

Wivenhoe Neighbourhood Plan Regulation 16 Consultation – Summary of Representations

Respondent	NP Section	Representation
Robert Priseman	General	I have read the 'Wivenhoe Neighbourhood Plan' fully and wholeheartedly support all the recommendations and action points it proposes. It strikes me as a thorough and well researched document.
Charles Gooch (c/o Strutt and Parker) (includes attachments)	General	<p>The purpose of these representations is to set out our general comments and support for the WNP but make specific comments on the proposed housing allocation policies for the two sites. We previously made observations at draft and pre-submission stage of the WNP and many of the comments set out below are similar to those previously expressed. Indeed, our client is disappointed that those representations have largely been ignored in the Submission Plan. As the owner of two of the four sites identified in the WNP to provide 105 of the 250 homes proposed (40% of the overall total) this is regrettable. We would have hoped for greater dialogue over the contents and components of delivery on the two sites to aid the Basic Conditions. There has been no contact or feedback from the Neighbourhood Plan Group since our last submission of 6th September 2016 at pre-submission stage of the WNP (copy attached).</p> <p>General Comments</p> <ol style="list-style-type: none"> 1. We note that the WNP has been positively prepared recognising the need for new development for the benefits that it may bring for Wivenhoe, focussing on ensuring that it is delivered in a way that will contribute to rather than harm the quality of the town. My client, as a local landowner, has key interests in two of the proposed housing allocations. He is committed to continue to work in partnership with the Steering Group for the WNP and local community in bringing forward the proposals for the two sites to help deliver the homes and associated infrastructure that have been identified in the WNP. 2. We note that the Steering Group for the WNP have undertaken extensive work to establish the needs for Wivenhoe with a thoroughly researched evidence base to support and justify the proposed policies and allocations in the WNP. It is, of course, a fundamental requirement that the policies and allocations contained in the neighbourhood plan are deliverable to meet the Basic Conditions contained in Schedule 4B paragraph 8 (2) of the Town and Country Planning Act 1990. Landowners views and collaboration is therefore

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		<p>critical to this process. For the reasons set out above, we have concerns that this is not fully represented in the policies set out in the Submission WNP.</p> <p>3. Our principal concerns relate to certain policies and inconsistencies with those at local or national level and more particularly the specific requirements for the proposed sites for residential development for WIV30 and 31. With these there are elements of precision or detail which are not wholly justified and may well preclude other options for these sites to comply with the presumption in favour of and delivery of sustainable development.</p>
National Grid	General	<p>An assessment has been carried out with respect to National Grid’s electricity and gas transmission apparatus which includes high voltage electricity assets and high pressure gas pipelines, and also National Grid Gas Distribution’s Intermediate and High Pressure apparatus.</p> <p>National Grid has identified that it has no record of such apparatus within the Neighbourhood Plan area.</p>
Highways England	General	<p>Thank you for consulting us on the Wivenhoe Neighbourhood Plan we look forward to working with you to support development in Wivenhoe.</p>
Network Rail (includes attachment)	General	<p>In general the need to close level crossings should be considered where any development is likely to increase or change the nature of usage at a crossing. Closure of level crossings will help improve safety, reduce the number of accidents and also help to increase capacity of the network and maintain a robust railway timetable.</p> <p>In the nineteenth century, when the railways were constructed, many level crossings were provided because they were the cheapest form of making good the interruptions in land and public highways that resulted. Level crossings were acceptable on a low speed steam-powered railway, but trains have become faster, quieter, and more frequent, and the law and society have rightly become more concerned with safety.</p>

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		<p>Level crossings collectively pose the greatest risk to safety on the railway network. That is to say, almost half of non-suicide deaths (or injury equivalents) on the railway network are attributable to level crossings.</p> <p>It is widely acknowledged that closure of level crossings is the most effective way to remove the risk. It is therefore Network Rail policy to close level crossings where possible, and this is set out in the document Transforming Level Crossings 2015–2040 (attached). It is Office of Rail and Road (ORR) policy that Network Rail must work to reduce level crossing risk by 25% by 2018, including through closure of crossings.</p> <p>As a result, to aid in achieving the Governments targets of level crossing closures Network Rail would welcome a policy to support level crossing closures within the Local Plan. We are happy to discuss specific level crossings further if this would aid policy formation and justification.</p>
Historic England	General	<p>We have now had the opportunity to review your plan, and we are pleased to see that the conservation of the historic environment is a core objective, and is included in the considerations in the plan's policies. We do not wish to make any further detailed comments at this time, but for general additional information we would refer you to our detailed guidance on successfully incorporating historic environment considerations into your neighbourhood plan, which can be found here: https://historicengland.org.uk/advice/planning/plan-making/improve-your-neighbourhood/</p>
Environment Agency	General	<p>We have assessed the draft Neighbourhood plan as submitted and the below letter contains our response and information in relation to environmental issues that should be considered during the development of the Neighbourhood plan.</p> <p>Our principal aims are to protect and improve the environment, and to promote sustainable development, we:</p> <ul style="list-style-type: none"> • Act to reduce climate change and its consequences • Protect and improve water, land and air • Work with people and communities to create better places

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		<ul style="list-style-type: none"> • Work with businesses and other organisations to use resources wisely <p>You may find the following two documents useful. They explain our role in in the planning process in more detail and describe how we work with others; they provide:</p> <ul style="list-style-type: none"> • An overview of our role in development and when you should contact us. • Initial advice on how to manage the environmental impact and opportunities of development. • Signposting to further information which will help you with development. • Links to the consents and permits you or developers may need from us. <p>Building a better environment: Our role in development and how we can help: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/289894/LIT_2745_c8ed3d.pdf</p> <p>Environmental Quality in Spatial Planning http://www.english-heritage.org.uk/publications/environmental-quality-in-spatial-planning-supplementary-files</p> <p>We have reviewed the final version of the Wivenhoe Neighbourhood plan and have the following comments to offer.</p> <p>Ground Contamination</p> <p>Operators of cemeteries should take appropriate measures to manage their sites to ensure they do not cause an unacceptable risk to groundwater quality. These measures are set out in our comments below. The Local Planning Authority should consider whether they wish to secure specific measures through appropriate planning conditions. The development of new cemeteries in high vulnerability areas should be avoided, except where the thickness and nature of the unsaturated zone, or the impermeable formations beneath the site, protect groundwater; or where the long-term risk is mitigated by appropriate engineering methods.</p>

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		<p>We recommend that reference should be made to cemetery section in the Environment Agency's Groundwater Protection: Principles and Practice and information on the Natural Death Centre website.</p> <p>You may need to produce a hydrogeological risk assessment to show that there are minimal risks to the environment either at time of burial, or in the future. Reference should be made to our document "Assessing the Groundwater Pollution Potential of Cemetery Developments".</p> <p>Relevant best practice guidance must be followed and the design should be appropriate for the local circumstances, and should be based on site investigation.</p> <p>In principle any new cemetery or the extension of any existing cemetery must:</p> <ul style="list-style-type: none"> • be at least 250 metres from a well, borehole or spring used to supply water that is used for human consumption, or for use in dairy farms; • be at least 30 metres from any other spring or watercourse and at least 10 metres from any field drain; • have at least one metre of subsoil below the bottom of the burial pit, allowing a hole deep enough for at least one metre of soil to cover the remains • have at least one metre of unsaturated zone (the depth to the water table) below the base of any grave. Allowance should also be made to any potential rise in the water table (at least one metre should be maintained) <p>Flood Risk</p> <p>We agree with objective 10 which includes 'to minimise the potential impact of flooding.' As per our letter dated 30 April 2014, this can be done via the implementation of sequential testing and flood defences.</p> <p>This should be incorporated in any future development proposal sites. This will 'steer development away to areas with the lowest probability of flooding' as per paragraph 101 of the NPPF.</p> <p>Natural Capital</p>

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		<p>Studies have shown that natural capital assets such as green corridors and green amenity spaces are important in climate change adaptation, flood risk management, increasing biodiversity and for human health and well-being. An overarching strategic framework should be followed to ensure that existing amenities are retained and enhanced. We are pleased to see policy 17 looks to allocate 'Local Green Spaces' which will look to protect these areas from being developed on. Development management will guide the provision of green infrastructure which should be delivered in a collaborative approach between developers, councillors and the local community. SuDS are often part of building green infrastructure into design.</p> <p>For more information please visit http://www.susdrain.org/delivering-suds/using-suds/background/sustainable-drainage.html</p> <p>Please note that the view expressed in this letter are a response to the proposed Neighbourhood Development Plan only and does not represent our final view in relation to any future planning or permit applications that may come forward. We reserve the right to change our position in relation to any such application.</p>
Gladman	General	<p>This letter seeks to highlight the issues with the plan as currently presented and its relationship with national and local planning policy.</p> <p>Legal Requirements</p> <p>Before a neighbourhood plan can proceed to referendum it must be tested against a set of basic conditions set out in paragraph 8(2) of Schedule 4b of the Town and Country Planning Act 1990 (as amended). The basic conditions that the WNP must meet are as follows:</p> <p><i>(a) Having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the order.</i></p> <p><i>(d) The making of the order contributes to the achievement of sustainable development.</i></p> <p><i>(e) The making of the order is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area).</i></p> <p><i>(f) The making of the order does not breach, and is otherwise compatible with, EU obligations.</i></p> <p>National Planning Policy Framework and Planning Practice Guidance</p>

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		<p>The National Planning Policy Framework (the Framework) sets out the Government’s planning policies for England and how these are expected to be applied. In doing so it sets out the requirements for the preparation of neighbourhood plans to be in conformity with the strategic priorities for the wider area and the role in which they play in delivering sustainable development to meet development needs.</p> <p>At the heart of the Framework is a presumption in favour of sustainable development, which should be seen as a golden thread through both plan-making and decision-taking. For plan-making this means that plan makers should positively seek opportunities to meet the development needs of their area and Local Plans should meet objectively assessed needs, with sufficient flexibility to adapt to rapid change. This requirement is applicable to neighbourhood plans.</p> <p>The recent Planning Practice Guidance (PPG) updates make clear that neighbourhood plans should conform to national policy requirements and take account the latest and most up-to-date evidence of housing needs in order to assist the Council in delivering sustainable development, a neighbourhood plan basic condition.</p> <p>The application of the presumption in favour of sustainable development will have implications for how communities engage with neighbourhood planning. Paragraph 16 of the Framework makes clear that Qualifying Bodies preparing neighbourhood plans should develop plans that support strategic development needs set out in Local Plans, including policies for housing development and plan positively to support local development.</p> <p>Paragraph 17 further makes clear that neighbourhood plans should set out a clear and positive vision for the future of the area and policies contained in those plans should provide a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency. Neighbourhood plans should seek to proactively drive and support sustainable economic development to deliver the homes, jobs and thriving local places that the country needs, whilst responding positively to the wider opportunities for growth.</p> <p>Paragraph 184 of the Framework makes clear that local planning authorities will need to clearly set out their strategic policies to ensure that an up-to-date Local Plan is in place as quickly as</p>

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		<p>possible. The Neighbourhood Plan should ensure that it is aligned with the strategic needs and priorities of the wider area and plan positively to support the delivery of sustainable growth opportunities.</p> <p>Planning Practice Guidance It is clear from the requirements of the Framework that neighbourhood plans should be prepared in conformity with the strategic requirements for the wider area as confirmed in an adopted development plan. The requirements of the Framework have now been supplemented by the publication of Planning Practice Guidance (PPG).</p> <p>On 11th February 2016, the Secretary of State (SoS) published a series of updates to the neighbourhood planning chapter of the PPG. In summary, these update a number of component parts of the evidence base that are required to support an emerging neighbourhood plan.</p> <p>On 19th May 2016, the Secretary of State published a further set of updates to the neighbourhood planning PPG. These updates provide further clarity on what measures a qualifying body should take to review the contents of a neighbourhood plan where the evidence base for the plan policy becomes less robust. As such it is considered that where a qualifying body intends to undertake a review of the neighbourhood plan, it should include a policy relating to this intention which includes a detailed explanation outlining the qualifying bodies anticipated timescales in this regard.</p> <p>Further, the PPG makes clear that neighbourhood plans should not contain policies restricting housing development in settlements or preventing other settlements from being expanded. It is with that in mind that Gladman has reservations regarding the WNP's ability to meet basic condition (a) and (d) and this will be discussed in greater detail throughout this response.</p> <p>Relationship to Local Plan To meet the requirements of the Neighbourhood Plan Basic Conditions, neighbourhood plans should be prepared to conform to the strategic policy requirements set out in the adopted Development Plan.</p>

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		<p>The current adopted plan that covers the Wivenhoe Neighbourhood Plan area and the development plan which the WNP will be tested against consists of the Colchester Core Strategy which was adopted in December 2008 covering the plan period up to 2021. The Council undertook a focused review of the Core Strategy in July 2014. However, this review only assessed certain aspects of the Development Plan.</p> <p>To meet the requirements of the Framework, the Council has commenced work on a new Local Plan. Part 1 of the emerging Local Plan has been prepared jointly with Braintree and Tendring Districts Councils, and provides strategic policies for the North Essex Area. Part 2 of the Local Plan, deals specifically with local policies for the Colchester Borough. Within the emerging Plan, Wivenhoe is identified as a sustainable settlement and expected to accommodate at least 250 new dwellings over the plan period.</p> <p>On 9th October 2017 the Councils submitted the Local Plan and its accompanying documents to the Planning Inspectorate. Part 1 Examination in Public began on the 16th January 2018, with additional hearing sessions scheduled for May 2018. Part 2 Examination is yet to commence. As such, given that the Plan is still undergoing formal examination, there remains considerable uncertainty over what level of development that Wivenhoe may need to accommodate to assist the Council in meeting its OAN for housing. Accordingly, the Plan will need to ensure that it allows for sufficient flexibility to ensure that it is able to react to changes that may arise through the emerging Local Plan Examination.</p> <p>Gladman note that the plan period for the emerging 2 part Local Plan is 2017 through to 2033. The WNP plan period ends in 2032. We recommend that the WNP seeks to amend the plan period to be in full conformity with the emerging Local Plan.</p> <p>Conclusions</p> <p>Gladman recognises the role of neighbourhood plans as a tool for local people to shape the development of their local community. However, it is clear from national guidance that these must be consistent with national planning policy and the strategic requirements for the wider authority</p>

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		<p>area. Through this consultation response, Gladman has sought to clarify the relation of the WNP as currently proposed with the requirements of national planning policy and the wider strategic policies for the wider area.</p> <p>Gladman is concerned that the plan in its current form does not comply with basic conditions (a) and (d). The plan does not conform with national policy and guidance and in its current form does not contribute to the achievement of sustainable development. Gladman formally request to participate at the hearing session(s) should the Examiner decide it necessary to discuss these issues in a public forum.</p> <p>Gladman hopes you have found these representations helpful and constructive. If you have any questions do not hesitate to contact me or one of the Gladman team.</p>
Essex County Council (includes attachments)	General	<p>Minerals and Waste ECC is responsible for minerals and waste planning in the area proposed to be covered by the Plan. In respect of mineral planning issues, extant policy is set out within the Essex Minerals Local Plan (MLP) (adopted 2014). In respect of waste planning issues, extant policy is set out within the Essex and Southend-on-Sea Waste Local Plan (WLP) (adopted 2017). The WLP includes site allocations and policies to guide future waste development in Essex up to 2032.</p> <p>During preparation of the WLP, Site W13 - Wivenhoe Quarry Plan Area was considered for allocation as a permanent site suitable for recycling of inert waste. This allocation was removed at the request of the operator, and instead a section of the neighbouring mineral site (Sunnymead, Elmstead and Heath Farms – WLP reference L(i)5) was instead allocated for this purpose. See appendix A for a map of this site and the relevant policy allocations and planning permissions. 2</p>
Essex County Council	General	<p>Sustainable Travel It is recommended that the Plan include information regarding Travel Planning. 3</p> <p><i>Residential Travel Plans (RTPs)</i></p> <ul style="list-style-type: none"> • Ensure that travel plan conditions are applied to all development applications in line with ECC's RTP thresholds. The current thresholds are as follows, however are subject to

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		<p>change in conjunction with updates/amendments to the ECC Developers' Guide to Infrastructure Contributions:</p> <ul style="list-style-type: none"> • 1 to 249 dwellings – Residential Travel Information Pack (including bus/train tickets/vouchers where applicable) • 250+ dwellings – TP Monitoring Fee, Full Residential Travel Plan, and Travel Information Pack (plus tickets/vouchers where applicable) <ul style="list-style-type: none"> • All sites above the full RTP threshold should appoint a Travel Plan Coordinator to deliver/manage the Travel Plan. • Residential sites should provide on-site electric vehicle charge points where possible. • Neighbourhood Car Club(s) should be considered. <p><i>Workplace Travel Plans</i></p> <ul style="list-style-type: none"> • Travel Plan conditions should to be applied to workplace/commercial applications of 50 employees or above, with the addition of Travel Plan Monitoring Fees. • Workplaces should appoint a Travel Plan Coordinator to manage/deliver Travel Plans. <p><i>General Comments (Residential and Workplace Travel Plans)</i></p> <ul style="list-style-type: none"> • Travel Plan targets should be agreed with ECC. • Regular travel/traffic surveys should be conducted in line with ECC protocol. • Undertake regular review of Travel Plans. • Promote walking, cycling, public transport, electric vehicles, car sharing and other sustainable modes of travel. • Conduct Personalised Travel Planning to help inform residents/employees of sustainable alternatives.
Essex County Council	General	<p>Green Infrastructure</p> <p>Although the plan has policies that can be recognised as being part of the Green Infrastructure (GI) network, there is an opportunity to include a policy encompassing the GI as a whole,</p>

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		<p>recognising the value of wider multi-functional GI for both people and wildlife. An opportunity to identify GI deficiencies, which can be addressed through planning, such as improved connectivity to existing and new green spaces and types of 7</p> <p>green facilities in need (i.e. play park, Sustainable Urban Drainage), as well as the provision of new open space as part of the new development. The Neighbourhood Plan has already identified GI of value on page 43. This will provide opportunity to improve and enhance existing green spaces. It also gives scope for any developments to contribute to improvements to a green space based on community need. An example policy is provided below.</p> <p><i>Policy WIV: Green infrastructure and development</i> <i>Proposals will be encouraged that seek to enhance the green infrastructure of the parish, demonstrating how they:</i></p> <ul style="list-style-type: none"> • <i>Protect and enhance designated green spaces (listed on page 43) and/or create new green/open spaces where appropriate.</i> • <i>Improve the connectivity between wildlife areas and green spaces through green corridors and/or improvements to the Public, Rights of Way, and cycle and footpath networks.</i> • <i>Enhance the visual characteristics and biodiversity of green spaces in close proximity to the development.</i> • <i>Ensure their landscape schemes, layouts, access and public open space provision and other amenity requirements contribute to the connectivity, maintenance and improvement of the GI Network.</i> • <i>Take into consideration the principles of Sustainable Urban Drainage (SUDs), which will enhance biodiversity and ecosystems.</i> • <i>Consider the multi-functional use of local green spaces as part of the GI network.</i> <p>Neighbourhood Planning: Local Green Spaces by My Community is a useful guide on how Neighbourhood Plans can address green spaces and GI. https://mycommunity.org.uk/wp-content/uploads/2017/02/NP_Green-Space_0217.pdf</p>

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Colchester Borough Council	Throughout	Throughout the NHP update the Plan period to be consistent with the Local Plan. Change end date of Plan period from 2032 to 2033 throughout. To be consistent with the Colchester Local Plan.
Paul Griffith	Paragraph 4.3 and 4.4	The population figures for 2011 don't appear to add up correctly. 2,124 + 7,637 != 10,025. I have carefully read the Wivenhoe Neighbourhood Plan Draft. Apart from the minor comments listed above, I am in complete agreement with the plan and fully support it.
Paul Griffith	Paragraph 5.25	Population figures seem to contradict those in 4.3, 4.4. Non-parished area does not appear to be defined. I have carefully read the Wivenhoe Neighbourhood Plan Draft. Apart from the minor comments listed above, I am in complete agreement with the plan and fully support it.
Paul Griffith	Paragraph 5.3	Last sentence is repeated. I have carefully read the Wivenhoe Neighbourhood Plan Draft. Apart from the minor comments listed above, I am in complete agreement with the plan and fully support it.
Natural England	Paragraph 7.2 Objective 2	Natural England would recommend changing the word "foster" to "enhance" as this is more meaningful and sets out more clearly the overall ambition for the natural environment.
Colchester Borough Council	Policy WIV 1	No Change
Gladman	Policy WIV 1	Policy WIV 1 seeks to define a settlement boundary for the town of Wivenhoe. Development outside the settlement boundary is to be restricted to that which demonstrates a specific need. Gladman do not consider the use of settlement boundaries to be an effective response to future development proposals if it would act to preclude the delivery of otherwise sustainable development opportunities, as indicated in the policy. The Framework is clear that development which is sustainable should go ahead without delay. The use of settlement limits to arbitrarily restrict suitable development from coming forward on the edge of settlements does not accord

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		with the positive approach to growth required by the Framework and is contrary to basic condition (a).
Essex County Council	Policy WIV 1	The MLP and WLP are part of the development plan in Essex. Therefore in addition to the need for future development to be in accordance with the Neighbourhood Plan and the Colchester Local Plan, it is necessary to include reference to the Essex MLP and the Essex and Southend-on-Sea WLP.
Essex County Council	Policy WIV 1 (v)	<p>To allow better protection of both the natural and historic environment, it is recommended that this is split into two policies, particularly if the policy is being tested at a public inquiry. It might also be more NPPF compliant to phrase the historic environment policy as:</p> <p><i>‘Preserve or better reveal the significance of designated and non-designated heritage assets, including the contribution made to the assets’ significance by their setting.’</i></p>
Colchester Borough Council	Policy 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.
Gladman	Policy WIV 2	<p>Policy WIV 2 states that within the area to the north of the A133, development proposals must provide adequate school, health and community facilities. The policy further sets out that these amenities must be provided at an early stage of development.</p> <p>Gladman are concerned that there is not sufficient flexibility built into this policy to deal with potential viability issues that might arise. We refer to paragraph 173 and 174 of the Framework in this respect. Paragraph 173 states:</p> <p><i>“Plans should be deliverable. Therefore, the sites and scale of development identified in the plan should not be subject to such a scale of obligations and policy burdens that their ability to be developed viably is threatened. To ensure viability, the costs of any requirement likely to be applied to development, such as requirements for affordable housing, standards, infrastructure contributions or other requirements should, when taking account of normal costs of development and mitigation, provide competitive returns to a willing landowner and willing developer to enable the development to be deliverable.”</i></p>

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Colchester Borough Council	Policy WIV 3	No Change.
Gladman	Policy WIV 3	<p>Policy WIV 3 states that all development proposals should seek to retain the physical separation of the Wivenhoe settlement area from the University of Essex campus. In line with this policy, the proposals map identifies a 'Coalescence break', between the two areas.</p> <p>This is considered a strategic policy beyond the remit of neighbourhood plans that would have the effect of imposing a near blanket restriction on development to the north of Wivenhoe. It would effectively offer the same level of protection as Green Belt land without undertaking the necessary exceptional circumstances test for the designation of new areas of Green Belt. As stated by PPG paragraph 0741, a neighbourhood plan should not attempt to introduce strategic policies, such as this, which would undermine the strategic policies set out in the development plan. Gladman have been unable to identify any specific evidence to support the inclusion of this policy in the Neighbourhood Plan. It is vital that all of the evidence that underpins policies within the plan are available for review by anyone wishing to comment on the consultation.</p> <p>Further, the PPG makes clear that neighbourhood plans should not contain policies restricting housing development in settlements or preventing other settlements from being expanded. Accordingly, the WDP will need to be updated so that it takes into account the latest guidance issued by the Secretary of State so that it can be found in compliance with basic condition (a), (d) and (e).</p>
Cllr Mark Cory	Policy WIV 3	<p>I strongly support the wording and action in section 9.5-9.11 featuring Policy WIV 3.</p> <p>I suggest that stronger parameters are set over need for improvements along Clingoe Hill. Current traffic levels are unacceptable, requiring an immediate solution, as well as a long term solution in the light of Garden Settlement plans. Amend and strengthen - *encourage sustainable travel modes and ensuring new housing is located in areas which do not significantly impact upon the existing road network in Wivenhoe at peak times.</p>

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Colchester Borough Council	Policy WIV 4	No change but consider changing name of designation to something like River Colne Special Character Area, to make it more locally specific and relate directly to the local evidence.
Colchester Borough Council	Action- Land to the South and West of Boundary Road	<p>The Neighbourhood Plan supports the emerging Local Plan in the removal of designation of land for University expansion to the south and west of Boundary Road as shown on the Borough Council's Proposals Map (current adopted Local Plan) should be removed and supports the land being protected from development in accordance with Policies WIV3 and WIV4</p> <p>Need to reflect status and ability of the NHP to influence this</p>
Colchester Borough Council	Paragraph 9.17 First Paragraph	<p><i>9.17 First Paragraph</i> The adopted Colchester Borough Local Plan proposes the expansion of the University of Essex on to land south and west of Boundary Road (although it is proposed to remove this allocation in the emerging Local Plan). This area is of high landscape value as evidenced in the Open Countryside Assessment Report and has been highlighted as an area of importance to the actual and perceived separation of Wivenhoe from the University of Essex campus. It also contains a wooded wild life site. As a result the Wivenhoe Neighbourhood Plan Steering Group have been in discussions with the University of Essex and Colchester Borough Council regarding the future development plans of the University.</p> <p>Update to reflect the latest position in relation to the emerging Local Plan wording proposed through a SoCG to be a Modification to Section One Local Plan</p> <p>Final wording to be agreed between CBC / Uni and the WNP Group</p>
Colchester Borough Council	Paragraph 9.17 Second Paragraph	<p>Replace 9.17 second paragraph as follows;</p> <p>Whilst the development of the Campus is constrained by a number of environmental and heritage issues, the University is of the view that it should be able to accommodate its growth needs, up to 2024 / 2025, within its existing land ownership. However, and beyond that date, it is likely that it will need to expand beyond its current boundaries. Discussions with the University have revealed that it is willing to forgo the expansion allocation, as set out in the adopted Colchester Local Plan, provided that an appropriate, replacement, allocation is made. (as proposed in the</p>

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		<p>emerging Local Plan) Therefore, in agreement with the University and Colchester Borough Council, the Wivenhoe Neighbourhood Plan proposes the removal of this designation from the adopted Colchester Borough Local Plan 2001 – 2021 and the identification of a replacement allocation as part of the emerging DPD for the Tendring Colchester Borders. (see para 13.12). The current University expansion designation is referenced in the adopted Core Strategy as a proposed development in the East Colchester Growth Area and specifically in the Site Allocations DPD under Policy EC7. Following the removal of this proposed expansion site, the land should revert to protection from development in accordance with Policies WIV3 and WIV4 of the Wivenhoe Neighbourhood Plan relating to settlement separation and landscape impact, respectively.</p> <p>To update to reflect the latest position in relation to the emerging Local Plan wording proposed through SoCG to be a Modification to Section One Local Plan Final wording to be agreed between the CBC / Uni and the WNP</p>
Colchester Borough Council	Policy WIV 5	No Change
Colchester Borough Council	Policy WIV 6	No Change
Colchester Borough Council	Policy WIV 7	<p>Policy WIV 7 Protection of open spaces, places areas, sports fields and allotments Those areas shown as Open Space, Play Areas, Sports Fields and Allotments on the Wivenhoe Proposals Map (Section 19 Fig 21) 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.</p> <p>Correct reference.</p>

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Essex County Council	Policy WIV 7	The inclusion of the two primary schools in Table 2 and the restrictions policy WIV7 place on these sites are unacceptable as they would hinder any necessary expansion of these facilities to meet future demand.
Colchester Borough Council	Policy WIV 8	<p>Policy WIV 8 Provision of Additional Sports Pitches, Play Areas and 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 / recreation land and / or 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</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>To provide flexibility to match the evidence/ justification and intended role of the Policy.</p>
Charles Gooch (c/o Strutt and Parker) (includes attachments)	Policy WIV 8	We note that the WNP provides for a policy relating to the provision of additional sports pitches, play areas and allotments at Policy WIV8. This refers to requirements for Section 106 contributions or Community Infrastructure Levy (CIL). Colchester Borough Council does not have a CIL. It does have policies for contributions towards such facilities as part of an adopted Supplementary Planning Document (2006). It is therefore questionable whether this policy ought to appear in the WNP as this is a matter that is more properly dealt with by Colchester Borough Council.
Colchester Borough Council	Policy WIV 9	<p>Policy 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 as defined in the National Guidance</p> <p>To provide the policy context.</p>
Essex County Council	Chapter 11	<p>Historic Environment</p> <p>The Plan discusses ways in which to conserve and enhance Wivenhoe's heritage assets, and protect and improve positive features which contribute to the townscape (Objective 4). This is applauded, however the remainder of the document largely concentrates on specific built heritage assets with no reference to the Historic Environment and specifically non-designated heritage assets, including below ground archaeological remains.</p>

Respondent	NP Section	Representation
		<p>A summary of the historic environment of Wivenhoe should be included within the document. Wivenhoe contains sand and gravel deposits that have high potential for Palaeolithic archaeological remains and there is aerial photographic evidence for linear features and enclosures of unknown date which are indicative of historic or prehistoric activity. The HER for Colchester should be consulted for further information. 4</p> <p>Within Chapter 11 Heritage and Townscape Policies a summary of the historic environment of Wivenhoe should be added, and it is recommended that the additional text below would bring the document in line with NPPF requirements:</p> <p><i>‘Any designated heritage assets or their equivalent in the Parish and their settings, will be conserved and enhanced for their historic significance and their importance with particular regard to their local distinctiveness, character and sense of place.’</i></p> <p><i>‘Proposals for development that affect non-designated heritage assets will be considered taking account of the scale of any harm or loss and the significance of the heritage asset.’</i></p>
Colchester Borough Council	Policy WIV 10	<p>Policy WIV 10 The Goods Shed Station Yard Wivenhoe Development proposals for commercial, residential or leisure uses will be supported where they demonstrate the protection and enhancement of subject to the historical features of the building. being respected Otherwise the remains of this building must be removed and the use of the space be for additional car parking will be strongly supported.</p> <p>To improve clarity of wording</p>
Network Rail	Policy WIV 10	<p>It is understood that previous redevelopment proposals from Network Rail have been looked upon unfavorably at the pre-application stage due to the demolition elements of the scheme. In the interests of redeveloping the site in future it is suggested that at the end of this policy the wording ‘subject to viability’ is added. This is to ensure that the site is not blighted from redevelopment in future.</p>
Essex County Council	Policy WIV 10	<p>The building was clearly considered to be of national importance for its architectural and historic significance, reflected in the fact that it was historically listed grade II. In its current state it is still a building of historic and architectural significance, albeit diminished, and must be considered to</p>

Respondent	NP Section	Representation
		<p>be a non-designated heritage asset. The current policy as proposed would seem to be contrary to paragraph 135 of the NPPF, and does not encourage the preservation of the heritage asset in a manner appropriate to its significance. A more appropriate suggestion would be to suggest the adoption of an SPD, and whilst the current proposed uses might be the most appropriate, this should not preclude other uses would preserve the architectural or historic significance of the building.</p>
<p>Colchester Borough Council</p>	<p>Policy WIV 11</p>	<p>Policy WIV 11 The Quay at Wivenhoe Proposals for development in the Quay area (from Bath St to Walter Radcliffe Way) as shown on the proposals map (Fig ?) will 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 (vii) contribute to the enhancement and maintenance of the Quay’s surface to ensure it is safe and accessible to all pedestrians. <p>Consistency and to show spatially as for other proposals. Amend Map (Fig 24?)</p>
<p>Essex County Council</p>	<p>Policy WIV 11</p>	<p>The policy is supported from a heritage perspective, but in the necessary works to improve pedestrian/cycle use etc., consideration should be given to ensuring that any revised hard and soft landscaping and public realm improvements are done in a palette and design which best reflects and enhances the significance of the area. In particular, care should be taken that repairs works to pot holes etc., is done as part of a holistic plan for re-landscaping, and does not use generic materials such as black tarmac.</p>
<p>Colchester Borough Council</p>	<p>Policy WIV 12</p>	<p>No change</p>

Respondent	NP Section	Representation
Essex County Council	Policy WIV 12	<p>It would be beneficial to specifically include subsections requiring that all backland or infill development:</p> <p>1) Where applicable, preserves or enhances the character and appearance of the Conservation Area</p> <p>2) Does not have a detrimental impact on the contribution made by their setting to the significance of designated and non-designated heritage assets.</p>
Colchester Borough Council	Policy WIV 13	No change
Colchester Borough Council	Policy WIV 14	<p>WIV 14 New Indoor Community Facilities Financial contributions, required to mitigate the impact of new development 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>For clarity and consistency with the NPPF</p>
Colchester Borough Council	Policy WIV 15	<p>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 as agreed with the Local Planning Authority 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: (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>

Respondent	NP Section	Representation
		<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>To provide clarity and retain some flexibility.</p>
Essex County Council	Paragraph 12.13	It is strongly recommended that a policy supportive of meeting education need and improving the environment around schools should follow paragraph 12.13. Guidance regarding content can be found in section 6 of the ECC <i>'Local and Neighbourhood Planners' Guide to School Organisation'</i> .
University of Essex (c/o The JTS Partnership LLP)	Policy WIV 16 and actions	<p>The University notes, and very much welcomes, the support given to its presence, and the contribution that it makes to local economic and cultural life, as set out in the Draft Plan (principally paragraphs 13.1 to 13.14). It is, however, concerned that the Draft Plan proposes to delete the area of land to the south, and west, of Boundary Road, which is identified for further University expansion in the Colchester Borough Local Plan 2001-2021.</p> <p>The University has ambitious plans to expand, so that it can accommodate some 20,000 students across its three campuses at Colchester, Southend and Loughton, by 2024/2025. The great majority of this expansion will take place at the Colchester Campus. Whilst the University believes that there should be enough land, within the existing boundaries, to accommodate its needs up to 2024/2025, development is constrained by, among other matters, landscape, heritage and ecological issues.</p> <p>Accordingly, and in order to achieve its growth targets, it may need to expand outside of its existing land holdings before 2024/2025. After that date, and if it is to continue to grow, it will almost certainly need to expand beyond its current boundaries.</p> <p>The University's medium and long term expansion plans are acknowledged, and supported, by the Colchester Borough Local Plan 2001-2021, which allocates land to the south and west of Boundary Road for future growth. This land lies adjacent to the heart of the campus and is ideally suited to meet the University's medium to long term needs. The University is willing to consider alternative allocations but, and in the absence of any specific proposal being set out in either the</p>

Respondent	NP Section	Representation
		<p>Draft Neighbourhood Plan, or the emerging Colchester and Tendring Local Plans, it has to make an objection to the deletion of the current allocation (as set out at paragraphs 9.17 & 13.12, together with the Action on page 33) and the additional protection given to the land in Policies WIV3 & WIV4.</p> <p>Although not as well located to the Campus, the University is willing to look at an alternative site for future expansion, to the east of the B1028 and south of the A133. The University has had extensive discussions with both Colchester and Tendring Councils, in relation to their emerging local plans and the proposals for the Tendring Colchester Borders Garden Community. As a result, a Statement of Common Ground has been agreed which allowed the University to withdraw its objection to both the emerging Colchester and Tendring plans.</p> <p>The University has recently met with Wivenhoe Town Council, in order to try and achieve a similar outcome. Following these discussions, the University confirms that, if paragraphs 9.17 and 13.12, together with Policy WIV16 and the Action point on page 59, are amended along the lines set out below, then it will be able to withdraw this objection to the Wivenhoe Neighbourhood Plan Draft.</p> <p><i>9.17 Second Paragraph</i></p> <p><i>Whilst the development of the Campus is constrained by a number of environmental and heritage issues, the University is of the view that it should be able to accommodate its growth needs, up to 2024 / 2025, within its existing land ownership. However, and beyond that date, it is likely that it will need to expand beyond its current boundaries. Discussions with the University have revealed that it is willing to forgo the expansion allocation, as set out in the adopted Colchester Local Plan, provided that an appropriate, replacement, allocation is made. Therefore, in agreement with the University and Colchester Borough Council, the Wivenhoe Neighbourhood Plan proposes the removal of this designation from the adopted Colchester Borough Local Plan 2001 – 2021 and the identification of a replacement allocation (see para 13.12). The current University expansion designation is referenced in the adopted Core Strategy as a proposed development in the East Colchester Growth Area and specifically in the Site Allocations DPD under Policy EC7. Following the removal of this proposed expansion site, the land should revert</i></p>

Respondent	NP Section	Representation
		<p><i>to protection from development in accordance with Policies WIV3 and WIV4 of the Wivenhoe Neighbourhood Plan relating to settlement separation and landscape impact, respectively.</i></p> <p>13.12</p> <p><i>Whilst it is expected that the growth of the University will largely be accommodated on land already owned by the University up to 2024 / 2025, it will need to expand beyond the boundaries of Wivenhoe Park at some time in the future. An new allocation for University expansion will be identified as part of the new garden community or as a direct land allocation in the emerging Colchester and / or Tendring Local Plans. The University's preference is that the replacement allocation should be to the south of the A133 and the east of the B1028. However, the Wivenhoe preference is that it should be located on land within the Wivenhoe Neighbourhood Plan Area to the north of the A133.</i></p> <p><i>Policy WIV16</i></p> <p><i>University of Essex</i></p> <p><i>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. Support will also be given to the identification of land for future University expansion as part of the emerging proposals for the Tendring Colchester Borders Garden Community.</i></p> <p>ACTION</p> <p>1. The land on the north side of the A133 considered by Colchester Borough Council as a strategic development site. Some of the site The land being considered by Colchester Borough Council for the Tendring Colchester Borders Garden Community should</p>

Respondent	NP Section	Representation
		<p><i>include an allocation be zoned for University expansion for academic uses and / or Knowledge Gateway expansion. The allocation for University expansion should be of at least of an area equivalent size to that currently zoned for University expansion to the south and west of Boundary Road.</i></p> <p>2. <i>The current University expansion in the Coastal Protection Belt to the south and west of Boundary Road will no longer be zoned for University academic expansion provided an area of at least equivalent size is allocated in the north side of the A133 as part of the Tendring Colchester Borders Garden Community.</i></p>
Colchester Borough Council	Policy WIV 16	<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 amenity of 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>To provide clarity.</p>
Colchester Borough Council	Action – Section 13 page 59	<p>Section 13 - page 59</p> <p>Action</p> <ol style="list-style-type: none"> 1. The land on the north side of the A133 is considered by Colchester Borough Council / Tendring District Council as a strategic development site. The Neighbourhood Plan favours that some of this site should be zoned for University expansion for academic uses and / or Knowledge Gateway expansion, of at least an area equivalent to that zoned for University expansion to the south and west of Boundary road (as in the current Adopted Local Plan). 2. The Neighbourhood Plan supports the emerging Local Plan with the current University expansion area in the Coastal Protection Belt to the south and west of Boundary Road no longer being zoned for University academic expansion provided an area of at least equivalent size is allocated through the master planning for the Tendring

Respondent	NP Section	Representation
		<p>Colchester Borders Garden Community (emerging DPD). The Neighbourhood Plan has a preference for this to be on land to the north side of the A133.</p> <p>Note: See Fig.16 for the map</p> <p>To update to reflect the latest position in relation to the emerging Local Plan wording proposed through SoCG to be a Modification to Section One Local Plan Final wording to be agreed between the CBC / Uni and the WNP</p>
Colchester Borough Council	Paragraph 13.12	<p>Whilst it is expected that the growth of the University will largely be accommodated on land already owned by the University up to 2024/2025, it will need to expand beyond the boundaries of Wivenhoe Park at some time in the future. A new allocation for University expansion will be identified as part of the emerging Tendring Colchester Borders DPD for the new garden community or as a direct land allocation in the emerging Colchester and / or Tendring Local Plans / DPDs. The University's preference is that the replacement allocation should be to the south of the A133 and the east of the B1028. However, the Wivenhoe preference is that it should be located on land within the Wivenhoe Neighbourhood Plan Area to the north of the A133.</p> <p>To update to reflect the latest position in relation to the emerging Local Plan wording proposed through SoCG to be a Modification to Section One Local Plan Final wording to be agreed between the CBC / Uni and the WNP</p>
Paul Griffith	Page 60 – 2 nd Action Point	<p>Also consider providing passing places, for example on the B1028 near to Rosabelle Avenue. I have carefully read the Wivenhoe Neighbourhood Plan Draft. Apart from the minor comments listed above, I am in complete agreement with the plan and fully support it.</p>
Colchester Borough Council	Policy WIV 17	No change
Essex County Council	Policy WIV 17	<p>Under Chapter 14: Getting Around Wivenhoe (page 60) there could be mention of the provision for electric vehicles charging points within the new developments. Paragraph 35 of the NPPF promotes sustainable transport under the Sustainability Objectives states that “developments</p>

Respondent	NP Section	Representation
		<p><i>should be located and designed where practical to...</i> (bullet point 4) <i>“incorporate facilities for charging plug-in and other ultra-low emission vehicles”</i>.</p> <p>The installation of wiring (installed at the same time as the general wiring for any new dwelling e.g. utilities) can provide provision for external EV charging facilities. This will not only help to mitigate potential air pollution from the growth of cars, but will represent a measure of “future proofing” to meet the growing demand as Government is committed to ban the sale of new diesel and petrol vehicles from 2040 in UK. Several car manufactures have announced they will only produce electric vehicles from 2019/20 onwards, such as Volvo and Jaguar/Land Rover. Currently just over 2% of all new car sales are either plug-in hybrid vehicles or pure electric vehicles. This figure is expected to be around 10% by 2025. The industry anticipates that by 2025 it will be cheaper to buy an EV than an internal combustion vehicle so at that point even without Government subsidies the share of EVs will continue to rise.</p> <p>The Neighbourhood Plan could consider including a statement that supports the installation of a certain percentage of active spaces and passive provision for all developments. Active spaces are fully wired and connected, ready to use, EV charging points at parking spaces. While passive provision requires the necessary underlying infrastructure wiring (e.g. the capacity in the connection to the local electricity network and electricity distribution board, as well as cabling to parking spaces) to enable simple installation and activation of a charge point at a later date.</p> <p>To address this point, the plan could include either a separate policy or an additional bullet point within the Policy WIV17 on page 60 as:</p> <p><i>‘The installation of EV charging point’s infrastructure (active or passive) in accordance with agreed minimum standards will be strongly encouraged and supported at all developments (domestic and commercial) with parking facilities.’</i></p>
Colchester Borough Council	Policy WIV 18	No change

Respondent	NP Section	Representation
Colchester Borough Council	Policy WIV 19	<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 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 to be agreed with the Local Planning Authority, lasting for a continuous period of at least 12 months, or any other agreed timescale as appropriate.</p> <p>Proposals to build or redevelop properties within the Wivenhoe Settlement area as well as on sites designated for employment use 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. (c) Proposals for retail / town centre uses will also need to demonstrate that that are no sequentially preferable sites where they exceed xx sq m</p>
Colchester Borough Council	Policy WIV 20	<p>WIV 20 The Brook Street Business Centre The Business Centre at Brook Street as shown on the proposals map fig 29 is an important place for small businesses and provides valuable local employment opportunities and is must be designated as an employment zone and as such will be safeguarded for employment uses.</p> <p>To clarify the intention of the policy. Amend Proposals map.</p>
Paul Griffith	Paragraph 15.9	<p>25 car parking spaces is inadequate. I have carefully read the Wivenhoe Neighbourhood Plan Draft. Apart from the minor comments listed above, I am in complete agreement with the plan and fully support it.</p>

Respondent	NP Section	Representation
Colchester Borough Council	Policy WIV 21	<p>WIV 21 Cedric's site Proposals for redevelopment of this site, as shown on the proposals map Fig x 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, subject to meeting other policies in this plan and the Colchester Local Plan where appropriate</p> <p>To add clarity. Amend Proposals map.</p>
East of England Co-operative Society (C/O Boyer)	Policy WIV 21	<p>submission is made on behalf of the East of England Co-operative Society in relation to their Cedric's Garage Site on the corner of The Avenue and De Vere Lane in Wivenhoe, which is proposed to be the subject of a site-specific policy in the Submission Stage of Wivenhoe's Neighbourhood Plan. This submission is made further to previous discussions and correspondence between the Society and the Parish Council in relation to this matter.</p> <p>It is noticed that the Policy (WIV 21), specifically relating to the Cedric's Garage site, has altered slightly from the previous Pre-Submission stage of Consultation and now includes the following in respect of wording:</p> <p>Submission Consultation - Policy WIV21: Cedric's Site <i>"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."</i></p> <p>The policy wording has removed previous references to the extant permission, which has been replaced with a greater focus on support for mixed use development. This is of considerable concern and we would suggest represents an unjustified material change to the policy.</p> <p>The express reference to mixed use development triggers uncertainty as to how alternative, solely residential, proposals that would both reflect the site's existing consented use and accord with the Government's thrust for achievement of sustainable development would be viewed.</p>

Respondent	NP Section	Representation
		<p>Further, as set out in previous representations, the East of England Co-operative Society, as owners of the site, have particular concerns that mixed use development (by definition including commercial elements) would not be economically viable. This view has been reached having regard to the particular circumstances of the site, including high costs involved in site clearance and remediation, which are known to be required.</p> <p>This economic viability has been both discussed with the Council and heavily referred to within previous representations submitted to the Parish Council during the course of the Neighbourhood Plan process.</p> <p>We also consider that the supporting text is overly restrictive, and in particular, the following text:</p> <p><i>“This site could also accommodate three-storey flats with businesses on the ground floor and dwellings above.”</i></p> <p>We consider that this element of the supporting text is not consistent with National Planning Policy, particularly in respect of paragraph 21 of the NPPF, which requires policies to be <i>“flexible enough to accommodate needs not anticipated in the plan and to allow a rapid response to changes in economic circumstances”</i>.</p> <p>It is also considered that the restrictive nature of the policy, as currently worded, also fails to comply with paragraph 173 of the NPPF, which requires Councils to apply careful attention to viability and costs in plan-making and ensuring that plans are deliverable.</p> <p>It is therefore requested that a more flexible approach to development of the site is included in the Plan, both in the policy wording itself, as well as supporting text, giving equal weight of support for either residential or mixed use developments.</p> <p>In this regard, we propose, and would be grateful if you would be able to give consideration to the following wording:</p>

Respondent	NP Section	Representation
		<p><i>“Policy WIV21: Cedric’s Site</i></p> <p><i>This site currently benefits from extant permission for housing development. As such proposals for either any alternative residential or mixed use schemes sympathetic to the surrounding area would also be supported.”</i></p> <p><i>Supporting Text - To remove the following:</i></p> <p><i>“This site could also accommodate three-storey flats with businesses on the ground floor and dwellings above.”</i></p> <p>It is in our view that the above suggested wording and removal of wording better reflects support for residential development, whilst ensuring that any future schemes for the site will be viable and deliverable. We consider that, without the above changes to the policy wording, the policy remains unjustified and inconsistent with National Planning Policy, therefore failing to meet the required test of soundness.</p>
Colchester Borough Council	Policy WIV 22	No change
Cllr Mark Cory	Policy WIV 22	<p>Removal of the Red Development area off of Broome Grove labelled 048 on Figure 31 page 77. Planning applications have been rejected due to the unsuitability of the site. This should remain protected and not be earmarked for any further development.</p> <p>Residents have serious concerns about the impact of development in Broadfields 180 on figure 31 page 77. The effect upon existing infrastructure would be too great.</p> <p>The area outlined for development 159 on figure 31 page 77, is too large. Residents are concerned about the impact upon amenity, the natural environment and existing infrastructure. What protection will be given to adjacent properties on Heath Road and Broome Grove? Furthermore, what guarantees do we have over the protection of the land adjacent between the Fire Station and the University? The plan should incorporate steps towards a fields in trust or</p>

Respondent	NP Section	Representation
		<p>Country Park legal status to protect this land and the land North West of Colchester road (to the South of the A133). The Neighbourhood plan is not strong enough on such protection issues.</p> <p>Development 160 on figure 31 page 77 should have a natural buffer between Feedhams Close and the new development. The development area could move North West further towards Brightlingsea Road B1027 with the cemetery land abutting the road. With this plan the development site could be enlarged, but also Elmstead Road and the junction with B1027 could be improved and pavements/cycle ways been installed along Elmstead Road on both sides.</p>
Tarmac Trading Ltd (includes attachments)	Policy WIV 22	Tarmac have been operating at the Wivenhoe Sand & Gravel Quarry for many years. As extraction ceases and restoration commences, Tarmac support the inclusion of an area of land (2 ha) allocated as an employment in the Neighbourhood Plan. Policy WIV 22 refers. A plan of Tarmac's land ownership is provided.
Colchester Borough Council	Policy WIV 23	No change
Charles Gooch (c/o Strutt and Parker) (includes attachments)	Policy WIV 23	<p>We are pleased to note that the Submission WNP has removed references to a “maximum” of 250 dwellings for the Parish area that was previously set out in the Draft Plan in line with our representations. Nevertheless, we consider that there should be clarity on the way housing numbers are expressed. By way of background, the WNP will need to ensure that the housing requirements for the Neighbourhood Plan area generally accord with the strategic policies contained in the current development plan, the Colchester Borough Council Core Strategy (2008 with Focussed Review July 2014).</p> <p>Policy SD1 of the Strategy sets the strategic housing requirements for the Borough and expresses the overall figure as “at least, 19,000 homes between 2001 and 2023”. Furthermore, the Draft Local Plan to replace the 2014 Local Plan at Examination also expresses the housing requirement for the period 2013 to 2033 as a minimum (18,400 homes) at Policy SP3. This is followed through at Table SG2 of the Plan where a 250 homes figure for Wivenhoe is expressed as a minimum.</p> <p>Against this background, we note that Policy WIV23 refers to the sites at WIV28-31 “with a capacity of 250 dwellings”. We would suggest that this policy and preceding paragraph 16.17</p>

Respondent	NP Section	Representation
		<p>should be explicit in stating these figures “as a minimum” or “at least” to be consistent with the development plan and national planning policy. We also note that paragraph 17.13 still states that the 250 dwellings is a maximum. This reference should be removed.</p> <p>As indicated in our representation of 6th September 2016, this approach does not mean that “any development goes” and that policies in the NP and those set out nationally and locally would still control development. Expressing numbers as a minimum would not mean that additional sites would need to be allocated so long as the Borough Council are satisfied that the allocations shown meet the needs arising from the adopted/emerging strategic policies of the development plan.</p>
Colchester Borough Council	Policy WIV 24	No change
Essex County Council	Policy WIV 24	<p>Policy WIV24 should recognise that ECC’s expectations are set out in our <i>‘Developers’ Guide to Infrastructure Contributions’</i> and it should be clear that these developer contributions are in addition to any specifically mentioned in policies WIV28-31.</p> <p>The need for additional school places should be monitored by reference to forecasts set out in ECC’s document <i>‘Commissioning School Places in Essex’</i>. For information, 250 houses would likely generate demand for approximately 75 primary and 50 secondary school places.</p>
Colchester Borough Council	Policy WIV 25	<p>WIV 25 Residential Care Home Proposals for a residential care home (Use Class C2) within the Neighbourhood Plan area will be supported, where appropriate.</p> <p>Add clarity.</p>
Colchester Borough Council	Policy WIV 26	<p>WIV 26 Flooding Risk and climate resilience Proposals for development will be supported, if they accord with other policies and where they: (i) Are located to minimise the risk of fluvial or surface water flooding; and (ii) Provide 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</p>

Respondent	NP Section	Representation
		<p>also promote wildlife habitats as well as green and blue corridors in relation to any new development; and</p> <p>(iii) Maximise the use of permeable surfaces wherever possible; and</p> <p>(iv) Incorporate, at the build stage, technologies, such as solar panels, which reduce reliance on fossil fuels.</p> <p>Add clarity.</p>
Essex County Council	Policy WIV 26	<p>It is positive that Policy WIV 26: Flooding risk and climate resilience (p 73) includes and supports proposals that incorporate the use of technologies, such as solar panels to reduce the reliance on fossil fuels at the build stage. The NPPF states that it recognises all communities have a responsibility “to contribute to energy generation from renewable or low carbon sources” and supports community-led initiatives. The Plan could mention other renewable energy technology for domestic and commercial developments, such as wind turbines, battery pods and community renewable heat initiative.</p> <p>A separate renewable policy is a way of communicating the communities’ position for renewable energy and the type of technology that could be considered. The Plan policies can provide and add detail to the policy on renewables within Colchester’s Local Development Plan.</p> <p>Useful documents and guidance include</p> <ul style="list-style-type: none"> • Low Carbon Neighbourhood Planning guidebook updated January 2018 produced by the Centre for Sustainable Energy <p>https://www.cse.org.uk/downloads/reports-and-publications/policy/community-energy/energy-advice/planning/renewables/low-carbon-neighbourhood-planning-guidebook.pdf</p> <p>Planning practice guidance for renewable and low carbon energy – Department of communities and Local Government –</p> <p>https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/225689/Planning_Practice_Guidance_for_Renewable_and_Low_Carbon_Energy.pdf</p>
Colchester Borough Council	Policy WIV 27	No change

Respondent	NP Section	Representation
Gladman	Policy WIV 27	<p>Policy WIV 27 requires that all developments determined to require a Design and Access Statement, adhere to a list of 10 defined principles.</p> <p>Whilst Gladman recognise the importance of high quality design, planning policies should not be overly prescriptive and need flexibility in order for schemes to respond to sites specifics and the character of the local area. There will not be a 'one size fits all' solution in relation to design and sites should be considered on a site by site basis with consideration given to various design principles.</p> <p>Gladman therefore suggest that more flexibility is provided in the policy wording to ensure that a high quality and inclusive design is not compromised by aesthetic requirements alone. We consider that to do so could act to impact on the viability of proposed residential developments. We suggest that regard should be had to paragraph 60 of the NPPF which states that: "<i>Planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles</i>".</p>
Essex County Council	Policy WIV 27	<p>Mention is made in paragraph 16.5 on page 69 that housing design should achieve Code for Sustainable Homes Level 6, whilst the Policy WIV 27 refers to Lifetime Homes design standards. It should be noted that the Code was withdrawn by Government in March 2015 and should no longer be used as a planning condition for new approvals.</p> <p>All energy/sustainable development requirements are now contained within the Building Regulations which are set at a level equivalent to the former Code for Sustainable Homes Level 4. This includes all new homes to be 'zero carbon' in terms of their 'regulated' emissions (space & water heating, fixed internal lighting). Therefore the reference to Codes for Sustainable Homes should be removed and replaced with '<i>should be in line with Building regulations with the aim to be zero carbon and to meet Lifetime homes standard</i>'.</p>
Essex County Council	Paragraph 17.7	<p>The assessment of the proposed site allocations needs to have shown that it has considered the impact of proposed allocations on the significance of the significance of heritage assets (designated and non-designated) and on the wider historic environment.</p>

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Essex County Council	Paragraph 17.17	ECC welcome the amended text included in para 17.17 as this reflects previous comments from the County Council.
Colchester Borough Council	Policy WIV 28	No change
Tarmac Trading Ltd (includes attachments)	Policy WIV 28	Support is also given for Policy WIV 28, Land off Croquet Gardens. The allocation of 25 dwellings will benefit the local community and move towards the intended target. Should the opportunity arise to extend the area of the allocation or promote it for housing, Tarmac will be supportive in future discussions.
Essex County Council	Policy WIV 28	Reflecting the changes to para 17.17, ECC welcomes the update to clause iv).
Colchester Borough Council	Policy WIV 29	No change
Essex County Council	Policy WIV 29	ECC welcome the amended text included in para 17.42 as this reflects previous comments from the County Council.
Colchester Borough Council	Policy WIV 30	No change
Charles Gooch (c/o Strutt and Parker) (includes attachments)	Policy WIV 30	The land shown in Figure 36 totalling 0.93 hectares is allocated for <i>a minimum</i> 25 dwellings development will be expected to accord with the following criteria: (i) The dwellings should <i>preferably</i> be a maximum of two bedroom suitable for single people or as starter homes for young couples; and (ii) 20% of these dwellings <i>should</i> be affordable housing, <i>subject to viability</i> or that percentage which is relevant under Borough policies at the time the planning application is submitted; and

Respondent	NP Section	Representation
		<p>(iii) <i>subject to suitability of ground conditions and viability</i>, a cemetery of a minimum of 1.5 hectares in size shall be provided to Wivenhoe Town Council with car parking for 12 cars, suitably fenced on all sides and incorporating a suitable footway through it, with a cold water supply to a stand pipe. [In our view, the requirements set out are too prescriptive and could be dealt with as part of the application process.];</p> <p>(iv), (v), (vi) and (vii) No comment. [These are matters that would be a normal requirement for any planning application and it is questionable whether these requirements should be expressed as policy.]</p> <p>(viii) [This is a matter that should be dealt with through the Borough Council policies and should be deleted or referred to in the supporting text.]</p>
Colchester Borough Council	Policy WIV 31	No change
Charles Gooch (c/o Strutt and Parker) (includes attachments)	Policy WIV 31	<p>The land behind the Fire Station shown in Figure 39 totalling 3.06 hectares of which 2.7 hectares is allocated for <i>a minimum</i> 80 dwellings. Development will be expected to accord with the following criteria:</p> <p>(i), (ii), (iii), (iv), (v) and (vi) [The mix expressed in the policy as drafted is presumptive and should be expressed as a guideline rather than part of a policy for the site. This could include reference to some self-build plots.]</p> <p>(vii) [Whilst there are no objections to land being set aside for allotment provision, the access to it, shown on Figure 40 and referred to in the policy, is unnecessary. Detailed planning for the site can provide for an access through the new development proposed by the Policy to meet the objectives vii) and viii).]</p> <p>(viii) Agreed [subject to viability, which should be stated.]</p> <p>(ix) [Refer to 4 above.]</p> <p>(x) and (xi) [These are matters that would be a normal requirement of a planning application and should be deleted or referred to in the supporting text.]</p> <p>We have no objections to the additional area of land adjacent to the site allocated for housing to be a potential site for a care home. However, it is considered that the area should form a firm allocation on the Proposals Map. In this regard, we made representations to the Colchester</p>

Respondent	NP Section	Representation
		<p>Borough Council Local Plan in August 2017 making the case that this area of land should be included within the settlement boundary. A copy of those representations is attached. The Local Plan Examination is yet to be scheduled. It is considered that the WNP Proposals Map 1 at page 94 should be amended to include the site for the care home within the settlement boundary for the reasons set out in the representations to the Local Plan.</p> <p>As indicated above, we consider that several of the site specific criteria set out in the policies that have to be satisfied contained within the wording of the policies or the allocations would or will be normal requirements of Borough Council planning policy (e.g. highways, pedestrian and vehicular accessibility wildlife surveys, landscaping, lifetime homes). Such matters ought to be referred to in the supporting text.</p>
<p>Charles Gooch (c/o Strutt and Parker)</p> <p>(includes attachments)</p>	<p>Policy WIV 30 and WIV 31</p>	<p>As indicated above, our client is the landowner of the sites proposed for allocation at Land at Elmstead Road and Behind the Fire Station, given the references WIV30 and 31.</p> <p>We are broadly supportive of the objectives of the WNP for the two sites. As set out in our representations of 6th September 2016, we continue to have reservations that, as drafted, the policies are over prescriptive and inflexible. In response to our previous representations, we note that the Consultation Statement (December 2017) indicated that “A review of the WNP will be undertaken against the background of all comments received” (page 40). However, there is little perceptible difference between the Draft of May 2016 and the Submission WNP. We therefore have to reiterate and add to the comments previously made in terms of :</p> <ul style="list-style-type: none"> • Practicality and deliverability of all aspects of the components of the proposed development as set out in the policies. • The scale of the likely planning obligations and other costs associated with each of the two sites. <p>By way of explanation, the delivery of the very specific detailed requirements on tenure/mix and size of units, whilst informed by the work on establishing local needs for the draft WNP, will also need to take account of the Strategic Housing Market Assessment prepared by HDH Planning and Development for Colchester Borough Council, Braintree District Council, Chelmsford City Council and Tendring District Council (2015) as well as advice in the Planning Practice Guidance</p>

Respondent	NP Section	Representation
		<p>(PPG), including that relating to market signals (paragraph 16). It is considered important to establish or make a distinction whether all the specific requirements are necessary so as to be expressed within the policy itself or desirable which ought to be expressed in the supporting text. This would ensure flexibility and provide certainty on the acceptability and achievability of development having regard to the local market considerations in particular.</p> <p>In terms of viability it will be important to ensure that the planning obligations necessary or sought as part of the policies are realistic, achievable and clearly expressed, so as not to compromise the deliverability of the development in accordance with the PPG. There is some ambiguity and uncertainty with the policies so far drafted. For instance, on the Land at Elmstead Road it is suggested that the allocation is subject to a cemetery and associated works be given to Wivenhoe Town Council. It is still not clear whether the developer is responsible for provision or is it intended that the land is provided? We would certainly suggest that this should be reworded to require land for a cemetery to be provided (assuming it is suitable for such purposes). The developer should not be responsible for the implementation of the cemetery.</p> <p>Furthermore, and in relation to the cemetery requirement, my client still remains to be convinced that the land identified for such purposes, at Figure 37, is the most appropriate site for such a development when considered against other alternatives. Whilst my client is willing to assist the Parish meet this objective, further land in his ownership and directly opposite the Football Club (as indicated on the plan attached) would present a better site where facilities (such as parking) could be shared with the Football Club.</p> <p>As indicated above, we continue to have concerns that the policies as drafted are more prescriptive than is necessary and there would almost certainly be other approaches which would be consistent with achieving sustainable development. Certainly, it is best practice that the wording of policies in Neighbourhood Plans should be reasonably flexible to meet the Basic Conditions. Our detailed comments and suggestions in relation to policies WIV30 and 31 are set out below. Elements shown in italics are where we consider changes should be made to the Policy. Elements shown in [] are where we suggest the requirements should be omitted and/or referred to in supporting text.</p>

Respondent	NP Section	Representation
		<p>To conclude, my client is committed to bringing forward proposals for the two sites at WIV 30 and 31 to assist meet the aspirations for the WNP and local community. Equally, it will be important to ensure that the policies to go forward in the WNP meet the Basic Conditions test to ensure that the plan is robust and able to deliver what has been set out.</p> <p>We would be pleased to review these matters with the Steering Group in the lead up to the Examination to determine the scope for a Memorandum of Understanding in order to aid the Inspector. We would also welcome the opportunity to appear at an Examination should this be arranged or provide further information to an Inspector as part of that process.</p>
Colchester Borough Council	Policy WIV 32	<p>WIV 32 Recreational disturbance Avoidance and Mitigation from New Housing in Wivenhoe and Mitigation Strategies</p> <p>The Essex Coast Any proposed Recreational disturbance Avoidance and Mitigation Strategyies (RAMS) will apply to development in Wivenhoe and any levy on new housing as part of thisese Strategyies will apply to the new developments proposed as part of the Wivenhoe Neighbourhood Plan.</p> <p>All residential development within the zones of influence of Natura 2000 sites will be required to make a financial contribution towards mitigation measures, as detailed in the Essex coast RAMS, to avoid adverse in-combination recreational disturbance effects on Natura 2000 sites.</p> <p>In the interim period, before the Essex Coast RAMS is completed, all residential development within the zones of influence will need to deliver all measures identified (including strategic measures) through project level Habitat Regulations Assessments, or otherwise, to mitigate any recreational disturbance impacts in compliance with the Habitat Regulations and Habitats Directive.</p> <p>Delete paragraph 18.7 and replace with the following:</p>

Respondent	NP Section	Representation
		<p>Colchester Borough Council is working with ten other Greater Essex local planning authorities, and Natural England, on a Recreational disturbance Avoidance and Mitigation Strategy (RAMS) for the Essex coast. RAMS is a strategic solution to protect the Essex coast from the recreational pressures of a growing population. A RAMS is usually driven by challenges and opportunities arising from planning issues. RAMS generally applies more broadly than at a single designated European site, provides strategic scale mitigation and enables the development of a generic approach to evidence collection and use.</p> <p>Financial contributions will be sought for all residential development, which falls within the zones of influence, towards a package of measures to avoid and mitigate likely significant adverse effects in accordance with policy SP2b of the Shared Strategic Section 1 Plan and policy ENV1 (Environment) of the Section 2 Colchester Borough Local Plan. This includes development allocated in Neighbourhood Plans within Colchester Borough. Details of the zones of influence and the necessary measures will be included in the Essex Coast RAMS Supplementary Planning Document (SPD).</p> <p>In the interim period, before the Essex Coast RAMS is completed, proposals within the zones of influence for recreational disturbance to European sites will need to carry out a project level Habitat Regulations Assessment and implement bespoke mitigation measures to ensure that in-combination recreational disturbance effects are avoided and/or mitigated.</p> <p>Amend 'NATURA' in paragraph 18.2 to 'Natura'.</p> <p>Amend paragraph 24.3 of Appendix 4:</p> <p>Colchester Borough and Tendring District Councils are working with nine other Greater Essex local planning authorities on a intending to introduce Recreational disturbance Avoidance and Mitigation Strategyies for the Essex coast to address the recreational impacts of increased population on the various Natura 2000 sites in Essexthe vicinity.</p>

Respondent	NP Section	Representation
		<p>To update on the progress of the RAMS & for consistency with Section 1 of the Local Plan.</p> <p>Building on discussion with NE at Examination wording has come from discussions and this is required as likely to be Adopted before the Local Plan.</p> <p>These changes seem to reflect the Rep from NE (need to fully consider but it makes ref to wording linked to Section One which is consistent)</p>
Natural England	Section 18 and Policy WIV 32	<p>Natural England advises that as currently worded this policy is not compliant with the Habitats Regulations. However, Natural England understands that Colchester Borough Council have prepared some wording for inclusion in the Wivenhoe Neighbourhood Plan to ensure compliance with the Habitats Regulations and the Essex Recreational disturbance Avoidance and Mitigation Strategy (Essex RAMS). Natural England agrees with this wording and provided that this text (as detailed in Appendix 1 of this letter) is inserted into this section of the Neighbourhood plan we would be satisfied that the plan would be compliant with the Habitats Regulations. We would also recommend that the specific action listed in paragraph 18.5 of erecting a notice board which requires owners to keep their dogs on leads should also be part of policy WIV 32.</p>
Natural England	SEA Report and Addendum (including HRA Screening)	<p>Paragraph 4.4.1 Wivenhoe Neighbourhood Plan HRA Screening Assessment - Natural England's advice was that there would be no likely significant effect alone but there would be a likely significant effect in combination – this section of the HRA needs to be updated accordingly.</p> <p>Provided the policy wording is strengthened in line with the our comments above we have no further comments to make on the SEA or the Habitats Regulations Assessment</p>