embrace a range of spaces and assets that provide environmental and wider benefits, however since this policy will be relevant to small scale development within the parish only, there is unlikely to be a requirement for any significant green infrastructure other than small scale landscape treatment to such sites. The policy as drafted is sufficient to expect the design and layout of proposals to respect and respond to the local character of the village and site context.
- 5.50 In considering the first two bullet points of the Policy DH1, for these to be effective in relation to development management, it would be helpful if the Policy contained the guidance and expectation that new residential development in Eight Ash Green should not exceed two storeys in height and that the supporting text should identify the references providing further guidance explaining the essence of the character of the village which are to be found in the details of the physical survey of the village carried out in 2017 and the desire of the community that new residential development should reflect that character. This could be readily achieved by cross referencing the supporting text to that seeking to justify Policy FF 3 in the Plan.





- 5.51 Concerning the second two bullet points, no reason is given why Policy DH1 should be more onerous than the policies for the provision of infrastructure for “new technology” at Fiddlers Field, where such installations are likely to benefit from cost savings due to this comparative large-scale development. Whilst sustainable, there is currently no requirement for new dwellings to be required to install electric vehicle charging points or battery pods. The draft policy, as drafted is therefore unreasonable. I therefore recommend that the policy be revised to reflect the policy requirement (as modified) for residential development at Fiddlers Field. If the recommendation is accepted and the EAG NP is taken forward to referendum, the supporting statement for the policy will require revision to justify the policy similar to that provided for the related policies at Fiddlers Field.
- 5.52 I therefore recommend that Policy DH1 should be modified as indicated in Appendix 3 (tracked changes) and with the changes made in Appendix 4.

### Policy EP1

**Environment Policy 1 (EP1): No development is to be permitted that will and/or could result in, or provide the possibility of future coalescence of Eight Ash Green with Stanway/Colchester and/or the proposed West Tey Garden community/New Town**

- 5.53 This policy seeks to retain the gap between Eight Ash Green and other existing settlements in the vicinity and potential development comprising the West Tey Garden Community/New Town. No comments were raised concerning this policy from consultees during the Regulation 16 consultation. The policy reflects CBC Core Strategy Focused Review Policy ENV1, which aims to control development outside settlement boundaries to protect open stretches of countryside around and between existing settlements to prevent coalescence and retain settlement identity at a strategic level.
- 5.54 To fully conform to the strategic policy and provide clear guidance, Policy EP1 should make reference to the defined settlement boundary as shown on the Village Boundary Map as recommended in Appendix 3 (tracked changes) and shown in Appendix 4. The recommended policy also reflects the fact that CBC will be the decision maker in respect of such planning applications for development.
- 5.55 No alteration is necessary to the supporting policy text.

### Policy EP2

**Environment Policy 2 (EP2): The areas of green space in the village are to be protected from development, including change of use, unless it can be demonstrated that: -**

- **the chosen site represents the only available location for the given development proposal;**



- **the proposal would not result in the loss of an area important for its amenity including its contribution to biodiversity, recreation and landscape character with Eight Ash Green; and**
- **Alternative and improved provision is provided in a location well related to the functional requirements of the relocated use and its existing and future users**

- 5.56 This policy performs an environmental role in promoting sustainable development and would promote healthy living and assist in conserving the natural environment recognised in the NPPF 2012. I note however that the open space is not promoted in policy terms as Local Green Space under paragraph 77 of the 2012 version of the NPPF. I consider this to be the correct approach in relation to the scale of the open space proposed and the permanence that such a designation would infer. In relation to the adopted Core Strategy Focused Review, Policy EP2 conforms to Core Strategy Policy Env2 (revised 2014). The policy was supported by Natural England and CBC through Regulation 16 consultation replies, but objections were raised by the Pegasus Group on behalf of Hopkins Homes on the grounds that the policy accords disproportionate weight to the value of open space in the core of the village.
- 5.57 The weight ascribed through the preparation of the neighbourhood plan is consistent with the evidenced local support provided by the local community during the preparation of the EAG NP as outlined in the Consultation Statement and Questionnaire Survey undertaken to inform the draft objective and Policy EP2. Indeed, the EAG NP Technical Report, 2017 confirms that, *“There was overwhelming support (99.4%) to retain open spaces, trees and nature reserves.”*
- 5.58 As noted in the Regulation 16 comments of CBC, this policy should refer to the “neighbourhood plan area”, rather than “village”. Also, for clarity, the open space designation of land subject to this policy should be clearly identified on the policies map for the neighbourhood area. I propose that the policy should be recast to reflect the fact that the development management decisions will be made by CBC.
- 5.59 Accordingly, I recommend that Policy EP2 should be recast and amended as indicated in Appendix 3 (tracked changes) and Appendix 4. I also recommend that the supporting text is amended in the final paragraph to show that the intention is **not** to seek compensatory mitigation which might be considered to be inappropriate and unlawful.

### Policy EP3

**Environment Policy 3 (EP 3): Any developments in the village that may result in the destruction and/or removal of existing hedgerows, trees or woods, will only be permitted if these elements are replaced with similar features that are in good condition, on the same site or plot**

- 5.60 Policy EP3 conforms generally to the guidance in the NPPF (2012), and the Planning Practice Guidance in relation to protecting the natural environment. The Hedgerow Regulations 1997 were made under section 97 of the Environment Act 1995 and took effect on 1 June 1997. They introduced arrangement



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for local planning authorities (LPAs) to protect important countryside hedgerows through a system of notification. They form part of the green infrastructure within the Eight Ash Green neighbourhood area and justify protection in accordance with the most recent guidance in the PPG.<sup>15</sup>

- 5.61 The policy conforms to the guidance in the Core Strategy Focused Review 2014, section 5.7, Environment and Rural Communities Policies, in particular Policy ENV1 – Environment, which states that *“key green spaces and areas of accessible open space that contribute to the green infrastructure across the Borough will be protected and enhanced.”*
- 5.62 Natural England recommended that the policy should be extended to all aspects of the natural environment. Natural England are seeking an overarching natural environment policy to ensure that in addition to protecting flora and fauna relevant to the specific policy, development should avoid significant effects to designated sites, both national and international, stating; *“It is therefore advised that this also extends to the requirement for an environmental assessment, or habitats regulations assessment (HRA), with any required mitigation or compensation sought through the appropriate methods.”* To the extent that the EAG NP has been subject to Appropriate Assessment and SEA in relation to all proposed policies, as far as I am aware, there is no requirement for an overarching natural environment policy at the level of the neighbourhood plan. More particularly, in town planning terms, Local Wildlife Sites have no direct legal protection, although they are recognised in the NPPF which gives them some informal protection from being developed. They are a *‘material consideration’* in the determination of planning applications, and this should ensure that there is a general presumption against harmful development upon them, but, even with this protection, I understand that many sites are lost each year.
- 5.63 CBC, in supporting Policy EP3 advised the term “village” should be replaced by “Neighbourhood Plan Area” to provide greater clarity.
- 5.64 To be consistent with the NPPF, CBC advised that the policy wording should be modified as follows:  
**“Any development in the Neighbourhood Plan Area that may result in the destruction and/or removal of existing hedgerows, trees or woods, will only be permitted if these elements are replaced with equivalent features, on the same site or plot.”**
- 5.65 The protection of trees is provided by Tree Preservation Orders (TPOs) under The Town and Country Planning (Tree Preservation) (England) Regulations 2012.<sup>16</sup> Therefore, to provide lawful protection of

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<sup>15</sup> Planning Practice Guidance, Natural environment, Paragraph: 006 Reference ID: 8-006-20190721 Revision date: 21 07 2019 <https://www.gov.uk/guidance/natural-environment>

<sup>16</sup> The Town and Country Planning (Tree Preservation)(England) Regulations 2012, SI, 2012 No. 605, 28<sup>th</sup> February 2012.



trees and woodland, these should be protected by the means of TPOs. It would be feasible for TPOs to be sought where trees and woodland are threatened by development, or alternatively through conservation area designation, but Policy EP3 would not in itself provide the protection required. For this reason, I do not consider it would be appropriate in town planning terms, to provide the protection intended to trees and woodland from development, when other more appropriate legal planning mechanisms exist. I concur with the comments raised by CBC that the term “village” be substituted with neighbourhood plan area, or more simply, “neighbourhood area” and recommend that the policy be amended as set out in Appendix 3 (tracked changes) and as shown in Appendix 4.

5.66 In supporting this policy in relation to protecting hedgerows, I recommend that the policy objective be restricted to hedgerows only and references to trees and woodland be deleted. Within the supporting text comments relating to the protection of trees and woodland being a material consideration in determining planning applications would be satisfactory, coupled with guidance that formal protection is available through designation by TPO’s and within conservation areas.

5.67 As a final comment in relation to this policy, I note that the first “project” identified in the EAG NP states:

*“Environment Project: Support and encouragement is to be provided to farmers and other land-owners who wish to introduce new and/or maintain current natural habitats for wildlife”*

It may be more appropriate for the EAG NP to include support for Local Wildlife Sites by way of projects rather than in the planning policies within the Plan. “Projects” are outside my terms of reference in examining this neighbourhood plan, but equally projects carry no weight in reaching development management decisions.

#### Policy EP4

**Environment Policy 4 (EP 4): Existing footpaths, cycleways and bridleways provide a high level of amenity value and will be protected. New developments should integrate with the current green infrastructure network, seeking to improve the connectivity between wildlife area and green spaces through measures such as improving and extending the existing footpath and cycle path network, allowing greater access to housing and retail facilities, green spaces, public open spaces and the countryside**

5.68 The objective of this policy is to protect the existing footpaths, cycleways and bridleways in the neighbourhood area from development.

5.69 The BCS states that Policy EP4 conforms to the guidance in the NPPF (2012), Core Planning Principle 11, Make the fullest possible use of public transport, walking and cycling and to the Core Strategy policy SD3, whereby CBC confirms that in relation to new development, this will be required to provide community facilities to meet the needs of new communities and that safe, direct routes for walking and cycling and appropriate bus services will be established to serve existing and new pre-school,



primary, and secondary school sites. Cycling and walking are also recognised as sustainable means of transport to be encouraged in Core Strategy policies TA1 and TA2.

- 5.70 No comments were received from any consultees in relation to this policy in the EAG NP during the Regulation 16 consultation.
- 5.71 For clarity and to illustrate the potential for improvement to these networks through new development proposals, I recommend the inclusion of the existing public footpaths, bridleways and cycleways in the neighbourhood area be provided on the EAG Neighbourhood Area Policies Map and the policy be modified to include reference to this map as indicated in Appendix 3, showing tracked changes and in Appendix 4. I have recommended that the policy be modified to reflect the fact that CBC will be the decision maker.
- 5.72 Modification is necessary to the supporting policy text providing a reference to the EAG Neighbourhood Area Policies Map, showing the existing public footpaths, bridleways and cycleways in the neighbourhood area. In addition, the policy intent requires amendment associating the policy with development as follows:

**Intent**

The intent behind this Policy is to ensure that existing footpaths, cycleways and bridleways are protected. To enhance sustainability, the policy seeks to encourage a modal shift from car to walking and cycling associated with new development proposals by linking publicly accessible green space wherever possible to walking and cycling routes.

### Policy EP5

**Environment Policy 5 (EP 5): Development will be supported where it can be shown that it will not negatively impact upon the existing network of drainage ditches within the village. The protection, extension and enhancement of these facilities is encouraged. Where it is necessary to enable development, the stopping up or diverting of drainage ditches will be supported if it can be demonstrated that no additional flood risk will be created**

- 5.73 Policy EP5, subject to modification relating to “SuDS”, will conform to guidance in the NPPF as advised by Essex County Council and CBC in their respective Regulation 16 representations. The BCS advises that the policy conforms to the NPPF (2012) Core Planning Principle (6), support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change.
- 5.74 The policy is also consistent with Core Strategy policies ER1 and ENV1 expecting all developments to incorporate water management schemes including Sustainable Urban Drainage (SUDs).



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- 5.75 Essex County Council's response noted that consideration of flood risk associated with development within the plan area should also take into account wider flood risk and assessing water quantity, water quality, biodiversity and amenity. To achieve these results, the County Council advocated the use of above ground SuDS and where possible the approach should be multi-functional, not only providing flood risk mitigation but also enhancing green infrastructure within the neighbourhood area. The County Council further recommended that all drainage strategies for major development within the Plan area should be based on the "Essex SuDS Guide"<sup>17</sup>, recommending that developers engage in pre-applications discussions with the Lead Local Flood Authority to ensure that any recommendations can be incorporated into site design as early into the planning process as possible. Although the lead Local Flood Authority is not currently a statutory consultee on minor applications, early consultation is still recommended.
- 5.76 The Environment Agency in responding to this policy, acknowledged that Policy EP5 refers to surface water rather than fluvial flooding, but nonetheless refers to its wider advice to developers in its publication, "Building a better environment"<sup>18</sup> which includes the importance of early consultation and the advantages of apply SuDS in connection with surface water drainage management may assist developers.
- 5.77 Accordingly, to overcome the objection of the County Council, the policy requires significant revision to guide the delivery sustainable development. In addition, as advised by CBC, the policy needs to refer to the "Neighbourhood Plan Area", or "Neighbourhood Area", rather than "village" to provide clarity and consistency.
- 5.78 As further advised in the responses by CBC and the County Council, work which may affect an ordinary watercourse (which can include drainage ditches) or main river, may require consent under the Land Drainage Act 1991 from Essex County Council as the Lead Local Flood Authority (LLFA) for ordinary watercourses, or the Environment Agency for main rivers. Thus, it is not appropriate for the policy to support the stopping up or diverting of drainage ditches to enable development if no additional flood risk is created.
- 5.79 Taking these points into consideration, I recommend the re-casting of Policy EP5 as shown in Appendix 3 (tracked changes) and Appendix 4.
- 5.80 The supporting text to the "Intent", to Policy EP5, should be modified to provide advice to developers as outlined in Appendix 4.

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<sup>17</sup> Sustainable Drainage Systems Design Guide, Essex County Council, April 2016

<sup>18</sup> "Building a better environment", Our role in development and how we can help, Environment Agency, May 2013.



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## Policy Her1

### Heritage Policy 1 (Her 1):

**Any Listed Building or Historic Asset and their setting within the Neighbourhood Plan Area should be maintained or where possible enhanced to protect from any future development.**

- 5.81 The EAG NP explains that the objective of this policy is to protect the ancient heritage of Eight Ash Green. The policy intent subject to the suggested modification proposed by CBC (below), is in general conformity with NPPF (2012) planning policy guidance at paragraph 126 and Core Strategy Policy ENV1.
- 5.82 CBC commented in its Regulation 16 representation as also noted in the Eight Ash Green Strategic Environmental Assessment (SEA) Report (January 2019), to be consistent with the NPPF, the term "historic asset" should be replaced with "heritage asset". I agree with that proposal and recommend that Policy Her1 should be modified as suggested by CBC. This amendment is shown by way of tracked changes in Appendix 3 and as made in Appendix 4.
- 5.83 No modifications are necessary to the supporting text.

## Policy RE1

**Renewable Energy 1 - (Homes) (RE 1): Proposals for small-scale renewable energy generation associated within single residential properties will be supported provided it can be shown that they are located and designed in such a manner so as to minimise any increase in ambient noise levels and avoid any unacceptable impacts upon visual amenity**

- 5.84 The objective of the two renewable energy policies in the EAG NP is to encourage and support the effective and efficient use of the Earth's natural resources and promote energy efficiency in Eight Ash Green. Policy RE1 relates to supporting residential development proposals incorporating small-scale renewable energy generation. Unlike Fiddlers Field policy FF 13, this policy does not extend to the storage of renewable energy generation, although it is likely over the life of the Plan that this will become increasingly prevalent in the shift towards decreasing reliance on carbon based energy supplies as renewable technologies are fitted and retro fitted to existing and new homes respectively to increase energy efficiency and to mitigate climate change. Policy RE1 conforms to the NPPF (2012), paragraph 93, which acknowledges that Planning has a key role to play in helping "... *shape places to secure radical reductions in greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy and associated infrastructure.*" EAG NP Policy ER1 similarly conforms to Core Strategy Policy ER1, under which CBC "...*encourages the delivery of renewable energy projects, including micro-generation...*", to reduce Colchester's carbon footprint.



- 5.85 No Regulation 16 comments were raised in relation to this policy. If the Plan is to proceed to referendum no changes are necessary to this policy or the supporting policy text.

### Policy RE2

**Renewable Energy 2 - (Solar Farms) (RE 2): Proposals for commercial solar farms will be supported where they are directed towards low grade agricultural land or brownfield sites and are designed in such a way so as to minimise increases in ambient noise levels and deliver adequate natural screening to avoid impacts upon visual amenity**

- 5.86 Policy RE2 conforms to the NPPF (2012), paragraph 93, similarly to RE1. EAG NP Policy RE2 similarly conforms to Core Strategy Policy ER1, under which CBC "...encourages the delivery of renewable energy projects, including micro-generation...", to reduce Colchester's carbon footprint.
- 5.87 Again, no Regulation 16 comments were raised in relation to this policy. If the Plan is to proceed to referendum, no changes are necessary to this policy or the supporting policy text.

### Policy BP1

**Businesses Policy 1 (BP 1): Moat Farm (shown above) is designated as a business area. Proposals for the enhancement of existing facilities or for new business premises on the site will be supported provided they are of suitable design, provide satisfactory car parking for staff and visitors and have implemented a strategy for the containment and subsequent disposal of waste**

- 5.88 Business Policies BP1 conforms to the EAG NP objective to support and where appropriate, expand the local businesses to boost the local economy and employment. Policy BP 1 has a clear land use planning context and as such conforms generally to national planning guidance in the NPPF (2012) at paragraph 28 by supporting economic growth in the rural area to create jobs and prosperity taking a positive approach to sustainable development by conversion of existing buildings and well-designed new buildings. This policy also conforms to Core Strategy Policy ENV2 – Rural Communities (Revised July 2014), by contributing to the local community through the provision of local employment and community facilities.
- 5.89 In its response to this policy, CBC pointed out the need to be able to clearly identify the extent of the Moat Farm Business Area by adding a map showing the boundary of the business area. I support this comment and recommend that the policy be modified to include reference to the boundaries of this business area on the EAG Neighbourhood Area Policies Map (associated with policies other than Fiddlers Field).
- 5.90 The SEA, whilst advising that Policy BP 1 will result in positive effects on the objective to support and where appropriate expand the local businesses to boost the local economy and employment,





recommended the inclusion of additional text in the policy to mitigate negative effects expansion may bring.

- 5.91 I am concerned that the draft policy contains reference to implementing “*a strategy for the containment and subsequent disposal of waste*”. Waste management is proscribed under the Basic Conditions by section 61K of the Town and Country Planning Act 1990 (as amended). This includes development normally dealt with by a county planning authority, notably minerals and waste related development. This should therefore be excluded from the policy and supporting text. I recommend that if the Parish Council proposes to take the Plan forward to referendum, Policy BP 1 should be amended as shown in Appendix 3 (tracked changes) and Appendix 4.
- 5.92 I have recommended modifications to the supporting text to reflect the recommended policy alterations in Appendices 3 and 4, including recommended text to mitigate likely adverse effects that expansion of employment uses on this site may bring.

### Policy BP2

**Businesses Policy 2 (BP 2): Support will be given towards the retention of existing businesses within the Fiddlers Farm business area (shown above) to include the provision of satisfactory car parking for staff and visitors as well as for the provision of a strategy to secure the containment and subsequent disposal of waste**

- 5.93 This draft policy, both in relation to the policy wording and the supporting text, seeks to retain the three existing **businesses** within the Fiddlers Farm business area. Conventionally, planning policies are concerned with land use planning rather than supporting or retaining particular businesses. In addition, the reference in the policy to “*...the provision of a strategy to secure the containment and subsequent disposal of waste*” constitutes “excluded development” and therefore fails the basic conditions test under section 61K of the Town and Country Planning Act 1990 (as amended), as explained in relation to Policy BP1 above. For these two reasons, if the EAG NP is to proceed to referendum, Policy BP2 in the submission version of the Plan must be deleted.
- 5.94 All references to Policy BP2 should be deleted from the supporting text and all plans forming part of the Plan if the EAG NP is to proceed to referendum.

### Policy CA1

**Community Amenities (CA 1): To protect the allotments site (as shown below) from any future potential development**



- 5.95 Standard Note: SN/SC/887 entitled “Allotments”<sup>19</sup> describes the law on allotments explaining that the extant, “Small Holdings and Allotments Act 1908”, imposed a duty on Councils to provide allotments if six or more people request them. However, there is no time limit on provision so it can take time to realise such ambitions. Once provided, building on statutory allotment land is only allowed when the allotment holders are offered alternative sites. Thus, considerable protection has existed for more than the last 110 years to successive allotment holders, although not for specific allotment land allocations. The proposed policy would extend the existing protection for land in allotment use, beyond the provisions of the Small Holdings and Allotments Act 1908. There is no mention of the protection of allotments *per se* in the NPPF 2012, doubtless because of the controls already in place by the earlier allotment enabling legislation of 1908.
- 5.96 The Core Strategy encourages the provision of further allotments, delivered through planning obligations, but again falls short of providing additional protection to existing allotments. Accordingly, I consider it would not be appropriate to provide protection to existing allotments in Eight Ash Green to that already provided by statute, which includes a mechanism for re-provision where land in allotment use are proposed to be used for other purposes.
- 5.97 The allotments site is beyond the EAG Village Settlement Boundary and will therefore gain considerable protection from Policy VSB1 in the event that the Plan is taken to referendum and subsequently made.
- 5.98 I therefore recommend that this policy and supporting text should be deleted from Plan if the intention is to take the EAG NP to referendum. It would however be appropriate, subject to adequate supporting evidence, to promote further allotments through the neighbourhood planning process. However, this is not proposed in the submission draft Plan. The Parish Council has the powers and obligation to make such provision under the Small Holdings and Allotments Act 1908 as outlined above, if such need arises.

### Policy CS1

**Community Site (CS 1): Land on the site of the Church of England Church (as shown below) is designated as the site for a new Community Hub/Hall and shall be safeguarded for that purpose. Development proposals which promote alternative uses on the site will not be supported**

- 5.99 Policy CS1 conforms to paragraph 28 of the NPPF (2012) which supports a prosperous rural economy through planning policies supporting economic growth to promote the retention and development of local services and community facilities in villages, such as the proposed site for new Community

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<sup>19</sup> House of Commons Library, “Allotments”, Standard Note: SN/SC/887, Last updated: 22 March 2012, Author: Christopher Barclay



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Hub/Hall. The Basic Conditions Statement advises that this policy accords with CBC Core Strategy Policy SD3 in relation to the aspiration to provide a site in the village upon which a new Community Hub/Hall will be safeguarded.

- 5.100 The Pegasus Group on behalf of Hopkins Homes support this policy in its representations on this under Regulation 16. Pegasus also comment that in order to fund the development of the community hub site it would be necessary to deliver this through new development and notably Site 039, in preference to the allocation at Fiddlers Field, since Pegasus claim that the latter is already burdened by the obligation to provide other benefits. There is no evidence as far as I am aware to support this assertion, but if this comment is correct, it would not detract from this policy which as drafted would not in itself seek deliver a new community hall / hub. Over the life of the Plan it may be feasible to deliver this community aspiration by various means.
- 5.101 I note that Policy CS1 is also supported by CBC. In order to provide clarity as to the precise location of the land to be safeguarded under this policy, CBC advise that a boundary be added to the policy map to clearly outline the area designated for a new Community Hub/Hall. I agree and recommend this minor modification as shown in Appendix 3 (tracked changes) and Appendix 4. No alteration is necessary to the supporting policy text in the Plan.

### Policy RAMS1

**RAMS 1 - All residential development within the zones of influence of European Sites will be required to make a financial contribution towards mitigation measures, as detailed in the Essex coast RAMS, to avoid adverse incombination recreational disturbance effects on European Sites.**

**In the interim period, before the Essex Coast RAMS is completed, all residential development within the zones of influence will need to deliver all measures identified (including strategic measures) through project level HRAs, or otherwise, to mitigate any recreational disturbance impacts in compliance with the Habitat Regulations and Habitats Directive.**

- 5.102 Policy RAMS1, the recreational disturbance avoidance and mitigation policy within the EAG NP, was introduced in response to the judgement in “People Over Wind”. As explained in section 3 of this report, to support the EAG NP, an HRA screening assessment was undertaken by CBC. This determined that a full Appropriate Assessment (AA) was needed to demonstrate how the effects of the EAG NP, either alone, or in combination with other projects or development plans produced in the area might have a significant effect on relevant Habitat Sites. The AA concluded that the Eight Ash Green Neighbourhood plan is unlikely to have significant effects on internationally designated sites when considered alone. The report also concluded that there are likely to be significant effects through recreational disturbance, (to both species and habitats) and further assessment on this matter has been considered in-combination with other plans and projects, consistent with Natural England’s advice on the Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy. The



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assessment identified that mitigation of these impacts provided in accordance with the emerging strategic solution requiring residential developments to provide an appropriate financial contribution in addition to on-site mitigation measures, would be satisfactory.

- 5.103 At the time of writing, I note that a draft SPD<sup>20</sup> has been prepared covering the mitigation requirements which facilitates a payment mechanism and an arrangement for reaching agreement with Natural England in relation to other related approaches for mitigation provided on site in association with residential development that is likely to impact on the Essex Coast. The policy provides a similar arrangement to that proposed in the adjoining West Bergholt Neighbourhood Area for the West Bergholt Neighbourhood Plan, whereby in the period prior to the completion of the Essex Coast RAMS, mitigation of likely recreational disturbance impacts, should be through project level HRAs, or otherwise to mitigate any recreational disturbance impacts in compliance with the Habitat Regulations and Habitats Directive. This approach I note has been endorsed and is supported by Natural England which supports the inclusion of an Essex RAMS policy which consistent with the approach being taken within the Colchester Local Plan and its accompanying HRA. In reviewing the conclusions, developer Gladman is also broadly supportive of its conclusions.
- 5.104 I support Policy RAMS1 and recommend no alteration to it, or to the supporting policy text, if the Plan is to be taken forward to referendum. The policy is included with no alterations in Appendix 4.

## Projects

- 5.105 In section 11 of the EAG NP various projects are covered. The explanatory text is clear that the various projects, fall outside the land use planning system. As such, projects are beyond the remit of neighbourhood planning examinations and have no relevance in determining whether the Plan meets the Basic Conditions tests. It would be helpful if the Plan is to proceed to referendum if the projects could be distinguished more effectively from the policies in order that there is less opportunity for confusion when the Plan is being used for development management purposes. I note that CBC in its Regulation 16 comments requested that the projects are presented differently from the policies. I support this request. At present both projects and policies appear in yellow boxes in the EAG NP. The use of different box colours for projects and policies would assist in distinguishing between the two. It would also be helpful for applicants if the EAG NP clarified in the supporting text that the projects in section 11 of the Plan are matters that are outside the scope of the statutory neighbourhood plan.

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<sup>20</sup> Essex Coast Recreational disturbance Avoidance and Mitigation Strategy, Supplementary Planning Document (SPD) 2019.



5.106 My preference, for reasons of clarity would be to move the projects section to an Annex to the Plan (as Annex C), as a non-statutory part of the EAG NP. I trust this recommendation is helpful, although it is on the boundary of my remit.

## Summary of findings

- 6.1 I set out the summary of my findings below.
- 6.2 Only a draft neighbourhood Plan that meets each of a set of basic conditions can be put to a referendum and be made. These basic conditions are set out in paragraph 8(2) of Schedule 4B to the Town and Country Planning Act 1990 as applied to neighbourhood plans by section 38A of the Planning and Compulsory Purchase Act 2004. The relevant basic conditions are set out below:
- 6.3 *a. having regard to national policies and advice contained in guidance issued by the Secretary of State it is appropriate to make the order (or neighbourhood plan).*
- 6.4 Subject to the recommended modifications in this examination report being accepted the EAG NP will conform to condition a) through supporting the delivery of strategic policies contained in the adopted Core Strategy and strategic policies within the Development Policies DPD, in accordance with guidance in the NPPF 2012 at paragraph 184, by not promoting less development than set out in the strategic policies for the area, or by undermining those strategic policies.
- 6.5 *d. the making of the neighbourhood plan contributes to the achievement of sustainable development.*
- 6.6 The EAG NP will contribute to the delivery of sustainable development within the Parish as indicated in this examination report in so far as the policy recommendations in this examination report confirm that policies are supported by sufficient and proportionate evidence. Consideration of these to development proposals will assist in delivering sustainable solutions in the neighbourhood area.
- 6.7 *e. the making of the order (or neighbourhood plan) is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area).*
- 6.8 As demonstrated by the consideration of the draft policies in the submission draft version of the EAG NP by reference to the Basic Conditions Statement and consideration in this examination, subject to the recommended policy changes being incorporated, and if made, the EAG NP will be in general conformity with the strategic policies contained in the development plan for the area and will not undermine those policies.



6.9 *f. the making of the order (or neighbourhood plan) does not breach, and is otherwise compatible with, EU obligations.*

6.10 As demonstrated in this examination report, the supporting assessments made by CBC in relation to the submission version of the EAG NP, under unusual circumstances as outlined in the examination report and the assessments indicate that the policies in the EAG NP are compatible with European Union obligations, as incorporated into UK law, and appear legally compliant. The relevant Directives are:

Directive 2001/42/EC on the assessment of the effects of certain plans and programmes on the environment. (The Strategic Environmental Assessment (SEA) Directive); and.

Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora (The Habitats Directive).

6.11 Regulation 32 of the Neighbourhood Planning (General) Regulations 2012 (as amended) prescribes a further basic conditions in addition to those set out in the primary legislation, that in the making of the neighbourhood plan, the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017 (which sets out the habitat regulation assessment process for land use plans, includes consideration of the effect on habitats sites) will not be breached. This is confirmed in the analyses undertaken in CBC's recent AA and SEA, as outlined in this examination report, having regard to the provisions of Schedule 2 to the Neighbourhood Planning (General) Regulations 2012 (as amended), in relation to the examination of neighbourhood development plans.

6.12 In addition to conforming to the relevant EU environmental obligations, I am content that the Plan does not breach, and is not otherwise incompatible with the European Convention on Human Rights.

6.13 *g. prescribed conditions are met in relation to the Order (or plan) and prescribed matters have been complied with in connection with the proposal for the order (or neighbourhood plan).*

6.14 In accordance with the Town and Country Planning Act, 1990 Schedule 4B, Paragraph 5, I am satisfied that the submission plan proposal is not a 'repeat' proposal (i.e. the Borough Council has not refused a submission under paragraph 12 or Section 61E and it has not failed a referendum).

6.15 I am satisfied that Eight Ash Green Parish Council is the body who submitted the Plan and is a qualifying body for the purposes of making a neighbourhood development plan. The Designation of the Eight Ash Green Neighbourhood Area was approved in accordance with the Neighbourhood Planning (General) Regulations 2012 and with section 61G of the Town and Country Planning Act 1990 as



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amended for the purposes of Neighbourhood Planning. It was formally designated on 15th June 2015 by CBC, the 'Neighbourhood Area', approved being contiguous with the boundary of Eight Ash Green Parish.

- 6.16 As required by the Planning and Compulsory Purchase Act 2005, Section 38B (1) (c), I am also satisfied that the EAG NP does not relate to more than one neighbourhood area and that there is no other Neighbourhood Development Plan in place within this neighbourhood area.
- 6.17 Concerning the requirement to comply with the requirements of the Town and Country Planning Act, 1990 Schedule 4B, Paragraph 6 (2) (c) and the Neighbourhood Planning (General) Regulations (as amended) – Regulation 15, I confirm that CBC has submitted the following in a satisfactory form:
- (i) A map identifying the area to which the Plan relates;
  - (ii) A consultation statement (which contains details of those consulted, how they were consulted, summarises the main issues or concerns raised and how these have been considered and where relevant addressed in the proposed neighbourhood development plan under Regulation 15 (2) (a);
  - (iii) The proposed neighbourhood development plan; and
  - (iv) A statement explaining how the neighbourhood development plan meets the 'Basic Conditions' requirements of paragraph 8 (2) of Schedule 4b to the 1990 Act;
- 6.5 As to public consultation, the process and management of the community consultation has been satisfactory and I am confident that the Consultation Statement outlining the terms of reference and actions of Eight Ash Green Parish Council, the supporting evidence from the surveys, events, workshops, consultation correspondence and feedback leading to the formulation of draft policies and subsequent pre-submission and submission plan consultation on the draft Plan policies, adequately fulfils Section 15 (2) of Part 5 of the Neighbourhood Planning Regulations 2012 and Section 16 of these Regulation in relation to publicising the consultation opportunities, during the preparation of the EAG NP.
- 6.6 The Plan has been examined against national policies in the NPPF (2012), with appropriate consideration given to the NPPF 2019 (February revisions) where appropriate, in addition the adopted planning policy of Colchester Borough Council. A Basic Conditions Statement in a satisfactory form has been prepared which meets the 'Basic Conditions' requirements of paragraph 8 (2) of Schedule 4b to the 1990 Act;
- 6.7 The EAG NP meets the definition of a 'Neighbourhood Development Plan' in that it sets out policies in relation to the development and use of land in the neighbourhood area and therefore complies with the requirement of the Planning and Compulsory Purchase Act 2005, Section 38A (2).



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- 6.8 The 'Neighbourhood Development Plan' (as defined under Section 38A), specifies the time period for which it is to have effect in paragraph 1.1 of the Introduction to the Plan, as being from 2017 - 2033 thereby satisfying the requirement of the Planning and Compulsory Purchase Act 2005, Section 38B (1) (a).
- 6.9 I confirm that the EAG NP, subject to incorporation of the recommended amendments in this report will not include any policies relating to excluded development, including minerals, waste or nationally significant infrastructure projects, as defined s61K of the Town & Country Planning Act 1990 (as amended). Thus, the requirement of the Planning and Compulsory Purchase Act 2005, Section 38B (1) (b) will be satisfied.

## Conclusions and Recommendations

- 7.1 I conclude that the EAG NP policies, subject to my recommended alterations being accepted as set out in this examination report, would meet the Basic Conditions as defined in the Localism Act 2011, Schedule 10 and Schedule 4B, 8 (2) of the Town and Country Planning Act 1990, which a neighbourhood plan is required to satisfy before proceeding to a referendum.
- 7.2 If the changes to the EAG NP policies recommended in this examination report are accepted, I believe that the Plan will make a positive contribution to sustainable development, promoting economic growth, supporting social wellbeing, whilst conserving the natural and historic environment within the designated area and meet the neighbourhood planning, "Basic Conditions."
- 7.3 I therefore recommend that in accordance with Schedule 4B to the Town and Country Planning Act 1990, paragraph 10 (2), b) that the modifications specified in this examination report are made to the submission draft EAG NP and that the Plan as modified is submitted to a referendum.

### Referendum Area

- 7.4 It is the independent examiner's role to consider the referendum area appropriate if the Qualifying Body wishes to proceed to the referendum stage. If Eight Ash Green Parish Council wishes to proceed to a referendum with this Plan, I consider that the referendum area should extend to those persons entitled to vote who are resident in the designated Neighbourhood Plan Area.

**Jeremy Edge BSc FRICS MRTPI**

**20<sup>th</sup> September 2019**





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## Appendix 1

### Background Documents

In examining the EAG NP, I have had regard to the following documents:

Regulation 16 Consultation Documents provided by Eight Ash Green Parish Council to CBC as part of the Parish Council's neighbourhood submission prior to Regulation 16 consultation submission:

#### **Documents supplied by CBC and the Parish Council**

1. Eight Ash Green Neighbourhood Plan (v30) 2017 – 2033, Regulation 15 formal submission version, 22nd November 2018;
2. Basic Conditions Statement, Eight Ash Green Neighbourhood Plan Group - 12th November 2018;
3. Consultation Statement, (as at 16th November 2018);
4. Consultation Statement, (as at 31<sup>st</sup> January 2019);
5. Eight Ash Green Neighbourhood Plan, Regulation 16 Consultation representations;
6. Eight Ash Green Regulation 16 Schedule of Representations, prepared by CBC;
7. Eight Ash Green Neighbourhood Plan, Project Plan No 48 (16th November 2018);
8. Eight Ash Green Neighbourhood Plan, Project Plan No 53 (11th July 2019)
9. Eight Ash Green, Neighbourhood Plan Questionnaire, Technical Report, May 2017;
10. Eight Ash Green, Neighbourhood Plan Evidence Base, (as at 17th November 2018);
11. Eight Ash Green, Neighbourhood Plan 1, Designation of the area covered by Eight Ash Green Neighbourhood Plan
12. Eight Ash Green, Neighbourhood Plan - Neighbourhood Plan Objectives and Policies – Supporting Evidence;
13. Eight Ash Green, Neighbourhood Plan – Regulation 14, Process - Consultation – Outcomes;
14. Eight Ash Green, Neighbourhood Plan – Village Settlement Boundary, Statement and Plans;
15. Eight Ash Green, Neighbourhood Plan – Site Selection Process Report;
16. Eight Ash Green, Neighbourhood Plan - Keeping people – organisations informed/updated, as at 22nd July 2019;
17. Local Development Framework, Site Allocations DPD, Adopted October 2010
18. Eight Ash Green Neighbourhood Plan - Appropriate Assessment Report, (Habitat Regulations), January 2019, Colchester Borough Council;
19. Eight Ash Green Neighbourhood Plan - Strategic Environmental Assessment Report, January 2019;



20. Local Development Framework, Core Strategy, adopted December 2008, Selected policies revised July 2014, Colchester Borough Council;
21. Core Strategy, adopted December 2008, Eight Ash Green Proposals Maps, CBC;
22. The Publication Draft stage of the Colchester Borough Local Plan 2017 – 2033, June 2017

**Other documents**

23. Regulation 16 consultation responses
24. Town and Country Planning Act 1990 (as amended)
25. The Planning and Compulsory Purchase Act 2004 (as amended)
26. Planning (Listed Buildings and Conservation Areas) Act 1990
27. The Community Infrastructure Levy Regulations 2010
28. Localism Act 2011
29. Neighbourhood Planning (General) Regulations 2012
30. National Planning Policy Framework 2012
31. National Planning Policy Framework 2019 (9<sup>th</sup> May version)
32. Planning practice guidance - GOV.UK
33. The Chief Planning Officer's letter of 15<sup>th</sup> January 2019 to Chief Planning Officers relating to Habitats Regulations Assessments and the making of Neighbourhood Plans.
34. Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018
35. Summary and Conclusions of Colchester Assessment of Open Countryside, July 2009 Chris Blandford Associates.
36. Correspondence between CBC and Gladman relating to s106 terms including affordable housing:  
<https://d0cs.colchester.gov.uk/publisher/docs/F5335D47BABE4C37ECC409F8C4E67846/Document-F5335D47BABE4C37ECC409F8C4E67846.pdf>
37. Department for Transport, Department for Transport Circular 01/2013, SETTING LOCAL SPEED LIMITS, January 2013
38. Essex Design Guide 2018, Highways Technical Manual
39. Colchester Borough Landscape Character Assessment, November 2005, Chris Blandford Associates
40. LANDSCAPE CAPACITY OF SETTLEMENT FRINGES IN COLCHESTER BOROUGH, Chris Blandford Associates, August 2005.
41. Sustainable Drainage Systems Design Guide, Essex County Council, November 2016.
42. The Town and Country Planning (Use Classes) Order 1987, Statutory Instruments 1987 No. 764 (as amended)



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43. Jillian Ambrose, The Guardian, Tue 6 Aug 2019 19.56 BST  
<https://www.theguardian.com/environment/2019/aug/06/uk-risks-losing-out-europe-home-battery-boom-report-warns>
  44. 'Global energy storage outlook 2019: 2018 year-in-review and outlook to 2024', Wood Mackenzie Power & Renewables.2019. <https://www.woodmac.com/press-releases/global-storage-market-to-grow-from-12-gwh-to-158-gwh-by-2024/>
  45. Sustainable Drainage Systems Design Guide, Essex County Council, April 2016
  46. "Building a better environment", Our role in development and how we can help, Environment Agency, May 2013.
  47. Essex Coast Recreational disturbance Avoidance and Mitigation Strategy, Supplementary Planning Document (SPD) 2019.



## Appendix 2

### Eight Ash Green Neighbourhood Plan – Submission Version Objectives and Policies

#### **Objective**

To provide for a new Village Settlement Boundary for Eight Ash Green

#### **Policy**

**VS1: To extend the current Village Settlement Boundary to include the area of Fiddlers Field (formerly known as Site 226)**

#### **FIDDLERS FIELD DEVELOPMENT (FORMERLY SITE 226)**

##### **Objectives**

To provide for one new, single Strategic Site for development of 150 domestic dwellings as part of the emerging Colchester Borough Council Local Plan

To provide high quality housing that reflects the existing, distinct open character area of the village and meets the appropriate needs of the community both now and in the future

##### **Policy**

**FF 1 – To designate Fiddlers Field as a single Strategic Site for the development of 150 dwellings**

**FF 2 – Up to 150 residential dwellings on Fiddlers Field with a layout of medium density and design to be compatible with the character and context of the village**

**FF 3 – A mix of residential dwellings comprising houses, bungalows and flats of no more than two storeys high which meet the evidenced housing needs of the village offering homes for first time buyers, downsizers, families and executives**

**FF 4 - A new direct access road built to a standard which can accommodate HGV traffic and to the satisfaction of the local Highways Authority, will be provided directly linking Fiddlers Hill to the A1124 with access to the said road being provided by way of priority junctions**

**FF 5 – A specific speed limit and other speed limiting measures that are appropriate to the residential roads within Fiddlers Field site**



**FF 6 – A new pavement built to standards outlined within Highways England Design Manual for Roads and Bridges, Volume 7 Pavements Design and Maintenance, will be provided along the northern edge of the A1124 to connect the site to the village facilities**

**FF 7 – A pedestrian through route linking to the Holy Trinity School and the Fiddlers Folly development**

**FF 8 – Two new bus stops, including lay-by, raised kerb and shelter located on the A1124 within 50 metres of the site entrance**

**FF 9 – A suitable landscaping plan which provides screening to the existing businesses on Fiddlers Farm and adjacent houses, to include the Grade 2 listed Fiddlers Farmhouse, all of which border and limit any expansion of the site, to ensure that ambient noise and amenity currently enjoyed at these properties is maintained**

**FF 10 – A scheme demonstrating that appropriate surface water drainage is provided within the site**

**FF 11 – Appropriate wiring to be installed within each property to provide for charging for electric cars/vehicles**

**FF 12 - Ducting to be installed to every new house on the site for the provision of either copper or fibre superfast broadband**

**FF 13 - All the new dwellings on the site should have the potential for the installation of sustainable battery pods that stores energy from renewable sources**

**FF 14 – A Section 106 agreement in respect of a recreational play area on the site, a contribution towards the delivery of a new community centre/hub, a contribution towards the expansion of the local primary school and should it be found necessary, a contribution towards the expansion of capacity of Junction 26 of the A12**

#### FUTURE DOMESTIC HOUSING

##### Objective

To ensure that any future domestic housing built in Eight Ash Green reflects the existing, distinct open character area of the village, is of high quality and meets the appropriate needs of the community both now and in the future

**Domestic Housing Policy (DH1): Future development within Eight Ash Green should be able to clearly demonstrate by way of relevant plans and supporting documents that it should:**

- **Be of a density, design, height and layout that respects and responds to the local character of the village and the location/site's context**



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- **Provide a mix of dwelling size, type and tenure that reflects the housing needs of the Parish**
  - **Provide electric charging points and sustainable battery pods wherever possible and appropriate to do so**
  - **Provide suitable connections for the installation of high quality telecommunications infrastructure**

#### **COALESCENCE**

##### **Objective**

To maintain the existing gap between Eight Ash Green and Stanway/Colchester and other potential settlements such as the proposed West Tey Garden Community/New Town

##### **Policy**

**Environment Policy 1 (EP1): No development is to be permitted that will and/or could result in, or provide the possibility of future coalescence of Eight Ash Green with Stanway/Colchester and/or the proposed West Tey Garden community/New Town**

#### **PROTECTION FOR THE GREEN OPEN SPACES IN THE VILLAGE**

##### **Objective**

To protect and where possible, enhance green/open spaces and biodiversity in the whole of the village

##### **Policy**

**Environment Policy 2 (EP 2): The areas of green space in the village are to be protected from development, including change of use, unless it can be demonstrated that:-**

- **the chosen site represents the only available location for the given development proposal;**
- **the proposal would not result in the loss of an area important for its amenity including its contribution to biodiversity, recreation and landscape character with Eight Ash Green; and**
- **Alternative and improved provision is provided in a location well related to the functional requirements of the relocated use and its existing and future users**



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#### **PROTECTION FOR HEDGEROWS, TREES AND WOODS**

##### **Objective**

To protect the existing hedgerows, trees and woods in the whole of the village

##### **Policy**

**Environment Policy 3 (EP 3): Any developments in the village that may result in the destruction and/or removal of existing hedgerows, trees or woods, will only be permitted if these elements are replaced with similar features that are in good condition, on the same site or plot**

#### **FOOTPATHS, CYCLE & BRIDLEWAYS**

##### **Objective**

To protect the existing footpaths, cycleways and bridleways in the village

##### **Policy**

**Environment Policy 4 (EP 4): Existing footpaths, cycleways and bridleways provide a high level of amenity value and will be protected. New developments should integrate with the current green infrastructure network, seeking to improve the connectivity between wildlife area and green spaces through measures such as improving and extending the existing footpath and cycle path network, allowing greater access to housing and retail facilities, green spaces, public open spaces and the countryside**

#### **PREVENTION OF FLOODING**

##### **Objective**

To take steps to prevent flooding in the village

##### **Policy**

**Environment Policy 5 (EP 5): Development will be supported where it can be shown that it will not negatively impact upon the existing network of drainage ditches within the village. The protection, extension and enhancement of these facilities is encouraged. Where it is necessary to enable development, the stopping up or diverting of drainage ditches will be supported if it can be demonstrated that no additional flood risk will be created**



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## HERITAGE

### Objective

To protect the ancient heritage of our village

### Heritage Policy 1 (Her 1):

**Any Listed Building or Historic Asset and their setting within the Neighbourhood Plan Area should be maintained or where possible enhanced to protect from any future development.**

## NATURAL RESOURCES – RENEWABLE ENERGY

### Objective

To encourage and support the effective and efficient use of the Earth's natural resources and promote energy efficiency in Eight Ash Green

**Renewable Energy 1 - (Homes) (RE 1): Proposals for small-scale renewable energy generation associated within single residential properties will be supported provided it can be shown that they are located and designed in such a manner so as to minimise any increase in ambient noise levels and avoid any unacceptable impacts upon visual amenity**

**Renewable Energy 2 - (Solar Farms) (RE 2): Proposals for commercial solar farms will be supported where they are directed towards low grade agricultural land or brownfield sites and are designed in such a way so as to minimise increases in ambient noise levels and deliver adequate natural screening to avoid impacts upon visual amenity**

## LOCAL BUSINESSES

### Objective

To support and where appropriate, expand the local businesses to boost the local economy and employment

**Businesses Policy 1 (BP 1): Moat Farm (shown above) is designated as a business area. Proposals for the enhancement of existing facilities or for new business premises on the site will be supported provided they are of suitable design, provide satisfactory car parking for staff and visitors and have implemented a strategy for the containment and subsequent disposal of waste**

**Businesses Policy 2 (BP 2): Support will be given towards the retention of existing businesses within the Fiddlers Farm business area (shown above) to include the provision of satisfactory car parking for staff and visitors as well as for the provision of a strategy to secure the containment and subsequent disposal of waste**





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## **COMMUNITY AMENITIES**

### **Objective**

To provide, support, maintain and where appropriate, introduce a range of amenities in the village

**Community Amenities (CA 1): To protect the allotments site (as shown below) from any future potential development**

**Community Site (CS 1): Land on the site of the Church of England Church (as shown below) is designated as the site for a new Community Hub/Hall and shall be safeguarded for that purpose. Development proposals which promote alternative uses on the site will not be supported**

### **Recreational disturbance Avoidance and Mitigation Policy**

**RAMS 1 - All residential development within the zones of influence of European Sites will be required to make a financial contribution towards mitigation measures, as detailed in the Essex coast RAMS, to avoid adverse incombination recreational disturbance effects on European Sites.**

**In the interim period, before the Essex Coast RAMS is completed, all residential development within the zones of influence will need to deliver all measures identified (including strategic measures) through project level HRAs, or otherwise, to mitigate any recreational disturbance impacts in compliance with the Habitat Regulations and Habitats Directive.**

### **Projects**

**Environment Project:** Support and encouragement is to be provided to farmers and other land-owners who wish to introduce new and/or maintain current natural habitats for wildlife

**Business Project 1:** To support the introduction of charging points for electric cars and commercial vehicles on both the Moat Farm and Fiddlers Farm business areas

**Business Project 2:** To support the various small retail businesses located in the village by encouraging local people to use these facilities where practicable, thus helping to contribute towards the sustainability of the village Infrastructure

**Infrastructure Project:** To continue to retain and protect the unique rural nature of the village and in particular Foxes Lane; Daisy Green; Seven Star Green; Turkey Cock Lane; and Abbots Lane by not introducing any form of “urban” infrastructure such as road widening, street lights, yellow lines or pavements



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Road safety Project 1: To ensure that parking in Abbots Lane does not obstruct access to the school by the emergency services, by way of the introduction of appropriate traffic orders

Road safety Project 2: To ensure safe and appropriate access to the Holy Trinity School by the installation of traffic calming measures such as chicanes on both sides of the local road and its junction with Fiddlers Folly

Education Project: To encourage and support the effective and optimum use of the land at the school with the aim of maintaining and where appropriate, enhancing the education provided to the pupils

Communications Project: The provision of effective fibre superfast broadband to both the Designated Business Area in the village and the existing houses in Eight Ash Green is to be supported.

Land Project: To maintain and where appropriate, to improve both the land itself and the areas for parking at the existing Village Hall on Spring Lane, the Cricketers Public House; the C of E Church; and along Heath Road

Access and Leisure Project 1: To ensure that both the football and cricket pitches are well maintained and are kept in good condition

Access and Leisure Project 2: To ensure the existing dog “poo” pins are well maintained and are kept in good condition

Access and Leisure Project 3: To work with Essex County Council and Colchester Borough Council to ensure that the route of the National Cycle Network Route 13 within the village is well maintained and is kept in good condition

Access and Leisure Project 4: Working with Sustrans, to support and encourage the introduction of a dedicated cycle network in the village and where possible, linking this with the footpath network in the village

Access and Leisure Project 5: The placement of cycle stands at the Holy Trinity school; the car park on the northern edge of the Heath by the play area; the Cricketers PH; and at the southern end of Wood Lane by the post box is to be supported

Access and Leisure Project 6: To ensure the footpaths and bridleways are well maintained and are kept in good condition and to encourage and support farmers/landowners to maintain, mark out and where appropriate, improve the Public Rights of Ways and Bridleways on their land

Access and Leisure Project 7: To support and encourage the continuation of the annual village music festival on Parish Council land

## Appendix 3

### Recommended Revised Policies (Tracked changes)

#### Policy VSB 1

**VSB 1: ~~To extend the current. The Village Settlement Boundary to include the area of Fiddlers Field (formerly known as Site 226) and excludes land south of Seven Star Green, to the south of the A1124, as shown on the Village Boundary Map. On land outside the Village Settlement Boundary, there will be a general presumption against new development, unless it accords with the special circumstances set out in the Development Plan or the National Planning Policy Framework.~~**

#### Fiddlers Field Policies

**FF 1 – To designate Fiddlers Field as a single Strategic Site for the development of 150 dwellings as shown on the EAG NP Policies Map.**

**FF 2 – Up to 150 residential dwellings on Fiddlers Field with a layout of medium density and design to be compatible with the character and context of the village.**

**FF 3 – A mix of residential dwellings comprising houses, bungalows and flats of no more than two storeys high which meet the evidenced housing needs of the village offering housing choice ~~homes for~~ across the local housing market, including first time buyers, downsizers, families and executives. Proposals offering to deliver 30% affordable housing in accordance with the expectations of the emerging Local Plan will be supported.**

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*Modify the supporting text to read:*

#### Rationale

- The provision of a mixture of different types of housing not only contributes to the sustainability of a community providing the opportunity to meet and mix with other family units but it also provides a measure of choice for potential residents. In addition, a mixture will provide housing for first time buyers such as young people who want to get on the housing ladder and for elderly people to downsize and be able to continue to live within the village. Annex B provides an indicative housing mix providing broad ranges of the housing composition expected to be delivered to meet local need and demand at Eight Ash Green.



• Although the adopted Core Strategy expects the delivery of 20% affordable housing for site allocations of the scale anticipated at Fiddlers Field, the adopted Core Strategy policies are out of date in relation to the as yet unadopted Local Plan expectations and related evidence upon which the emerging policies are founded. Furthermore, the applicant for the long-standing planning proposals at Fiddlers Field for a proposal for 150 dwellings on this site acknowledges and accepts that 30% affordable housing is acceptable together with a tenure mix of affordable rent and shared ownership dwellings as sought by the Borough Council. In relation to the tenure mix of affordable housing to be delivered at Fiddlers Field, it is reasonable to expect the delivery of 30% affordable housing, (45 dwellings), of which, not less than 80% would be for affordable rent and no more than 20% for shared ownership.....

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**FF 4 - A new direct access road built to a standard which can accommodate HGV traffic and to the satisfaction of the local Highways Authority, will be provided directly linking Fiddlers Hill to the A1124 with access to the said road being provided by way of priority junctions**

~~FF 5 – A specific speed limit and other speed limiting measures that are appropriate to the residential roads within Fiddlers Field site~~

**FF 65 – Proposals including the following transport improvements prepared in accordance with the Essex Design Guide<sup>21</sup> comprising:**

~~a) A new footway pavement built to standards outlined within the Highways England Design Manual for Roads and Bridges, Volume 7 Pavements~~

~~Design and Maintenance<sup>11</sup>, will be provided along the northern edge of the A1124 to connect the site to the village facilities;~~

~~b) FF 7 – A a pedestrian through route linking to the Holy Trinity School and the Fiddlers Folly development; and~~

~~c) FF 8 – Two new bus stops, including lay-by, raised kerb and shelters located on the A1124 within a safe and convenient distance 50 metres of the site entrance, will be supported.~~

**FF 69 – A suitable landscaping plan which provides screening to the existing businesses on Fiddlers Farm and adjacent houses, to include the Grade 2 listed Fiddlers Farmhouse, all of which border and limit any expansion of the site, to ensure that ambient noise and amenity currently enjoyed at these properties is maintained**

**FF 740 – A scheme demonstrating that appropriate surface water drainage is provided within the site conforming to the guidance within Sustainable Drainage Systems Design Guide, published by Essex County Council, April 2016 and any subsequent revisions.**

<sup>21</sup> Essex Design Guide 2018, Highways Technical Manual



**FF 811** – Appropriate wiring to be installed within each property to provide for charging for electric cars/vehicles; and

~~FF 12 d~~ Ducting to be installed to every new house on the site for the provision of either copper or fibre superfast broadband

~~FF 13~~ Development proposals that demonstrate that the design and layout of ~~All the new~~ dwellings on the site ~~should~~ have the potential for the effective installation of sustainable battery pods that stores energy from renewable sources will be supported.

Recommended supporting text for Policy FF 8

Sustainable battery pods are being developed as a way to store energy for the future and their introduction into domestic housing would be welcomed and supported. Recent studies released during the preparation of the EAG NP have demonstrated the expected growth in demand for sustainable residential renewable energy and storage systems in the UK. To encourage this more sustainable form of development and to allow households to exercise greater choice over future domestic energy supply and storage, development proposals at Fiddlers Field will be expected to demonstrate how site layout, orientation and housing design will facilitate the effective installation of this technology. This may be provided in the Design and Access statement forming part of the planning application, or through a separate energy statement forming part of the planning application.

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~~FF 14~~ – A Section 106 agreement in respect of a recreational play area on the site, a contribution towards the delivery of a new community centre/hub, a contribution towards the expansion of the local primary school and should it be found necessary, a contribution towards the expansion of capacity of Junction 26 of the A12

**FF 9 – Planning Obligations**

i. Financial contributions will be required, as appropriate, from each developer of the Fiddlers Field site, as identified on Plan \*, to mitigate the impact of new development by providing necessary community facilities, open space, transport infrastructure and other requirements to meet the community needs arising from the proposals, including:

- a recreational play area on the site;
- provision for open space to meet the recreation needs of the new residents including for dog walking;
- a contribution towards the delivery of a new community centre/hub;
- a contribution towards the expansion of the local primary school;
- a contribution towards the expansion of capacity of Junction 26 of the A12;

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• safe, direct routes for walking and cycling and appropriate bus services to serve the new communities;

ii. Financial contributions will be required, as appropriate, from each developer to fund additional healthcare, education and leisure services justified by reference to Colchester Local Plan Adopted Focused Review<sup>22</sup> Core Strategy Policy SD2- Delivering facilities & Infrastructure or subsequent adopted Local Plan policies relating to planning obligations over the life of the EAG NP.

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FF 10 - Development proposals will make provision for a sufficient and accessible area of public open space within the Fiddlers Field site for public access, appropriately laid out with facilities for informal recreation and dog walking designed to avoid adversely affecting the Local Wildlife Site. Ownership of the open space together with an appropriate commuted management and maintenance sum shall be transferred, for that purpose by the developer to the Parish Council or residents' association if established, at the discretion of the Parish Council, on occupation of the 135<sup>th</sup> dwelling.

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Recommended supporting text for Policy FF – 10

During the preparation of the Strategic Environmental Assessment, in conjunction with the Appropriate Assessment Report for Eight Ash Green Neighbourhood Plan compiled in January 2019, it was evident that the allocation of Fiddlers Field for 150 dwellings and subsequent development could give rise to some harmful environmental effects caused by increased use of the adjacent wildlife site. To mitigate such potentially harmful effects and in order that housing proposals may be supported, planning applications should make provision for open space to meet the recreation needs of the new residents including for dog walking to ensure that adverse effects including harm to biodiversity on the adjacent wildlife site is avoided.

On occupation of 90% of the development, the Parish Council will expect that such additional open space would be transferred to the Council for nominal consideration (£1.00), together with a commuted maintenance and management sum to cover these costs for not less than 20 years, including anticipated inflation, in order that the open space is not a burden on the local community over that period. These arrangements would be included as planning obligations in the s106 Agreement. Alternatively, these ownership, maintenance and management responsibilities could be transferred to a Fiddlers Field residents' association, if established by that time, at the discretion of the Parish Council.

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<sup>22</sup> Colchester Local Plan Adopted Focused Review of the Core Strategy (2008) and Development Policies (2010), July 2014



#### Policy DH1

**Domestic Housing Policy (DH1):** ~~Residential Future development proposals other than at Fiddlers Field, within Eight Ash Green should be able to clearly demonstrate by way of relevant plans and supporting documents that it should:~~

- Be of a density, design, ~~height~~ and layout that respects and responds to the local character of the village and the location/site's context ~~and not extend more than two storeys above ground level.~~
- Provide a mix of dwelling size, type and tenure that reflects the housing needs of the Parish ~~as indicated in the Technical Report 2017~~<sup>23</sup>
- Provide ~~appropriate wiring within each property for charging for electric cars/vehicles electric charging points and demonstrate that the design and layout of the dwelling(s) on the site has the potential for the effective installation of sustainable battery pods to store energy from renewable sources sustainable battery pods wherever possible and appropriate to do so~~
- Provide suitable connections for the installation of high-quality telecommunications infrastructure ~~including ducting to for the provision of superfast broadband.~~

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Revise the supporting statement as advised in this examination report.

#### Policy EP1

**Environment Policy 1 (EP1):** ~~Development beyond the settlement boundary of Eight Ash Green as defined on the Village Settlement Boundary Map resulting in coalescence between Eight Ash Green and neighbouring existing and proposed settlements in adopted plans will not be supported.~~

~~No development is to be permitted that will and/or could result in, or provide the possibility of future coalescence of Eight Ash Green with Stanway/Colchester and/or the proposed West Tey Garden community/New Town~~

#### Policy EP2

**Environment Policy 2 (EP2):** The areas of green space ~~indicated on the EAG Neighbourhood Area Policies Map in the village~~ are ~~to be~~ protected from development, including change of use.

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<sup>23</sup> Eight Ash Green Neighbourhood Plan Questionnaire, Technical Report, May 2017  
<http://eightashgreen.net/Reg16Docs/EAG%20NP%20Questionnaire%20-%20Technical%20Report.pdf>



**Proposals for development will not be supported**, unless it ~~is can be~~ demonstrated that: -

- the chosen site represents the only available location for the ~~given~~ development proposal;
- the proposal would not result in ~~significant~~the loss of ~~an area important for its~~ amenity, ~~including its~~ contribution to biodiversity, recreation ~~or and~~ landscape character with Eight Ash Green; and
- Alternative ~~appropriate and improved~~ provision is provided in a location well related to the functional requirements of the relocated use ~~and its existing and future users~~

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*Suggested modification to the supporting text is shown in Appendix 4.*

#### Intent

The intent behind this Policy is to provide protection of the open Spaces within the neighbourhood area. Development proposals will only be supported where no other locations are available to meet the development need and where such development would not cause significant harm through loss of amenity, biodiversity, recreation or landscape character within Eight Ash Green. To be acceptable, development proposals will also need to provide appropriate alternative provision to mitigate loss of open space as a consequence of the proposed development.

#### Policy EP 3

**Environment Policy 3 (EP 3):** ~~Any De~~development ~~proposals~~ in the ~~village~~ Neighbourhood Plan Area ~~that may~~ resulting in the destruction and/or removal of existing hedgerows, ~~trees or woods~~, will only be ~~supported~~ permitted if ~~these elements are replaced with similar features that are in good condition~~, on the same site ~~or plot~~

#### *Policy Objective and Supporting policy text*

I recommend that the policy objective be restricted to hedgerows only and references to trees and woodland be deleted. Within the supporting text comments relating to the protection of trees and woodland being a material consideration in determining planning applications would be satisfactory, coupled with guidance that formal protection is available through designation by TPO's and within conservation areas.

#### Policy EP4

**Environment Policy 4 (EP 4):** Existing footpaths, cycleways and bridleways shown on the EAG Neighbourhood Area Policies Map provide a high level of amenity value and will be protected. New developments ~~which should~~ integrate with the current green infrastructure network, ~~seeking to~~ improve the connectivity between local wildlife ~~sites area~~ and green spaces ~~through measures such as~~ improving and extending the existing footpath and cycle path network, allowing greater





access to housing and retail facilities, green spaces, public open spaces and the countryside will be supported.

*Supporting policy text*

Modification is necessary to the supporting policy text providing a reference to the EAG Neighbourhood Area Policies Map, showing the existing public footpaths, bridleways and cycleways in the neighbourhood area. In addition, the policy intent requires amendment associating the policy with development as follows:

“Intent

The intent behind this Policy is to ensure that existing footpaths, cycleways and bridleways are protected. To enhance sustainability, the policy seeks to encourage a modal shift from car to walking and cycling associated with new development proposals by linking publicly accessible green space wherever possible to walking and cycling routes. “

**Policy EP5**

**Environment Policy 5 (EP 5):** Development will be supported where it ~~can be is~~ shown that drainage strategies for major development within the Plan area accord with the “Essex SuDS Guide” and it will not negatively impact upon the existing network of drainage ditches within the Neighbourhood Area village. The protection, extension and enhancement of these facilities is encouraged. Where it is necessary to enable development, any changes to a watercourse may require consent from Essex County Council as the Lead Local Flood Authority (LLFA) for an ordinary watercourse, or the Environment Agency for main rivers. Developers should contact the LLFA or Environment Agency for further advice. the stopping up or diverting of drainage ditches will be supported if it can be demonstrated that no additional flood risk will be created

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**Policy HER1**

**Heritage Policy 1 (HER1):**

Any Listed Building or ~~Heritage~~ Historic Asset and their setting within the Neighbourhood Plan Area should be maintained or where possible enhanced to protect from any future development.

**Policy BP1**

**Businesses Policy 1 (BP 1):** Moat Farm (shown on the EAG Neighbourhood Area Policies Map above) is designated as a business area.



Proposals should demonstrate how likely significant adverse environmental effects of development will be mitigated during construction, subsequent use and estate management, as appropriate. Proposals encouraging more sustainable means of transport will be supported.

~~Proposals for the enhancement of existing facilities or for new business premises on the site will be supported provided they are of suitable design, provide satisfactory car parking for staff and visitors and have implemented a strategy for the containment and subsequent disposal of waste.~~

*Recommended amendments to the supporting policy text*

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Rationale

• In designating the existing employment Moat Farm as a Designated Business Area in the EAG NP, the Parish Council supports the retention and proposals for expansion of employment activity on the site in buildings constructed on up to two storeys, within use classes<sup>24</sup> B1, B2 and B8 where it is demonstrated that the rural character of the area will not be significantly harmed~~definition to be applied is~~

~~as follows:-~~

~~o A “Business Development Area” is a location where not only do small businesses already exist but one that is also capable of absorbing new, small single or two storey businesses on the site without detriment to or impinging on the rural nature of the area-~~

• The ~~aim is to designate the~~ Moat Farm site ~~is~~as the preferred location for small, ~~new~~ businesses in the neighbourhood area wishing to come to the village so as to help to boost the local economy, encourage more local employment and the provision of additional services.

~~• Parts of the road surface on the site are in need of repair (broken concrete) or upgrading (little more than gravel a track). The road surface is likely to be a feature, amongst many, in a business deciding whether to locate to Moat Farm-~~

• To mitigate possible adverse environmental impact associated with additional employment development at Moat Farm, as identified in the Strategic Environmental Assessment, policy precautions were considered necessary to mitigate possible environmental harm.

• To meet this concern and acknowledging that further employment development at Moat Farm will deliver positive economic benefits, development proposals should demonstrate through Design

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<sup>24</sup> The Town and Country Planning (Use Classes) Order 1987, Statutory Instruments 1987 No. 764

See also the amendments to the original order at <http://www.legislation.gov.uk/changes/affected/ukSI/1987/764>

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and Access Statements and where appropriate, construction management statements, the measures incorporated to mitigate likely adverse effects.

- Development at Moat Farm, for which the objective is to boost local employment opportunities should encourage cycling as a means of accessing the site as a sustainable choice through design and provision of appropriate facilities

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- Promotion of this site for additional employment development will increase the opportunity for improvements to be realised for on-site infrastructure and provision of acceptable waste is understood that management subject to agreement with the County Council as waste authority.

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~~With a mixture of businesses that includes renewable energy; car interiors; machine tools; double glazing and interior design, there is inevitably waste material that needs to be contained and disposed of effectively.~~

- ~~As part of the discussions with the owner of the Moat Farm business area, he:-~~

- o ~~stated that he is very happy for that site to be declared a designated Business Area~~

- o ~~also agreed the road surfaces on the site need to be improved and he has made a start on this and~~

- o ~~confirmed he is scrupulous in trying to ensure waste is both contained and disposed of properly but a clear exposition of this in the Neighbourhood Plan will help him to highlight the importance of this issue for the businesses on site.~~

- ~~A visit to the site on 19th August 2016 by the Neighbourhood Plan Group clearly shows that the site has room for considerable expansion within existing boundaries.~~

- ~~A subsequent meeting with the landowner on 7th August 2017, confirmed he is content for Business types B1 such as administrative offices and B2 such as light engineering to come to his site providing they are two storeys or less. He would be content to accept small storage businesses but large distribution centres would not be appropriate as he is offering space for~~It is understood that the site has capacity for development of approximately 300m<sup>2</sup> - provided in 5 to 6 units units of accommodation up to 3,000 square feet or less.

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- Expansion wise, he is considering a steady build up of some 5 to 6 units.

#### Delete Policy BP2 and supporting text

~~**Businesses Policy 2 (BP 2): Support will be given towards the retention of existing businesses within the Fiddlers Farm business area (shown above) to include the provision of satisfactory car parking**~~



~~for staff and visitors as well as for the provision of a strategy to secure the containment and subsequent disposal of waste~~

Delete Policy CA1 and supporting text

~~Community Amenities (CA 1): To protect the allotments site (as shown below) from any future potential development~~

Policy CS1

**Community Site (CS 1):** Land on the site of the Church of England Church (as shown [on the EAG Neighbourhood Area Policies Map](#) below) is designated as the site for a new Community Hub/Hall and shall be safeguarded for that purpose. Development proposals which promote alternative uses on the site will not be supported

Policy RAMS1

**RAMS 1 - All residential development within the zones of influence of European Sites will be required to make a financial contribution towards mitigation measures, as detailed in the Essex coast RAMS, to avoid adverse in-combination recreational disturbance effects on European Sites.**

**In the interim period, before the Essex Coast RAMS is completed, all residential development within the zones of influence will need to deliver all measures identified (including strategic measures) through project level HRAs, or otherwise, to mitigate any recreational disturbance impacts in compliance with the Habitat Regulations and Habitats Directive.**

*(No modification to the policy or supporting text is necessary)*

The changes recommended in this examination report will require re-numbering of the policies if the Plan is taken forward to referendum and will also require redrafting of the supporting text. In some instances, deletion of both a policy and its supporting text will be necessary.

## Appendix 4

### Recommended Revised Policies (Clean)

#### Policy VSB 1

**VSB 1: The Village Settlement Boundary includes Fiddlers Field (formerly known as Site 226) and excludes land south of Seven Star Green, to the south of the A1124, as shown on the Village Boundary Map. On land outside the Village Settlement Boundary, there will be a general presumption against new development, unless it accords with the special circumstances set out in the Development Plan or the National Planning Policy Framework.**

#### Fiddlers Field Policies

**FF 1 – To designate Fiddlers Field as a single Strategic Site for the development of 150 dwellings as shown on the EAG NP Policies Map.**

**FF 2 – Up to 150 residential dwellings on Fiddlers Field with a layout of medium density and design to be compatible with the character and context of the village.**

**FF 3 – A mix of residential dwellings comprising houses, bungalows and flats of no more than two storeys high which meet the evidenced housing needs of the village offering housing choice across the local housing market, including first time buyers, downsizers, families and executives. Proposals offering to deliver 30% affordable housing in accordance with the expectations of the emerging Local Plan will be supported.**

*Modify the supporting text to read:*

#### Rationale

- The provision of a mixture of different types of housing not only contributes to the sustainability of a community providing the opportunity to meet and mix with other family units but it also provides a measure of choice for potential residents. In addition, a mixture will provide housing for first time buyers such as young people who want to get on the housing ladder and for elderly people to downsize and be able to continue to live within the village. Annex B provides an indicative housing mix providing broad ranges of the housing composition expected to be delivered to meet local need and demand at Eight Ash Green.



- Although the adopted Core Strategy expects the delivery of 20% affordable housing for site allocations of the scale anticipated at Fiddlers Field, the adopted Core Strategy policies are out of date in relation to the as yet unadopted Local Plan expectations and related evidence upon which the emerging policies are founded. Furthermore, the applicant for the long-standing planning proposals at Fiddlers Field for a proposal for 150 dwellings on this site acknowledges and accepts that 30% affordable housing is acceptable together with a tenure mix of affordable rent and shared ownership dwellings as sought by the Borough Council. In relation to the tenure mix of affordable housing to be delivered at Fiddlers Field, it is reasonable to expect the delivery of 30% affordable housing, (45 dwellings), of which, not less than 80% would be for affordable rent and no more than 20% for shared ownership.....

Modify Annex B as follows:

Change the title by adding below, “ANNEX B” the words, “Illustrative Housing Mix”

In section 4 of Annex B, the table should be modified as follows:

- Substitute “Percentage” for “Rate”;
- Substitute 30% for 20%; and
- Substitute 45 for 30 for the number of affordable dwellings.
- Include the target affordable housing tenure (as agreed with the applicant on 19th May 2019).

4. In addition, there is a requirement for ‘affordable housing’

Proposed housing budget at Fiddlers Field of 150 new dwellings	Rate (%)	Number of Properties
Policy compliant affordable housing	30%	45
Target Affordable Housing Tenure		
<i>Affordable Rent</i>	$\geq 80\%$	$\geq 36$
<i>Shared ownership</i>	$\leq 20\%$	$\leq 9$

Notes:

1. If a higher number of one type and/or style of property is chosen in respect of any of the three elements in either sections 1 and 2, then it needs to correspond with an equivalent lower amount in any of the other two elements so as to keep within the total of 150 properties.

2. The indicative figures in sections 3 and 4 are to be included within the overall total of 150 properties ie they are NOT in addition.



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3. Section 4 to include the target Affordable Tenure agreed with the applicant at Fiddlers Field on 19th May 2019

**FF 4 - A new direct access road built to a standard which can accommodate HGV traffic and to the satisfaction of the local Highways Authority, will be provided directly linking Fiddlers Hill to the A1124 with access to the said road being provided by way of priority junctions**

**FF 5 – Proposals including the following transport improvements prepared in accordance with the Essex Design Guide<sup>25</sup> comprising:**

- a) a new footway provided along the northern edge of the A1124 to connect the site to the village facilities;
- b) a pedestrian through route linking to the Holy Trinity School and the Fiddlers Folly development; and;
- c) two new bus stops located on the A1124 within a safe and convenient distance of the site entrance, will be supported.

**FF 6 – A suitable landscaping plan which provides screening to the existing businesses on Fiddlers Farm and adjacent houses, to include the Grade 2 listed Fiddlers Farmhouse, all of which border and limit any expansion of the site, to ensure that ambient noise and amenity currently enjoyed at these properties is maintained**

**FF 7 – A scheme demonstrating that appropriate surface water drainage is provided within the site conforming to the guidance within Sustainable Drainage Systems Design Guide, published by Essex County Council, April 2016 and any subsequent revisions.**

**FF 8 – Appropriate wiring to be installed within each property to provide for charging for electric cars/vehicles; and ducting to for the provision of superfast broadband. Development proposals that demonstrate that the design and layout of dwellings on the site have the potential for the effective installation of sustainable battery pods that stores energy from renewable sources will be supported.**

*Recommended supporting text for Policy FF 8*

Sustainable battery pods are being developed as a way to store energy for the future and their introduction into domestic housing would be welcomed and supported. Recent studies released during the preparation of the EAG NP have demonstrated the expected growth in demand for sustainable residential renewable energy and storage systems in the UK. To encourage this more

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<sup>25</sup> Essex Design Guide 2018, Highways Technical Manual

sustainable form of development and to allow households to exercise greater choice over future domestic energy supply and storage, development proposals at Fiddlers Field will be expected to demonstrate how site layout, orientation and housing design will facilitate the effective installation of this technology. This may be provided in the Design and Access statement forming part of the planning application, or through a separate energy statement forming part of the planning application.

#### **FF 9 – Planning Obligations**

**i. Financial contributions will be required, as appropriate, from each developer of the Fiddlers Field site, as identified on Plan \*, to mitigate the impact of new development by providing necessary community facilities, open space, transport infrastructure and other requirements to meet the community needs arising from the proposals, including:**

- a recreational play area on the site;
- provision for open space to meet the recreation needs of the new residents including for dog walking;
- a contribution towards the delivery of a new community centre/hub;
- a contribution towards the expansion of the local primary school;
- a contribution towards the expansion of capacity of Junction 26 of the A12;
- safe, direct routes for walking and cycling and appropriate bus services to serve the new communities;

**ii. Financial contributions will be required, as appropriate, from each developer to fund additional healthcare, education and leisure services justified by reference to Colchester Local Plan Adopted Focused Review<sup>26</sup> Core Strategy Policy SD2- Delivering facilities & Infrastructure or subsequent adopted Local Plan policies relating to planning obligations over the life of the EAG NP.**

**FF 10 - Development proposals will make provision for a sufficient and accessible area of public open space within the Fiddlers Field site for public access, appropriately laid out with facilities for informal recreation and dog walking designed to avoid adversely affecting the Local Wildlife Site. Ownership of the open space together with an appropriate commuted management and maintenance sum shall be transferred, for that purpose by the developer to the Parish Council or residents' association if established, at the discretion of the Parish Council, on occupation of the 135th dwelling.**

*Recommended supporting text for Policy FF – 10*

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<sup>26</sup> Colchester Local Plan Adopted Focused Review of the Core Strategy (2008) and Development Policies (2010), July 2014





During the preparation of the Strategic Environmental Assessment, in conjunction with the Appropriate Assessment Report for Eight Ash Green Neighbourhood Plan compiled in January 2019, it was evident that the allocation of Fiddlers Field for 150 dwellings and subsequent development could give rise to some harmful environmental effects caused by increased use of the adjacent wildlife site. To mitigate such potentially harmful effects and in order that housing proposals may be supported, planning applications should make provision for open space to meet the recreation needs of the new residents including for dog walking to ensure that adverse effects including harm to biodiversity on the adjacent wildlife site is avoided.

On occupation of 90% of the development, the Parish Council will expect that such additional open space would be transferred to the Council for nominal consideration (£1.00), together with a commuted maintenance and management sum to cover these costs for not less than 20 years, including anticipated inflation, in order that the open space is not a burden on the local community over that period. Alternatively, these ownership, maintenance and management responsibilities would be transferred to a Fiddlers Field residents' association, if established by that time, at the discretion of the Parish Council. These arrangements will be included as a planning obligation in the s106 Agreement.

#### **Policy DH1**

**Domestic Housing Policy (DH1): Residential development proposals other than at Fiddlers Field, should:**

- **Be of a density, design and layout that respects and responds to the local character of the village and the location/site's context and not extend more than two storeys above ground level.**
- **Provide a mix of dwelling size, type and tenure that reflects the housing needs of the Parish as indicated in the Technical Report 2017<sup>27</sup>**
- **Provide appropriate wiring within each property for charging for electric cars/vehicles and demonstrate that the design and layout of the dwelling(s) on the site has the potential for the effective installation of sustainable battery pods to store energy from renewable sources**
- **Provide suitable connections for the installation of high-quality telecommunications infrastructure including ducting to for the provision of superfast broadband.**

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<sup>27</sup> Eight Ash Green Neighbourhood Plan Questionnaire, Technical Report, May 2017  
<http://eightashgreen.net/Reg16Docs/EAG%20NP%20Questionnaire%20-%20Technical%20Report.pdf>



Revise the supporting statement as advised in this examination report.

**Policy EP1**

**Environment Policy 1 (EP1): Development beyond the settlement boundary of Eight Ash Green as defined on the Village Settlement Boundary Map resulting in coalescence between Eight Ash Green and neighbouring existing and proposed settlements in adopted plans will not be supported.**

No alteration is necessary to the supporting policy text.

**Policy EP2**

**Environment Policy 2 (EP2): The areas of green space indicated on the EAG Neighbourhood Area Policies Map are protected from development, including change of use.**

**Proposals for development will not be supported, unless it is demonstrated that: -**

- **the chosen site represents the only available location for the development proposal;**
- **the proposal would not result in significant loss of amenity, contribution to biodiversity, recreation or landscape character with Eight Ash Green; and**
- **Alternative appropriate provision is provided in a location well related to the functional requirements of the relocated use.**

*Suggested modification to the supporting text:*

**Intent**

The intent behind this Policy is to provide protection of the open Spaces within the neighbourhood area. Development proposals will only be supported where no other locations are available to meet the development need and where such development would not cause significant harm through loss of amenity, biodiversity, recreation or landscape character within Eight Ash Green. To be acceptable, development proposals will also need to provide appropriate alternative provision to mitigate loss of open space as a consequence of the proposed development.

**Policy EP 3**

**Environment Policy 3 (EP 3): Development proposals in the Neighbourhood Plan Area resulting in the destruction and/or removal of existing hedgerows will only be supported if replaced, on the same site.**

*Policy Objective and Supporting policy text*

I recommend that the policy objective be restricted to hedgerows only and references to trees and woodland be deleted. Within the supporting text, comments relating to the protection of trees and



woodland being a material consideration in determining planning applications would be satisfactory, coupled with guidance that formal protection is available through designation by TPO's and within conservation areas.

No modification is necessary to the supporting policy text other than providing a reference to the EAG Neighbourhood Area Policies Map showing the existing public footpaths, bridleways and cycleways in the neighbourhood area

#### **Policy EP4**

**Environment Policy 4 (EP 4): Existing footpaths, cycleways and bridleways shown on the EAG Neighbourhood Area Policies Map provide a high level of amenity value and will be protected. New developments which integrate with the current green infrastructure network improving the connectivity between local wildlife sites and green spaces improving and extending the existing footpath and cycle path network, allowing greater access to housing and retail facilities, green spaces, public open spaces and the countryside will be supported.**

#### *Supporting policy text*

Modification is necessary to the supporting policy text providing a reference to the EAG Neighbourhood Area Policies Map, showing the existing public footpaths, bridleways and cycleways in the neighbourhood area. In addition, the policy intent requires amendment associating the policy with development as follows:

"Intent

The intent behind this Policy is to ensure that existing footpaths, cycleways and bridleways are protected. To enhance sustainability, the policy seeks to encourage a modal shift from car to walking and cycling associated with new development proposals by linking publicly accessible green space wherever possible to walking and cycling routes. "

#### **Policy EP5**

**Environment Policy 5 (EP 5): Development will be supported where it is shown that drainage strategies for major development within the Plan area accord with the "Essex SuDS Guide" and will not negatively impact upon the existing network of drainage ditches within the Neighbourhood Area. The protection, extension and enhancement of these facilities is encouraged. Where it is necessary to enable development, any changes to a watercourse may require consent from Essex County Council as the Lead Local Flood Authority (LLFA) for an ordinary watercourse, or the Environment Agency for main rivers. Developers should contact the LLFA or Environment Agency for further advice.**



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*Supporting policy text*

The supporting text to the “Intent”, to Policy EP5, should be modified to provide advice to developers for major development, (notably Fiddlers Field), within the Plan area, should be based on the “Essex SuDS Guide”, recommending that developers engage in pre-applications discussions with the Lead Local Flood Authority to ensure that any recommendations can be incorporated into site design as early into the planning process as possible. Reference to the most recent revisions to the Essex Design Guide would also be helpful, particularly the advice on consulting the Lead Local Flood Authority.

**Policy HER1**

**Heritage Policy 1 (HER1): Any Listed Building or Heritage Asset and their setting within the Neighbourhood Plan Area should be maintained or where possible enhanced to protect from any future development.**

**Policy BP1**

**Businesses Policy 1 (BP 1): Moat Farm (shown on the EAG Neighbourhood Area Policies Map) is designated as a business area.**

**Proposals should demonstrate how likely significant adverse environmental effects of development will be mitigated during construction, subsequent use and estate management, as appropriate. Proposals encouraging more sustainable means of transport will be supported.**

*Recommended amendments to the supporting policy text*

Rationale

- In designating the existing employment Moat Farm as a Business Area in the EAG NP, the Parish Council supports the retention and proposals for expansion of employment activity on the site in buildings constructed on up to two storeys, within use classes B1, B2 and B8<sup>28</sup> where it is demonstrated that the rural character of the area will not be significantly harmed.
- The Moat Farm site is the preferred location for small businesses in the neighbourhood area to boost the local economy, encourage local employment and the provision of additional services.
- To mitigate possible adverse environmental impact associated with additional employment development at Moat Farm, as identified in the Strategic Environmental Assessment, policy precautions were considered necessary to mitigate possible environmental harm.

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<sup>28</sup> The Town and Country Planning (Use Classes) Order 1987, Statutory Instruments 1987 No. 764

See also the amendments to the original order at <http://www.legislation.gov.uk/changes/affected/uksi/1987/764>



- To meet this concern and acknowledging that further employment development at Moat Farm will deliver positive economic benefits, development proposals should demonstrate through Design and Access Statements and where appropriate, construction management statements, the measures incorporated to mitigate likely adverse effects.
- Development at Moat Farm, for which the objective is to boost local employment opportunities should encourage cycling as a means of accessing the site as a sustainable choice through design and provision of appropriate facilities.
- Promotion of this site for additional employment development will increase the opportunity for improvements to be realised for on-site infrastructure and provision of acceptable waste is understood that management subject to agreement with the County Council as waste authority.

#### **Delete Policy BP2 and supporting text**

#### **Policy CS1**

**Community Site (CS 1): Land on the site of the Church of England Church (as shown on the EAG Neighbourhood Area Policies Map) is designated as the site for a new Community Hub/Hall and shall be safeguarded for that purpose. Development proposals which promote alternative uses on the site will not be supported**

#### **Policy RAMS1**

**RAMS 1 - All residential development within the zones of influence of European Sites will be required to make a financial contribution towards mitigation measures, as detailed in the Essex coast RAMS, to avoid adverse in-combination recreational disturbance effects on European Sites.**

**In the interim period, before the Essex Coast RAMS is completed, all residential development within the zones of influence will need to deliver all measures identified (including strategic measures) through project level HRAs, or otherwise, to mitigate any recreational disturbance impacts in compliance with the Habitat Regulations and Habitats Directive.**

*(No modification to the policy or supporting text is necessary)*

The changes recommended in this examination report will require re-numbering of the policies if the Plan is taken forward to referendum and will also require redrafting of the supporting text. In some instances, deletion of both a policy and its supporting text will be necessary.