

WIVENHOE NEIGHBOURHOOD PLAN 2017 - 2032

Basic Conditions Statement November 2017 update



Introduction

It is required by Paragraph 8(2) of Schedule 4b of the Town and Country Planning Act 1990 that a Neighbourhood Plan meet a range of basic conditions. This statement confirms that the Neighbourhood Plan, dated **September 2016** submitted by Wivenhoe Town Council and its supporting Neighbourhood Plan Steering Group, was deemed by the local planning authority not to meet those basic conditions, and that it is superseded by the Neighbourhood Plan dated **October 2017**. This Basic Conditions statement has been prepared to accompany the updated **Wivenhoe Neighbourhood Plan of October 2017** and replaces the statement that accompanied the September 2016 submission.

Key Requirements

1. Regard for the National Planning Policy Framework

The Wivenhoe Neighbourhood Plan has complete regard for the National Planning Policy Framework and has been prepared in consultation with the local planning authority, Colchester Borough Council.

2. Contribution to Achieving Sustainable Development

The Wivenhoe Neighbourhood Plan contributes to the sustainable development of Wivenhoe by:-

- Allocating new land for housing development up to 2032
- Allocating new land for employment up to 2032
- Allocating land for recreation

Containing proposals and policies to enhance and develop community facilities and services, improve infrastructure, promote sustainable transport, protect important open spaces and the town's rural environment and riverside, create additional wildlife sites, give guidance on future

property design and access, encourage measures to mitigate the effects of climate change, enhance the tourism offer and strengthen the preservation of the town's heritage.

- Identifying areas for the allocation of future Community Infrastructure Levy

3. Conformity with the Strategic Policies of the Local Plan The Wivenhoe Neighbourhood Plan complies with the strategic policies of the Colchester Local Plan with particular regard for its housing growth requirement.

4. Compatibility with Human Rights and EU Legislation The proposals and policies in the Wivenhoe Neighbourhood Plan are compatible with human rights legislation and all the existing requirements of European law.

5. Submission by a Qualifying Body Wivenhoe Town Council confirms it is a 'Qualifying Body' as defined in Neighbourhood Planning legislation.

6. What is Being Proposed is a Neighbourhood Plan Wivenhoe Town Council confirms that its submission constitutes a Neighbourhood Plan as defined in the governing legislation.

7. The Period Covered by the Plan The Wivenhoe Neighbourhood Plan covers the period from its adoption by Colchester Borough Council up to the end of 2032.

8. The Plan's Policies do not relate to Excluded Development Wivenhoe Town Council confirms that the neighbourhood plan proposal does not deal with county matters (mineral extraction and waste development), nationally significant infrastructure or any other matters set out in Section 61K of the Town and Country Planning Act 1990.

9. Plan's Area Wivenhoe Town Council confirms that the Wivenhoe Neighbourhood Plan relates to the area approved by Colchester Borough Council on 29 July 2013 and covers the former wards of Wivenhoe Cross and Wivenhoe Quay as illustrated on Page 7 of the Plan.

10. Other Neighbourhood Plans Wivenhoe Town Council confirms that there are no other Neighbourhood Plans in place, or proposed, within the boundary of the submitted Wivenhoe Neighbourhood Plan.

Summary

Wivenhoe Town Council submits this updated statement.

It confirms that the updated Wivenhoe Neighbourhood Plan of **October 2017** meets the basic conditions required of a Neighbourhood Plan as defined in current neighbourhood planning legislation.

The following documents form part of this statement:

- p 4 Assessment of Wivenhoe NP objectives or policies against relevant NPPF goals**
- p 5 Updated Summary evidencing the alignment of the Wivenhoe NP policies with the Colchester Borough Council Local Plan and NPPF policies**
- p 31 Contribution towards Sustainable Development
(updated SEA report is submitted as a separate document)**
- p 32 Updated Habitat Regulation Screening report**

Assessment of Wivenhoe NP objectives or policies against relevant NPPF goals against relevant NPPF goals	
Wivenhoe NP objectives or policies	relevant NPPF goals
Maintain Wivenhoe's rural setting	11. Conserving and Enhancing the natural environment
Protect and foster Wivenhoe's natural environment for the benefit of people, flora and wildlife	11. Conserving and Enhancing the natural environment
Preserve and improve access to green spaces, countryside and the river whilst respecting sensitive environmentally important habitats	11. Conserving and Enhancing the natural environment
Conserve and enhance Wivenhoe's heritage assets, and protect and improve positive features which contribute to the townscape	12. Conserving and Enhancing the historical environment
Protect and improve existing community facilities, and negotiate additional facilities in consequence of new development	8. Promoting healthy communities
Encourage the use of sustainable modes of transport and reduce reliance on the private car	4. Promoting sustainable transport
Create more local employment opportunities	3. Supporting a prosperous rural economy
Ensure Wivenhoe's infrastructure is adequate to meet the need of its residents	5. Supporting high quality communications infrastructure
Ensure new residential development meets the needs of the local community	6. Delivering a wide choice of high quality homes 7. Requiring good design
Improve resilience to climate change and minimise the potential impact on flooding.	10. Meeting the challenge of climate change

Summary evidencing the alignment of the Wivenhoe NP policies with the CBC Local Plan and NPPF policies

Wivenhoe NP Policy	CBC Adopted Development DPD and Core Strategy policy	NPPF policy
<p>WIV 1. 1. Development within the settlement boundary shall be guided by the relevant policies in the Wivenhoe Neighbourhood Plan and the Colchester Borough Local Plan.</p> <p>2. Development outside the settlement boundary, as identified on the Wivenhoe Proposals Map, should:</p> <ul style="list-style-type: none"> i. Demonstrate that it needs, or is compatible with, a countryside location; and ii. be in accordance with national, county and local policies for development within countryside areas; and iii. be appropriate in terms of its scale, siting, and design; and iv. protect, conserve or enhance landscape and townscape character, including maintaining settlement separation; and v. protect, conserve or enhance the interests of natural and historic assets; and vi. apply a sequential approach to land at risk of fluvial or coastal flooding in line with national planning policy and guidance (or any successor document); 	<p>ENV1 - Environment</p>	<p>184. Neighbourhood planning provides a powerful set of tools for local people to ensure that they get the right types of development for their community. The ambition of the neighbourhood should be aligned with the strategic needs and priorities of the wider local area. Neighbourhood plans must be in general conformity with the strategic policies of the Local Plan.</p>

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<p>and</p> <p>vii. protect habitats and species and conserve or enhance biodiversity; and</p> <p>viii. provide for any necessary mitigating or compensatory measures; and</p> <p>satisfy other relevant policies in the Wivenhoe Neighbourhood Plan.</p>		
<p>WIV 2. Development within the Wivenhoe Neighbourhood Plan Area to the north of the A133 must provide adequate school, health and other community facilities on the site at an early stage to serve this new community to mitigate any impact resulting from large scale development on the services and facilities in Wivenhoe.</p>	<p>ENV1 – Environment The policy 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. The Landscape Character Assessment will inform the detailed application of the relevant policy criteria. SD2 – Delivering Facilities and Infrastructure (Revised July 2014)</p>	<p>70. To deliver the social, recreational and cultural facilities and services the community needs, planning policies and decisions should:</p> <ul style="list-style-type: none"> ●● plan positively for the provision and use of shared space, community facilities (such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments; <p>72. The Government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education.</p>
<p>WIV 3. Settlement Coalescence All development proposals should, where appropriate: (i) retain the physical separation of the Wivenhoe</p>	<p>ENV1 The policy aims to control development outside settlement boundaries to protect open stretches of countryside around and between existing</p>	<p>79. The Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of</p>

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<p>settlement area from the University campus as shown in the Wivenhoe Proposals Map; and</p> <p>(ii) demonstrate that the proposal does not contribute to coalescence of the Wivenhoe settlement with the University of Essex campus or potential settlements/settlement expansion in Tendring District.</p>	<p>settlements to prevent coalescence and retain settlement identity. The Landscape Character Assessment will inform the detailed application of the relevant policy criteria.</p>	<p>Green Belts are their openness and their permanence. 80. Green Belt serves five purposes:</p> <ul style="list-style-type: none"> ●● to check the unrestricted sprawl of large built-up areas; ●● to prevent neighbouring towns merging into one another; ●● to assist in safeguarding the countryside from encroachment; ●● to preserve the setting and special character of historic towns; and <p>(...)</p>
<p>WIV 4. Protecting the Setting of the River Colne</p> <p>Countryside that contributes vistas of high value towards the River Colne and its estuary, or that can be clearly viewed from the river or land on the Rowhedge and Fingringhoe side of the river as shown on the Wivenhoe Proposals map (Colne Protection Belt) should be protected from development which significantly detracts from these vistas or views. Any development proposal should satisfy the following conditions:</p> <p>(i) Demonstrate a need to be located in the Colne Protection Belt area; and</p> <p>(ii) Be safe from flooding and not have an unacceptable impact on the estuarine coast; and</p>	<p>ENV1</p> <p>Within the Coastal Protection Belt development will not be permitted that would adversely affect the open and rural character of the undeveloped coastline, and its historic features, sites of nature conservation importance and wildlife habitats.</p>	<p>114. Local planning authorities should:</p> <ul style="list-style-type: none"> ●● maintain the character of the undeveloped coast, protecting and enhancing its distinctive landscapes, particularly in areas defined as Heritage Coast, and improve public access to and enjoyment of the coast.

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<p>(iii) Not significantly impact on the landscape character, on important nature conservation, or on maritime uses; and</p> <p>(iv) Have economic and social benefits important to the well-being of the estuarine coast; and</p> <p>(v) Take into account the effects of climate change; and</p> <p>(vi) Must not hinder any proposed coastal path.</p>		
<p>WIV 5. University Marshes This area of land which is a designated wild life site and which also contributes to the green corridor between the Wivenhoe Settlement area and Colchester should be protected from development.</p>	<p>ENV1 The network of strategic green links between the rural hinterland, river corridors, and key green spaces and areas of accessible open space that contribute to the green infrastructure across the Borough will be protected and enhanced.</p>	<p>114. Local planning authorities should: ●● set out a strategic approach in their Local Plans, planning positively for the creation, protection, enhancement and management of networks of biodiversity and green infrastructure;</p>
<p>WIV 6. Access to the river Colne a) except as provided in b) proposals for development affecting access to the River Colne will be supported which satisfy the following: (i) the existing footpaths/pedestrian route adjacent to the River Colne should be protected; and (ii) access to the river for people to launch small craft should be retained; and (iii) the importance of the river for wildlife must be recognised in any</p>	<p>ENV1 Any proposals must satisfy the Development will be supported at appropriate locations to improve public access, visual amenity and rehabilitate the natural environment. Development will need to minimise and mitigate adverse impacts on river, coastal and ground water quality.</p>	<p>114. Local planning authorities should: ●● maintain the character of the undeveloped coast, protecting and enhancing its distinctive landscapes, particularly in areas defined as Heritage Coast, and improve public access to and enjoyment of the coast.</p>

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<p>proposals to increase access to the river.</p> <p>b) Proposals that would result in enclosure of further parts of The Quay would be opposed.</p>		
<p>WIV 7. Protection of Open Spaces, Play Areas, Sports Fields & Allotments</p> <p>Those areas shown as Open Space, Play Areas, Sports Fields and Allotments on the Wivenhoe Proposals Map (Fig. 22) shall be protected from development unless:</p> <p>(i) the proposal would not result in the loss of an area important for its amenity, including its contribution to the green infrastructure network and to the townscape character of the area; and</p> <p>(ii) 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.</p>	<p>PR1 – OPEN SPACE; DP15</p> <p>The Borough Council aims to provide a network of open spaces, sports facilities and recreational opportunities that meet local community needs and facilitate active lifestyles by providing leisure spaces within walking distance of people’s home, school and work. The Council will also aim to provide a network of strategic green links between the rural hinterland, river corridors, and key green spaces within Colchester Town. The Council will protect and enhance the existing network of green links, open spaces, and sports facilities and secure additional areas where deficiencies are identified.</p>	<p>74. Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:</p> <ul style="list-style-type: none"> ●● an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or ●● the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or ●● the development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss.
<p>WIV 8. Provision of Additional Sports Pitches, Play Areas & Allotments</p> <p>Development proposals in Wivenhoe Parish will be supported which satisfy the following:</p> <p>(i) Contribute to the cost of providing additional sports facilities in the Wivenhoe Parish to mitigate the impact of development through</p>	<p>SD3</p> <p>Development proposals will be required to (...) provide community facilities to meet the needs of the new population and mitigate impacts on existing communities.</p>	<p>175. Where practical, Community Infrastructure Levy charges should be worked up and tested alongside the Local Plan. The Community Infrastructure Levy should support and incentivise new development, particularly by placing control over a meaningful proportion of the funds raised with the neighbourhoods where development takes place.</p>

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<p>Section 106 contributions and or secured through a Community Infrastructure Levy as appropriate; and</p> <p>(ii) Provide amenity space within the development area equal to at least 10% of the site area where the development is of 25 or more dwellings.</p>		
<p>WIV 9. Local Green Spaces</p> <p>That part of Ferry Marsh (as shown on the map in Fig. 22) and the area of land opposite Millfields School (as shown on the map in Fig. 23) shall be designated as Local Green Spaces.</p>	<p>ENV1</p> <p>...key green spaces and areas of accessible open space that contribute to the green infrastructure across the Borough will be protected and enhanced.</p>	<p>76. Local communities through local and neighbourhood plans should be able to identify for special protection green areas of particular importance to them. By designating land as Local Green Space local communities will be able to rule out new development other than in very special circumstances.</p>
<p>WIV 10. The Goods Shed, Station Yard, Wivenhoe</p> <p>Development proposals for commercial, residential or leisure uses will be supported subject to the historical features of the building being respected otherwise the remains of this building must be removed and the space be used for additional car parking.</p>	<p>Proposals should seek to promote sustainability by minimising and/or mitigating pressure on the natural, built and historic environment, (...) The Council will also seek to sustain the character and vitality of small towns, villages and the countryside, and development will be expected to achieve a high standard of design, sustainability and compatibility with local character.</p>	<p>126. Local planning authorities should set out in their Local Plan a positive strategy for the conservation and enjoyment of the historic environment, including heritage assets most at risk through neglect, decay or other threats. In doing so, they should recognise that heritage assets are an irreplaceable resource and conserve them in a manner appropriate to their significance. In developing this strategy, local planning authorities should take into account:</p> <ul style="list-style-type: none"> ●● the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
<p>WIV 11. The Quay Area at Wivenhoe</p>	<p>PR2 – PEOPLE-FRIENDLY STREEETS</p>	<p>131. In determining planning applications, local</p>

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<p>Proposals for development in the Quay Area (from Bath St to Walter Radcliffe Way) shall be supported which:</p> <ul style="list-style-type: none"> i. recognise its designation as a BOAT (Byway Open to All Traffic); and ii. recognise its location within the Wivenhoe Conservation Area; and iii. promote the area as a place of heritage value and of importance to residents and visitors to Wivenhoe; and iv. protect and enhance people's safety when walking without fear for their personal safety or that of their children from cars, motor-bikes or cyclists; and v. do not impede the view of the river or from it; and vi. do not lead to additional car parking spaces on the Quay; and <p>contribute to the enhancement and maintenance of the Quay's surface to ensure it is safe and accessible to all pedestrians.</p>	<p>The Borough Council will promote and secure attractive, safe and people-friendly streets which will encourage more walking, cycling, recreation and local shopping. Streets are important public spaces that should be designed to suit people of all ages and degrees of mobility. The street environment can be improved with a combination of the following (not exclusive):</p> <ul style="list-style-type: none"> • Quality pavements and well- coordinated street furniture (...) 	<p>planning authorities should take account of:</p> <ul style="list-style-type: none"> ●● the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;

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<p>WIV 12. Infill and Backland Development on Garden Sites Proposals for development within the curtilage of existing dwellings should:</p> <ul style="list-style-type: none"> i. Ensure that the design of the proposed development reflects the character of the surrounding townscape including respecting the scale, mass and height of surrounding properties and avoid the appearance of cramming; ii. Ensure that neighbouring properties amenities are not adversely affected; iii. Not result in the loss of gardens which are important to the surrounding townscape; iv. Reduce the risk of flooding to surrounding properties from either surface water or fluvial flooding; v. Include adequate on-site car parking on both the existing property and the proposed site so as not to increase the need for additional on-street car parking; vi. Ensure that there is no severe impact on wild life.; vii. Include mitigation measures to prevent 	<p>ENV2 The Borough Council will enhance the vitality of rural communities by supporting appropriate development of infill sites and previously developed land (PDL) within the settlement development boundaries of villages. The design and construction of new village development must be high quality in all respects, including design, sustainability and compatibility with the distinctive character of the locality. <i>ECC Parking Standards, Design and Good Practice Guide 2009 p.2: acknowledging the fact that limiting parking availability at trip origins (residential parking) does not necessarily discourage car ownership and can push vehicle parking onto the adjacent public highway, diminishing the streetscape and potentially obstructing emergency and passenger transport vehicles.</i></p> <p><i>1.1.5 (the guidance) is intended to 1.(...) 4. Expedite the determination of planning applications by ensuring that applications submitted include an appropriate level and location of car parking provision that also contributes to the public realm.</i></p>	<p>53. Local planning authorities should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area.</p>

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an unacceptable increase in traffic flows on residential streets.		
<p>WIV 13. Townscape Character Conservation Development proposals will be supported where they:</p> <p>(i) Ensure extensions and conversions of residential properties are designed to conserve features of existing streets and estates where these contribute positively to the townscape; and</p> <p>(ii) Protect greenswards adjacent to the highways.</p>	<p>SD1 SUSTAINABLE DEVELOPMENT LOCATIONS The Council will also seek to sustain the character and vitality of small towns, villages and the countryside, and development will be expected to achieve a high standard of design, sustainability and compatibility with local character.</p> <p>DP13 - Dwelling Alterations, Extensions and Replacement Dwellings</p>	<p>58. Local and neighbourhood plans should develop robust and comprehensive policies that set out the quality of development that will be expected for the area. Such policies should be based on stated objectives for the future of the area and an understanding and evaluation of its defining characteristics.</p> <p>Planning policies and decisions should aim to ensure that developments:</p> <p>(...)</p> <ul style="list-style-type: none"> ●● respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation;
<p>WIV 14. New Indoor Community Facilities Financial contributions from development sites within the Parish of Wivenhoe for new indoor sports and recreational facilities should be used to provide additional facilities within or immediately adjacent to the Settlement Area to address both the existing shortfall and to provide for the needs of an increased population.</p>	<p>SD3 Development proposals will be required to (...) provide community facilities to meet the needs of the new population and mitigate impacts on existing communities.</p>	<p>175. Where practical, Community Infrastructure Levy charges should be worked up and tested alongside the Local Plan. The Community Infrastructure Levy should support and incentivise new development, particularly by placing control over a meaningful proportion of the funds raised with the neighbourhoods where development takes place.</p>
<p>WIV 15. Indoor Community Facilities Support will be given to the provision of new or</p>	<p>DP15 Development, including change of use, of any</p>	<p>70. To deliver the social, recreational and cultural facilities and services the community needs, planning</p>

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<p>improved indoor community facilities.</p> <p>Proposals that would result in the loss of an indoor community facility will only be permitted if alternative and equivalent indoor community facilities are provided or if there is strong evidence that the facility is surplus to requirements or economically unviable, including evidence that it has been properly marketed for at least 18 months.</p> <p>Proposals for development which result in the loss of indoor community facilities will be required to provide alternative facilities and meet the following criteria:</p> <p>(i) the layout and scale of any proposed facility should be suitable for the same or a wider range of activities as the existing facility; and</p> <p>(ii) in respect of its opening hours and restrictions of public use, the availability of the facility should be at least equal or where possible enhanced; and</p> <p>(iii) the location of the alternative provision should be in close proximity to the existing facility and easily accessible by foot.</p>	<p>existing or proposed public or private open space, outdoor sports ground, school playing field forming part of an educational establishment and allotments (as identified on the Proposals Map) will not be supported unless it can be demonstrated that:</p> <p>Alternative and improved provision will be created in a location well related to the functional requirements of the relocated use and its existing and future users;</p> <p>The proposal would not result in the loss of an area important for its amenity or contribution to the green infrastructure network or to the character of the area in general; and</p> <p>It achieves the aims of the Colchester Parks and Green Spaces Strategy.</p> <p>Development proposals resulting in a loss of indoor recreation or sporting facilities must additionally demonstrate that:</p> <p>There is an identified excess provision within the catchment of the facility and no likely shortfall is expected within the plan period; or</p> <p>(v) Alternative and improved recreational provision will be supplied in a location well related to the functional requirements of the relocated use and its existing and future users.</p> <p>In all cases, development will not be permitted that would result in any deficiencies in public open space requirements or increase existing deficiencies in the area either at the time of the proposal or be likely to</p>	<p>policies and decisions should:</p> <ul style="list-style-type: none"> ●● plan positively for the provision and use of shared space, community facilities (such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments; <p>74. Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:</p> <ul style="list-style-type: none"> ●● an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or ●● the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or ●● the development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss.

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	result in a shortfall within the plan period. Additionally, development that would result in the loss of any small incidental areas of open space, not specifically identified on the Proposals Map but which contribute to the character of existing residential neighbourhoods, and any registered common, heathland or village green or which contribute to green infrastructure will not be permitted.	
<p>WIV 16. The University of Essex The growth of the University within the campus area and the Knowledge Gateway business park will in general be supported subject to proposals demonstrating that new development will not adversely harm the existing residents of Wivenhoe. In particular support will be given to development proposals which improve the relationship between the university and existing residents, for example through the provision of shared facilities.</p>		
<p>WIV 17. Traffic in Wivenhoe Development proposals which generate traffic will be supported where: (i) they are backed by evidence that there will be no severe cumulative increase in traffic within the Wivenhoe Settlement area; and (ii) appropriate measures to reduce car traffic</p>	TA4 – ROADS AND TRAFFIC Development will need to contribute towards transport infrastructure improvements to support the development itself, and to enhance the broader network to mitigate impacts on existing communities.	34. Plans and decisions should ensure developments that generate significant movement are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised. 32. All developments that generate significant amounts of movement should be supported by a Transport Statement or Transport Assessment. Plans and decisions should take account of whether: (...)

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<p>movements including the promotion of others modes of transport such as cycling, walking and public transport provision are taken.</p>		<p>●● improvements can be undertaken within the transport network that cost-effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.</p>
<p>WIV18. Improvements to Pedestrian and Cycle Provision All new development including infill and backfill will be expected to link into the existing network of cycle paths, public and permissive footpaths and footways and where appropriate financial contributions will be required to improve pedestrian and cycle provision</p>	<p>TA2 - WALKING AND CYCLING The Council will work with partners to promote walking and cycling as an integral and highly sustainable means of transport. Regional and rural links, including national cycle routes, will be improved and better connected with local destinations. The design and construction of facilities and infrastructure will be improved to make walking and cycling more attractive, direct and safe. Quality and convenient pedestrian crossings will be promoted to facilitate safe and direct movement across busy roads.</p>	<p>17. Within the overarching roles that the planning system ought to play, a set of core land-use planning principles should underpin both plan-making and decision-taking. These 12 principles are that planning should: (...) ●● actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable;</p>
<p>WIV 19. General Employment. Proposals to convert present business or commercial properties into residential properties will be supported where it can be demonstrated that: (i) the commercial premises or land in question has not been in active use for at least 12 months; and (ii) the commercial premises or land in question</p>	<p>DP5 - APPROPRIATE EMPLOYMENT USES AND PROTECTION OF EMPLOYMENT LAND AND EXISTING BUSINESSES Sites and premises currently used or allocated for employment purposes will be safeguarded for appropriate employment uses. Any use that may have an adverse effect on employment generation will only be permitted where the Local Planning Authority is satisfied that: The supply, availability and variety of alternative</p>	<p>22. Planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose. Land allocations should be regularly reviewed. Where there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative uses of land or buildings should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local</p>

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<p>has no potential for either reoccupation or redevelopment for employment generating uses as demonstrated through the results both of a full valuation report and a marketing campaign lasting for a continuous period of at least 12 months. Proposals to build or redevelop properties within the Wivenhoe Settlement area as well as on sites designated on the Proposals Map suited for retail, small business services or light industrial or engineering activities (Use classes A and B1) will be encouraged subject to them:</p> <p>(a) being sympathetic in design and layout to the area in which they are proposed; and</p> <p>(b) not creating noise, dust or smell directly or indirectly from excessive vehicle movements.</p>	<p>employment land is sufficient to meet borough and local requirements;</p> <p>Evidence can be provided to demonstrate that no suitable and viable employment use can be found, or is likely to be found in the foreseeable future; (...)</p> <p>5.2 of Core Strategy – CENTRES AND EMPLOYMENT POLICIES The Council will also encourage economic diversity and business development to facilitate small and medium enterprises. A mix of business types and premises will be sought in employment developments to provide opportunities for all businesses and create diverse and successful economic environments.</p>	<p>communities.</p>
<p>WIV 20. The Brook Street Business Centre</p> <p>The Business Centre at Brook Street is an important place for small businesses and provides valuable local employment opportunities and must be designated as an employment zone.</p>	<p>ENV2 – Rural Communities Within rural communities, appropriate development that optimises the sustainability of villages by increasing rural employment opportunities, and by contributing towards community facilitieswill be supported.</p>	<p>21. Investment in business should not be over-burdened by the combined requirements of planning policy expectations. Planning policies should recognise and seek to address potential barriers to investment.</p>
<p>WIV 21. Cedric's Site</p> <p>Proposals for redevelopment of this site will be</p>	<p>ENV2 – Rural Communities</p> <p>The Borough Council will enhance the vitality of</p>	<p>17. Core Planning principles</p> <p>●● proactively drive and support sustainable</p>

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supported providing they are sympathetic in design and layout to the surrounding area. Proposals to include a mix of uses would be supported.	rural communities by supporting appropriate development of infill sites and previously developed land (PDL) within the settlement development boundaries of villages.	economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs. Every effort should be made objectively to identify and then meet the housing, business and other development needs of an area, and respond positively to wider opportunities for growth. 18. (...) ● facilitate flexible working practices such as the integration of residential and commercial uses within the same unit.
WIV 22. A Commercial/Light Industrial Business Centre Development proposals for office and/or light industrial use (use class B1) on a two hectare site off Keelars Lane (as defined in Figure 30) will be supported.	CE1 – CENTRES AND EMPLOYMENT The Borough Council will encourage economic development (...) through the allocation of land necessary to support employment growth at sustainable locations.	20. To help achieve economic growth, local planning authorities should plan proactively to meet the development needs of business and support an economy fit for the 21st century.
WIV 23. Additional dwellings in the Wivenhoe Parish Proposals for new residential development will be supported on the four sites allocated for development in Policies WIV28-31 with a cumulative capacity of 250 dwellings and additionally on windfall sites within the settlement boundary	H1 – HOUSING DELIVERY and Table H1a	47. To boost significantly the supply of housing, local planning authorities should: ●● use their evidence base to ensure that their Local Plan meets the full, objectively assessed needs for market and affordable housing in the housing market area, as far as is consistent with the policies set out in this Framework, including identifying key sites which are critical to the delivery of the housing strategy over the plan period;

Wivenhoe NP Policy	CBC Adopted Development DPD and Core Strategy policy	NPPF policy
<p>WIV 24. New Infrastructure Proposals for new residential development will be supported which provides evidence that local infrastructure will be provided and/or improved relative to the size and scale of the development proposed. This requirement will apply to all infrastructure, including education provision and flood prevention (fluvial, sea and surface water).</p>	<p>SD2 – Delivering Facilities and Infrastructure SD3 – Community Facilities</p>	<p>17 Core Planning Principles (...) ●● actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable; and 94. Local planning authorities should adopt proactive strategies to mitigate and adapt to climate change, taking full account of flood risk, coastal change and water supply and demand considerations.</p>
<p>WIV 25. Residential Care Home Proposals for a residential care home (Use Class C2) within the Neighbourhood Plan area will be supported.</p>	<p>CBC Core strategy, 2.4 Key Issues, Future Challenges (...) to meet the needs of a growing and increasingly aged population and changes in how healthcare is delivered. 5.2 of Core Strategy – CENTRES AND EMPLOYMENT POLICIES The Council will also encourage economic diversity and business development to facilitate small and medium enterprises. A mix of business types and premises will be sought in employment developments to provide opportunities for all businesses and create diverse and successful economic environments. CE2b – District Centres Rural District Centres will be protected and enhanced</p>	<p>17. proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs. Every effort should be made objectively to identify and then meet the housing, business and other development needs of an area, and respond positively to wider opportunities for growth. Plans should (...) set out a clear strategy for allocating sufficient land which is suitable for development in their area, taking account of the needs of the residential and business communities;</p>

Wivenhoe NP Policy	CBC Adopted Development DPD and Core Strategy policy	NPPF policy
	to provide shops, services, community facilities and employment to meet the needs of communities.	
<p>WIV 26. Flooding risk and climate resilience Proposals for development will be supported where it:</p> <p>(i) Is located to minimise the risk of fluvial or surface water flooding; and</p> <p>(ii) Provides sustainable drainage, as outlined in the Essex County Council SuDS Guide. Wherever possible this should be designed using above ground drainage features to help ensure robust treatment to improve the quality of water entering into local water bodies. The system should also promote wildlife habitats as well as green and blue corridors in relation to any new development; and</p> <p>(iii) Maximises the use of permeable surfaces wherever possible; and</p> <p>(iv) incorporates, at the build stage, technologies, such as solar panels, which reduce reliance on fossil fuels.</p>	<p>DP1: DESIGN AND AMENITY All development must be designed to a high standard, avoid unacceptable impacts on amenity, and demonstrate social, economic and environmental sustainability. Development proposals must demonstrate that they, and any ancillary activities associated with them, will:</p> <p>(...)</p> <p>(vi) Incorporate any necessary infrastructure and services including recycling and waste facilities and, where appropriate, Sustainable Drainage Systems (SuDS), and undertake appropriate remediation of contaminated land.</p> <p>DP25 – RENEWABLE ENERGY ER1 Core Strategy Policy Energy, Resources, Waste, Water and Recycling</p>	<p>99. Local Plans should take account of climate change over the longer term, including factors such as flood risk, coastal change, water supply and changes to biodiversity and landscape. New development should be planned to avoid increased vulnerability to the range of impacts arising from climate change. When new development is brought forward in areas which are vulnerable, care should be taken to ensure that risks can be managed through suitable adaptation measures, including through the planning of green infrastructure.</p>
<p>WIV 27. Design and Access Proposals which require a Design and Access Statement should address the following:</p> <p>i. Be of high architectural value, construction and operation; and</p>	<p>DP1 – DESIGN AND AMENITY</p> <p>DP12 – DWELLING STANDARDS SD1 - SUSTAINABLE DEVELOPMENT LOCATIONS The Council will also seek to sustain the character and vitality of small towns, villages and</p>	<p>58. Local and neighbourhood plans should develop robust and comprehensive policies that set out the quality of development that will be expected for the area. Such policies should be based on stated objectives for the future of the area and an understanding and evaluation of its defining</p>

Wivenhoe NP Policy	CBC Adopted Development DPD and Core Strategy policy	NPPF policy
<p>ii. Demonstrate how sustainability and environmental considerations have been taken into account. Design should incorporate flexibility of use, some with potential for future expansion or alteration for lifetime living, with the aspiration that new dwellings meet Lifetime Homes design standards, (as identified in Appendix 2); and</p> <p>iii. Be styled to complement and respect existing dwelling types in the vicinity; and</p> <p>iv. Use good quality materials that complement the existing palette of materials used within the area with the promotion of high quality interior spaces and natural lighting; and</p> <p>v. Incorporate space and facilities conducive to working from home, where appropriate, with occupier controlled internet access to fibre, copper and other home office services; and</p> <p>vi. Incorporate well-designed access for pedestrians, cyclists and the physically disadvantaged; and</p> <p>vii. Ensure that all homes include outside storage space, and where flats are proposed, include adequate provision of personal secure outdoor general storage suitable for bicycles; and</p> <p>viii. Where appropriate demonstrate how the proposal integrates into the surrounding</p>	<p>the countryside, and development will be expected to achieve a high standard of design, sustainability and compatibility with local character.</p>	<p>characteristics. Planning policies and decisions should aim to ensure that developments:</p> <ul style="list-style-type: none"> ●● will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development; ●● establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit; ●● optimise the potential of the site to accommodate development, create and sustain an appropriate mix of uses (including incorporation of green and other public space as part of developments) and support local facilities and transport networks; ●● respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation; ●● create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion; and ●● are visually attractive as a result of good architecture and appropriate landscaping.

Wivenhoe NP Policy	CBC Adopted Development DPD and Core Strategy policy	NPPF policy
<p>countryside, and</p> <p>ix. Where appropriate incorporate play areas with safe access to open and green spaces; and</p> <p>x. Ensure that gardens are appropriate to the type of dwelling proposed. This may mean that for some types of dwellings such as apartments and flats, or for older people, there may not be any garden, or there are gardens that could be provided under a service arrangement.</p>		
<p>WIV 28. Land off Croquet Gardens</p> <p>An area of 1.35 hectares lying behind Croquet Gardens shown in Figure 32 is allocated for 25 residential dwellings and for a residential care home subject to the following conditions:</p> <p>(i) the 25 dwellings to each be of 3 bedrooms or less, and suitable for occupation by older people; and</p> <p>(ii) the overall design of the scheme to demonstrate that it will address the needs of older people; and</p> <p>(iii) 20% of all properties to be allocated as affordable housing application or that percentage relevant under Borough policies at the time the planning application is submitted; and</p> <p>(iv) the development be protected from impacts</p>	<p>H1 – HOUSING DELIVERY and Table H1a</p> <p>H3 – HOUSING DIVERSITY DP12 – DWELLING STANDARDS</p> <p>SD2 – Delivering Facilities and Infrastructure</p> <p>The Council will seek to ensure that new development makes a reasonable contribution to the provision of related facilities and infrastructure. This will either be through a planning obligation (usually contained within a Section 106 agreement) and/or, if applicable, through a Community Infrastructure Levy (CIL) payment, following adoption of a CIL charging schedule.</p>	<p>50. To deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities, local planning authorities should:</p> <ul style="list-style-type: none"> ●● plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community (such as, but not limited to, families with children, older people, people with disabilities, service families and people wishing to build their own homes); <p>157. Crucially, Local Plans should: (...)</p> <ul style="list-style-type: none"> ●● allocate sites to promote development and flexible use of land, bringing forward new land where necessary, and provide detail on form, scale, access and quantum of development where appropriate;

Wivenhoe NP Policy	CBC Adopted Development DPD and Core Strategy policy	NPPF policy
<p>arising from Wivenhoe Quarry operations by means of suitable mitigation measures; and</p> <p>(v) the introduction of landscaping on the western boundaries of the site in order to ensure that development is well screened from existing properties there; and</p> <p>(vi) protective netting to be erected alongside the boundary with the Cricket Club that is suitably high to protect members of the public from stray cricket balls from the cricket ground; and</p> <p>(vii) that it can be demonstrated that development will not have a detrimental impact on wildlife, as evidenced through a wildlife survey; and</p> <p>(viii) 2 acres (0.8 ha) of land to be given to Wivenhoe Town Council for new allotments adjacent to the existing allotments and backing on to the gardens of the properties in Field Way; and</p> <p>(ix) the layout to provide:</p> <p>a) all-weather footpaths and cycle tracks from Croquet Gardens to The Cross, and to the boundary with the Quarry site; and</p> <p>b) a shared-use footpath and cycle track linking The Cross to the land in the north owned by Colchester Borough Council; and</p> <p>(x) a small area of land to be provided suitable</p>		

Wivenhoe NP Policy	CBC Adopted Development DPD and Core Strategy policy	NPPF policy
<p>for the informal parking of up to 20 cars for people to access the meadow behind the Cricket Club; and</p> <p>(xi) existing public and permissive rights of way to be maintained across the meadow; and</p> <p>(xii) contributions towards open spaces, sports, recreational facilities and community facilities shall be required in line with Borough Policies current at the time any application for planning permission is made.</p>		
<p>WIV 29. Land behind Broadfields</p> <p>The land behind Broadfields shown in Figure 35 totalling 4.06 hectares is allocated for 120 dwellings subject to the following conditions:</p> <p>(i) a minimum of 45 dwellings shall be provided with one or two bedrooms which could be designed as homes for older people, or for single people, or for young couples. They could be bungalows, terraced properties or apartments; and (ii) the number of dwellings with 4 bedrooms or more shall not exceed 25 (these could include an office for home-working and / or an annexe to accommodate a relative); and (iii) dwellings, of whatever size, designed for older residents or active retirees should preferably be built to the Lifetime Homes</p>	<p>H1 – HOUSING DELIVERY and Table H1a H3 – HOUSING DIVERSITY DP12 – DWELLING STANDARDS</p> <p>SD2 – Delivering Facilities and Infrastructure The Council will seek to ensure that new development makes a reasonable contribution to the provision of related facilities and infrastructure. This will either be through a planning obligation (usually contained within a Section 106 agreement) and/or, if applicable, through a Community Infrastructure Levy (CIL) payment, following adoption of a CIL charging schedule.</p>	<p>50. To deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities, local planning authorities should:</p> <ul style="list-style-type: none"> ●● plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community (such as, but not limited to, families with children, older people, people with disabilities, service families and people wishing to build their own homes); <p>157. Crucially, Local Plans should: (...)</p> <ul style="list-style-type: none"> ●● allocate sites to promote development and flexible use of land, bringing forward new land where necessary, and provide detail on form, scale, access and quantum of development where appropriate;

Wivenhoe NP Policy	CBC Adopted Development DPD and Core Strategy policy	NPPF policy
<p>standard; and</p> <p>(iv) 20% of all properties are to be allocated as affordable housing application or that percentage relevant under Borough policies at the time the planning application is submitted; and</p> <p>(v) it can be demonstrated that the development will not have a detrimental impact on wildlife, as evidenced through a wildlife survey; and</p> <p>(vi) vehicle access into the residential part of the site shall be provided from Richard Avenue; and</p> <p>(vii) 2 hectares of land in the northern part of the site adjacent to Broad Lane Sports Ground shall be provided for additional sports pitches; and</p> <p>(viii) a dedicated footpath / cycleway along Elmstead Road to link up Broad Lane Sports Ground with the built-up part of Wivenhoe shall be provided; and</p> <p>(ix) a shared-use footpath and cycle track shall be provided directly linking the development to the facilities at Broad Lane Sports Ground and linking with the public footpath to the south of the site; and</p> <p>(x) a contribution shall be paid towards the creation of a combined footpath/cycle track linking the new development to the public footpath (FP No. 14) from The Cross; and</p> <p>(xi) contributions towards open spaces, sports,</p>		

Wivenhoe NP Policy	CBC Adopted Development DPD and Core Strategy policy	NPPF policy
<p>recreational facilities and community facilities shall be required in line with Borough Policies current at the time any application for planning permission is made. Proposals to include some self-build plots within this site allocation will be supported.</p>		
<p>WIV 30. Land at Elmstead Road The land shown in Figure 36 totalling 0.93 hectares is allocated for 25 dwellings subject to the following conditions: (i) each dwelling to be of a maximum of two bedrooms suited primarily for single people or as ‘starter’ homes for young couples; and (ii) 20% of these dwellings to be allocated as affordable housing or that percentage which is relevant under Borough policies at the time the planning application is submitted; and (iii) a cemetery of a minimum of 1.5 hectares in size be given to Wivenhoe Town Council that is provided with off-road parking for 12 cars, is suitably fenced on all sides, incorporates a suitable footway through it and has a cold water supply to a stand-pipe; and (iv) a hydrological survey to demonstrate that the cemetery will not have an unacceptable impact on local drainage; and</p>	<p>H1 – HOUSING DELIVERY and Table H1a H3 – HOUSING DIVERSITY DP12 – DWELLING STANDARDS</p> <p>SD2 – Delivering Facilities and Infrastructure The Council will seek to ensure that new development makes a reasonable contribution to the provision of related facilities and infrastructure. This will either be through a planning obligation (usually contained within a Section 106 agreement) and/or, if applicable, through a Community Infrastructure Levy (CIL) payment, following adoption of a CIL charging schedule.</p>	<p>50. To deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities, local planning authorities should: ●● plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community (such as, but not limited to, families with children, older people, people with disabilities, service families and people wishing to build their own homes);</p> <p>157. Crucially, Local Plans should: (...) ●● allocate sites to promote development and flexible use of land, bringing forward new land where necessary, and provide detail on form, scale, access and quantum of development where appropriate;</p>

Wivenhoe NP Policy	CBC Adopted Development DPD and Core Strategy policy	NPPF policy
<p>(v) landscaping to be implemented on the north west boundary of the residential part of the site in order to ensure that development is well screened by trees and not easily visible to people travelling on Colchester Road; and</p> <p>(vi) that it can be demonstrated that development will not have a detrimental impact on wildlife, as evidenced through a wildlife survey; and</p> <p>(vii) the provision of appropriate pedestrian and vehicle access into the residential part of the site from Elmstead Road plus whatever other footway / highway improvements would be required by the highway authority; and</p> <p>(viii) contributions towards open spaces, sports, recreational facilities and community facilities will be required in line with Borough Policies current at the time any application for planning permission is made and Policy WIV8 in this Neighbourhood Plan.</p>		
<p>WIV 31. Land Behind The Fire Station The land behind the Fire Station shown in figure 39 totalling 3.06 hectares of which 2.7 hectares is allocated for 80 dwellings subject to the following conditions: (i) 5 dwellings shall be built for people aged over 60 in need of housing, currently living in</p>	<p>H1 – HOUSING DELIVERY and Table H1a H3 – HOUSING DIVERSITY DP12 – DWELLING STANDARDS</p> <p>SD2 – Delivering Facilities and Infrastructure The Council will seek to ensure that new development makes a reasonable contribution to the provision of related facilities and infrastructure.</p>	<p>50. To deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities, local planning authorities should: ●● plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community (such as, but not limited to, families with children,</p>

Wivenhoe NP Policy	CBC Adopted Development DPD and Core Strategy policy	NPPF policy
<p>Wivenhoe or having close family connections to people living in Wivenhoe, to be built and managed by a local housing charity on one third of an acre of land (0.15 ha) within this site, close to Colchester Road, which shall be gifted to this housing charity; and</p> <p>(ii) A n additional minimum of 20 dwelling shall be built which are suitable for older people, appropriate for the frail elderly as well as being attractive to active retirees; these should preferably be built to the Lifetime Homes Standard and could be bungalows or single level apartments, or if two-storey apartments a lift should be incorporated; and</p> <p>(iii) in addition a minimum of 15 dwellings shall be built, each of no more than 2 bedrooms, that could be designed as homes for older people, or for single people, or for young couples which could be bungalows, terraced properties or apartments; and</p> <p>(iv) a maximum of 15 dwellings may be built of 4 bedrooms or more which could also include an office for home-working and / or an annexe to accommodate a relative; and</p> <p>(v) all properties intended for older people and at least 50% of all dwellings should preferably be constructed to the Lifetime Homes Standard; and</p>	<p>This will either be through a planning obligation (usually contained within a Section 106 agreement) and/or, if applicable, through a Community Infrastructure Levy (CIL) payment, following adoption of a CIL charging schedule.</p>	<p>older people, people with disabilities, service families and people wishing to build their own homes);</p> <p>157. Crucially, Local Plans should: (...)</p> <ul style="list-style-type: none"> ●● allocate sites to promote development and flexible use of land, bringing forward new land where necessary, and provide detail on form, scale, access and quantum of development where appropriate;

Wivenhoe NP Policy	CBC Adopted Development DPD and Core Strategy policy	NPPF policy
<p>(vi) excluding the 5 Wivenhoe Housing Trust dwellings specified in (i) above, 20% of dwellings are to be allocated as affordable housing or that percentage which is relevant under Borough policies at the time the planning application is submitted; and</p> <p>(vii)a site for allotments is provided on a field of approximately 1.5 hectares close by Broomgrove Schools with a mains water supply together with an access track to provide vehicular access to this field with adequate passing places to allow vehicles to pass pedestrians safely as well as vehicles coming from the opposite direction; and</p> <p>(viii)this track is to have an all-weather surface suitable to make it a safe footway and cycle track from Broomgrove Schools to Colchester Road by the Fire Station; and</p> <p>(ix) contributions towards open spaces, sports, recreational facilities and community facilities will be required in line with Borough Policies current at the time any application for planning permission is made; and</p> <p>(x) landscaping is introduced on the northern boundary of the site in order to ensure that development is well screened; and</p> <p>(xi) suitable road and pavement access to Colchester Road is provided in accordance with</p>		

Wivenhoe NP Policy	CBC Adopted Development DPD and Core Strategy policy	NPPF policy
<p>the requirements of ECC Highways. Proposals to include some self-build plots within the overall allocation will be supported. An additional 0.86 hectares of land, adjacent to the site allocated for housing, is proposed for a potential site for a care home. This area is as shown on the Wivenhoe Proposals map.</p>		
<p>WIV 32. Recreational Avoidance from New Housing in Wivenhoe and Mitigation Strategies Any proposed Recreational Avoidance and Mitigation Strategies will apply to development in Wivenhoe and any levy on new housing as part of these Strategies will apply to the new developments proposed as part of the Wivenhoe Neighbourhood Plan.</p>		

Contribution Towards Sustainable Development

National Planning Practice Guidance (NPPG) on Strategic Environmental Assessment requirements for neighbourhood plans states that,

‘In some limited circumstances, where a neighbourhood plan is likely to have significant environmental effects, it may require a strategic environmental assessment. Draft neighbourhood plan proposals should be assessed to determine whether the plan is likely to have significant environmental effects.

Regulation 9 of the Environmental Assessment of Plans and Programmes Regulations 2004.’ sets out the requirements.

‘The local planning authority, as part of its duty to advice or assist, should consider putting in place processes to determine whether the proposed neighbourhood plan will require a strategic environmental assessment. The qualifying body should work with the local planning authority to be sure that the authority has the information it needs.’

NPPG continues ‘if likely significant environmental effects are identified, an environmental report must be prepared in accordance with paragraphs (2) and (3) of regulation 12 of those Regulations. Whether a neighbourhood plan proposal requires a strategic environmental assessment, and (if so) the level of detail needed, will depend on what is proposed. A strategic environmental assessment may be required, for example, where:

- a neighbourhood plan allocates sites for development
- the neighbourhood area contains sensitive natural or heritage assets that may be affected by the proposals in the plan
- the neighbourhood plan is likely to have significant environmental effects that have not already been considered and dealt with through a sustainability appraisal of the Local Plan.

Colchester Borough Council, in line with their duty to assist, deemed that the content of the emerging Neighbourhood Plan is such that an SEA should be undertaken due to the likelihood of significant effects on the environment. This is due to the Plan allocating sites for development.

The Wivenhoe Neighbourhood Plan Steering Group accordingly commissioned Place Services of Essex County Council to undertake an independent **Strategic Environmental Assessment (SEA)** on the Wivenhoe Neighbourhood Plan submitted in September 2016. The report can be [accessed on line](#).

An Addendum dated October 2017 to this SEA report screens amendments made to the Wivenhoe Neighbourhood Plan since its original submission date, and is submitted as a separate document.

Wivenhoe Neighbourhood Plan

Habitat regulation screening assessment

Revised June 2017

The Habitats Regulations include a requirement to carry out "appropriate assessment" for land use plans. Regulation 61 requires appropriate assessment of plans and projects likely to have a significant effect on a European site. Regulation 102 sets out that "the plan-making authority for that plan shall, before the plan is given effect, make an appropriate assessment for the implications for the site in view of that site's conservation objectives".

Definitions and legislation

(i). Special Protection Areas

A Special Protection Area (SPA) is a European designated area of land protected in accordance with Article 4 of the 'The Birds Directive', 1979. SPAs are classified for supporting rare and vulnerable birds (as listed on Annex I of the Directive), and for regularly occurring migratory species. All SPAs are also designated as Sites of Special Scientific Interest (SSSIs).

(ii) Ramsar Sites

Ramsar sites are designated under the Convention on Wetlands of International Importance. Site proposals for selection in the UK are advised by Natural England and guided by the criteria set out in the Convention.

Criteria for selection include presence of rare or substantial habitats and / or species. All Ramsar sites are also designated as SSSIs.

(iii). Special Areas of Conservation

Special Areas of Conservation (SAC) are strictly protected sites designated under the European Union's Habitats Directive. They provide increased protection to a variety of flora, fauna and habitats with the aim of establishing a European network of important high quality conservation sites that will make a significant contribution conserving habitats and species considered to be most in need of conservation at a European level.

(iv) The Conservation of Habitats and Species Regulation 2010

SACs, SPAs and Ramsar sites collectively form part of a European suite of sites known as Natura 2000 sites.

(v) Council Directive 92/43/EEC on the 'Conservation of natural habitats and of wild fauna and flora', commonly referred to as 'the Habitats Directive' was adopted in 1992. This Directive is the means by which the European Union meets its obligations under the Bern Convention. The Directive states that measures taken at a Community level are necessary to conserve threatened habitats and species. Member States are required to do a number of things, including;

(i) maintain and restore European protected habitats and species listed in the Annexes at a favourable conservation status, and (ii) contribute to a coherent European network of protected sites through the designation of Special Areas of Conservation (SACs). The Natura 2000 network must also include Special Protection Areas (SPAs) classified under Article 4 of the Birds Directive.

(vi) In England and Wales, the Habitats Directive has been transposed into domestic legislation through the Conservation of Habitats and Species Regulations 2010, as amended. This legislation consolidated the former Conservation (Natural Habitats, &c.) Regulations 1994, as amended. These Regulations are now widely referred to as the 'Habitat Regulations'. Part 6 of these Regulations sets out the assessment provisions (in relation to new plans and projects).

1. Natura 2000 sites in the locality of Wivenhoe

The following map shows all Special Protection Area sites within a 15 kilometre radius of Wivenhoe

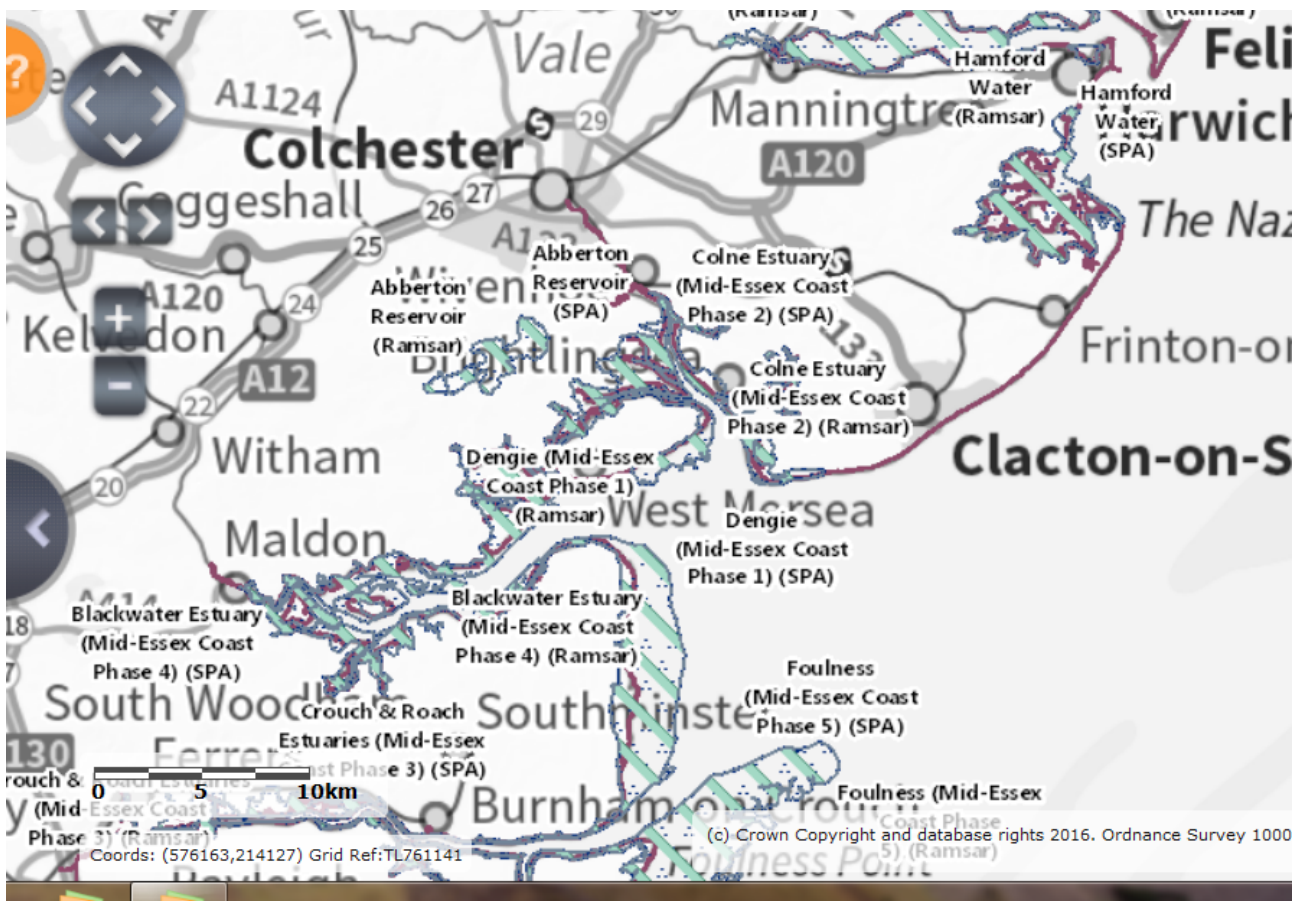


Figure 1

With the exception of Abberton reservoir the sites are estuarial or coastal .

There is also a large Special Area of Conservation site – Essex Estuaries, UK0013690 which is shown in the map below. This overlaps with the various Mid- Essex Coast SPA sites

Some details of the sites are given in the appendix.



Figure 2

The following map shows Natura 2000 sites in the immediate vicinity of the Wivenhoe Neighbourhood Plan area and also maps the proposed development sites included in the Plan.

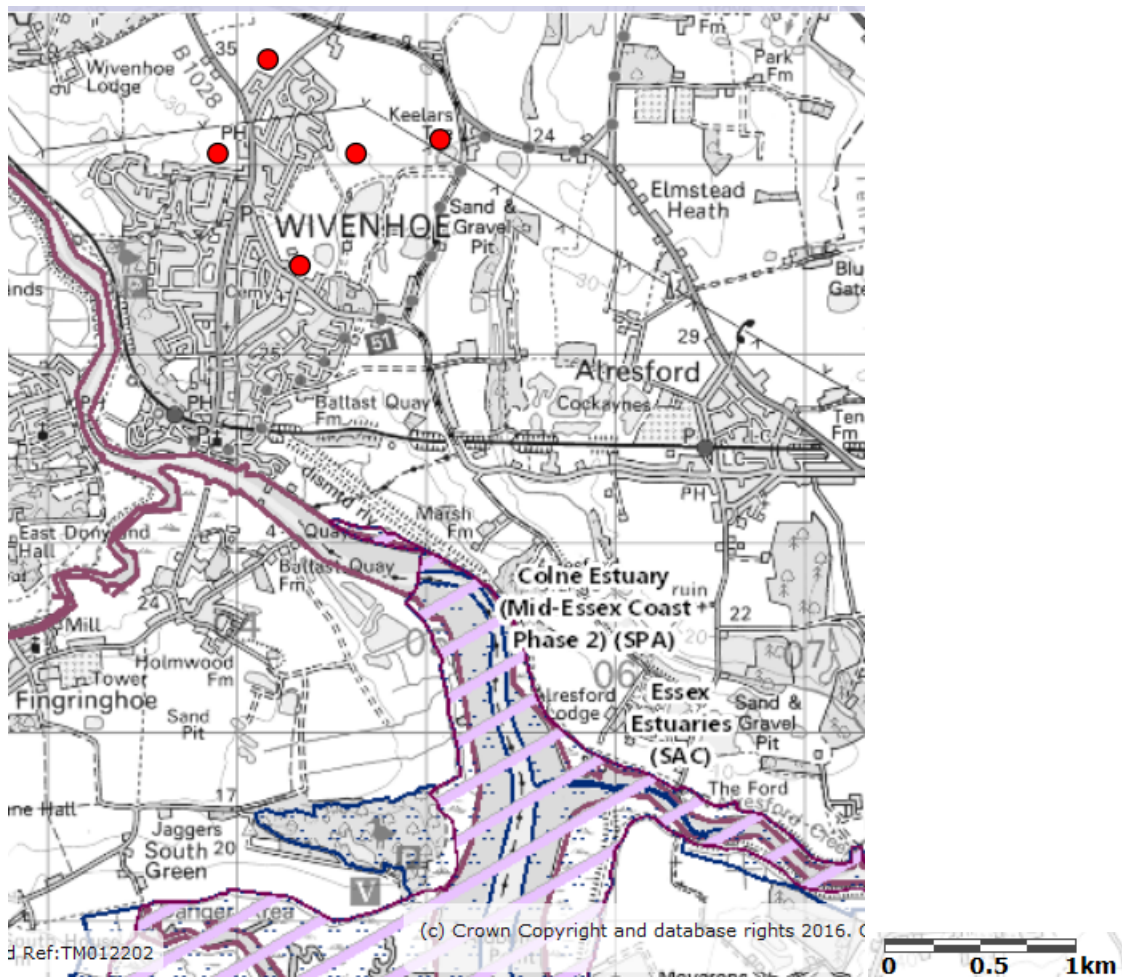


Figure 3

The red circles show the proposed development sites for housing and a potential business/commercial centre (the most easterly of the red circles). The mauve hatching shows the SAC and the blue outline, with dotted infill, shows the nearest SPA.

2. Background information

The Wivenhoe Neighbourhood Plan Area falls into three distinct areas

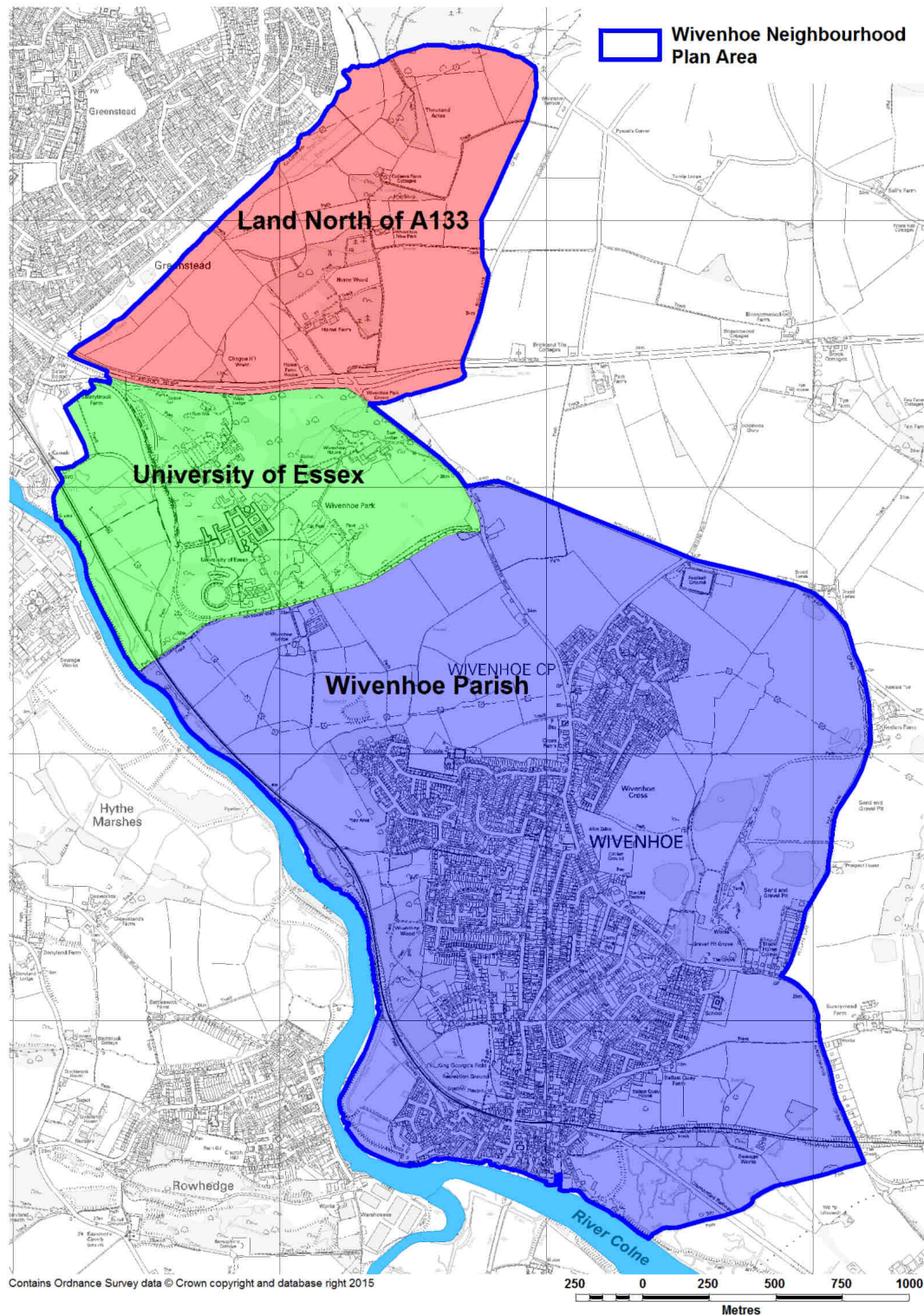


Figure 4

The Land to the North of the A133 has been declared a strategic area by Colchester Borough and the Wivenhoe Neighbourhood Plan can only make recommendations for land use here. The University of Essex area is almost entirely covered by existing planning policies and permissions and the

WNP only contains one policy relating to land use for this part. The great majority of the policies relate to the Parish Area.

The Wivenhoe Neighbourhood Plan contains 32 policies. A complete table showing any likely impact of these policies on Natura 2000 sites is given later in the text. The policies where there is the most potential for impact are those relating to housing and other development both on their own and in combination with other plans and proposals, which include the emerging Colchester and Tendring Local Plans, the Essex County proposed Replacement Waste Local Plan and the proposal from Natural England to create a stretch of the England Coast Path incorporating existing footpaths adjacent to the Colne,

The emerging Colchester Local Plan is looking to build some 920 new dwellings per annum in the Plan period, 2017-2032 and Tendring around 600 per annum. The Colchester Borough Issues and Options proposed a proportionate growth in Wivenhoe Rural District Centre. The emerging Colchester and Tendring District Plans include a potential garden settlement to the East of Colchester straddling the border of Colchester and Tendring which would include both housing and employment land. Some of this land falls within the Wivenhoe Neighbourhood Plan area as shown on the above map (land to the North of the A133). As this has been declared a strategic site by any development proposals for this site will be made as part of the Colchester and Tendring Local Plans.

The Replacement Waste Local Plan includes a recommendation that the inert waste and coated stone processing at Wivenhoe Quarry should continue at its current level. There will be no additional impact on local N2K sites if this is adopted as policy.

The proposals for the England Coast Path are discussed below in the section on recreational disturbance.

3.Direct impact of Wivenhoe site allocations on N2K designated sites

The WNP allocates 4 sites for additional housing, 250 dwellings in total and one site for potential business/light commercial use (the most easterly red circle in Figure 3) over the plan period to 2032. This represents slightly under a 7% increase in the number of dwellings. In addition there is existing permission for 32 dwellings and there is a potential for some limited infill. In combination with the housing proposed in the Plan the forecast growth over the plan period is somewhat under 10% which is lower than the growth proposed for Colchester Borough as a whole, which is around 20%.

The most southerly site (Croquet Gardens) is 1.36 kilometres from the nearest SPA. The proposal is for 25 dwellings. It falls in an impact zone which requires consultation with Natural England for a development of 50 or more dwellings.

The most northerly site (Land off Elmstead Road) is 2.47km from the nearest SPA. The proposal is for 25 dwellings and it falls in an impact zone which requires consultation for 100 units or more.

The most westerly site (Land Behind the Fire Station) is 2.01 kilometres from the nearest SPA. The proposal is for 80 houses. The Impact Zone contour bisects this site with a requirement for consultation for developments or 100 more for the northerly part and 50 for the southerly.

The most easterly of the housing sites (Land Beside Broadfields) is 1.72 km from its boundary to the nearest SPA. The proposal here is for 120 dwellings. The impact risk zone requires consultation for this scale of housing.

The sites selected for housing are all some distance from the Colne and are close to other areas for recreational walking. The Addendum to the Neighbourhood Plan provides information on the provision of open space and its location relative to the new developments. Wivenhoe is generously endowed with public open space.

The site proposed for use Business/Commercial falls in an impact risk zone which does not require consultation with Natural England for non residential rural development except on water supply. This site is marked on the map above (most easterly site) and is 2.1 kilometres from the nearest point of an SPA. Any impact on the SPA would appear to be negligible as a result of Business and Light Commercial use in this location.

3.1 Recreational disturbance

Any impact on a Special Protection Area from additional housing in Wivenhoe will be greatest for the nearest site, the Colne Estuary, Mid Essex Site, Phase 2, which lies just downstream from the border of the Neighbourhood Plan Area. Some information about the importance of the site is included in the appendix. It is a RAMSAR area and there could be a potential for harm to the habitat and for disturbance to breeding and over wintering birds. Much of this site is also covered by the Special Area of Conservation designation. The next nearest designated site is Abberton Reservoir which is 5 km from Wivenhoe at the nearest point. The visitor centre is about 8 kilometres from Wivenhoe as the crow flies and considerably further by road. This is a managed site with access restrictions. The impact of an additional 250 houses in Wivenhoe on total visitor numbers would be negligible for Abberton. The remaining sites are all some distance by road.

Recreational disturbance to the Colne Estuary Mid Essex Site could result from increased use of the footpath adjacent to this site and from additional use of the river Colne for various forms of water based activities.

3.1.1 Increased disturbance from walkers

A PROW runs along the riverbank on the seawall and the former railway track adjacent to this nearest SPA. This is a valued route for recreational walking and bird watching. People tend to keep on the footpath because of the terrain and do not stray onto the mud flats though dogs can be a problem.

In a recent application for development at nearby Alresford Natural England made the following comment on this footpath (see Tendring application , planning reference 14/10283/OUT comment from Natural England dated 21/01/15)

“We are aware that there are public footpaths that run alongside the estuary along the north side of Alresford Creek and north to Wivenhoe but note that these paths are already quite heavily used by people from Wivenhoe and therefore are not of particular concern to Natural England at present in terms of bird disturbance. The main high tide bird roost nearby is on the large area of salt marsh on the main channel just south of Alresford Creek”.

Natural England does however warn of possible cumulative effects of other potential development in the future.

There are no data on who uses the path or how many people. It is likely that the majority of walkers live in Wivenhoe but there are some who come from further afield. The sites proposed for housing in the WNP lie to the north of the settlement area and the proposed dwellings are on average about 1.9 kilometres as the crow flies from the nearest point of the SPA (further by road and footpath). Amenity space within the developments will required in line with Colchester Borough Policy and all the sites are near to open spaces which are used for recreational and dog walking. The Croquet Gardens site and the Broadfields sites are both adjacent to an area of around 14 ha of open space with both public and permissive footpaths. The Elmstead Road site is about 500 metres walking distance from this same area of open space. Similarly the site behind the Fire Station is 350 metres from this open space and close to Wivenhoe Woods. For those wishing to walk adjacent to the river the footpath upstream (The Wivenhoe Trail) is nearer to all the sites than the footpath downstream adjacent to the SPA. The use of the path downstream from the settlement area for dog walking and recreational use is therefore likely to be less frequent than for residents of the Wivenhoe settlement area as a whole. The planned 250 additional dwellings represent just under a 7% increase in the housing stock in the Parish area of Wivenhoe. Given the distance from the SPA and the availability of nearer open space the increase in those using the downstream PROW would be likely to be less than 7%. In addition some of the footpath users may be students living on campus and people living elsewhere so it is plausible that the percentage increase in foot traffic due to the proposed additional housing in Wivenhoe would be somewhere between 2 and 4 %. This would not present a likely significant effect on the SPA or threaten its integrity.

In view of the comments from Natural England above, in particular the observation that the main high tide bird roost lies to the south of Alresford Creek and so is not in close proximity to the footpath, the housing site allocations in the WNP are unlikely to result in a detrimental disturbance effects from walkers on the SPA downstream from the settlement.

3.1.2 Increased disturbance from water based activities arising from additional housing in Wivenhoe

Wivenhoe has a Sailing Club with about 300 members, including family members, which is about 4% of the Wivenhoe settlement area population, but some members come from the surrounding area. However it is predominantly a local club. The University of Essex bases its activities including yachting, dinghy sailing, kayaking, rowing and windsurfing at Brightlingsea. There is also has a public slipway for dinghies and kayaks in Wivenhoe and there are some private moorings. An increase of 10% in Wivenhoe's population (10% includes an estimate for potential infill development) could be expected to generate at most 30 extra members for the Sailing Club and there could be an

increase in kayak users and rowers. However, while there are a few places available in the public dinghy park (small boats only), boat storage is at full capacity at both Wivenhoe Sailing Club sites so any additional craft as a result of increase in Sailing Club membership, would be those that are transportable by road. The Wivenhoe Sailing Club does not cater for power boats and there are no launch facilities for these in Wivenhoe. Brightlingsea is the nearest alternative where storage and launching facilities are still improving and increasing. The estuary at Brightlingsea is also part of the Colne Estuary SPA but the river is wider than upstream nearer to Wivenhoe. Brightlingsea Harbour also has a patrol to enforce speed limits on this stretch of the river.

Sailing boats, rowing boats and kayaks do not create much disturbance to the bird population unlike power boats and jet skiers which can create both noise and wash which disturbs birds and erodes the banks. The impact of the proposed new housing in Wivenhoe on river use based on Wivenhoe would be relatively low given this is focussed on sailing boats and kayak/rowing use.

3.2 Loss of agricultural land

The total area of agricultural land allocated for housing development (including a care home) is 9.04 hectares with a further 2 hectares for playing fields and 2 hectares for a business/commercial centre. This is a very small fraction of total agricultural land in the vicinity of Wivenhoe and the SPA. This would have no significant effect on the bird species the SPA is designed to conserve.

3.3 Impact on water courses

The sites are well away from the river and it is proposed that SUDS schemes should be incorporated. As part of the proposal for a garden settlement an upgrade to the Colchester Waste Water Treatment Plant is included. No likely significant effects are identified from the Wivenhoe site allocations.

4. In combination effects

The effects of additional housing in Wivenhoe needs to be considered in combination with the proposals in the emerging Colchester and Tendring Local Plans which envisage a large increase in the number of dwellings (920 a year for Colchester, around 600 a year for Tendring for each year up to 2032 with further growth in subsequent years). This will have implications for all the Natura 2000 sites in North Essex.

From the Wivenhoe perspective the suggested garden settlement on land to the North of the A133 could add to the numbers using the downstream footpath. However the crow's flight distance from the closest point of the proposed site is 3.46 km and the average distance would be greater. The draft Local Plans include generous provision for open green space as part of the garden settlement to provide for local recreational and dog walking. It is possible that some residents might drive to either the small car park in Wivenhoe near to the downstream path or to the small car park at Alresford Creek but this would be likely to be on a very occasional basis. For those wishing to walk alongside the river the upstream path is nearer. From the approximate centre of the suggested site the crow's flight distance to the nearest point of the Wivenhoe trail is around 2.4 km and the shortest distance from the boundary is 0.66 km. The overall impact on pedestrian disturbance to the SPA is unlikely to be significant.

It is difficult to assess the impact on the downstream footpath of the proposal to create a section of Coast Path on the east bank of the Colne. A footpath already exists for the entire stretch from Colchester to Alresford Creek so any increase in foot traffic would be in consequence of any publicity effects of the creation of the path.

Section 18 of the draft Wivenhoe Neighbourhood Plan contains an action proposal that an information board should be placed at the gate leading to the downstream path advising walkers of the importance of the designated site and to ask for dogs to be kept under control.

Extra housing within Wivenhoe has to be viewed in the context of the impact on the various N2K sites of the overall plans for growth. Wivenhoe on its own cannot provide anything other than very local mitigation measures. The effects of population increase require Local Authority cross border co-operation. Colchester and Tendring are currently working to produce policies for this. The following is a statement from Colchester Borough:

Following completion of a Habitats Regulation Screening Assessment for Section 2 of the Colchester Local Plan it was concluded that proposals in the Wivenhoe Neighbourhood Plan when considered in combination with development proposals in Section 1 and some development proposals in Section 2 of Colchester's Local Plan had the potential to result in a significant increase in recreational disturbance on the Colne Estuary SPA/ Ramsar. These issues were further considered in an Appropriate Assessment. The Appropriate Assessment identified the need to prepare a Recreational Avoidance and Mitigation Strategy covering the Colne and Blackwater Estuaries Special Protection Areas and Ramsar sites and the Essex Estuaries Special Area of Conservation and a separate Recreational Avoidance and Mitigation Strategy for The Stour Estuary, with a view to their subsequent adoption as Supplementary Planning Documents. Colchester Borough Council, together with Tendring District Council and Braintree District Council, will begin work on these Recreational Avoidance and Mitigation Strategies in the summer of 2017. The strategies will identify where recreational disturbance is happening and the main recreational uses causing the disturbance. The strategies, where necessary, will require new residential development, that is likely to affect the integrity of the Colne, Blackwater and Stour European Sites, to pay for the implementation of the mitigation. The appropriate mechanism will be identified in the strategies and will be implemented by Colchester Borough Council as the local planning authority. As an alternative, developers may choose to implement bespoke mitigation measures, which will need to be agreed by Natural England and Colchester Borough Council.

The following Policy has been added to the draft Wivenhoe Neighbourhood Plan

Policy WIV 32: Recreational Avoidance from New Housing in Wivenhoe and Mitigation Strategies

Any proposed Recreational Avoidance and Mitigation Strategies will apply to development in Wivenhoe and any levy on new housing as part of these Strategies will apply to the new developments proposed as part of the Wivenhoe Neighbourhood Plan.

4. Plan Policies and potential impact on N2K sites

Policy WIV1. Wivenhoe Town Settlement Boundary

1. Development within the settlement boundary shall be guided by the relevant policies in the Wivenhoe Neighbourhood Plan and the Colchester Borough Local Plan.
2. Development outside the settlement boundary, as identified on the Wivenhoe Proposals Map, should:
 - ix. Demonstrate that it needs, or is compatible with, a countryside location; and
 - x. be in accordance with national, county and local policies for development within countryside areas; and
 - xi. be appropriate in terms of its scale, siting, and design; and
 - xii. protect, conserve or enhance landscape and townscape character, including maintaining settlement separation; and
 - xiii. protect, conserve or enhance the interests of natural and historic assets; and
 - xiv. apply a sequential approach to land at risk of fluvial or coastal flooding in line with national planning policy and guidance (or any successor document); and
 - xv. protect habitats and species and conserve or enhance biodiversity; and
 - xvi. provide for any necessary mitigating or compensatory measures; and
 - xvii. satisfy other relevant policies in the Wivenhoe Neighbourhood Plan.

This policy seeks to limit development outside the Town Settlement Boundary and will have no impact on N2K sites

Policy WIV2. Development on Wivenhoe Neighbourhood Plan land to the north of the A133.

Development within the Wivenhoe Neighbourhood Plan Area to the north of the A133 must provide adequate school, health and other community facilities on the site at an early stage to serve this new community to mitigate any impact resulting from large scale development on the services and facilities in Wivenhoe.

The policy will have no impact on N2K sites

Policy WIV 3. Settlement Coalescence

All development proposals should, where appropriate:

- (i) retain the physical separation of the Wivenhoe settlement area from the University campus as shown in the Wivenhoe Proposals Map; and
- (ii) demonstrate that the proposal does not contribute to coalescence of the Wivenhoe settlement with the University of Essex campus or potential settlements/settlement expansion in Tendring District.

This policy seeks to preserve a separation between the Settlement Area and adjacent or potential adjacent development and will have no impact on N2K sites

Policy WIV 4. Protecting the Setting of the River Colne

Countryside that contributes vistas of high value towards the River Colne and its estuary, or that can be clearly viewed from the river or land on the Rowhedge and Fingringhoe side of the river as shown on the Wivenhoe Proposals map (Colne Protection Belt) should be protected from development which significantly detracts from these vistas or views. Any development proposal should satisfy the following conditions:

- (i) Demonstrate a need to be located in the Colne Protection Belt area; and
- (ii) Be safe from flooding and not have an unacceptable impact on the estuarine coast; and
- (iii) Not significantly impact on the landscape character, on important nature conservation, or on maritime uses; and
- (iv) Have economic and social benefits important to the well-being of the estuarine coast; and
- (v) Take into account the effects of climate change; and
- (vi) Must not hinder any proposed coastal path.

This policy seeks to protect land adjacent to the Colne from development. It will have no negative impact on N2K sites

Policy WIV 5. University Marshes

This area of land which is a designated wild life site and which also contributes to the green corridor between the Wivenhoe Settlement area and Colchester should be protected from development.

This policy also seeks to protect land adjacent to the Colne will have no negative impact on N2K sites

Policy WIV 6. Access to the river Colne

a) except as provided in b) proposals for development affecting access to the River Colne will be supported which satisfy the following:

- (i) the existing footpaths/pedestrian route adjacent to the River Colne should be protected; and
- (ii) access to the river for people to launch small craft should be retained; and
- (iii) the importance of the river for wildlife must be recognised in any proposals to increase access to the river.

b) Proposals that would result in enclosure of further parts of The Quay would be opposed.

This policy seeks to protect existing footpaths. In itself it has no additional impact on N2K sites.

Policy WIV 7. Protection of Open Spaces, Play Areas, Sports Fields & Allotments

Those areas shown as Open Space, Play Areas, Sports Fields and Allotments on the Wivenhoe Proposals Map (Fig. 22) shall be protected from development unless:

- (i) the proposal would not result in the loss of an area important for its amenity, including its contribution to the green infrastructure network and to the townscape character of the area; and
- (ii) 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.

This policy has no impact on N2K sites

Policy WIV 8. Provision of Additional Sports Pitches, Play Areas & Allotments

Development proposals in Wivenhoe Parish will be supported which satisfy the following:

- (i) Contribute to the cost of providing additional sports facilities in the Wivenhoe Parish to mitigate the impact of development through Section 106 contributions and or secured through a Community Infrastructure Levy as appropriate; and

(ii) Provide amenity space within the development area equal to at least 10% of the site area where the development is of 25 or more dwellings.

This policy has no impact on N2K sites

Policy WIV 9. Local Green Spaces

That part of Ferry Marsh (as shown on the map in Fig. 22) and the area of land opposite Millfields School (as shown on the map in Fig. 23) shall be designated as Local Green Spaces.

The two areas proposed as Local Green Spaces are already designated as open space. Designating them as Local Green Spaces will give enhanced them protection but will not affect the current pattern of usage and will have no impact on N2K sites.

Policy WIV 10. The Goods Shed, Station Yard, Wivenhoe

Development proposals for commercial, residential or leisure uses will be supported subject to the historical features of the building being respected otherwise the remains of this building must be removed and the space be used for additional car parking.

The Goods Shed is a listed building and currently derelict. The purpose of this policy is to extend the permitted use classes in the hope that a useful purpose can be found for the building. This will not impact on N2K sites

Policy WIV 11. The Quay Area at Wivenhoe

Proposals for development in the Quay Area (from Bath St to Walter Radcliffe Way) shall be supported which:

- vii. recognise its designation as a BOAT (Byway Open to All Traffic); and
- viii. recognise its location within the Wivenhoe Conservation Area; and
- ix. promote the area as a place of heritage value and of importance to residents and visitors to Wivenhoe; and
- x. protect and enhance people's safety when walking without fear for their personal safety or that of their children from cars, motor-bikes or cyclists; and
- xi. do not impede the view of the river or from it; and
- xii. do not lead to additional car parking spaces on the Quay; and

contribute to the enhancement and maintenance of the Quay's surface to ensure it is safe and accessible to all pedestrians.

This policy will not impact on N2K sites

Policy WIV 12. Infill and Backland Development on Garden Sites

Proposals for development within the curtilage of existing dwellings should:

- viii. Ensure that the design of the proposed development reflects the character of the surrounding townscape including respecting the scale, mass and height of surrounding properties and avoid the appearance of cramming;
- ix. Ensure that neighbouring properties amenities are not adversely affected;
- x. Not result in the loss of gardens which are important to the surrounding townscape;
- xi. Reduce the risk of flooding to surrounding properties from either surface water or fluvial flooding;

- xii. Include adequate on-site car parking on both the existing property and the proposed site so as not to increase the need for additional on-street car parking;
- xiii. Ensure that there is no severe impact on wild life;
- xiv. Include mitigation measures to prevent an unacceptable increase in traffic flows on residential streets.

Proposals for Infill and backfill within the Settlement Area have to satisfy the Borough's planning policies. This Wivenhoe policy seeks to tighten the conditions that must be met and will have no impact on an N2K site.

Policy WIV 13. Townscape Character Conservation

Development proposals will be supported where they:

- (i) Ensure extensions and conversions of residential properties are designed to conserve features of existing streets and estates where these contribute positively to the townscape; and
- (ii) Protect greenswards adjacent to the highways.

This policy is concerned with the townscape and will have no impact on an N2K site.

Policy WIV 14. New Indoor Community Facilities

Financial contributions from development sites within the Parish of Wivenhoe for new indoor sports and recreational facilities should be used to provide additional facilities within or immediately adjacent to the Settlement Area to address both the existing shortfall and to provide for the needs of an increased population.

This policy will have no impact on an N2K site.

Policy WIV 15. Indoor Community Facilities

Support will be given to the provision of new or improved indoor community facilities.

Proposals that would result in the loss of an indoor community facility will only be permitted if alternative and equivalent indoor community facilities are provided or if there is strong evidence that the facility is surplus to requirements or economically unviable, including evidence that it has been properly marketed for at least 18 months.

Proposals for development which result in the loss of indoor community facilities will be required to provide alternative facilities and meet the following criteria:

- (i) the layout and scale of any proposed facility should be suitable for the same or a wider range of activities as the existing facility; and
- (ii) in respect of its opening hours and restrictions of public use, the availability of the facility should be at least equal or where possible enhanced; and
- (iii) the location of the alternative provision should be in close proximity to the existing facility and easily accessible by foot.

This policy will have no impact on an N2K site

Policy WIV 16. The University of Essex

The growth of the University within the campus area and the Knowledge Gateway business park will in general be supported subject to proposals demonstrating that new development will not adversely harm the existing residents of Wivenhoe. In particular support will be given to development proposals which improve the relationship between the university and existing residents, for example through the provision of shared facilities.

Outline planning permission/site allocations already exist for the Campus Area and for the Knowledge Gateway. The Campus and the Knowledge Gateway business Park are to the north of the Plan Area. This policy will have no impact on an N2K site.

Policy WIV 17. Traffic in Wivenhoe

Development proposals which generate traffic will be supported where:

- (i) they are backed by evidence that there will be no severe cumulative increase in traffic within the Wivenhoe Settlement area; and
- (ii) appropriate measures to reduce car traffic movements including the promotion of others modes of transport such as cycling, walking and public transport provision are taken.

This policy is concerned with the Settlement Area and will have no impact on an N2K site.

Policy WIV18. Improvements to Pedestrian and Cycle Provision

All new development including infill and backfill will be expected to link into the existing network of cycle paths, public and permissive footpaths and footways and where appropriate financial contributions will be required to improve pedestrian and cycle provision.

No additional cycle or pedestrian routes are proposed in the vicinity of the downstream SPA and this policy will have no impact on an N2K site..

Policy WIV 19. General Employment.

Proposals to convert present business or commercial properties into residential properties will be supported where it can be demonstrated that:

- (i) the commercial premises or land in question has not been in active use for at least 12 months; and
- (ii) the commercial premises or land in question has no potential for either reoccupation or redevelopment for employment generating uses as demonstrated through the results both of a full valuation report and a marketing campaign lasting for a continuous period of at least 12 months.

Proposals to build or redevelop properties within the Wivenhoe Settlement area as well as on sites designated on the Proposals Map suited for retail, small business services or light industrial or engineering activities (Use classes A and B1) will be encouraged subject to them:

- (a) being sympathetic in design and layout to the area in which they are proposed; and
- (b) not creating noise, dust or smell directly or indirectly from excessive vehicle movements.

This policy is concerned with the use of buildings within the existing settlement area and will have no impact on an N2K site

Policy WIV 20. The Brook Street Business Centre

The Business Centre at Brook Street is an important place for small businesses and provides valuable local employment opportunities and must be designated as an employment zone.

The Brook Street Business Centre is already used by small businesses and has no room for expansion. Designating it as an employment zone will not impact on an N2K site.

Policy WIV 21. Cedric's Site

Proposals for redevelopment of this site will be supported providing they are sympathetic in design and layout to the surrounding area. Proposals to include a mix of uses would be supported.

This will not impact on an N2K site.

Policy WIV 22. A Commercial/Light Industrial Business Centre

Development proposals for office and/or light industrial use (use class B1) on a two hectare site off Keelars Lane (as defined in Figure 30) will be supported.

This proposal is discussed in section 3 above. Given its distance from the nearest SPA (2.1km) this will have no impact on an N2K site.

Policy WIV 23. Additional dwellings in the Wivenhoe Parish

Proposals for new residential development will be supported on the four sites allocated for development in Policies WIV28-31 with a cumulative capacity of 250 dwellings and additionally on windfall sites within the settlement boundary.

The potential impact of building 250 additional homes in Wivenhoe is discussed in section 3 above in the context of the particular sites allocated.

Policy WIV 24. New Infrastructure

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

This policy is concerned with infrastructure requirements of developments and has no impact on N2K sites.

Policy WIV 25. Residential Care Home

Proposals for a residential care home (Use Class C2) within the Neighbourhood Plan area will be supported.

Two potential sites have been identified for a care home. One is adjacent to land proposed for housing beside the Fire Station and is 2.01 km from the nearest point of an SPA; the other is as part

of the allocation of land at Croquet Gardens which is 1.36 km from the nearest SPA. Care homes would be very unlikely to lead to additional recreational disturbance for the downstream SPA.

Policy WIV 26. Flooding risk and climate resilience

Proposals for development will be supported where it:

- (i) Is located to minimise the risk of fluvial or surface water flooding; and
- (ii) Provides sustainable drainage, as outlined in the Essex County Council SuDS Guide. Wherever possible this should be designed using above ground drainage features to help ensure robust treatment to improve the quality of water entering into local water bodies. The system should also promote wildlife habitats as well as green and blue corridors in relation to any new development; and
- (iii) Maximises the use of permeable surfaces wherever possible; and
- (iv) incorporates, at the build stage, technologies, such as solar panels, which reduce reliance on fossil fuels.

This policy will have no likely significant negative effects on N2K sites.

Policy WIV 27. Design and Access

Proposals which require a Design and Access Statement should address the following:

- i. Be of high architectural value, construction and operation; and
- ii. Demonstrate how sustainability and environmental considerations have been taken into account. Design should incorporate flexibility of use, some with potential for future expansion or alteration for lifetime living, with the aspiration that new dwellings meet Lifetime Homes design standards, (as identified in Appendix 2); and
- iii. Be styled to complement and respect existing dwelling types in the vicinity; and
- iv. Use good quality materials that complement the existing palette of materials used within the area with the promotion of high quality interior spaces and natural lighting; and
- v. Incorporate space and facilities conducive to working from home, where appropriate, with occupier controlled internet access to fibre, copper and other home office services; and
- vi. Incorporate well-designed access for pedestrians, cyclists and the physically disadvantaged; and
- vii. Ensure that all homes include outside storage space, and where flats are proposed, include adequate provision of personal secure outdoor general storage suitable for bicycles; and
- viii. Where appropriate demonstrate how the proposal integrates into the surrounding countryside, and
- ix. Where appropriate incorporate play areas with safe access to open and green spaces; and
- x. Ensure that gardens are appropriate to the type of dwelling proposed. This may mean that for some types of dwellings such as apartments and flats, or for older people, there may not be any garden, or there are gardens that could be provided under a service arrangement.

This policy is concerned with design and is not relevant to N2K sites

Site allocation policies: WIV28 to WIV31

Policies WIV 28 to WIV31 allocate land for residential development. The impacts of these sites have been discussed in section 3. Any potential impact on N2K sites would be via increased recreational disturbance. In section 3 it was concluded that there were no likely significant effects

from the Wivenhoe proposals considered in isolation but that there is a possibility of in combination effects with other emerging proposals.

For completeness the wording of the policies relating to site allocations is given below.

Policy WIV 28. Land off Croquet Gardens

An area of 1.35 hectares lying behind Croquet Gardens shown in Figure 32 is allocated for 25 residential dwellings and for a residential care home subject to the following conditions:

- (i) the 25 dwellings to each be of 3 bedrooms or less, and suitable for occupation by older people; and
- (ii) the overall design of the scheme to demonstrate that it will address the needs of older people; and
- (iii) 20% of all properties to be allocated as affordable housing application or that percentage relevant under Borough policies at the time the planning application is submitted; and
- (iv) the development be protected from impacts arising from Wivenhoe Quarry operations by means of suitable mitigation measures; and
- (v) the introduction of landscaping on the western boundaries of the site in order to ensure that development is well screened from existing properties there; and
- (vi) protective netting to be erected alongside the boundary with the Cricket Club that is suitably high to protect members of the public from stray cricket balls from the cricket ground; and
- (vii) that it can be demonstrated that development will not have a detrimental impact on wildlife, as evidenced through a wildlife survey; and
- (viii) 2 acres (0.8 ha) of land to be given to Wivenhoe Town Council for new allotments adjacent to the existing allotments and backing on to the gardens of the properties in Field Way; and
- (ix) the layout to provide:
 - a) all-weather footpaths and cycle tracks from Croquet Gardens to The Cross, and to the boundary with the Quarry site; and
 - b) a shared-use footpath and cycle track linking The Cross to the land in the north owned by Colchester Borough Council; and
- (x) a small area of land to be provided suitable for the informal parking of up to 20 cars for people to access the meadow behind the Cricket Club; and
- (xi) existing public and permissive rights of way to be maintained across the meadow; and
- (xii) contributions towards open spaces, sports, recreational facilities and community facilities shall be required in line with Borough Policies current at the time any application for planning permission is made.

Policy WIV 29. Land behind Broadfields

The land behind Broadfields shown in Figure 35 totalling 4.06 hectares is allocated for 120 dwellings subject to the following conditions:

- (i) a minimum of 45 dwellings shall be provided with one or two bedrooms which could be designed as homes for older people, or for single people, or for young couples. They could be bungalows, terraced properties or apartments; and (ii) the number of dwellings with 4 bedrooms or more shall not exceed 25 (these could include an office for home-working and / or an annexe to accommodate a relative); and
- (iii) dwellings, of whatever size, designed for older residents or active retirees should preferably be built to the Lifetime Homes standard; and

- (iv) 20% of all properties are to be allocated as affordable housing application or that percentage relevant under Borough policies at the time the planning application is submitted; and
- (v) it can be demonstrated that the development will not have a detrimental impact on wildlife, as evidenced through a wildlife survey; and
- (vi) vehicle access into the residential part of the site shall be provided from Richard Avenue; and
- (vii) 2 hectares of land in the northern part of the site adjacent to Broad Lane Sports Ground shall be provided for additional sports pitches; and
- (viii) a dedicated footpath / cycleway along Elmstead Road to link up Broad Lane Sports Ground with the built-up part of Wivenhoe shall be provided; and
- (ix) a shared-use footpath and cycle track shall be provided directly linking the development to the facilities at Broad Lane Sports Ground and linking with the public footpath to the south of the site; and
- (x) a contribution shall be paid towards the creation of a combined footpath/cycle track linking the new development to the public footpath (FP No. 14) from The Cross; and
- (xi) contributions towards open spaces, sports, recreational facilities and community facilities shall be required in line with Borough Policies current at the time any application for planning permission is made. Proposals to include some self-build plots within this site allocation will be supported.

Policy WIV 30. Land at Elmstead Road

The land shown in Figure 36 totalling 0.93 hectares is allocated for 25 dwellings subject to the following conditions:

- (i) each dwelling to be of a maximum of two bedrooms suited primarily for single people or as 'starter' homes for young couples; and
- (ii) 20% of these dwellings to be allocated as affordable housing or that percentage which is relevant under Borough policies at the time the planning application is submitted; and
- (iii) a cemetery of a minimum of 1.5 hectares in size be given to Wivenhoe Town Council that is provided with off-road parking for 12 cars, is suitably fenced on all sides, incorporates a suitable footway through it and has a cold water supply to a stand-pipe; and
- (iv) a hydrological survey to demonstrate that the cemetery will not have an unacceptable impact on local drainage; and
- (v) landscaping to be implemented on the north west boundary of the residential part of the site in order to ensure that development is well screened by trees and not easily visible to people travelling on Colchester Road; and
- (vi) that it can be demonstrated that development will not have a detrimental impact on wildlife, as evidenced through a wildlife survey; and
- (vii) the provision of appropriate pedestrian and vehicle access into the residential part of the site from Elmstead Road plus whatever other footway / highway improvements would be required by the highway authority; and
- (viii) contributions towards open spaces, sports, recreational facilities and community facilities will be required in line with Borough Policies current at the time any application for planning permission is made and Policy WIV8 in this Neighbourhood Plan.

Policy WIV 31. Land Behind The Fire Station

The land behind the Fire Station shown in figure 39 totalling 3.06 hectares of which 2.7 hectares is allocated for 80 dwellings subject to the following conditions:

- (i) 5 dwellings shall be built for people aged over 60 in need of housing, currently living in Wivenhoe or having close family connections to people living in Wivenhoe, to be built and managed by a local housing charity on one third of an acre of land (0.15 ha) within this site, close to Colchester Road, which shall be gifted to this housing charity; and
 - (ii) An additional minimum of 20 dwelling shall be built which are suitable for older people, appropriate for the frail elderly as well as being attractive to active retirees; these should preferably be built to the Lifetime Homes Standard and could be bungalows or single level apartments, or if two-storey apartments a lift should be incorporated; and
 - (iii) in addition a minimum of 15 dwellings shall be built, each of no more than 2 bedrooms, that could be designed as homes for older people, or for single people, or for young couples which could be bungalows, terraced properties or apartments; and
 - (iv) a maximum of 15 dwellings may be built of 4 bedrooms or more which could also include an office for home-working and / or an annexe to accommodate a relative; and
 - (v) all properties intended for older people and at least 50% of all dwellings should preferably be constructed to the Lifetime Homes Standard; and
 - (vi) excluding the 5 Wivenhoe Housing Trust dwellings specified in (i) above, 20% of dwellings are to be allocated as affordable housing or that percentage which is relevant under Borough policies at the time the planning application is submitted; and
 - (vii) a site for allotments is provided on a field of approximately 1.5 hectares close by Broomgrove Schools with a mains water supply together with an access track to provide vehicular access to this field with adequate passing places to allow vehicles to pass pedestrians safely as well as vehicles coming from the opposite direction; and
 - (viii) this track is to have an all-weather surface suitable to make it a safe footway and cycle track from Broomgrove Schools to Colchester Road by the Fire Station; and
 - (ix) contributions towards open spaces, sports, recreational facilities and community facilities will be required in line with Borough Policies current at the time any application for planning permission is made; and
 - (x) landscaping is introduced on the northern boundary of the site in order to ensure that development is well screened; and
 - (xi) suitable road and pavement access to Colchester Road is provided in accordance with the requirements of ECC Highways.
- Proposals to include some self-build plots within the overall allocation will be supported.
An additional 0.86 hectares of land, adjacent to the site allocated for housing, is proposed for a potential site for a care home. This area is as shown on the Wivenhoe Proposals map.

Policy WIV 32. Recreational Avoidance from New Housing in Wivenhoe and Mitigation Strategies

Any proposed Recreational Avoidance and Mitigation Strategies will apply to development in Wivenhoe and any levy on new housing as part of these Strategies will apply to the new developments proposed as part of the Wivenhoe Neighbourhood Plan.

This additional policy seeks to meet the objections from Natural England regarding the HRA requirement.

5 Conclusions

No likely significant effects on any European designated sites have been identified from the Wivenhoe Neighbour Pan considered in isolation. There may be in combination effects as a

consequence of the growth plans of both Colchester and Tendring jointly. These however have to be assessed at the Local Authority level. Colchester and Tendring are working together to consider these impacts and Wivenhoe will be bound by any Recreational Avoidance and Mitigation Strategies resulting from the joint LA appropriate assessment. It is considered that a separate full Habitat Regulation Assessment is not required for the Wivenhoe area.

Appendix:

Natura 2000 sites in the locality

SAC

Essex Estuaries SAC EU code UK0013690

Status	Designated Special Area of Conservation (SAC)
Area (ha)	46109.95

130 [Estuaries](#)

This is a large estuarine site in south-east England, and is a typical, undeveloped, coastal plain estuarine system with associated open coast mudflats and sandbanks. The site comprises the major estuaries of the Colne, Blackwater, Crouch and Roach rivers and is important as an extensive area of contiguous estuarine habitat. Essex Estuaries contains a very wide range of characteristic marine and estuarine sediment communities and some diverse and unusual marine communities in the lower reaches, including rich sponge communities on mixed, tide-swept substrates. Sublittoral areas have a very rich invertebrate fauna, including the reef-building worm *Sabellaria spinulosa*, the brittlestar *Ophiothrix fragilis*, crustaceans and ascidians. The site also has large areas of saltmarsh and other important coastal habitats.

1140 [Mudflats and sandflats not covered by seawater at low tide](#)

Essex Estuaries represents the range of variation of this habitat type found in south-east England and includes the extensive intertidal mudflats and sandflats of the Colne, Blackwater, Roach and Crouch estuaries, Dengie Flats and Maplin Sands. The area includes a wide range of sediment flat communities, from estuarine muds, sands and muddy sands to fully saline, sandy mudflats with extensive growths of eelgrass *Zostera* spp. on the open coast. The open coast areas of Maplin Sands and Dengie Flats have very extensive mudflats and an unusually undisturbed nature. Maplin Sands is particularly important for its large, nationally-important beds of dwarf eelgrass *Zostera noltei* and associated animal communities.

1310 [Salicornia and other annuals colonizing mud and sand](#)

Glasswort *Salicornia* spp. saltmarsh in the Essex estuaries on the east coast of England forms an integral part of the transition from the extensive and varied intertidal mud and sandflats through to upper saltmeadows. Although the saltmarshes in this area are generally eroding, secondary pioneer communities appear as a precursor to erosion on the seaward edge of degraded mid-marsh communities. The area of pioneer marsh includes gradation into extensive cord-grass *Spartina* spp. swards.

1320 [Spartina swards \(*Spartinion maritimae*\)](#)

The most extensive remaining stand of the native small cord-grass *Spartina maritima* in the UK and possibly in Europe is found in the Essex Estuaries. The stand is located at Foulness Point and covers approximately 0.17 ha. Other smaller stands are found elsewhere in the estuary complex, notably in the Colne estuary, where it forms a major component of the upper marsh areas.

1330 [Atlantic salt meadows \(*Glauco-Puccinellietalia maritimae*\)](#)

Although the saltmarshes in this area are generally eroding, extensive salt meadows remain and Essex Estuaries represents Atlantic salt meadows in south-east England, with floristic features typical of this part of the UK. Golden samphire *Inula crithmoides* is a characteristic species of these marshes, occurring both on the lower marsh and on the drift-line. It represents a community of south-east England also found to the south in mainland Europe.

1420 [Mediterranean and thermo-Atlantic halophilous scrubs \(*Sarcocornetea fruticosi*\)](#)

In this complex of estuarine marshes on the east coast of England the occurrence of Mediterranean and thermo-Atlantic halophilous scrubs is currently artificially restricted by sea-walls. It now occurs principally as a strandline community or at the foot of sea-walls. Recent managed retreat schemes offer the prospect of future expansion of the habitat type. The local variant of this vegetation, which features sea-lavenders *Limonium* spp. and sea-heath *Frankenia laevis*, occurs at one location, Colne Point.

SPA/ RAMSAR SITES

Colne Estuary (Mid-Essex Coast Phase 2) [UK11015](#) (nearest point 132 metres from Plan boundary, 350 metres from the Settlement boundary))

General overview of the site:

Colne Estuary is a comparatively short and branching estuary, with five tidal arms which flow into the main river channel. The estuary has a narrow intertidal zone predominantly composed of flats of fine silt with mudflat communities typical of south-eastern estuaries. The estuary is of international importance for wintering Brent Geese and Black-tailed Godwit and of national importance for breeding Little Terns and five other species of wintering waders and wildfowl. The variety of habitats which include mudflat, saltmarsh, grazing marsh, sand and shingle spits, disused gravel pits and reedbeds, support outstanding assemblages of invertebrates and plants.

The objectives for this site are:

Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the aims of the Wild Birds Directive, by maintaining or restoring;

- **The extent and distribution of the habitats of the qualifying features**
- **The structure and function of the habitats of the qualifying features**
- **The supporting processes on which the habitats of the qualifying features rely**
- **The population of each of the qualifying features, and,**
- **The distribution of the qualifying features within the site.**

The Colne Estuary qualifies as a Special Protection Area under the EU birds directive (79/409/EEC) for the following reasons

- Article 4.1: Important numbers of breeding little tern *Sternula albifrons*
- Article 4.1: Over winter the area regularly supports hen harrier *Circus cyaneus* (up to 2.5% of the population)
- Article 4.2: Internationally important assemblage of birds: The SPA regularly supports at least 20,000 waterfowl, with 38,600 individual waterfowl with a five year peak mean to 01/04/1998.
- Article 4.2: the area regularly supports:
Dark-bellied Brent goose *Branta bernicla bernicla* (non breeding; wintering)
Pochard *Aythya ferina* (breeding)

Ringed plover *Charadrius hiaticula* (breeding)
Common redshank
Tringa tetanus (non breeding; wintering and on passage)

Abberton Reservoir [UK11001](#) 4.7 kilometres distance as crow flies

General overview of the site:

Abberton Reservoir is a large storage reservoir built in a long shallow valley. It is the largest freshwater body in Essex and is one of the most important reservoirs in Britain for wildfowl. It is less than 8 km from the coast and its primary role is as a roost for the local estuarine wildfowl population

Blackwater Estuary (Mid-Essex Coast Phase 4) [UK11007](#)

General overview of the site:

The Blackwater Estuary is the largest estuary in Essex north of the Thames and, is one of the largest estuarine complexes in East Anglia. Its mudflats, fringed by saltmarsh on the upper shores, support internationally and nationally important numbers of overwintering waterfowl. Shingle and shell banks and offshore islands are also a feature of the tidal flats. The surrounding terrestrial habitats; the sea wall, ancient grazing marsh and its associated fleet and ditch systems, plus semi-improved grassland are also of high conservation interest. This rich mosaic of habitats supports an outstanding assemblage of nationally scarce plants and a nationally important assemblage of rare invertebrates. There are 16 British Red Data Book species and 94 notable and local species.

Dengie (Mid-Essex Coast Phase 1) [UK11018](#)

General overview of the site:

Dengie is a large and remote area of tidal mudflat and saltmarsh at the eastern end of the Dengie peninsula, between the Blackwater and Crouch Estuaries. The saltmarsh is the largest continuous example of its type in Essex. Foreshore, saltmarsh and beaches support an outstanding assemblage of rare coastal flora. It hosts internationally and nationally important wintering populations of wildfowl and waders, and in summer supports a range of breeding coastal birds including rarities. The formation of cockleshell spits and beaches is of geomorphological interest.

Jane Black, member of the Wivenhoe Neighbourhood Plan Steering Group