

Tendring
District Council



Ardleigh Neighbourhood Plan
Regulation 16 Consultation
Representations Received
(Redacted)

From: Wilson, Hannah <[REDACTED]>

Sent: Monday, June 26, 2023 2:06 PM

To: Planning Policy <planning.policy@tendringdc.gov.uk>

Subject: Ardleigh Neighbourhood Plan Consultation

Ardleigh Neighbourhood Plan Consultation

Thank you for notifying us on the above consultation.

The environment and water supply will be affected by pressures arising from climate change and additional demands associated with new development and population growth. Public water supplies are also under pressure from reduction in abstraction to make them more environmentally sustainable. We would welcome a policy requiring new development to meet 100 litres per person per day as set out in the government's Environment Improvement Plan (Water Efficiency Roadmap). Developers should be required to meet this and encouraged to demonstrate how they can go further utilising integrated water management and a fittings-based approach to minimise potable water use

If you have any questions regarding this response please let me know.

Kind regards

Hannah Wilson
Environmental Town Planning

Affinity Water Ltd
Tamblin Way, Hatfield, Hertfordshire, AL10 9EZ
www.affinitywater.co.uk | | www.facebook.com/affinitywater | | www.twitter.com/affinitywater
| | www.linkedin.com/company/affinity-water

This e-mail (including any attachments) is confidential and may also be legally privileged or otherwise protected from disclosure. If you are not the intended recipient of this e-mail or any parts of it please notify us by reply e-mail or by telephone on 01707 268 111 immediately on receipt and then delete the message from your system. You should not disclose the contents to any other person, nor take copies nor use it for any purposes and to do so could be unlawful. The presence of this footnote indicates: this email message has been tested for the presence of known computer viruses, unless the email has been encrypted (in part or full) wherein the email will not be checked for computer viruses. All incoming and outgoing emails may be monitored in line with current legislation. Affinity Water Limited (Company Number 02546950) is registered in England and Wales having their registered office, at Tamblin Way, Hatfield, Hertfordshire, AL10 9EZ. www.affinitywater.co.uk

From: Ardleigh Parish Council <info@ardleigh-pc.gov.uk>
Sent: Friday, June 23, 2023 11:53 AM
To: Planning Policy <planning.policy@tendringdc.gov.uk>
Cc: Ardleigh PC Planning <planning@ardleigh-pc.gov.uk>; ardeighnp@gmail.com
Subject: Ardleigh Neighbourhood Plan Regulation 16 response

Dear Tendring District Council,

In case it is needed, this is the formal response from Ardleigh Parish Council regarding the Ardleigh Neighbourhood Plan and supporting documents currently open for consultation under Regulation 16.

Ardleigh Parish Council fully supports and endorses the proposed Plan and its supporting documents.

Best wishes,

Rachel Fletcher
Parish Clerk
Ardleigh Parish Council
<https://ardleigh.website/>
<https://www.facebook.com/ardleighpc/>
<https://www.instagram.com/ardleighnp/>

For Neighbourhood Plan information
<https://ardleigh.website/have-your-say>

FAO Mr William Fuller
Tendring District Council
Council Offices, Town Hall
Station Road
Clacton-on-Sea
CO15 1SE

Our Ref: ARDLEIGH/NP/R16
Date: 26 June 2023
Telephone: [REDACTED]

By email: planning.policy@tendringdc.gov.uk

Dear Mr Fuller

Re: Consultation - Draft Ardleigh Neighbourhood Development Plan (Regulation 16)

Thank you for consulting Essex County Council (ECC) on the abovementioned Ardleigh Neighbourhood Plan (NP). ECC provides the following response, which reflects ECC's statutory role as the Minerals and Waste Planning Authority, the Highway and Transportation Authority, the lead authority for education (including early years and childcare), the Lead Local Flood Authority and our responsibility for providing and delivering adult social care (ASC) and public health services, together with leadership and advice on matters such as green and blue infrastructure, climate change and biodiversity net gain.

It is disappointing that the Parish Council did not include any of the changes put forward by ECC at the Regulation 14 stage. We note the Parish Council's response to our representations contained in the Regulation 14 Consultation Statement; however, we feel the NP would benefit from stronger policy provisions to ensure optimal outcomes are delivered. The NP can be far more ambitious and direct on several policy matters. Accordingly, most of our representations are once again reflected in this response.

Please contact me if you would like to discuss this response in more detail.

Yours sincerely

Matthew Jericho
Spatial Planning and Local Plan Manager

T: [REDACTED]
E: [REDACTED]
W: www.essex.gov.uk

ECC response to Consultation - Draft Ardleigh Neighbourhood Development Plan (Regulation 16)

NP REFERENCE / SECTION	COMMENT	CHANGE REQUIRED
Planning policy context	<p>ECC as the Minerals and Waste Planning Authority (MWPA) welcome appropriate reference to the Essex Minerals Local Plan 2014 (MLP) and the Essex and Southend-on-Sea Waste Local Plan 2017 (WLP) which together accurately reflect the Development Plan within Tendring District.</p> <p>Map 1 of this response on page 10 shows that almost all of the NP area is covered by a Minerals Safeguarding Area (MSA) designation. Proposals for non-mineral development coming forward in land designated as a MSA must demonstrate compliance with Policy S8 of the MLP. We note the response to our representation on this matter in the Consultation Statement, but once again reiterate the importance of including such references in the NP. Accordingly, additional wording should be an addition to the planning context section to cover this matter.</p> <p>There are currently minerals and waste infrastructure existing, allocated or permitted in the NP area. Detailed information around these sites can be found in Appendix 1 of this response.</p> <p>Policy S8 of the MLP establishes Mineral Consultation Areas (MCA) at a distance of 250m around permitted, allocated and existing mineral infrastructure, including extraction sites. ECC as the MWPA must be consulted on all applications for non-mineral development proposed within these areas.</p>	<p>The MWPA request the following wording should be an addition to the planning context section in the NP.</p> <p><i>“Most areas of the Neighbourhood Plan area are within a Mineral Safeguarding Area due to the presence of sand and gravel deposits beneath the ground. These areas are subject to a minerals safeguarding policy (Policy S8 of the Essex Minerals Local Plan), which seeks to prevent deposits being unnecessarily sterilised by non-mineral development. However, the housing allocations contained in the Neighbourhood Plan fall below the site size threshold at which the provisions of Policy S8 are engaged.”</i></p> <p><i>“Within the Neighbourhood Plan Area there are Mineral and/ or Waste Consultation Areas in relation to Crown Quarry, Martells Quarry, Slough Farm and Ardleigh Waste Transfer Station. These areas are subject to Policy S8 of the MLP which establishes Mineral Consultation Areas at a distance of 250m around permitted, allocated and existing mineral infrastructure, and/ or Policy</i></p>

NP REFERENCE / SECTION	COMMENT	CHANGE REQUIRED
	<p>Policy 2 of the WLP establishes Waste Consultation Areas at a distance of 250m (400m in the case of Water Recycling Centres) around permitted, allocated and existing waste infrastructure. ECC as the MWPA must be consulted on all applications for non-waste development proposed within these areas.</p> <p>Including such information in the NP will ensure clarity and appropriate cross references to relevant development plans.</p>	<p><i>2 of the Waste Local Plan which establishes Waste Consultation Areas at a distance of 250m (400m in the case of Water Recycling Centres) around permitted, allocated and existing waste infrastructure. Essex County Council as the Minerals and Waste Planning Authority must be consulted on all applications for non-minerals and non-waste development proposed within these areas.”.</i></p>
<p>Policy HP: Housing</p>	<p>ECC is the Adult Social Care (ASC) authority and must ensure that the needs of older adults and adults with a disability are reflected in line with our duty under the <u>Care Act 2014</u> and the wider prevention and maximising independence agendas. This includes reviewing both general needs housing, and any specialist housing provision.</p> <p>ECC are supportive of Policy HP 3b which states housing applications that include accessibility features will be looked at more favourability than those that do not.</p> <p>To support ageing in place, the needs of adults and children with disabilities and the prevention and maximising independence ambitions, ECC recommend that the NP strengthens its position in part 3b of the policy by making specific reference to both the Building Regulations Part M4 (2) and M4 (3) and the Tendring Local Plan Housing Standards Policy. It is noted in the Consultation Statement that the Parish Council states it is “highly unlikely” that such development will come forward and</p>	<p>ECC as the ASC authority request the following change:</p> <p><i>“On housing developments of 10 or more dwellings, 10% of market housing should be to Building Regulations Part M4(2) ‘adaptable and accessible’ standard. For affordable homes, 10% should be to Building Regulations Part M4(2) and 5% should be to Part M4(3) ‘wheelchair-user’ standards (Ref. Tendring District Housing Viability Assessment 12 May 2017).”</i></p> <p>It is also recommended, given the requirements around parking in Policy TP, this policy sets out a requirement that for any Part M4(3) homes parking also needs to be Part M compliant, i.e., 3.3m or capable of being widened. As a minimum, the number of spaces</p>

NP REFERENCE / SECTION	COMMENT	CHANGE REQUIRED
	<p>will consider such applications “on their merits”. In the event they do, there should be a clear policy basis to determine applications. The NP would not do this as currently drafted.</p> <p>ECC as the lead authority on education make the following points.</p> <p>Paragraph 11.8 states that the primary school is “<i>unable to withstand any further material expansion of [the] housing stock</i>”.</p> <p>Similarly, paragraph 11.13 describes Ardleigh St Mary’s Primary School as “<i>being at breaking point</i>”. This is an emotive statement and factually incorrect.</p> <p>These statements contradict paragraph 10.14 which correctly states that the primary school is “<i>likely to remain at or close to capacity</i>”.</p> <p>We do not support the comments in the Consultation Statement on this matter relating to our representation at the Regulation 14 stage. There are sufficient places at the local primary school and forecasts in the 10 Year Plan show there is sufficient capacity over the wider area.</p> <p>The primary school has an excellent record of meeting the needs of the local population in high birth years and, as of May 2022, 47.8% of the pupils on roll lived closer to other schools i.e., the</p>	<p>provided to this standard should reflect the number of Part M4(3) dwellings provided at any development.</p> <p>ECC at the lead authority for education recommend that the wording for paragraph 11.8 is clarified and preferably deleted.</p> <p>The reference to “evidence” in footnote 22 in education terms is not cited and from the information contained in the Consultation Statement is not supported.</p> <p>The preference is that this wording as it relates to schools is deleted or clearly stated that this is a perception of the community rather than reflecting the education authority’s evidence on school capacity.</p>

NP REFERENCE / SECTION	COMMENT	CHANGE REQUIRED
	<p>result of new housing would likely be that fewer pupils from outside the Priority Admission Area would gain a place.</p> <p>ECC recommend that the aforementioned wording is omitted from paragraph 11.8 as it is factually incorrect as it relates to schools.</p>	
	<p>ECC as the Lead Local Flood Authority (LLFA) recommends that Policy HP reference the issue of sustainable drainage systems (SuDS). We note the response to our representation in the Consultation Statement, but once again reiterate the importance of including such references in the NP.</p> <p>All new developments should incorporate SuDS, including rainwater harvesting, grey-water recycling etc to mitigate surface water flood risk. Further, all minor developments should manage runoff off using porous surfaces or otherwise discharge from the site should be limited to 1-year greenfield rates or 1 l/s, whichever is greater. There should also be the inclusion of SuDS drainage solutions to provide treatment to runoff generation from all new developments. Reference could also be made to relevant policy in the Tendring District Council Section 2 Local Plan.</p> <p>ECC recommend the promotion of multifunctional space, biodiversity and amenity space with a combination of blue and green features. All new developments should comply with the <u>Essex SuDS Design Guide</u>. The SuDS <u>Discharge Hierarchy</u> should also be considered where onsite infiltration or hybrid infiltration</p>	<p>ECC as the Lead Local Flood Authority (LLFA) recommends that the preamble to Policy HP includes reference to SuDS and relevant policy provisions in the Tendring District Council Section 2 Local Plan.</p> <p><i>“All development within the plan area should use Sustainable Drainage Systems (SuDS) to manage rainfall runoff from the site. Policy provisions are contained in the Tendring District Council Section 2 Local Plan. Techniques should encompass the four pillars of SuDS, addressing water quantity, water quality, biodiversity and amenity. In order to achieve these results, the use of above ground SuDS should be promoted. Where possible these features should be multifunctional, not only providing flood risk mitigation but also enhancing green infrastructure within the plan area.</i></p>

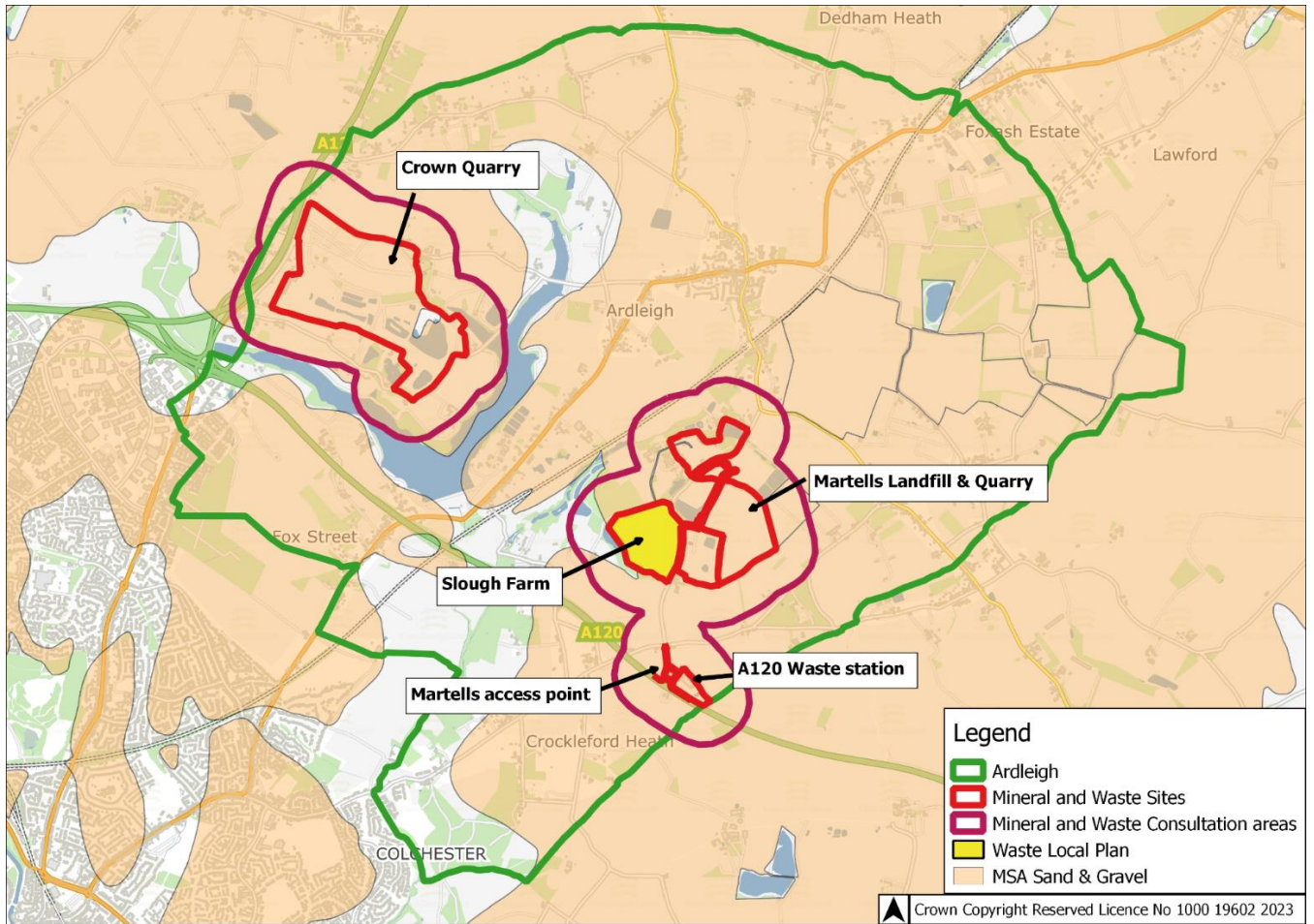
NP REFERENCE / SECTION	COMMENT	CHANGE REQUIRED
	<p>would be preferred discharge method, for sites where onsite infiltration is not viable first discharge to watercourse and then sewer would be considered. Further, all SuDS design proposals should incorporate source control and conveyance SuDS features prior to large attenuating feature. Sustainable ways of surface water management where above ground storage is preferred option when considering drainage strategies for new developments</p>	<p><i>All drainage strategies for major development within the plan area should be based on the Essex SuDS Guide. It is recommended that developers engage in pre-applications discussions with the Lead Local Flood Authority (LLFA) to ensure that any recommendations can be incorporated into site design as early into the planning process as possible. While the LLFA is not currently a statutory consultee on minor application it is still recommended that the principles of the Essex SuDs design guide are implemented on smaller sites to ensure that the cumulative effect of multiple smaller developments does not have a significant increase downstream flood risk."</i></p>
<p>Policy EP: Natural, Built and Historic Environment</p>	<p>We note the response to our representation in the Consultation Statement, but once again reiterate the importance of including such references in the NP.</p> <p>The NP should consider, apply and reference the <u>Essex Green Infrastructure Strategy</u> (2020) and the <u>Essex Green Infrastructure Standards</u> (2022), which are relevant to all Essex local authorities, including Parish Councils. These documents champion the enhancement, protection, and creation of an inclusive and integrated network of green spaces. Applying Essex's nine Green Infrastructure (GI) principles will help to ensure quality and consistency in the provision, management,</p>	<p>It is recommended that the following points (underlined) are included as part of Policy EP.</p> <p><i>a. Its design pays due regard to the contents of the Village Design Statement, including by way of its:</i></p> <p><i>xi. Biodiversity efforts (<u>including tree planting</u>);</i></p> <p><i>b. No urbanising effect is had on a rural lane or street (for example, as a result of resurfacing, hedgerow removals or loss of</i></p>

NP REFERENCE / SECTION	COMMENT	CHANGE REQUIRED
	<p>and stewardship of GI an essential part of place-making and place-keeping for the benefit of people and wildlife.</p> <p>It is recommended that the NP include reference to the Environment Act (2021) and the requirements for “applicable development” to deliver a biodiversity net gain (BNG). The delivery of BNG is expected to take place on-site where possible, via the protection and retention of existing GI and provision of new features. However, it is recognised that this might not always be conceivable, and that off-site delivery could provide additional benefits and be used to protect areas of land that are of local natural and wildlife value. The NP should have a clear position on this matter given its legislative weight.</p>	<p><i>an open landscape view). <u>There should also be no loss of biodiversity.</u></i></p> <p><i>e. <u>Appropriate opportunities are incorporated to support local biodiversity wildlife; this includes 10% biodiversity net gain for applicable new developments in line with the Environment Act 2021.</u></i></p>
<p>Policy TP: Transport & Parking</p>	<p>ECC as the Highway Authority and the Transportation Authority welcome the NP’s policy ambitions to support road safety and encourage/provide more active travel measures to mitigate congestion and adapt to climate change. ECC welcomes the NP’s strong support to safeguard and enhance pedestrian and cycling connections.</p> <p>ECC recommends reference is made to safe direct walking and cycling routes to Ardleigh St Mary’s Primary School since it fronts the A137. This should be a clear ambition for the Parish Council and can be delivered through partnership working.</p> <p>It is noted that the NP makes little/no reference to the promotion of improved bus services and infrastructure. Additionally, the NP makes no reference to electric vehicle</p>	<p>ECC recommends reference is made to safe direct walking and cycling routes to Ardleigh St Mary’s Primary School since it fronts the A137.</p> <p>The NP makes appropriate reference to the Essex Parking Standards, but the NP should be explicit in its reference to electric vehicle charging (EVC) points. Provision for electric charging points should be provided for all proposed car parking spaces, associated within residential development proposals as set out in the latest government guidance and standards.</p>

NP REFERENCE / SECTION	COMMENT	CHANGE REQUIRED
	<p>charging (EVC) points alongside parking. ECC suggests reference is included regarding the provision of EVC infrastructure. Provision for electric charging points should be provided for all proposed car parking spaces, associated within residential development proposals as set out in the latest government guidance and standards.</p> <p>ECC welcome that the NP reflects aspects consistent with Essex Parking Standards.</p>	
<p><u>Climate change</u></p>	<p>The NP does not include a policy on climate change. We note the response to our representation in the Consultation Statement on this matter, but this is a key issue where the NP can be far more ambitious and direct and we once again reiterate the importance of including such references in the NP. A clear statement would bring coherence to the different policy provisions contained in the NP.</p> <p>The NPPF paragraph 153 requires Plans to take a proactive approach to mitigating and adapting to climate change, taking into account the long-term implications for flood risk, coastal change, water supply, biodiversity and landscapes, and the risk of overheating from rising temperatures. NPs provide communities with an opportunity to address climate related issues and improve the local environment.</p> <p>A policy should include reference to the Essex Climate Action Commission (ECAC), which is a formal independent cross-party</p>	<p>The Commission published its recommendations in Net Zero: Making Essex Carbon Neutral. The recommended text for inclusion is provide below.</p> <p><i>“In 2019, Tendring District Council declared a climate emergency acknowledging that urgent action is required to limit the environmental impacts produced by the climate crisis. The Council aims to achieve carbon neutrality by 2030. This is supported by ECC who established the Essex Climate Action Commission in 2020 to promote and guide climate action in the county and move Essex to net zero by 2050. It is an independent, voluntary, and cross-party body bringing together groups from the public and private sector, as well as individuals from other organisations. The</i></p>

NP REFERENCE / SECTION	COMMENT	CHANGE REQUIRED
	<p><u>commission</u> established in October 2019. The ECAC’s formal role is to:</p> <ul style="list-style-type: none"> • identify ways where we can mitigate the effects of climate change, improve air quality, reduce waste across Essex and increase the amount of green infrastructure and biodiversity in the county; and • explore how we attract investment in natural capital and low carbon growth. <p>ECAC published its recommendations in Net Zero: Making Essex Carbon Neutral.</p>	<p><i>Commission published its report Net Zero: Making Essex Carbon Neutral in July 2021 and its recommendations are relevant to all Essex local authorities, parish and town councils, as well as Essex businesses, residents, and community groups. The report sets out a comprehensive plan for Essex to: reduce its greenhouse gas emissions to net zero by 2050 in line with UK statutory commitments; and to make Essex more resilient to climate impacts such as flooding, water shortages and overheating. The report covers a wide range of topic areas including land use, energy, waste, transport, plus the built and natural environments. The report’s recommendations are now incorporated into a Climate Action Plan and a focused work programme over the coming years to ensure the effects of climate change can be mitigated.”</i></p>

Map 1 – MSAs, MCAs and WCAs in relation to Ardleigh Neighbourhood Plan Area



Appendix 1 – Safeguarding Designations and Safeguarded Minerals and Waste Infrastructure relevant to the NP area

Details of planning applications can be viewed on the ECC website, by accepting the disclaimer and then searching on the planning reference.

Schedule of Mineral Infrastructure and Designations Within the NP area

Site type	Site name	Planning application number	Further Details
Mineral Safeguarding Areas	Sand and Gravel	N/A	Subject to MSA designation – Policy 8 of the Essex Minerals Local Plan 2014 and spatial extent shown in Map 1
Mineral Consultation Area Subject to MCA designations – Policy 8 of Essex Minerals Local Plan 2014. Spatial extent shown in Map 1	Crown Quarry	ESS/57/04/TEN – Permission Expiry – 30/12/2026	Winning and working of minerals, removal of surplus soils and erection of a low profile processing plant concrete batching plant and ancillary buildings
	Martells Quarry	ESS/53/17/TEN - Extant Permission - Extraction of minerals shall cease south of Slough Lane by 30 December 2026. Restoration shall be completed by 30 June 2033. Current permission is ESS/61/19/TEN. Pending legal agreement ESS/27/20/TEN - Continuation of permitted developments until 30 September 2040. ESS/29/20/TEN (MLP Site B1 – Slough Farm) - Proposed western extension to Martells Quarry.	N/A

Schedule of Waste Infrastructure and Designations within the NP area

Site type	Site name	Planning application number	Further details
Waste management infrastructure. Subject to WCA designations – Policy 2 of Essex and Southend-on-Sea Waste Local Plan)	Ardleigh Waste Transfer Station	ESS/16/13/TEN - Proposed development of a new waste management facility, with associated change of use of land.	N/A
	Martells Landfill	ESS/30/16/TEN - Application for the continued restoration of former quarry void by means of landfill - site restored by 31st December 2023. Slough Farm, Ardleigh, Tendring (WLP Site - (L(n)1R)).	N/A
	Martells Industrial Estate	ESS/08/08/TEN - Reception and decontamination of ferrous and non-ferrous metal goods (Mainly Vehicles). Preparation and processing of metal for export. Erection of new buildings associated with the proposed use. Provision of sealed working floor areas, associated drainage. Provision of weighbridge, parking and fencing. ESS/31/14/TEN - Erection of a storage building for mechanical plant and machinery.	N/A

From: Strategic Planning Essex <Strategic.Planning@essex.police.uk>
Sent: Monday, June 12, 2023 10:05 AM
To: Planning Policy <planning.policy@tendringdc.gov.uk>
Subject: Ardleigh Neighbourhood Plan: Regulation 16 consultation

Ardleigh Neighbourhood Plan: Regulation 16 consultation

Good morning,

Thank you for providing the opportunity to respond to the Ardleigh Neighbourhood Plan Regulation 16 consultation.

We have reviewed the content of the Neighbourhood Plan and although we have no direct comment to make on the proposed plan at this time we have attached for your information, the Essex Police considerations to development and infrastructure change which forms part of the organisations strategic planning considerations.

As a key emergency service provider, this document outlines information on Essex policing priorities and provides the organisation's initial considerations to development and infrastructure proposals within the county.

We would welcome the opportunity to be involved in future consultations and engagement to ensure a policing perspective is considered; this will include aspects such as impacts to operational policing, road traffic management, designing out crime considerations and infrastructure strategies.

If further information or clarification is required, please contact the Strategic Planning team at Strategic.Planning@essex.police.uk.

Many thanks and kind regards,
Strategic Planning Team

Strategic Planning | Operational Change
Continuous Improvement & Analytics Directorate | Essex Police
E-mail: Strategic.Planning



Strategic Planning

Essex Police Initial Considerations

2023

Strategic Planning Team

Essex Police

Essex Police Initial Considerations to Development and Infrastructure Change

As a key emergency service provider, Essex Police advocates to continuously adapt and reflect its practices to ensure that the service provided is efficient and effective in keeping our communities safe. With the policing landscape continually changing we welcome any opportunities to develop and enhance this provision.

This document outlines key information on Essex policing priorities and context and provides initial considerations to development and infrastructure proposals. If further discussion, information, or clarification is required to support development proposals, please contact the Strategic Planning team at Strategic.Planning@essex.police.uk.

Essex Design Guide

The Essex Design Guide provides high level direction for new developments and infrastructure, and we would like to highlight the following points which acknowledge the strategic principles and Essex Police objectives for the creation of safe and secure communities and sustainable police estate provision:

- To work with planners, architects, and developers to ensure that new developments in Essex provide a mix of well-designed homes, open spaces and promote neighbourhoods that consider community safety and wellbeing that provide benefit to all communities.
- That the prevention of Crime and Disorder is supported through well-designed places that includes the provision of a sense of community and safety.
- Ensuring 'Secured by Design' standards and applicable 'Police Crime Prevention Initiatives' are incorporated and fully exhausted throughout new development (including associated buildings) as a minimum whilst maximising opportunities against current and future technological and crime pattern changes linked to digital/cyber offences
- Encouragement of proactive police service-related communication to new residents and communities that promote public confidence and cohesion.
- Incorporating provision of affordable housing for key worker accommodation.
- Ensuring that all work, education, and public spaces are well designed and promote safe, secure communities and environments.
- To be engaged with master-planning for any transport related developments, collaboratively working with the relevant authorities to ensure that new developments are planned and designed to improve safety on the various road networks. This will include preventing those Killed or Seriously Injured (KSI) and Road Traffic Collisions where possible.
- To ensure an understanding of the key objectives for managing road infrastructure, improved vehicle design, redesigning speed limits and renewing Essex Police enforcement policy, all of which will be forefront in Essex Police strategic road safety campaigns.
- To engage in the Safe System approach 'Vision Zero', recognise that human beings' lives and health should never be compromised by their need to travel and any fatal or serious injuries that occur

within the road system are unacceptable. This considered as best practice in road safety according to the World Health Organisation and the Organisation of Economic Cooperation and Development (OECD).

- To include infrastructure considerations to ensure and develop an efficient policing response in the future. This includes such matters as community based Electric Vehicle charging points to support the Essex Police Zero Emission Fleet and Infrastructure Strategy.
- Explore opportunities for a shared, environmentally sustainable co-located community estate that shares facilities in appropriate locations within the community to provide flexible spaces to accommodate the changing needs of policing and create a more local, visible, and accessible policing provision.
- To encourage effective engagement between Essex Police Designing out Crime and Strategic Planning teams, Local Authorities and Developers at the earliest opportunity.
- Implement a 'Crime Impact Statement' within the 'Design and Access Statement'. Such statements are devised to identify specific measures that will be adopted to reduce crime.
- To endeavour to create a collaboration programme with emergency services and other partners that will enhance our ability to achieve service benefits and stretch our property performance targets for the efficiency of the estate.

Designing out crime and Secured by design

When considering future developments, it is imperative to achieve sustainable reductions in crime, to help people live and work in a safer society. Designing out Crime Officers, (DOCO's) specialise in the application of designing out crime and provide expert advice on crime prevention through environmental design, (CPTED principles) to a wide range of design and build professionals. Their role is fundamental in the development of safe and secure communities. The DOCO role is underpinned by National Planning Policy and Home Office agendas. DOCO's recommend developers to consider the foreseeability of crime and maximise on the opportunity to design such issues out, as to prevent the need for bespoke situational crime prevention measures in the future.

Police Crime Prevention Initiatives are a police-owned organisation working on behalf of the Police Service, to deliver a wide range of crime prevention initiatives, of which they promote Secured by Design (SBD). Supported by the DOCO, SBD provide a series of 'design guides' that enable the DOCO to work closely with architects, developers, and local authority planners throughout the life cycle of the proposed development. This will enable the DOCO to assist the developer to 'design out crime' by improving the layout and physical security of buildings from the initial conception, construction, and occupation.

For any queries relating to secured by design and designing out crime matters relating to new developments please contact: designingoutcrime@essex.police.uk

Zero Emission Fleet and Infrastructure Strategy

As part of Essex Police's comprehensive Zero Emission Fleet and Infrastructure Strategy, we are committed to achieving a fully electrified vehicle fleet by 2035. In pursuit of this objective, we have

developed plans to install electric vehicle charging points across all our police premises. The broader strategy also recognises the crucial role of community-based charging infrastructure in supporting extended patrols and recharging vehicles during and after operations.

One of the primary challenges of electric vehicles is their limited range and lengthy charging time and access to external charging facilities is vital for the force to carry out their duties effectively. To ensure that we can recharge our vehicles locally and work in specific areas away from police premises for an extended period, we ask developers to consider the inclusion of charging facilities into their design, with one or two charging points allocated for emergency services use to support our operations.

By providing dedicated charging points for emergency services, we can expand our patrols in the area and increase visible police presence, thereby contributing to a safer environment for local communities and visitors. As well as promoting safer communities, this infrastructure plan aligns with our commitment to promote sustainable practices and support the transition towards a greener future.

Traffic Management considerations

In the interest of road safety and reducing casualties linked to highways usage, Essex Police believe that developers should contribute to designing out the need for enforcement within the construction of newly built roads. This would apply to estate roads where the introduction of any desired speed limit is largely self-enforcing through design.

For distributor roads we identify more and more roads being built by developers which become roads for distributing high volumes of traffic around new estates and potentially towns. These new roads have the potential to become roads where young drivers may use them as roads to test their ability for travelling at high speeds. For such examples we would look to ensure:

1. Speed limits are appropriate and meet the needs of all road users and residents.
2. With an evidenced case, and where possible, a developer is instructed to install average speed detections systems to ensure road user compliance, thereby negating / reducing the need for police presence to enforce speed limits on newly built roads.

Technology exists for red light enforcement at Traffic lights and developers should consider enforcement technology as part of any Traffic light systems installed, improving overall safety of the location but also providing an efficient way to enforce the restriction.

Considering the prevention of crime and to enhance community safety, Essex Police believe that commercial and residential developers should contribute to the costs of installing Automatic Number Plate Recognition (ANPR) systems on newly designed roads.

Developers also need to consider how their planning decisions can have a negative long-term impact upon neighbours and communities around simple things such as parking disputes through the lack of available parking, which can be factored into Designing Out Crime.

In terms of road safety, Developers should make provision for all road users and in particular the most vulnerable road users, cyclists and pedestrians. Essex Police request developers to engage, educate and enforce on the road network alongside the ethos of the five essential pillars in the Safe System approach, ultimately to reach zero road related deaths, these being:

- **Safe Speeds:** Road users understand the risks and implications of exceeding the speed limit and therefore, travel at appropriate speeds to the conditions and within posted speed limits.
- **Safe Road Use:** Road users who know and comply with the rules of the road and take responsibility for the safety of themselves and others, especially the vulnerable.
- **Safe Roads & Roadsides:** Road design encourages safe travel and one that is predictable and forgiving of mistakes.
- **Safe Vehicles:** That vehicle fleets comprise of well-maintained vehicles that reduce the risk of collisions and, in the event of a collision, reduce the harm to road users, including pedestrians, pedal cyclists, motorcyclists and vehicle occupants
- **Post Collision Response & Care:** Provision of a more operative response to collisions by working effectively with all emergency services and the National Health Service (NHS). Road victims receive appropriate medical care and rehabilitation to minimise the severity and long-term impact of their injuries. Learnings from collisions are captured and acted upon. Families of those killed or seriously injured are appropriately supported.

Information on Essex policing priorities and context.

PFCC Police and Crime plan 2021 - 2024

The Police and Crime Plan sets out the policing priorities and aims for keeping Essex safe. It brings together police, partners, and the people of Essex to build safe and secure communities. The commitments set out in the plan build on existing partnerships and seek to develop them in new and ambitious ways. These include greater collaboration between police and fire and closer working with local councils, community safety partnerships, and the voluntary, community and health sectors.

The Police and Crime Plan 2021 – 2024 will make a strategic commitment to prevention, a shift in our main effort from rapid response into a model of targeted prevention and early intervention.

The twelve plan priorities:

- Further investment in crime prevention
- Reducing drug driven violence
- Protecting vulnerable people and breaking the cycle of domestic abuse
- Reducing violence against women and girls
- Improving support for victims of crime
- Protecting rural and isolated areas
- Preventing dog theft
- Preventing business crime, fraud, and cyber crime
- Improving safety on our roads
- Encouraging volunteers and community support
- Supporting our officers and staff
- Increasing collaboration

Essex Police Force Plan

Essex Police force priorities are drawn from the Police, Fire and Crime Commissioner's (PFCC) Police and Crime plan. The plan provides our main effort, which helps us focus our energies on our priorities and think about helping victims, identifying vulnerability, preventing violence, and being visible in everything we do, whatever role we do to ensure we:

- Help people: Deliver the best possible service prioritising threat, harm, risk and putting victims at heart of what we do.
- Keep people safe: Prevent crime, protect the vulnerable, keep our communities and people safe and work with partners to do this.
- Catch criminals: Identify suspects and bring them to justice targeting the most harmful and paying attention to the needs and views of victims.

Document end

From: [REDACTED]
Sent: Saturday, May 13, 2023 4:29 PM
To: Planning Policy <planning.policy@tendringdc.gov.uk>
Subject: Neighborhood Plan Ardleigh

Dear William

Re Neighborhood Planning (General) Regulations (2012) (as amended) Consultation on the Draft Ardleigh Neighborhood Development Plan

I fully support the Plan and hope that it can accepted by the Council and come into effect as soon as possible.

Helen Fontaine



Historic England

Mr William Fuller
Tendring District Council
Planning Services
Council Offices
Weeley
Essex
CO16 9AJ

Direct Dial: [REDACTED]

Our ref: PL00675842

1 June 2023

Dear Mr Fuller

**Neighbourhood Planning (General) Regulations (2012) (as amended)
Ardleigh Regulation 16 Neighbourhood Plan Consultation**

Thank you for inviting Historic England to comment on the above consultation. We welcome the production of this neighbourhood plan in principle but, owing to staff vacancies, we do not currently have capacity to provide detailed comments.

We would refer you to any detailed comments we may have made at earlier stages of the plan's production including Regulation 14 and where it was required, SEA screening/scoping and draft report stages.

Our detailed advice on successfully incorporating historic environment considerations into neighbourhood plan, alongside some useful case studies, can be found here: <https://historicengland.org.uk/advice/planning/plan-making/improve-your-neighbourhood/>.

To avoid any doubt, this letter does not reflect our obligation to provide further advice on or, potentially, object to specific proposals which may subsequently arise as a result of the proposed plan, where we consider these would have an adverse effect on the historic environment.

Please do contact me, either via email or the number above, if you have any specific queries arising following this stage, and we will endeavour to assist at that time.

Yours sincerely,

Will Fletcher
Development Advice Team Leader
[REDACTED]



24 BROOKLANDS AVENUE, CAMBRIDGE, CB2 8BU

Telephone 01223 582749
HistoricEngland.org.uk





Historic England



24 BROOKLANDS AVENUE, CAMBRIDGE, CB2 8BU

Telephone 01223 582749
HistoricEngland.org.uk



Historic England is subject to both the Freedom of Information Act (2000) and Environmental Information Regulations (2004). Any Information held by the organisation can be requested for release under this legislation.

Tendring District Council
Planning Policy Department
Town Hall
Station Road
Clacton-on-Sea
Essex
CO15 1SE

Sent via email: planning.policy@tendringdc.gov.uk

Date: 16 June 2023

Our ref: 62189/01/PR/26702504v1

Ardleigh Neighbourhood Plan Regulation 16 Consultation - June 2023

Dear Sir/Madam,

We write on behalf of our client, Latimer (Tendring Colchester Borders Garden Community ‘TCBGC’) Developments Limited, hereon in referred to as ‘Latimer’, in response to the above consultation. Latimer and its team welcome the opportunity to respond to the second consultation on the submitted version of the Regulation 16 Ardleigh Neighbourhood Plan (‘NP’) to Tendring District Council.

This letter provides Latimer’s response to the Regulation 16 submission draft Ardleigh NP dated ‘December 2022’, organised under relevant headings. Overall, Latimer object to the NP and, as drafted, consider it fails to meet the statutory test in Basic Condition (e).

Introduction and context

Latimer, partnering with Mersea Homes, is the master developer bringing forward the TCBGC and controls most of the land allocated for the new Garden Community. This is the largest strategic allocation in the North Essex Authorities’ Shared Strategic Section 1 Plan (hereon in referred to as the Section 1 Plan) and is important to deliver required and planned growth for the area and region.

Adopted Policy SP 8 and SP 9 of the Section 1 Plan allocates the garden community area for between 7,000 and 9,000 new homes, 25 hectares of employment land, university expansion land, community, leisure, retail and other associated uses and development. Policy SP 8 sets the Broad Location for the Garden Community and requires a Development Plan Document (DPD) to be prepared, including policies setting out how the new community will be designed, developed, and delivered. This is an important strategic allocation to accommodate the required and planned growth for Tendring District Council (‘TDC’) and Colchester City Council (‘CCC’). Failure to do so will result in unplanned, speculative developments which is not in the interests of either local planning authority or the Parish Councils.

The DPD is at an advanced stage and the Regulation 19 DPD is currently being consulted on from the 15 May to 25 June 2023. Latimer and its appointed planning, design and technical consultant team have been collaboratively working alongside CCC, TDC and Essex County Council (‘ECC’) leading up to the publication of the Regulation 19 DPD. Latimer remain committed to

working with the Councils to deliver an exemplar Garden Community and continue to progress the masterplanning work and preparation of the hybrid planning application, which is currently due for submission in Summer 2024.

A large area of the northwest corner of TCBGC lies within the Ardleigh Neighbourhood Plan Area. Latimer submitted representations to the Regulation 14 version of the Ardleigh NP dated 'August 2022', supporting aspects of the emerging NP but objecting with concerns that not all policies were in conformity with the Section 1 Plan, namely Policies SP 8 and SP 9, which could prejudice the delivery of this important allocation. Following the submission of Latimer's representations, Lichfields and Latimer met with Ardleigh NP Group and their consultants in November 2022 to discuss concerns and requested amendments in line with Latimer's representations.

At examination stage, the principle statutory requirements for the submission draft Ardleigh NP are sections 38A-38C of the Planning and Compulsory Purchase Act 2004 and Schedule 4B to the Town and Country Planning Act 1990 (as amended). Under Schedule 4B the principal task for the examiner is to consider whether the NP meets the 'Basic Conditions'. Latimer has outstanding concerns and Ardleigh Parish Council's changes to the submission draft NP do not go far enough to address these in relation to the number of conflicting policies and not definitively stating that the NP policies do not apply to the TCBGC site allocation which is covered by the emerging DPD policy. It is of critical and strategic importance that the delivery of TCBGC is not undermined. Latimer is therefore of the view that the submitted Ardleigh NP taken as a whole is not in general conformity with the Section 1 Plan, thus failing to meet Basic Condition (e).

Response to emerging policies

Within this section we provide Latimer's response to specific policies under relevant headings.

Introduction

The following supporting text has been added on page 11, paragraph 4.5: "*Following delivery, new sites in the Ardleigh Parish area of the Tendring/Colchester Borders Garden Community will be expected to comply with the development plan in force at that time, including any relevant Neighbourhood Plan policies.*" It is not clear as to what '*following delivery*' of the TCBGC means in this paragraph given '*delivery*' of the overall garden community will continue far beyond the NP period of 2033. It is also relevant that the Regulation 19 DPD includes a requirement for the NP to be reviewed every 5 years, it states:

"There is also now a legal requirement that the Plan for the Garden Community will need to be reviewed every five years, to ensure it is kept up to date and responds, as necessary, to any changes in the economy or the environment, or actual changes on the ground, as well as complying with any new government policies"

Latimer therefore object to this paragraph and request that it is deleted on the basis that it is not necessary and does not reflect the 5 year review period written into the DPD. If the sentence is to remain, reference must be made in the NP to the DPD 5 year review period which will enable the DPD to continue and be updated as part of the long-term development and delivery plan for the TCB Garden Community.

Paragraph 4.8 of the NP (previously 4.6), states that homes are not expected to be built out in Ardleigh Parish “*until after the current Local and Neighbourhood Plan period (to 2033) has expired*”. Homes are expected to be delivered in the Garden Community as early as 2025/6. Whilst assumptions have been made on phasing by the Councils to inform the draft DPD, the specific and actual phasing of development for the garden community is not yet determined. Latimer therefore strongly object to the second sentence of paragraph 4.8, which should be deleted, as it could undermine the delivery of homes and restrict phasing of the Garden Community which are matters to be agreed with and approved by the local planning authorities as part of any future planning application and masterplan.

Paragraph 4.13 and 4.14 should be amended for sense so that the wording refers to the single Settlement Development Boundary. All references to the Settlement Development Boundary throughout the NP should be singular not plural.

Paragraph 4.15 states that Rural Exception Sites will be permitted on sites adjoining Ardleigh’s defined settlement boundaries provided: “*Sufficient evidence is provided of a shortage of council/affordable housing within the Parish; and ii. The scheme is supported by Ardleigh Parish Council.*” Part ii of this strategy does not accord with the Local Plan (Policy LP6), or national policy and should therefore be deleted.

Policy GDP: General Approach to Development

The policy has been updated (compared to the Regulation 14 NP) to state that “*with the exception of the Tendring/Colchester Borders Garden Community, new development outside of the Settlement Development Boundaries will not generally be permitted unless it is consistent with all other relevant Neighbourhood Plan policies...*”. This partially meets Latimer’s request in the previous representation which sought confirmation that the NP will only relate to land outside of the broad location for the TCBGC. Latimer support this addition, but request strongly that the NP needs to go further with a discrete Policy early on in the NP that specifically states the land within the TCBGC DPD allocation boundary which overlaps with the NP Area, is not subject to the policies in the NP. This is needed for absolute clarity and to ensure the NP aligns with the adopted Section 1 of the Local Plan and emerging development plan. This approach would be in conformity with the emerging DPD which states:

*“In addition to the Section 1 Local Plan, TDC and CCC each have their own Section 2 Local Plans, which contain policies and allocations that apply to any land or properties outside of the Garden Community. There is also a Neighbourhood Plan for Wivenhoe and Neighbourhood Plans are being prepared for Ardleigh and Elmstead, **but they will only apply to land and property outside of the Garden Community.**” (our emphasis).*

Latimer further request that Policy GDP includes a footnote to clearly state that all future planning applications directly related to or supporting development at TCBGC is exempt from Policy GDP. This will ensure that the DPD and future planning applications will not be constrained by the NP Policy.

Policy HP: Housing

Criterion 1 of the policy states “*housing development of any kind will be strictly resisted outside of the Settlement Development Boundaries unless it is in full compliance with policy GDP of this Neighbourhood Plan*”. Latimer objected to this during the NP Regulation 14 consultation in the submitted representation and the policy has not been amended. The policy does state the need to be in

'full compliance with policy GDP', which (as above) has been amended to state development is allowed in the TCBGC area. However, in our view the NP is not explicit and clear enough to provide a clear policy approach for any future planning application at the TCBGC. Latimer therefore object to this statement and request the inclusion of a catch all paragraph/policy at the beginning of the NP which confirms the NP does not apply under any circumstances to TCBGC (see text above).

Criterion 3 of the policy also applies in 'all circumstances' and does not as the previous representations stated, exclude the TCBGC. The Parish Council's response ([page 35 of the Regulation 14 Consultation Statement](#)) is: "*regarding criterion 3, the introductory text makes it clear that the initial design and delivery of the garden community will be subject to its own DPD. It would not, therefore, be expected to comply with the preferred housing mix at policy HP. Notwithstanding this, part 3 is worded to provide additional support for housing applications that include specified features. It would not prevent the approval of applications that failed to include any of the specified features*". In Latimer's view, this is not clearly reflected in the NP as drafted and it should therefore be clarified in supporting text.

Policy EP: Natural, Built & Historic Environment

The previous representations requested that TCBGC be excluded from this policy given that such matters will be determined through an approved Design Code for the TCBGC and the emerging DPD, however Policy EP has not been amended in this respect. Latimer reiterate that the TCBGC should be excluded from the NP and Policy EP in full.

Policy LGP: Local Green Spaces

Latimer support the explanatory text at paragraph 13.31 which states "*this Neighbourhood Plan does not seek to prevent or discourage any development that is permitted by the Local Plan*". However, Latimer's previous representations requested that TCBGC be specifically excluded from Policy LGP and this has not been included in the submitted draft NP. The Parish Council's response ([page 37 of the Regulation 14 Consultation Statement](#)) is that the policy wording does not need changing as "*the area of the Garden Community contains no Local Green Spaces and nor does it contain any land that could reasonably be considered "adjacent" to them*". Latimer reiterate the point that TCBGC should be explicitly excluded from Policy LGP for absolute clarification purposes. The emerging DPD and planning application process will determine green space provision for the TCB Garden Community.

Policy TP: Transport and Parking

Our Regulation 14 representation requested that TCBGC be excluded from Policy TP but this has not been included and the policy does not exclude TCBGC across all criteria, only criterion 1. As per our previous points, the emerging DPD and wider policy framework and planning process will address transport and parking matters for the Garden Community. Latimer further consider that criterion 1 is not justified, goes beyond the NP remit, and does not have sufficient regard to chapter 9 of the NPPF. Criterion 1 appears to seek to restrict any development big enough to require a travel plan, transport statement or transport assessment in the NP area, except the TCBGC. The NPPF sets out provisions on how to promote sustainable transport including avoiding and mitigating any adverse effects to enable development to be supported. Criterion 1 therefore sets an overly obstructive and dismissive approach to transport across Ardeleigh Parish which would not conform with the NPPF.

Conclusion

Latimer continue to have significant concerns with the draft NP. Having previously requested amendments and changes prior to the submission of the draft NP to ensure conformity with the Section 1 Plan and the emerging DPD for the TCBGC, these do not appear to have been accommodated. Latimer also noted that TDC shared many of our concerns in their Regulation 14 representations dated 17 October 2023.

Latimer's significant concerns therefore remain, with the principal issue being that the NP is not definitive in stating the policies within it do not apply to TCBGC and that the emerging DPD should be the guiding policy framework. Latimer therefore strongly objects to the draft NP and do not consider that the NP, as taken as a whole, is in general conformity with the strategic policies of the local plan. The NP therefore fails to meet the statutory test in Basic Condition (e). Should the draft NP be amended in line with the comments above these concerns would be addressed and in Latimer's view would bring the draft NP in line with the Basic Conditions.

Yours faithfully



Pauline Roberts

Senior Director

Copy Russ Edwards and Luke Cadman – Latimer by Clarion Housing Group
 Gary Guiver and William Fuller – Tendring District Council

From: SM-MMO-Consultations (MMO) <Consultations.MMO@marinemanagement.org.uk>
Sent: Friday, June 23, 2023 4:55 PM
To: Planning Policy <planning.policy@tendringdc.gov.uk>
Subject: FW: Ardeleigh Neighbourhood Plan Consultation

Consultation response - PLEASE READ

Thank you for including the Marine Management Organisation (MMO) in your recent consultation submission. The MMO will review your document and respond to you directly should a bespoke response be required. If you do not receive a bespoke response from us within your deadline, please consider the following information as the MMO's formal response.

Kind regards,

The Marine Management Organisation

Marine Management Organisation Functions

The MMO is a non-departmental public body responsible for the management of England's marine area on behalf of the UK government. The MMO's delivery functions are: marine planning, marine licensing, wildlife licensing and enforcement, marine protected area management, marine emergencies, fisheries management and issuing grants.

Marine Planning and Local Plan development

Under delegation from the Secretary of State for Environment, Food and Rural Affairs (the marine planning authority), the MMO is responsible for preparing marine plans for English inshore and offshore waters. At its landward extent, a marine plan will apply up to the Mean High Water Springs (MHWS) mark, which includes the tidal extent of any rivers. As marine plan boundaries extend up to the level of MHWS, there will be an overlap with terrestrial plans, which generally extend to the Mean Low Water Springs (MLWS) mark. To work together in this overlap, the Department of Environment, Food and Rural Affairs (Defra) created the [Coastal Concordat](#). This is a framework enabling decision-makers to co-ordinate processes for coastal development consents. It is designed to streamline the process where multiple consents are required from numerous decision-makers, thereby saving time and resources. Defra encourage coastal authorities to sign up as it provides a road map to simplify the process of consenting a development, which may require both a terrestrial planning consent and a

marine licence. Furthermore, marine plans inform and guide decision-makers on development in marine and coastal areas.

Under Section 58(3) of [Marine and Coastal Access Act \(MCAA\) 2009](#) all public authorities making decisions capable of affecting the UK marine area (but which are not for authorisation or enforcement) must have regard to the relevant marine plan and the UK [Marine Policy Statement](#). This includes local authorities developing planning documents for areas with a coastal influence. We advise that all marine plan objectives and policies are taken into consideration by local planning authorities when plan-making. It is important to note that individual marine plan policies do not work in isolation, and decision-makers should consider a whole-plan approach. Local authorities may also wish to refer to our [online guidance](#) and the [Planning Advisory Service: soundness self-assessment checklist](#). We have also produced a [guidance note](#) aimed at local authorities who wish to consider how local plans could have regard to marine plans. For any other information please contact your local marine planning officer. You can find their details on our [gov.uk page](#).

See [this map on our website to locate](#) the marine plan areas in England. For further information on how to apply the marine plans and the subsequent policies, please visit our [Explore Marine Plans](#) online digital service.

The adoption of the [North East](#), [North West](#), [South East](#), and [South West Marine Plans](#) in 2021 follows the adoption of the [East Marine Plans](#) in 2014 and the [South Marine Plans](#) in 2018. All marine plans for English waters are a material consideration for public authorities with decision-making functions and provide a framework for integrated planned management.

Marine Licensing and consultation requests below MHWS

Activities taking place below MHWS (which includes the tidal influence/limit of any river or estuary) may require a [marine licence](#) in accordance with the MCAA. Such activities include the construction, alteration or improvement of any works, dredging, or a deposit or removal of a substance or object. Activities between MHWS and MLWS may also require a local authority planning permission. Such permissions would need to be in accordance with the relevant marine plan under section 58(1) of the MCAA. Local authorities may wish to refer to our [marine licensing guide for local planning authorities](#) for more detailed information. We have produced a [guidance note](#) (worked example) on the decision-making process under S58(1) of MCAA, which decision-makers may find useful. The licensing team can be contacted at: marine.consents@marinemanagement.org.uk.

Consultation requests for development above MHWS

If you are requesting a consultee response from the MMO on a planning application, which your authority considers will affect the UK marine area, please consider the following points:

- The UK Marine Policy Statement and relevant marine plan are material considerations for decision-making, but Local Plans may be a more relevant consideration in certain circumstances. This is because a marine plan is not a 'development plan' under the [Planning and Compulsory Purchase Act 2004](#). Local planning authorities will wish to consider this when determining whether a planning application above MHWS should be referred to the MMO for a consultee response.
- It is for the relevant decision-maker to ensure s58 of MCAA has been considered as part of the decision-making process. If a public authority takes a decision under s58(1) of MCAA that is not in accordance with a marine plan, then the authority must state its reasons under s58(2) of the same Act.
- If the MMO does not respond to specific consultation requests then please use the above guidance to assist in making a determination on any planning application.

Minerals and Waste Local Plans and Local Aggregate Assessments

If you are consulting on a minerals and waste local plan or local aggregate assessment, the MMO recommends reference to marine aggregates, and to the documents below, to be included:

- The [Marine Policy Statement \(MPS\)](#), Section 3.5 which highlights the importance of marine aggregates and its supply to England's (and the UK's) construction industry.
- The [National Planning Policy Framework \(NPPF\)](#), which sets out policies for national (England) construction mineral supply.
- [The minerals planning practice guidance](#) which includes specific references to the role of marine aggregates in the wider portfolio of supply.
- [The national and regional guidelines for aggregates provision in England 2005-2020](#) predict likely aggregate demand over this period, including marine supply.

The minerals planning practice guidance requires local mineral planning authorities to prepare Local Aggregate Assessments. These assessments must consider the opportunities and constraints of all mineral supplies into their planning regions – including marine sources. This means that even land-locked counties may have to consider the role that marine-sourced supplies (delivered by rail or river) have – particularly where land-based resources are becoming increasingly constrained.

If you wish to contact the MMO regarding our response, please email us at consultations@marinemanagement.org.uk or telephone us on 0208 0265 325.

Marie Canny (She/Her) | Marine Planner (South East) | Marine Management Organisation
+ Nobel House | 17 Smith Square | London | SW1P 3JR
8 marie.canny@marinemanagement.org.uk | 07917 594 331


What has your experience been of using Marine Plans in your work? Whatever your thoughts are, this is your opportunity to share them with us by completing a [North East](#), [North West](#), [East](#), [South](#), [South East](#) or [South West](#) monitoring survey.

To receive marine planning updates and our newsletter enter your details [here](#).

Our MMO Values: Together we are **Accountable**, **Innovative**, **Engaging** and **Inclusive**
[Website](#) [Blog](#) [Twitter](#) [Facebook](#) [LinkedIn](#) [YouTube](#)



The Marine Management Organisation (MMO) The information contained in this communication is intended for the named recipient(s) only. If you have received this message in error, you are hereby notified that any disclosure, copying, distribution or taking action in reliance of the content is strictly prohibited and may be unlawful. Whilst this email and associated attachments will have been checked for known viruses whilst within MMO systems, we can accept no responsibility once it has left our systems. Communications on the MMO's computer systems may be monitored and/or recorded to secure the effective operation of the system and for other lawful purposes.

From: Richard Winsborough [REDACTED] 
Subject: Ardleigh Parish Council - Local Green Space Response - Space 4
Date: 23 December 2021 at 14:58
To: ardleighpc@gmail.com



Dear Ardleigh Parish Council,

I write in response to your recent undated letter, with regard to Space 4, addressed to the landowners Peter and Elizabeth Harris who have asked Scott Properties to respond on their behalf.

Taking each of your questions in turn below:

1. What is your interest in the land (eg., owner/leaseholder)?

The land is owned by Peter and Elizabeth Harris of Badley Hall, Ardleigh and Scott Properties has been appointed as their Land Promoter.

2. Do you understand the proposal to designate your land as a Local Green Space ?

We acknowledge at this stage the request for information in relation to a potential Local Green Space designation.

3. Do you support or object to the proposal to designate your land as a Local Green Space ?

To help us understand whether or not the land in question meets the relevant criteria to be designated a Local Green Space, we asked Nigel Cowlin, Chartered Landscape Architect, to undertake an initial review following the prescribed criteria and guidelines for landscape assessment. Nigel's appraisal is attached for your perusal. In summary, Nigel's conclusion is that the land does not meet the necessary criteria set out at Paragraph 102 of the NPPF for Local Green Space and as such, should not be designated as a Local Green Space. That said, we would welcome the opportunity to meet with the Parish Council to explore whether there is a mutually acceptable way forward that achieves everyone's aspirations.

4. Is the land the subject of an on-going planning application ?

The land is not the subject of a planning application.

5. Is the land the subject of any existing or emerging allocations in the Local Plan ?

Whilst the site is not currently subject to an existing or proposed allocation in the Tendring District Local Plan, Scott Properties has engaged with the Local Plan Review process to date with the District Council and is keen to work with the Parish Council and the Neighbourhood Plan group going forward.

Whilst writing, I would like to place on record that there has never been permission given by the landowner to allow the public access to the eastern side of the suggested Local Green Space land. The landowner can confirm no permission, informal or otherwise, is in place and that there is a public footpath to the north and west of this land that will be unaffected.

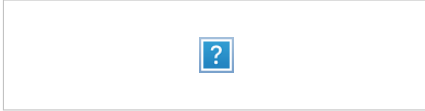
As mentioned above, it would be greatly appreciated if it was possible to meet with the Parish Council in the New Year at your convenience to discuss whether there is a compromise position that would work for everyone involved and potentially be promoted through the Neighbourhood Plan process.

I look forward to hearing from you. Wishing you all a Merry Christmas and a Happy New Year.

Kind Regards,

Richard Winsborough MRTPI | Planning Director

Tel: [REDACTED]



Suite 5, Oyster House, Severalls Lane, Colchester, Essex CO4 9PD

Scott Properties is the trading name for M Scott Properties Ltd Company Registration number 06640042 (England and Wales) Registered office Suite 5, Oyster House, Severalls Lane, Colchester CO4 9PD and also M Scott Properties LLP Partnership number OC324958 This communication is for the exclusive use of the addressee and may contain information that is private and confidential. If you are not the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication and its attachments is strictly prohibited. If you have received this information in error please contact the sender and delete the communication from your system.



19.570-
lgs01_...ion.pdf

Ardleigh's Neighbourhood Plan - Local Green Spaces -Have Your Say

You will be aware that the Parish Council is working on Ardleigh's Neighbourhood Plan. As part of the Neighbourhood Plan, we are looking to designate a number of sites located throughout the parish as Local Green Spaces.

Local Green Spaces are sites that hold special value to the local community and are worthy of protection.

Our Neighbourhood Plan will contain policies to resist any development of Local Green Spaces that would compromise their special value to the community. Developments that would enhance their special community value will be encouraged.

The Steering Group has already invited Local Green Space nominations from the Parish and has subsequently conducted thorough desktop and field assessments of all the sites nominated.

Following these investigations, 11 sites throughout the parish of Ardleigh have been shortlisted due to their special community value. A comprehensive list of all shortlisted sites can be found

on <https://ardleigh.website/work-in-progress> and direct on this link <https://bit.ly/ArdleighGreenSpaces>



[Switch accounts](#)



Draft saved

*Required

Please let us know a little more about yourself. Tick all boxes that are relevant to you. *

- Do you live in Ardleigh?
- Do you work in Ardleigh?
- Do you own a business in Ardleigh?

If you live in Ardleigh, how long have you lived here?

Your answer

For each of the sites do you support or object to the proposal to designate the site as a Local Green Space? *

Support designation
as a Local Green
Space

Object to
designation as a
Local Green Space

Don't know

Fishing lake and
footpaths north of
Colchester Road,
bordered to the west
by Dead Lane.
(Space 3)
TM050297,
FOOTPATH PROW
158_22 & PROW
158_4 : Overview:
Footpaths over
agricultural fields
leading to fishing
lake.

Field south of Mary
Warner Estate, west
of Millennium Green.
Land on south side
of Dedham Road,
Ardleigh. (Space 4)
TM053292,
FOOTPATH
PROW158_5
Overview:
agricultural field on
the southern edge of
the village, bordered
by official and
unofficial walking
routes.

Triangular piece of
land adjacent to east
of Ardleigh Reservoir
between Dead Lane
and south of Wick
Lane. (Space 5)
TM042292, PROW
158_20 Overview:
Land crossed by a
public footpath,
affording special
scenic views of the
reservoir and
adiacent. enclosed

Are there any sites in the parish that you think should be considered for Local Green Space designation that don't appear on the shortlist? If so, please identify the site(s) and explain what special value you think it holds for the community

Your answer

If you wish to make detailed comments on a site. Which site do your comments relate to? *

Field south of Mary Warner Estate, west of Millennium Green. Land on south side ▼

Does this site have any value to you or your immediate family? Please explain (e.g. I walk my dog there daily or I see it on my commute to work)

N/A

Do you ever visit the site? If so, for what purpose? If you ever visit the site, how do you get there and how long does it take?

N/A

Do you have any comments on the site's beauty and/or tranquility?

The site has always been intensively farmed and lies adjacent to the settlement boundary.

Do you have any comments on the site's historic significance?

The site does not have any historic significance and has always been intensively farmed.

Do you have any comments on the site's recreational value?

The site has very limited recreational value. Access is restricted to the adjoining public rights of way which are PROW 158_5 and PROW 158_7. No other routes have been permitted by the landowner (either recently, or over multiple decades) and the Parish Council must desist from stating that these routes have been permitted by the landowner. This is not the case. The landowner has been informed of these inaccurate statements.

Do you have any comments on the site's wildlife value?

The site has been and continues to be intensively farmed, so the wildlife value is limited to field boundaries.

Do you have any comments on the site's landscape value?

The appropriateness of the site for the Green Space designation has been presented to the Parish Council already in our brief assessment by landscape expert Nigel [Cowlin](#). A further copy of this report can be provided if helpful. The conclusions of the report that this site does not meet all the criteria of Local Green Space remains.

Do you have any other comments you would like to make? you can comment on two further sites using this form- if yo wish to comment on other please start a new form.

This feedback has been provided by M Scott Properties on behalf of the landowner and, as previously offered, we would welcome the opportunity to discuss the proposed allocation with the Parish Council.

Do you want to comment on another site? *

Yes

No

Mr William Fuller
Tendring District Council
Town Hall
Station Road
Clacton-on-Sea
Essex
CO15 1SE

Our Ref: RW/072/220623

[Sent by email only to planning.policy@tendringdc.gov.uk](mailto:planning.policy@tendringdc.gov.uk)

22 June 2023

Dear Mr Fuller,

Re: Ardleigh Neighbourhood Plan (Regulation 16 Submission)

I write in response to the consultation exercise by Tendring District Council on Ardleigh's Neighbourhood Plan (Regulation 16), before it is considered by the Examiner.

This response specifically relates to the field south of Mary Warner Estate whereby, the landowners, Mr & Mrs Harris, have asked M Scott Properties Ltd (MSP), as land promoter, to respond on their behalf.

Our primary concern relates to the proposed Local Green Space Designation GS04, which includes part of Mr & Mrs Harris's landholding. A plan showing the extent of GS04 is shown on page 112 of the Ardleigh NP. In essence, our objection is that the land does not meet the criteria set out in paragraph 102 of the NPPF and as such, should be removed from the NP.

MSP has tried to engage with the Parish Council at each opportunity given, by responding to consultations and inviting further discussion, yet there has been no response to our request to meet in person. A summary of our engagement is provided below.

- On 23rd December 2021, we responded to the initial letter, sent to the landowners, making comment on each of the questions asked, in relation to GS04 and highlighted our concerns with the proposed designation
- In July 2022, we responded to the online Local Green Spaces - "Have Your Say" and;
- In September 2022 we responded to Ardleigh Neighbourhood Plan, Pre-Submission consultation.

In each instance, we questioned the validity of GS04, due to the land failing to meet the necessary criteria set out in Paragraph 102 of the NPPF.

To help explain our concerns, landscape specialist, Nigel Cowlin Ltd, carried out a detailed assessment in December 2021 of GS04, entitled 'Review of Proposed Local Green Space Designation'. We provided this detailed assessment

Oyster House | Suite 5
Severalls Lane
Colchester
Essex CO4 9PD

T: 01206 845845
www.mscott.co.uk

to the Parish Council in our first response in December 2021 to help explain why we felt that their proposed designation was wrong; however, it appears to be the case that this expert view continues to be disregarded. Paragraph 13.1 in the draft NP, states that the NPPF supports the designation of land as Local Green Space through Local and Neighbourhood Plans (paragraph 101). What this paragraph in the NPPF is clear about is *“The designation of land as Local Green Space through local and neighbourhood plans allows communities to identify and protect green areas of particular importance to them. Designating land as Local Green Space should be consistent with the local planning of sustainable development and complement investment in sufficient homes, jobs and other essential services. Local Green Spaces should only be designated when a plan is prepared or updated, and be capable of enduring beyond the end of the plan period.”*

We have no objection to this principle, if the criteria are correctly followed.

To aid the Parish Council in their decision making, Nigel Cowlin Ltd set out in their assessment in what circumstances Local Green Space can be designated (as outlined in paragraph 102 of the NPPF). Nigel Cowlin Ltd agreed that GS04 complies with criterion *“a) in reasonably close proximity to the community it serves”*;

We continue to disagree however, that the land complies with criterion b) or c) of paragraph 102, which are provided below for ease of reference:

b) demonstrably special to a local community and holds a particular local significance, for example because of its beauty, historic significance, recreational value (including as a playing field), tranquillity or richness of its wildlife, and

c) local in character and is not an extensive tract of land.

The reasons for disagreement have been forwarded to the Parish Council in the previous responses by M Scott Properties Ltd, but continue to be ignored without adequate explanation.

Please see the table below, breaking down the main points from part 4 of Nigel Cowlin Ltd’s assessment, relating to part b) and c) and why GS04 does not fit the criteria:

SPECIAL AND OF PARTICULAR LOCAL SIGNIFICANCE	SPACE GS04
Richness of wildlife/natural heritage assets	<ul style="list-style-type: none"> ▪ No evidence of ecological, geological, geomorphological or physiographic interest in the land ▪ No natural heritage ▪ No ecological/wildlife interests above and beyond ordinary arable farmland ▪ Space is not special or of particular local significance for richness of wildlife ▪ Ardleigh Parish Council Green Spaces Assessment doesn’t suggest GS04 is valued for natural heritage.
Historic significance/cultural heritage interests	<ul style="list-style-type: none"> ▪ No evidence of archaeological, historical or cultural interest ▪ No known connection with notable people, events or the arts ▪ Ardleigh Parish Council Green Spaces Assessment doesn’t suggest GS04 is valued for its historic significance.

<p>Recreational value</p>	<ul style="list-style-type: none"> ▪ Limited to public footpath routes along two edges of the land ▪ Unofficial walking routes (unsanctioned by landowner) around other edges ▪ Ardleigh Parish Council Green Spaces Assessment suggests GS04 has evidence of children playing in area. This is typical activity of farmland on edges of settlements ▪ Not sufficient for GS04 to meet criteria that is 'demonstrably special to the local community' and of 'particular local significance' in terms of recreational value.
<p>Beauty or scenic appeal</p>	<ul style="list-style-type: none"> ▪ Wider area has basic scenic appeal as open farmland adjacent to settlement ▪ Interior area is rather featureless and flat with no particular vista or outlook into wider countryside ▪ Church tower can be picked out above rooftops of the village from locations towards western edges ▪ Mill House can be seen through the trees in Millenium Green & Recreation Ground. These are of some interest, but not on their own determinative of any special value ▪ No notable interaction or outlook from any civic spaces ▪ Settlement largely turns back onto this area ▪ Millenium Green and Recreation Ground is presented as such that they do not engage with this space; they are enclosed by hedging ▪ Characteristics of GS04 insufficient scenic appeal to meet criteria of being 'special' or of 'particular interest' ▪ Space GS04 does not feature any positive attributes in the views provided by photographs within the Parish Council's Green Spaces Assessment.
<p>Wildness and/or tranquillity</p>	<ul style="list-style-type: none"> ▪ No notable degrees of tranquillity and little perception of wildness ▪ Housing estate to north and trainline to south interfere with any feelings of isolation or tranquillity ▪ Ardleigh Parish Council Green Spaces Assessment doesn't suggest GS04 is valued for its wildness or tranquillity.
<p>LOCAL IN CHARACTER AND NOT AN EXTENSIVE TRACT OF LAND</p>	<ul style="list-style-type: none"> ▪ GS04 is part of a wider area and not readily distinguishable and separate to the wider areas in any material way ▪ Whole area including GS04 would ordinarily be characterised as open countryside on the edge of a settlement ▪ It is not a piece of land performing and properly recognisable green space function above and beyond that ▪ Not clear how this area is the sort of local open space facility that the Local Green Space designation is intended to capture ▪ The Ardleigh Parish Council Green Spaces Assessment of GS04 is not clear how this space satisfies this criterion

Based on the Parish Council's Green Spaces Assessment of GS04, whilst there is an attempt to justify the reasons for its inclusion, they are not robust enough to satisfy the criteria of paragraph 102. The Parish Council have even gone so far to describe how "the presence of this open tract of land ensures the overall retention of the rural character and setting of this part of the village." However, this assessment significantly falls short of what is required under the guidance of the NPPF and, if anything, goes against part c), which identifies that it is inappropriate to include extensive tracts of land. The only assessment that has been undertaken by a qualified landscape expert is by Nigel Cowlin Ltd and we urge the Examiner to follow their advice and remove GS04.

We have also reminded the Parish Council previously, that the landowners have never given consent, informal or otherwise, to allow the public access to the land. The public footpaths in place run to the north and west of proposed GS04. We believe, therefore, that the NP should remove the ambiguous wording "*agricultural field containing both formal and unofficial (although visibly well-trodden) walking routes that are used daily by villagers.*" from the Neighbourhood Plan, which infers otherwise.

For ease of reference, we provide everything submitted to date, including Nigel Cowlin Limited's detailed assessment, which clearly outlines why the criteria is being wrongly applied to GS04.

Other Matters

Whilst reviewing the draft Neighbourhood Plan, I note that although the Parish Council states that it supports the district's ambition to exceed minimum housing requirements, it does however, appear, that by seeking to designate large areas as Local Green Space, including GS04, the Parish Council is using this designation as a way of restricting the potential for future growth.

We would be happy to continue to engage in the Neighbourhood Plan process.

Yours Sincerely,



Richard Winsborough MRTPI
Planning Director

T: [REDACTED]
E: [REDACTED]

Encs:

MSP Submissions dated Dec 2021, July 2022 and September 2022
Nigel Cowlin Ltd - Review of LGS proposal GS04

REVIEW OF PROPOSED LOCAL GREEN SPACE DESIGNATION

Field South of Mary Warner Estate

Ardleigh

**Ardleigh Parish Council proposed Local Green
Space 4**

DOCUMENT DETAILS

Document type: Review of proposed Local Green Space designation
Reference: NC19.570-lgs01
Publish date: 17/12/2021
Client: M Scott Properties Ltd
Site location: Field South of Mary Warner Estate
Ardleigh
Site identifier: Ardleigh Parish Council proposed Local Green Space 4

Document version record

ISSUE		NC	17/12/2021		

This document has been produced by Nigel Cowlin Ltd

Nigel Cowlin Ltd is a Landscape Institute Registered Practice with Chartered Landscape Architects specialising in landscape assessment and landscape design issues relating to planning and development. The company's landscape assessment experience includes residential schemes ranging from single house developments to large urban extensions, commercial developments, as well as wind and solar energy projects in a variety of contexts. These landscape assessment services have been provided in relation to standard planning application cases as well as technical chapters for Environmental Statements and as part of expert witness services for planning inquiries.

This report has been prepared in accordance with the guidance and code of practice of the Landscape Institute. Where this includes statements of opinion these are the true professional opinion of the author.

The layout and content of this document is copyright protected.
© Nigel Cowlin Ltd 2021

DOCUMENT PACK & CONTENTS

Main text

	page
1. Introduction.....	1
2. Local Green Space policy.....	1
3. Description of the land & context.....	2
4. Appraisal against Local Green Space criteria.....	3
5. Conclusions.....	5

Appendices

Appendix A	Ardleigh Parish Council notification letter to Mr & Mrs Harris
Appendix B	Ardleigh Parish Council Green Spaces Assessments (Space 4)

Appendices have colour coded footers.

1. Introduction

- 1.1 Ardleigh Parish Council has notified the landowner that a parcel of their farmland has been shortlisted for designation as 'Local Green Space' within the drafting of the Ardleigh Neighbourhood Plan (see copy of notification letter provided as Appendix A). The Parish Council has provided explanation and justification for this proposal within its Green Spaces Assessments and Consultation Document (relevant extract provided as Appendix B). The basis for the use of the Local Green Space designation, within Local and Neighbourhood Plans, is set out in the National Planning Policy Framework 2021 (NPPF) at paragraphs 101, 102 & 103. In particular, NPPF paragraph 102 sets out criteria for the characteristics and qualities of land for which such a designation may be appropriate.
- 1.2 This report provides a review of the merits of this land for Local Green Space designation, with reference to the Parish Council's justification and in light of the NPPF criteria. It has been informed by:
- Review of local landscape character publications and any attributed value/quality for the local landscape setting;
 - Review of local planning policy context checking for statutory and local planning designations regarding protection of the landscape;
 - Review of nearby heritage assets such as Parks & Gardens, Listed Buildings and Scheduled Monuments; and
 - Site visit to confirm form and features of site and relationship to its context.

2. Local Green Space policy

2.1 Relevant NPPF 2021 paragraphs are duplicated below.

2.2 Paragraph 101

'The designation of land as Local Green Space through local and neighbourhood plans allows communities to identify and protect green areas of particular importance to them. Designating land as Local Green Space should be consistent with the local planning of sustainable development and complement investment in sufficient homes, jobs and other essential services. Local Green Spaces should only be designated when a plan is prepared or updated, and be capable of enduring beyond the end of the plan period.'

2.3 Paragraph 102

'The Local Green Space designation should only be used where the green space is:

- a) in reasonably close proximity to the community it serves;*
- b) demonstrably special to a local community and holds a particular local significance, for example because of its beauty, historic significance, recreational value (including as a playing field), tranquillity or richness of its wildlife; and*
- c) local in character and is not an extensive tract of land.*

2.4 Paragraph 103

'Policies for managing development within a Local Green Space should be consistent with those for Green Belts.'

3. Description of the land & context

- 3.1 The Ardleigh Parish Council Green Spaces Assessments identifies this land as the field south of Mary Warner Estate (Space 4). It is part of a largely self-contained and readily identifiable area of open land adjacent to the south-western edges of the village. This wider area measures approximately 16 Ha and is largely featureless and flat. The majority of it is in arable farming use, divided into two fields, with a separate portion to the south that has been left fallow for a number of years. The northern edge of this land has an open border with Colchester Road, as it enters the western edge of the village. The opposite side of the road is developed with a line of houses fronting the road. The north-eastern edges border onto houses on Colchester Road, Aveline Road and Gernon Road. Aveline and Gernon Roads are a post war, council type, housing estate backing onto the land. Aveline Road terminates with an open farm access into the northern field. The eastern edge is borders two public open spaces. These are enclosed by strongly hedged and tree lined boundaries. One is the Ardleigh Millennium Green and the other is Ardleigh Recreation Ground. They are set behind properties along north-south alignment of Station Road. The south-east edge has quite an open, but fenced boundary with the Great Eastern Mainline railway. Woodland and tree cover beyond the railway line also provide enclosure to this aspect. The south-western edge borders a vegetated corridor along Green Lane and Ardleigh Footpath 7. The north-western edge is enclosed by vegetation in the edges of a small cluster of properties at the start of Green Lane, separate to the main village area.
- 3.2 This land is crossed by Ardleigh Footpath 5, which emerges from the village in the north-east corner, near to the entrance to the Millennium Green off Mary Warner Road. It links back to Colchester Road, around 175m to the north, near to the centre of the village. After emerging in the countryside edge, it then traces west along the back garden edges of the first houses on Gernon Road, before diagonally crossing the open field in a south-westerly direction to join Ardleigh Footpath 7 on Green Lane. In addition to this formal public right of way, casual walking routes with trodden paths circle around the edges of all parts of this area.
- 3.3 This area lies within the Tendring Plain / Bromley Heaths local landscape character area. This is a relatively flat, plateau farmland landscape. It has varied enclosure levels, with some large-scale prairie field patterns, but elsewhere frequent woodland and tighter enclosure with tall hedges. The settlement pattern is quite varied, including industrial clusters and there are extensive areas of glass houses. There is also some quarrying activity.
- 3.4 The village Conservation Area is away from this area, in the centre of the village and extending south along Station Road. There is an isolated Grade II Listed Building (Tudor House and Well House) on Green Lane, nearby to the west. There are two other Grade II Listed Buildings within the Conservation Area along Station Road, next to the recreation ground. These are Phoenix Steam Mill and Engine House and the adjacent Mill House. These Listed Buildings are sometimes visible from within this area of open land, as is the tower of the Grade II* Listed St Marys Church, in the village centre to the north-west.
- 3.5 The shortlisted Local Green Space 4 is the eastern portion of the above described wider area. It is the arable field directly alongside the Millennium Green and Recreation Ground, and the bordering area of

fallow land to the south of this. It is separated from the remaining arable field, to the west, by a rough margin containing a ditch. To the north it adjoins the edges of Gernon Road, where Footpath 5 skirts the edge of the land along the back of rear gardens. The diagonal route of the footpath, crossing the area, is away to the west of Space 4, but the southern edge of Space 4 does border with Footpath 7, before it crosses the railway line. A smaller triangular area of fallow land, to the south of the recreation ground, is not included within Space 4.

4. Appraisal against Local Green Space criteria

- 4.1 The NPPF sets out criteria for the appropriate selection of land for the Local Green Space designation (NPPF paragraph 102). The following headings and sub-headings reflect those criteria and analysis is provided under each heading.

REASONABLY CLOSE PROXIMITY

- 4.2 Space 4 is within easy walking distance of the local community within the Ardleigh village. Space 4 readily complies with this requirement.

SPECIAL AND OF PARTICULAR LOCAL SIGNIFICANCE

- 4.3 The NPPF requires the Local Green Space designation to be used only for land which is *'demonstrably special to a local community and holds a particular local significance'*. It provides some examples to help understand how this might apply: *'beauty, historic significance, recreational value (including as a playing field), tranquillity or richness of its wildlife'*. These examples follow the principles applied by Landscape Architects in determining the relative value of a local landscape area for the purposes of Landscape and Visual Appraisal or Landscape and Visual Impact Assessment. The Landscape Institute has recently published guidelines to assist practitioners in this aspect of their work. This is Landscape Institute Technical Guidance Note 02/21 'Assessing landscape value outside of national designations' (LI TGN 02/21). It provides a more comprehensive range of indicative factors. These have also been reviewed and are included below, where relevant.

Richness of wildlife / natural heritage interests:

- 4.4 No evidence of ecological, geological, geomorphological or physiographic interest has been found for Space 4. In ordinary terms Space 4 has no natural heritage, or ecological/wildlife interests above and beyond ordinary arable farmland. As such this space is not special or of particular local significance for its richness of wildlife. The Ardleigh Parish Council Green Spaces Assessment for Space 4 also does not suggest that this area is valued for its natural heritage.

Historic significance / cultural heritage interests:

- 4.5 There is no evidence of archaeological, historical or cultural interest for Space 4. There is also no known connection with notable people, events or the arts for this location. The Ardleigh Parish Council Green Spaces Assessment for Space 4 also does not suggest that this area is valued for its historic significance.

Recreational value:

- 4.6 Recreational use of the land is limited to public footpath routes along two edges and unofficial walking routes (unsanctioned by the

landowner) around other edges of Space 4. These routes are well used, and the Ardleigh Parish Council Green Spaces Assessment talks of evidence of children playing in the area (geocaching and similar games). This nature and level of activity is typical of farmland on the edges of settlements. It is not sufficient for the area to meet the criteria that it is 'demonstrably special to the local community' and of 'particular local significance' in terms of recreational value.

Beauty or scenic appeal

- 4.7 The wider area, as described in Section 3 above, has basic scenic appeal as open farmland adjacent to a settlement. When walking through it there is the ordinary appeal of open countryside and the area benefits from trees and woodland around the outlying edges. However, the interior of the area is rather featureless and flat, and there is no particular vista or outlook into any wider countryside. Views back to the village are not unpleasant, but also are without particular merit. The church tower can be picked out above the rooftops of the village from locations towards the western edges of the area, particularly around the junction of Footpaths 5 & 7. From the west of the area, the Listed Mill and Mill House can be seen through the trees in the Millennium Green and Recreation Ground. These are of some interest, but are not on their own determinative of any special scenic value. They are also not particular characteristics of Space 4, where the angle of view and proximity to the tree lined edges of the adjacent Millennium Green and Recreation Ground generally block these views. In more general views back to the village edge, the view is to the rear of post war housing, with typically mixed enclosure including close boarded fences and some unkempt boundaries. There is no notable interaction or outlook from any civic spaces within the settlement, suggestive that this area has any valued relationship with the settlement. The settlement largely turns its back onto this area. The presentation of the Millennium Green and Recreation Ground is also such that they do not engage with this space; they are enclosed by hedging and largely inward looking. The characteristics of Space 4 are of insufficient scenic appeal for it to meet the criteria of being 'special' or of 'particular local significance'.
- 4.8 In contrast, the Ardleigh Parish Council Green Spaces Assessment talks about the attractiveness of the views back to the village, and its role in providing an important rural backdrop to the Millennium Green and Recreation Ground. It uses phrases such as *'from the south of the area, the built form of the village appears as a pleasant and incidental feature peering out of a lush landscape'* and *'it enables picturesque views to be had of Ardleigh from as far south as the train tracks'*. Yet it also notes *'the nondescript, hard-edged suburban nature'* of the adjacent housing estate areas. It also suggests that *'it provides an invaluable rural outlook from the southern edge of the village and from two of its most valuable and well-used community facilities'* (The Millennium Green and Recreation Ground). However, as illustration of this it offers photos looking towards the hedge and tree lined enclosure to these spaces, with only glimpsed views out via incidental gaps, and no notable views out to Space 4. Space 4 does not feature as any positive attribute in these views.

Wildness and/or tranquillity:

- 4.9 This location offers little perception of wildness and no notable degrees of tranquillity. The productive farmed landscape is clearly not of a wild nature. The fallow areas have some degree of wild character, but this is peripheral and of no great influence on the overall character of the area. The constant presence of the estate housing to the north and the trainline to the south also interfere with any feelings of isolation or tranquillity. The Ardleigh Parish Council Green Spaces Assessment for

Space 4 also does not suggest that this area is valued for its wildness or tranquillity.

LOCAL IN CHARACTER AND NOT AN EXTENSIVE TRACT OF LAND

- 4.10 The wider area between Colchester Road, Green Lane, the railway line and the edges of Ardleigh village would clearly be classed as an extensive tract of land. The portion of this that is Space 4 is smaller than this, but it is not readily distinguishable and separate to the wider area in any material way. This whole area would ordinarily be characterised simply as open countryside on the edge of the settlement. It is not a piece of land that is performing any properly recognisable green space function above and beyond that. As such, it is not clear how this area is the sort of local open space facility that the Local Green Space designation is intended to capture. The Ardleigh Parish Council Green Spaces Assessment for Space 4 is not clear about how this space satisfies this criteria, except that it is the land bordering the Millennium Green and Recreation Ground. These two public open spaces function properly irrespective of the nature of the bordering area and presence of Space 4. Therefore this justification is not well founded.

5. Conclusions

- 5.1 The NPPF lists three criteria for the appropriate use of the Local Green Space designation (NPPF paragraph 102). All three of these criteria should be met, in one form or another. The Ardleigh Parish Council shortlisted Space 4 fails to meet two of these criteria. It is in *'reasonable close proximity to the community'*, but it is not *'demonstrably special'* and *'of particular local significance'*. It is also unclear how it is *'local in character'* and is not more related to *'an extensive tract of land'*. Ardleigh Parish Council shortlisted Space 4 is not an appropriate piece of land for the Local Green Space designation.

APPENDIX A

**Ardleigh Parish Council notification
letter to Mr & Mrs Harris**



Ardleigh Parish Council
PO Box 12865
COLCHESTER
CO7 7EZ

Tel: 01206 619532
Email: ardleighpc@gmail.com
Website: www.ardleigh.website

ARDLEIGH PARISH COUNCIL

PETER LESLIE HARRIS and ELIZABETH BIRGITTA HARRIS of
Badley Hall, Little Bromley Road, Ardleigh, Colchester CO7 7NF.

Dear Mr & Mrs Harris

IMPORTANT: This letter concerns land we believe is in your ownership

I am writing to you on behalf of Ardleigh Parish Council, as on-going preparation of Ardleigh's Neighbourhood Plan may affect land in your ownership or in which you have an interest.

It is intended that Ardleigh's Neighbourhood Plan will designate a number of Local Green Spaces and provide policies for their protection and enhancement.

These policies will not prevent any new development on a site but they will require that new development does not compromise its special value. Developments that would enhance a Space's special value will be encouraged.

Some Background, Local Green Spaces are designated because of their special value to the local community. They must be in reasonably close proximity to the community they serve and they cannot be an extensive tract of land.

Sites may have special value to the community because of their: beauty; historic significance; recreational value; tranquility; wildlife and/or landscape value.

Sites do not necessarily have to be accessible by the local community to be considered of special value. However, public access is one relevant factor.

Ardleigh Parish Council Neighbourhood Plan Steering Group has already invited Local Green Spaces nominations from the community and has subsequently conducted a thorough desktop and field assessment of all sites nominated.

Following these investigations, 11 sites throughout the Parish of Ardleigh have been shortlisted due to their special community value. A comprehensive description, rationale and list of all shortlisted sites can be found on the Ardleigh Parish Council website <https://bit.ly/ArdleighGreenSpaces>

We believe that you may have an interest in the shortlisted site described below:

- Field south of Mary Warner Estate, west of Millennium Green. Land on south side of Dedham Road, Ardleigh. (Space 4) TM053292, FOOTPATH PROW158_5 Overview: agricultural field on the southern edge of the village, bordered by official and unofficial walking routes.

If you are the landowner of this space or have any other interest in the land, we would welcome your written response by no later than **1st January 2022**.

Please respond to the following:

- What is your interest in the land (e.g., owner/leaseholder)?
- Do you understand the proposal to designate your land as a Local Green Space?
- Do you support or object to the proposal to designate your land as a Local Green Space?
- Is the land the subject of an on-going planning application?
- Is the land the subject of any existing or emerging allocations in the Local Plan?

When considering Local Green Spaces these factors were considered. You may wish to comment on:

- Is the land local in character?
- Is the land within close proximity of the local community?
- Is there any public access to the land (formally or otherwise)?
- The land's beauty, historic significance, recreational value, tranquility, wildlife value, landscape value.

Your response will be taken into careful consideration by Ardleigh Parish Council's Working Group and will be used to inform the final list of Local Green Spaces to be designated in the Neighbourhood Plan.

Your response can be emailed or posted to Ardleigh Parish Council at the following:

ardleighpc@gmail.com

Ardleigh Parish Council, PO Box 12865, Colchester CO7 7EZ.

Do not hesitate to contact the Ardleigh Parish Council if you require further clarification or assistance.

We look forward to hearing from you.

Yours sincerely



Tim Barrott

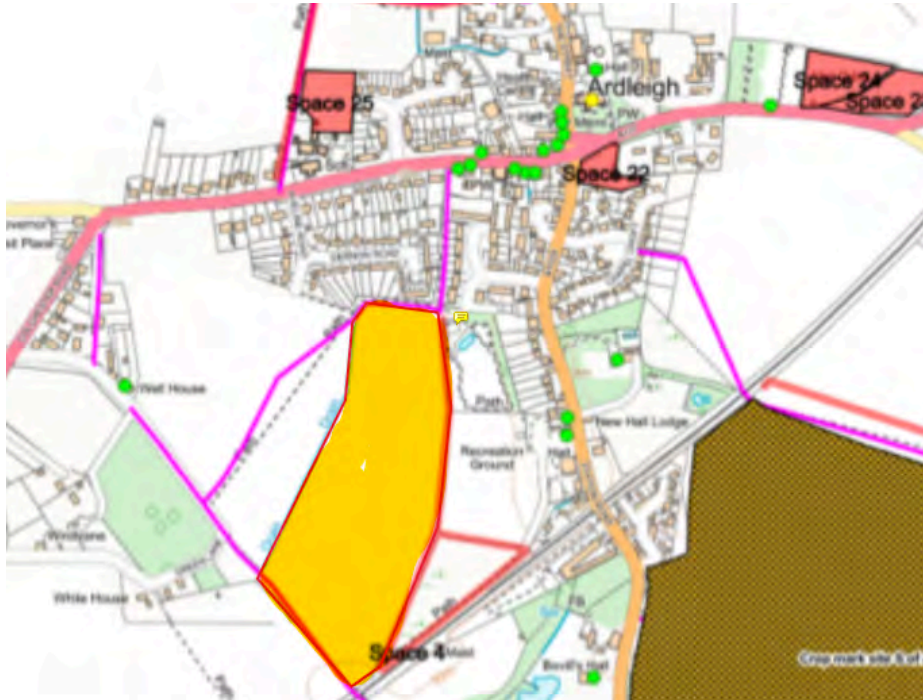
Chair of Ardleigh Parish Council

APPENDIX B

**Ardleigh Parish Council Green Spaces
Assessments (Space 4)**

Field south of Mary Warner Estate (Space 4) TM053292, FOOTPATH PROW158 5

Overview: agricultural field on the southern edge of the village, bordered by official and unofficial walking routes.



Size: approx. 7.7 ha

Proximity: The site lies in exceptionally convenient proximity of the village centre, with connecting footpaths available. It is also accessible from the recreation ground/ children's play area.

Ownership: It is believed that the working agricultural field is in private ownership. An unofficial footpath runs along its eastern boundary and is well-trodden. Its daily use by the public appears to have been kindly permitted by the landowner over multiple decades. A public right of way extends along its northern and southern boundaries, skirting off to the west.

Use: The field provides an idyllic rural backdrop to one of the village's main built-up residential areas (Mary Warner Estate) as well as some of its important community facilities (Millennium Green and children's play area/playing fields). Its unofficial walking track is very well-used by villagers, mainly walkers and local children.

It also forms part of a pleasant and well-used circular walking route that takes you across the train tracks and through ancient woodlands before returning to the village.

Existing designations: None known.

Allocations or planning consents: None.

Assessment: This field provides a very pleasant rural backdrop to some important village amenities and (relatively) densely occupied parts of the village. It enables far-reaching views both from and towards open countryside. From the south of the area, the built form of the village appears as a pleasant and incidental feature peering out of a lush landscape. There was evidence of children playing in this area (geocaching and similar games).

The presence of high quality, mature trees along the site's eastern perimeter adds considerably to the character and amenity of the village recreation grounds.

Despite the nondescript, hard-edged suburban nature of the Mary Warner Estate, the presence of this open tract of land ensures the overall retention of the rural character and setting of this part of the village.

Photos 02/11/2021:



View from the south - built edge of Ardleigh just visible on the horizon

	
<p>View from site through perimeter trees towards recreation ground</p>	<p>View from children's play area through to site</p>
	
<p>Trees alongside children's play area</p>	<p>Assisting to soften and situate the Mary Warner Estate</p>

Conclusion: The value of this site to the local community is significant. It is located in exceptionally close proximity of the main built-up part of the village. It provides an invaluable rural outlook from the southern edge of the village and from two of its most valuable and well-used community facilities. It enables picturesque views to be had of Ardleigh from as far south as the train tracks. It is used on a daily basis by a wide variety of villagers for a number of recreational purposes.

CARRY FORWARD AS A LOCAL GREEN SPACE.



Our ref:
Your ref:

Tendering District Council
Town Hall
Station Road
Clacton On Sea
Essex
CO15 1SE

Mark Norman
Operations - East
Woodlands
Manton Lane
Bedford MK41 7LW

Direct Line: [REDACTED]

23 June 2023

Dear Sir,

Ardleigh Neighbourhood plan Reg 16 Consultation

NH has been appointed by the Secretary of State for Transport as a Strategic Highway Company under the provisions of the Infrastructure Act 2015 and is the highway authority, traffic authority and street authority for the Strategic Road Network (SRN). It is our role to maintain the safe and efficient operation of the SRN whilst acting as a delivery part to national economic growth. Within this area the SRN comprises of the A12 and A120 between the A12 and the port of Harwich.

It is accepted that a new garden type community has the best potential to achieve sustainable growth, as sustainability can be designed in form the outset. A large development has more opportunities to realise internalisation of trips provided that facilities and infrastructure are provided at the time they are needed. We welcome and fully support the plans statements on the need for integrated and sustainable transport network that seeks to modal shift to public transport and active travel. We recognise that in a semi-rural area such as this a reduction in car dependence will not be without its challenges. We welcome the commitment to bus rapid transit. If the Tendering Colchester Garden community is to come forward in a sustainable time and delivery of all parts of the development and the supporting infrastructure will be critical and this is always a challenge.

We welcome and fully support the plans statements on the need for integrated and sustainable transport network that seeks to modal shift to public transport and active travel. We recognise that in a semi-rural area such as this a reduction in car dependence will not be without its challenges. We welcome the commitment to bus rapid transit. If the Tendering Colchester Garden community is to come forward in a sustainable time and delivery of all parts of the development and the supporting infrastructure will be critical and this is always a challenge. After reviewing the details and information contained within the neighbourhood plan, and taking into account National Highways commitment to encouraging economic growth balanced with mitigating any potential impact upon the Strategic Road Network , we would like to offer the following comments;

- All developments in this plan will be in accordance with the adopted Tendering Local Plan and therefore their traffic impact has already been accessed and broadly accepted by National Highways

- We support and encourage any proposed negotiations with Tendring District Council and Essex County Council with ways to improve access too, and use of, improved sustainable transport methods
- National Highways recommends that any development should be supported by a Transport Assessment carried out using recognised methods, to review the capacity and safety of the road network.
- Any Transport Assessment should be undertaken in accordance with policy laid out in DFT Circular 01/2022 and National Highways Protocols with full consultation with Essex County Council Highways, and where appropriate, National Highways.

I trust the above is useful

Yours faithfully



Mark Norman
Spatial Planning Manager
Operations (East)
Email: [REDACTED]

Date: 26 June 2023
Our ref: 435830
Your ref: Ardleigh Neighbourhood Plan Consultation



Hornbeam House
Crewe Business
Park
Electra Way
Crewe
Cheshire
CW1 6GJ

T 0300 060 3900

William Fuller
Tendring Planning Policy Department
c/o: planning.policy@tendring.gov.uk

BY EMAIL ONLY

Dear Mr Fuller

Regulation 16 Consultation on the Draft Ardleigh Neighbourhood Plan

Thank you for your consultation on the above dated 12 May 2023.

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

The Neighbourhood Plan describes the landscape and environment of the Neighbourhood Plan area and identifies sites which are designated nationally and locally (SSSIs, Ancient Woodlands and Local Wildlife Sites) for their nature conservation interest. In addition to these designations, the Neighbourhood Plan Area lies within the Zone of Influence of European Sites at the Essex Coast (specifically the Blackwater Estuary SPA and Ramsar; the Stour and Orwell SPA and Ramsar; the Colne Estuary SPA and Ramsar (partly); Crouch and Roach Estuaries SPA and Ramsar (partly); and the Essex Estuaries SAC).

As you are aware, the Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS) was developed to provide a strategic solution to address the issue of increased recreational disturbance (arising from additional housing) to internationally important assemblages of birds and other qualifying features of the European Sites on the Essex Coast. The Essex Coast RAMS aims to deliver the mitigation necessary (under the Habitats Regulations) to address the likely significant effects of the "in-combination" impacts of residential development within a defined Zone of Influence, thus protecting the Sites from adverse effects on site integrity. The various, costed mitigation measures are set out in the Essex Coast RAMS and the Essex Coast RAMS Supplementary Planning Document (SPD) explains how these measures "translate" into a per dwelling tariff and how this financial contribution will be secured through the planning process. Both the Strategy and the SPD have been adopted by Tendring District Council. The whole of the Ardleigh Neighbourhood Plan Area lies within the Overall Zone of Influence for the Essex Coast RAMS.

Although the Ardleigh Neighbourhood Plan does not propose to allocate any sites for residential development, it does allow for small scale residential development to take place within the settlement boundary, subject to certain criteria being met. References to such development are included in the text and in the wording of Policy GDP: General approach to Development, Policy CFP: Community Facilities, and Policy HP: Housing. Accordingly, Natural England recommends that the wording of relevant policies is amended to make clear that proposals for any new dwellings within the Neighbourhood Plan Area will be subject to a financial contribution towards mitigation measures, as specified in the adopted Essex RAMS SPD, to ensure the development will have no adverse effect on the integrity of the European sites. It may be possible to include this requirement through reference to the relevant Local Plan Policy (PPL4) in the wording of Neighbourhood Plan policies. In addition, to provide context, it is recommended that text is added to the Plan to explain the risks that additional housing would otherwise present to the integrity of the European Sites.

I trust that the above comments are helpful. Please contact [REDACTED] if any clarification is required. For any further consultations please send your correspondences to consultations@naturalengland.org.uk.

Yours sincerely

Tessa Lambert
Lead Adviser – Sustainable Development
West Anglia Area Team

From: Planning Central <Planning.Central@sportengland.org>
Sent: Wednesday, May 17, 2023 9:30 AM
To: Planning Policy <planning.policy@tendringdc.gov.uk>
Subject: RE: Ardleigh Neighbourhood Plan Consultation

Thank you for consulting Sport England on the above neighbourhood plan.

Government planning policy, within the **National Planning Policy Framework**(NPPF), identifies how the planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. Encouraging communities to become more physically active through walking, cycling, informal recreation and formal sport plays an important part in this process. Providing enough sports facilities of the right quality and type in the right places is vital to achieving this aim. This means that positive planning for sport, protection from the unnecessary loss of sports facilities, along with an integrated approach to providing new housing and employment land with community facilities is important.

It is essential therefore that the neighbourhood plan reflects and complies with national planning policy for sport as set out in the NPPF with particular reference to Pars 98 and 99. It is also important to be aware of Sport England's statutory consultee role in **protecting playing fields** and the presumption against the loss of playing field land. Sport England's playing fields policy is set out in our Playing Fields Policy and Guidance document.

https://www.sportengland.org/how-we-can-help/facilities-and-planning/planning-for-sport#playing_fields_policy

Sport England provides guidance on **developing planning policy** for sport and further information can be found via the link below. Vital to the development and implementation of planning policy is the evidence base on which it is founded.

https://www.sportengland.org/how-we-can-help/facilities-and-planning/planning-for-sport#planning_applications

Sport England works with local authorities to ensure their Local Plan is underpinned by robust and up to date evidence. In line with Par 99 of the NPPF, this takes the form of **assessments of need and strategies for indoor and outdoor sports facilities**. A neighbourhood planning body should look to see if the relevant local authority has prepared a playing pitch strategy or other indoor/outdoor sports facility strategy. If it has then this could provide useful evidence for the neighbourhood plan and save the neighbourhood planning body time and resources gathering their own evidence. It is important that a neighbourhood plan reflects the recommendations and actions set out in any such strategies, including those which may specifically relate to the neighbourhood area, and that any local investment opportunities, such as the Community Infrastructure Levy, are utilised to support their delivery.

Where such evidence does not already exist then relevant planning policies in a neighbourhood plan should be based on a proportionate assessment of the need for sporting provision in its area. Developed in consultation with the local sporting and wider community any assessment should be used to provide key recommendations and deliverable actions. These should set out what provision is required to ensure the current and future needs of the community for sport can be met and, in turn, be able to support the development and implementation of planning policies. Sport England's guidance on assessing needs may help with such work.

<http://www.sportengland.org/planningtoolsandguidance>

If **new or improved sports facilities** are proposed Sport England recommend you ensure they are fit for purpose and designed in accordance with our design guidance notes.

<http://www.sportengland.org/facilities-planning/tools-guidance/design-and-cost-guidance/>

Any **new housing** developments will generate additional demand for sport. If existing sports facilities do not have the capacity to absorb the additional demand, then planning policies should look to ensure that new sports facilities, or improvements to existing sports facilities, are secured and delivered. Proposed actions to meet the demand should accord with any approved local plan or neighbourhood plan policy for social infrastructure, along with priorities resulting from any assessment of need, or set out in any playing pitch or other indoor and/or outdoor sports facility strategy that the local authority has in place.

In line with the Government's NPPF (including Section 8) and its Planning Practice Guidance (Health and wellbeing section), links below, consideration should also be given to how **any new development**, especially for new housing, will provide opportunities for people to lead healthy lifestyles and create healthy communities. Sport England's Active Design guidance can be used to help with this when developing planning policies and developing or assessing individual proposals.

Active Design, which includes a model planning policy, provides ten principles to help ensure the design and layout of development encourages and promotes participation in sport and physical activity. The guidance, and its accompanying checklist, could also be used at the evidence gathering stage of developing a neighbourhood plan to help undertake an assessment of how the design and layout of the area currently enables people to lead active lifestyles and what could be improved.

NPPF Section 8: <https://www.gov.uk/guidance/national-planning-policy-framework/8-promoting-healthy-communities>

PPG Health and wellbeing section: <https://www.gov.uk/guidance/health-and-wellbeing>

Sport England's Active Design Guidance: <https://www.sportengland.org/activedesign>

(Please note: this response relates to Sport England's planning function only. It is not associated with our funding role or any grant application/award that may relate to the site.)

If you need any further advice, please do not hesitate to contact Sport England using the contact details below.

Yours sincerely

Planning Administration Team
Planning.central@sportengland.org