

Tendring
District Council



Elmstead Neighbourhood Plan
Regulation 16 Consultation
Representations Received
(Redacted)



Your Ref: Elmstead N'hood Plan and NDO (Reg 16 & 23)
Our Ref: Elmstead N'hood Plan and NDO (Reg 16 & 23)

Dr Shamsul Hoque
National Highways
Operations - East
Woodlands
Manton Lane
Bedford MK41 7LW

William Fuller
Tendring District Council
The Council Offices
Station Road
Clacton-on-Sea, Essex, CO15 1SE

Date: 30 October 2023

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

Dear Sir/Madam,

**Consultation on Elmstead Neighbourhood Plan (Reg 16)
and
Neighbourhood Development Order (NDO) (Reg 23)**

Thank you for your correspondence, dated 15 September 2023, for inviting National Highways comments on the above-mentioned subject. After completion of our review on the supporting documents, now sending my comments below:

National Highways is responsible for the operation, maintenance, and improvement of the Strategic Road Network (SRN) in England on behalf of the Secretary of the State. National Highways is a key delivery partner for sustainable development promoted through the plan-led system, and as a statutory consultee we have a duty to cooperate with local authorities to support the preparation and implementation of development plan documents. The proposed Elmstead Neighbourhood Plan for the period between 2013 and 2033, the land is located within the Tendring District.

There are two points where driving routes, to and from the Elmstead Neighbourhood, are connected with the Strategic Road Network (SRN). One is on the north-western direction, the junction between A120 and Ipswich Road, which leads to the A12 Junction 29. Other location is in the eastern direction, the junction between the A120 and Harwich Road.

In relation to the Policy CP2 Transport Network which stated that to serve the Tendring/Colchester Borders Garden Community a new strategic link road between the A120 and A133 and a Rapid Transit System will be required. National Highways provided comment previously, during the Regulation 14 consultation in relation to a new junction on to the A120. It is part of a packaged bid including funding towards a bus rapid transit scheme. Therefore, policies which identify opportunities for significant sustainable transport measures and traffic mitigation are welcome. Care will be required to ensure that sustainable transport opportunities are maximised, and that infrastructure and facilities meet the profile of demand.

The Policy ELM7 (Housing Mix) is welcomed which addressing the need for smaller dwelling (for example, up to 2-bedroom) for the new developments. This not only supports downsizing the individual dwelling size but also towards supporting a few numbers of private car spaces for each dwelling.

National Highways welcome the Policy ELM12 (Movement and Connectivity) which promotes walking, cycling, and sustainable scope of travel in line with the Policy ELM13 (Managing Traffic). Both these policies recognise the active travel initiative and improvements and traffic mitigation measures.

This consultation response also includes our recommendation for the Neighbourhood Development Order (NDO) which mentioned above on the subject line earlier.

The Neighbourhood Development Order (NDO) consultation (Regulation 23) with an application reference no. 23/00991/NDO from the Tendring District Council, where the proposed development is located at Elmstead Community Centre School Road, Elmstead, Colchester Essex CO7 7ET. This proposal is:

“Neighbourhood Development Order proposing the demolition of the former Elmstead Community Centre and the construction of an affordable housing scheme.”

The proposed development will comprise 2 x 1-bedroom flats and 4 x 2-bedroom flats. We have completed our review of the details and information provided about the above-mentioned the application ref. no. 23/00991/NDO. Due to the scale, nature, and location of the proposed development, there is unlikely to have any severe effect on the A120, part of the Strategic Road Network. Therefore, National Highways do not have objection.

If you require any clarification on the points raised, please let me know at PlanningEE@nationalhighways.co.uk

Yours sincerely

S. H.
Dr Shamsul Hoque
Assistant Spatial Planner

Informative:

Standing advice to the local planning authority

The Climate Change Committee's [2022 Report to Parliament](#) notes that for the UK to achieve net zero carbon status by 2050, action is needed to support a modal shift away from car travel. The NPPF supports this position, with paragraphs 73 and 105 prescribing that significant development should offer a genuine choice of transport modes, while paragraphs 104 and 110 advise that appropriate opportunities to promote walking, cycling and public transport should be taken up.

Moreover, the build clever and build efficiently criteria as set out in clause 6.1.4 of [PAS2080](#) promote the use of low carbon materials and products, innovative design solutions and construction methods to minimise resource consumption.

These considerations should be weighed alongside any relevant Local Plan policies to ensure that planning decisions are in line with the necessary transition to net zero carbon.



BROOKS LENEY
YOUR LAND OUR KNOWLEDGE

FAO: Mr W Fuller
The Council Offices,
Station Road,
Clacton-on-Sea,
Essex,
CO15 1SE

Our ref: GC/JC/61497
26th October 2023

By Email only to: planning.policy@tendringdc.gov.uk

Dear Mr Fuller

REGULATION 16 CONSULTATION OF ELMSTEAD MARKET NEIGHBOURHOOD PLAN.

INTRODUCTION

Brooks Leney have been instructed by Mr. A. Massink to respond to the Regulation 16 Consultation of the Elmstead Market Neighbourhood Plan ('EMNP').

Our client owns land designated under proposed Policy ELM16 (Nature Recovery) as an 'Area of Potential for Additional Riparian/Floodplain Woodland,' as shown in Elmstead Market Nature Recovery Plan (see Figure 1 below).

While my client supports the general principle of Policy ELM16, there are reservations regarding the extent of the designation. This stems from concerns that the current delineation appears arbitrarily applied around the identified watercourses, not aligning accurately with the actual topography of the land or existing physical features in these areas. The designation could potentially result in detrimental impacts to the management and use of the land for agricultural and environmental purposes.

These representations, therefore, respectively seek a modest refinement of the boundary drawn for the 'Area of Potential for Additional Riparian/Floodplain Woodland' to align this with the established field boundaries within my client's ownership.

POLICY ELM16 (NATURE RECOVERY)

This policy defines the Green Infrastructure Network as one means of ensuring future resilience to climate change impacts and supporting nature recovery. The network comprises the Green Ring (Policy ELM15) and various green spaces, ancient woodlands, trees, hedgerows, water bodies, footpaths, and other land of biodiversity value.

Hyntle Barn, Hill Farm, Hintlesham, Ipswich, Suffolk, IP8 3NJ

Also at Bury St Edmunds, Colchester and Eye

Partners: D P Brooks Ltd
C J Leney Ltd
W J Hosegood Ltd
Associates: Simon Smith BSc (Hons) MRICS FAAV
Gwyn Church BSc (Hons) MRICS FAAV



Chartered Surveyors
Planning Consultants
Land & Property Consultants
Farm Business Advisers
www.brooksleney.co.uk



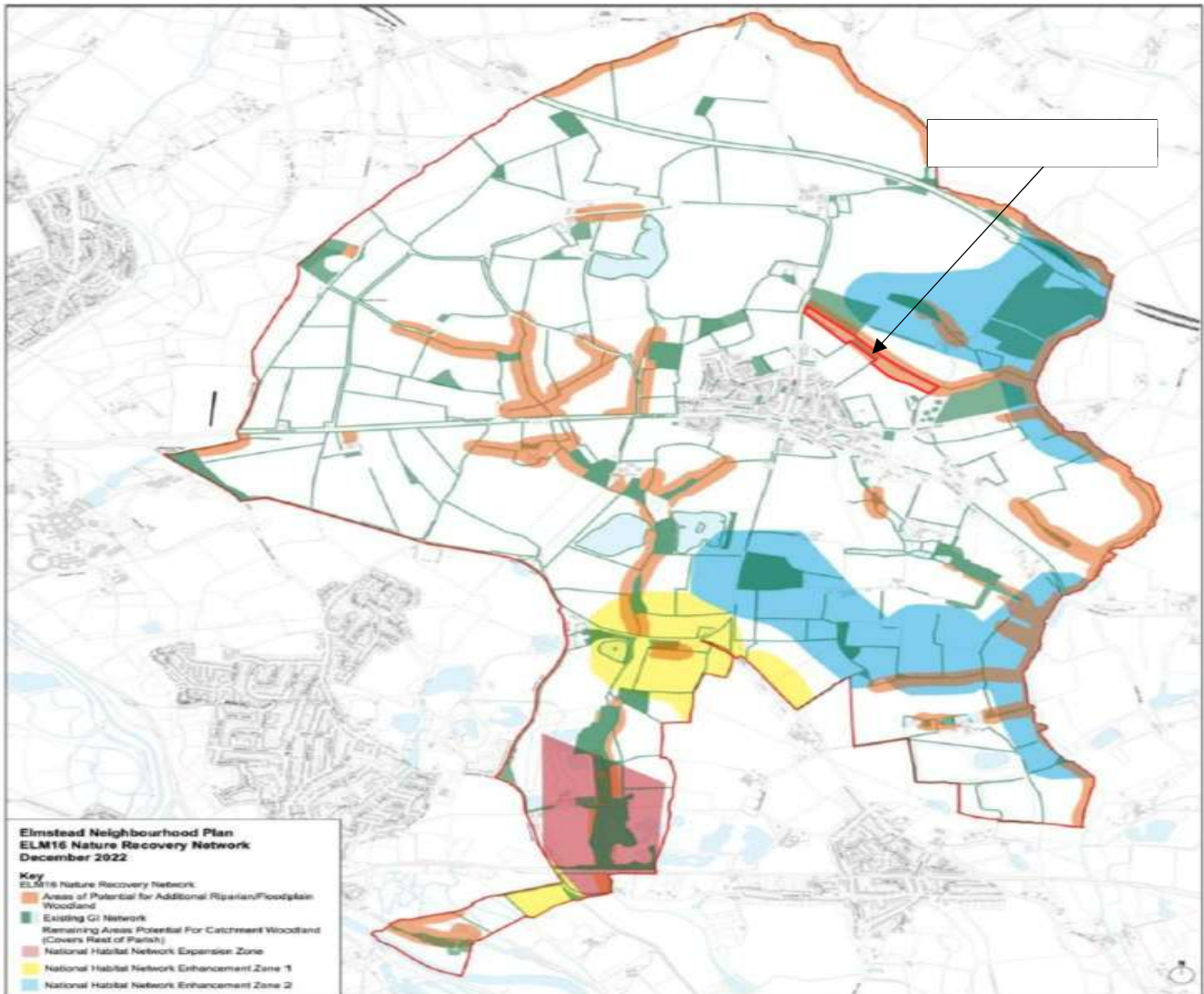
The supporting text within the policy states that:

“Additional planting opportunities have been identified using the ‘Working with natural processes to reduce flood risk’ evidence base by the Flood and Coastal Erosion Risk Management Research and Development Programme and Environment Agency in February 2021. Specifically, opportunities for additional riparian woodland planting along water corridors.”

My client owns land designated as an 'Area of Potential for Additional Riparian/Floodplain Woodland' in the Policies Map Inset 1 and the Nature Recovery Plan. For ease of reference, this is shown edged red in Figure 1 below.

The land labelled Area 1 comprises the Tenpenny Brook corridor, situated in a natural ditch and flanked on either side by trees and hedges, with a greater concentration in the northwest area which has been subject to recent tree planting. The land in the southwest then extends upwards towards the arable fields, which are clearly defined by field boundaries. A Public Right of Way (PRoW) (Elmstead 13) passes through the land.

Figure 1 - Elmstead Market Nature Recovery Plan (Land interests edged red)





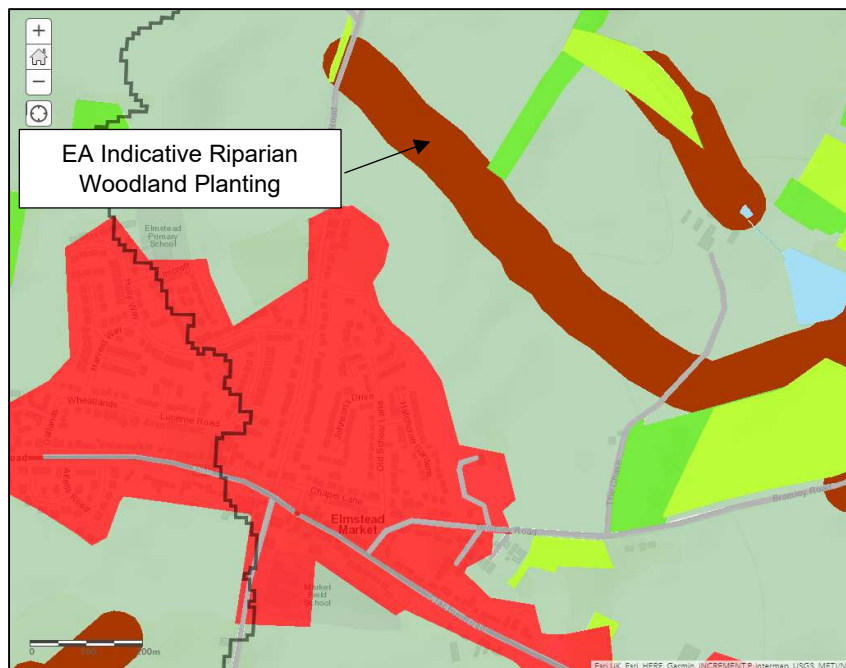
WORKING WITH NATURAL PROCESSES (WWNP)

The Working with Natural Processes (WWNP) aims to protect, restore, and emulate the natural functions of catchments, floodplains, rivers and the coast.

In 2021, the Flood and Coastal Erosion Risk Management Research and Development Programme and Environment Agency published a mapping system which was their best estimate of locations where tree planting may be possible on smaller floodplains close to flow pathways, and effective to attenuate flooding.

'Riparian Zones' have been identified as effective locations for woodland planting to aid flood risk management, as well as providing other significant water benefits (see Figure 2 below).

Figure 2 - WWNP Indicative Riparian Woodland Potential Environment Agency Mapping



It is important to note that these maps are intended to serve as a starting point. They are not prescriptive, with accompanying guidance stating that the locations are indicative rather than specific and have not considered land ownership¹.

RECOMMENDATIONS

The Neighbourhood Plan, as currently drafted, has applied the WWNP's indicative 'Riparian Zones' without further scrutiny or refinement from an arboricultural advisor, landscape expert, or the Environment Agency.

¹ WWNP Riparian Woodland Potential – Overview

<https://www.arcgis.com/home/item.html?id=18ec9562869546a9a1d55316435f16e7>



If the Inspector deems the inclusion of 'Areas of Potential for Additional Riparian/Floodplain Woodland' justified and compliant with the basic conditions, my client requests a modest refinement of the designation to better reflect the existing field boundaries, topography and lay of the land.

As currently depicted, the designation encompasses arable land beyond the established field boundary. These are distinctly separate and serve as functional agricultural land. Encroachment upon this land would have practical implications for my client.

Therefore, the proposed amendment below seeks a modest adjustment to realign the designation and eliminate the inclusion of the arable field boundaries in the southwest corner.

Figure 3 – Area recommended for removal (shaded black) in Elmstead Market Nature Recovery Plan²



Policy ELM16 may also benefit from supplementary explanation as to how the aspiration for additional riparian / floodplain woodland in these locations would be achieved during the period of the plan.

CONCLUSION

My client appreciates the opportunity to engage with Elmstead Parish Council on its emerging Neighbourhood Plan.

² Satellite map and WWNP Riparian Woodland Potential Area obtained from ArcGIS Database:
<https://www.arcgis.com/home/item.html?id=18ec9562869546a9a1d55316435f16e7>



BROOKS LENEY

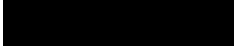
Amendments have been suggested to Policy ELM16 to enhance the clarity of the Plan and assist in meeting the basic conditions tests.

Yours sincerely,

Gwyn Church BSc (Hons) MRICS FAAV | Associate

For & on behalf of Brooks Leney



FAO Tendring Planning Policy DepartmentTendring District Council
Council Offices, Town Hall
Station Road
Clacton-on-Sea
CO15 1SEOur Ref: TDC/EMNP/R16
Date: 27 October 2023
Telephone: By email: planning.policy@tendringdc.gov.uk

Dear Planning Policy Department

Re: Consultation - Draft Elmstead Market Neighbourhood Development Plan (Reg 16) and Neighbourhood Development Order

Thank you for consulting Essex County Council (ECC) on the abovementioned Neighbourhood Plan (NP) and Neighbourhood Development Order (NDO). 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.

ECC welcomes and supports the changes made to the NP that reflect our representations at the Regulation 14 stage in 2022. However, it is disappointing that the Parish Council did not include many of the other changes put forward by ECC and it is unclear from the Consultation Statement the reasons for this. ECC still feels the NP would benefit from stronger policy provisions to ensure optimal outcomes are delivered. Accordingly, relevant representations are once again reflected in this response alongside several matters that need to be updated to reflect a current and accurate position.

ECC makes no representations on the NDO.

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: **E:** **W:** www.essex.gov.uk

ECC response to Consultation - Draft Elmstead Market Neighbourhood Plan 2013 – 2033 (Submission Plan, Regulation 16, March 2023)

NP REFERENCE / SECTION	COMMENT	CHANGE REQUIRED
<p>Paragraph 1.2</p>	<p>Paragraph 1.2 refers to the documents which comprise the development plan for Tendring. However, this omits the Essex Minerals Local Plan and the Essex and Southend-on-Sea Waste Local Plan, both of which also comprise the ‘development plan’ for Tendring.</p> <p>Correct reference is made in paragraph 3.13 and this is welcomed by ECC as the Minerals and Waste Planning Authority (MWPA), but reference should also be made upfront in this paragraph.</p>	<p>Amend paragraph 1.2 so that it correctly references the documents forming the development plan for Tendring as follows.</p> <p>“The Plan will form part of the development plan for Tendring, alongside the adopted Tendring District Local Plan 2013-2033 and Beyond: North Essex Authorities’ Shared Strategic Section 1 Plan and the adopted Tendring District Local Plan 2013-2033 and Beyond Section 2, which has the same end of the Plan period; <u>together with the Essex Minerals Local Plan and the Essex and Southend-on-Sea Waste Local Plan</u>”.</p>
<p>Paragraph 1.5</p>	<p>Reference is made to the Levelling up and Regeneration Bill. This is scheduled to receive Royal Assent in November and thereby become the Levelling Up and Regeneration Act.</p>	<p>Update paragraph through the examination process so that it correctly refers to the current position regarding the Act.</p>
<p>Paragraph 2.23</p>	<p>Reference is made to the Colchester/Tendring Garden Community. The paragraph refers to the number of dwellings, predominant density, land uses and the A133-A120 Link Road.</p> <p>The information needs to be updated to reflect an accurate and current position. A Development Plan Document (DPD) has been prepared for the Garden Community by Tendring District Council and Colchester City Council in partnership with ECC, and the DPD was submitted to the Secretary of State for examination in September 2023.</p> <p>In terms of housing numbers, the DPD provides for circa 7,500 new homes.</p>	<p>Amend paragraph to read as follows.</p> <p>“This will incorporate up to 9,000 <u>circa 7,500</u> predominately high density dwellings, <u>with a range of shops, jobs, services and community facilities, including education, businesses,</u> a rapid transport system and a travellers’ camp. The construction of this will <u>predominantly</u> commence after the completion of a new link road between the A133 and the A120 to the west and north of the Village. Completion is due in 2026 <u>2025</u>.”</p>

NP REFERENCE / SECTION	COMMENT	CHANGE REQUIRED
	<p>In terms of density, it is unclear what metric is used in the Neighbourhood Plan to define “predominantly high density” or what this means. The DPD states “The density of new housing within the Garden Community will be expected to vary both across the Garden Community and within its constituent neighbourhoods in order to achieve the overall requirement of circa 7,500 homes.” (TCBGC Submission Version DPD, p66).</p> <p>In terms of land uses, the DPD provides for a wider mix of uses than what is stated in the Neighbourhood Plan.</p> <p>In terms of the Link Road, the project is on schedule to be completed by March 2026 (revised timetable) and will coincide with the completion of the first 100 new homes in accordance with the Housing Infrastructure Fund contract between ECC and Homes England.</p>	
<p>Paragraph 2.33</p>	<p>ECC as the Minerals Planning Authority note that the Neighbourhood Plan incorrectly states “There are no designated sites of extraction within the Parish. However the Wivenhoe Gravel Pit is situated on the border of the Parish.”</p> <p>This should be corrected. Paragraph 3.15 provides accurate information.</p> <p>The ‘Wivenhoe Gravel Pit’ (or Wivenhoe Quarry) was recently granted an easterly extension to the existing Quarry (ECC decision 26 October 2023) and this is located within the Parish boundary. The second site is located in the north of the Parish (Elmstead Hall Quarry) and involves the construction of an irrigation reservoir with excavation, processing and removal of sand, gravel and soils (ECC decision 4 February 2023).</p>	<p>Amend paragraph to read as follows.</p> <p><i>“There are no <u>two</u> designated sites of <u>mineral</u> extraction within the Parish. However the Wivenhoe Gravel Pit is situated on the border of the Parish. <u>The first is located in the south and involves an easterly extension to the Wivenhoe Quarry into the Parish boundary. The second is Elmstead Hall Quarry, located in the north, and involves the excavation, processing and removal of sand, gravel and soils for the construction of an irrigation reservoir.</u>”</i></p> <p>Append Map 1 to the Neighbourhood Plan.</p>

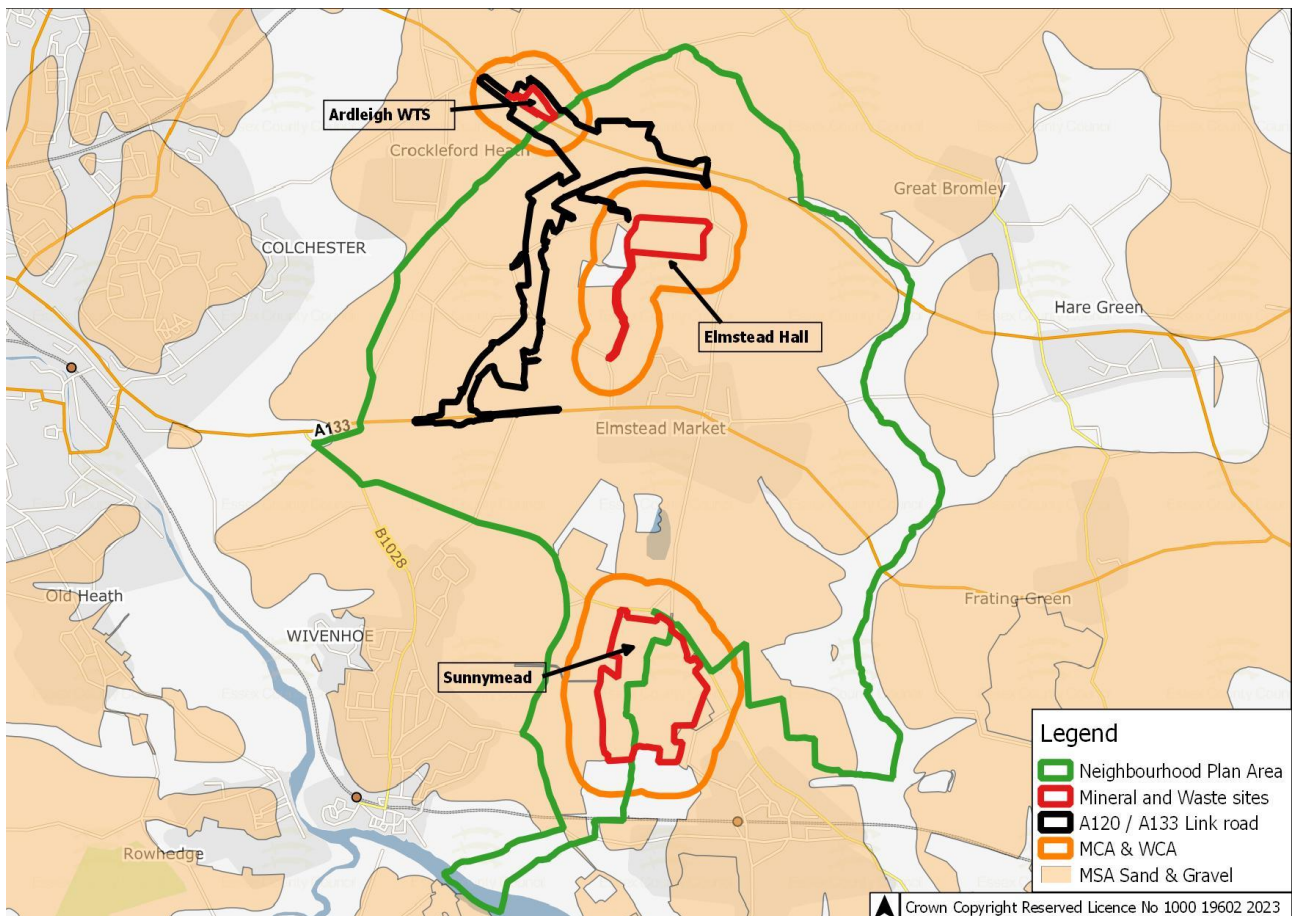
NP REFERENCE / SECTION	COMMENT	CHANGE REQUIRED
	<p>Map 1 of this response shows mineral and waste designations in the Parish and could be appended to the Neighbourhood Plan.</p>	
<p>Paragraphs 3.7 and 3.8 and diagram on page 21</p>	<p>These paragraphs and the diagrams refer to the content in the Tendring Colchester Borders Garden Community DPD. The information provided is out of date and refers to a Draft DPD from 2022. The DPD was updated in a Submission Version, published in May 2023 and the DPD was submitted for examination in September 2023. These paragraphs and diagrams need to be updated/replaced to accurately reflect the content of the DPD.</p> <p>Furthermore, there are other references within the Neighbourhood Plan to the 'draft DPD' that should also be checked for accuracy.</p>	<p>Amend paragraphs 3.7 and 3.8 and the diagrams on page 21 to accurately reflect the content of the DPD.</p> <p>Check all references within the Neighbourhood Plan where the 'draft DPD' is referenced to ensure they are accurate and up to date.</p>
<p>Paragraphs 3.13 to 3.16</p>	<p>ECC as the Minerals and Waste Planning Authority (MWPA) welcome these paragraphs which accurately reflect the position relating to minerals and waste matters.</p>	<p>No change</p>
<p>Policy ELM7</p>	<p>ECC refers to our representation made at the Regulation 14 stage, which remains valid.</p> <p>ECC are 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 Care Act 2014 and the wider prevention and maximising independence agendas. This includes reviewing both general needs housing, and any specialist housing provision.</p> <p>Policy ELM7 identifies a wish to ensure new development includes a housing mix majority of 1 to 2-bedroom dwellings. ECC note that the policy requires this weighting towards smaller</p>	<p>Amend Policy ELM7 to include the following.</p> <p><i><u>"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)."</u></i></p>

NP REFERENCE / SECTION	COMMENT	CHANGE REQUIRED
	<p>bedroom homes, whilst acknowledging that it is important not to exclude certain dwelling types and that smaller homes will facilitate ‘downsizing’ and continue a supply of larger homes to accommodate growing families. The majority of ‘downsizers’ are older people, with national research indicating that people consider downsizing their homes around the age of 64 years. In order to support “aging in place”; the needs of adults and children with disabilities and the protection and maximisation of independence ambitions, ECC recommend that the NP strengthens its position in Policy ELM7 by making specific reference to both the Building Regulations Part M4 (2) and M4 (3) and the Tendring Local Plan Housing Standards Policy.</p> <p>This need is integrated into the Essex Design Guide for older people, and the principles explored are transferable to all types of care accommodation, including dementia care.</p>	
<p>Policy ELM8</p>	<p>ECC welcomes Policy ELM8. ECC has recently led on preparing an evidence base and ‘model policy’ for local planning authorities across Essex, to support the provision of net zero homes. The model policy is provided in a separate file to this representation and delivers on the recommendations of the Essex Climate Action Commission.</p>	<p>Policy ELM8 should be updated and strengthened to reflect the model policy promoted by ECC, which is supported by an evidence base. See separate file.</p>
<p>Policy ELM12</p>	<p>ECC as the Highway Authority and Transportation Authority welcomes and supports the ambition of the Neighbourhood Plan to reduce the reliance on the public car, to encourage and provide for more active travel to provide measures to mitigate and adapt to climate change with an emphasis on walking and cycling.</p> <p>ECC refers to our representation made at the Regulation 14 stage, which remains valid.</p>	<p>Amend policy ELM12 to include the following:</p> <p><u>“Provision for electric charging points should be provided for all proposed car parking spaces, associated with residential and non-residential land uses, as set out in the latest government guidance and standards.”</u></p>

NP REFERENCE / SECTION	COMMENT	CHANGE REQUIRED
	<p>The Neighbourhood Plan could include reference to electric charging points and requirements for new homes. ECC is preparing an Electric Vehicle Strategy to help with the roll-out of charging infrastructure and publication is expected in 2023</p>	
<p>Policy ELM16</p>	<p>ECC refers to our representation made at the Regulation 14 stage, which remains valid.</p> <p>ECC supports the delivery of ‘a variety of green and blue infrastructure that provides an environmental support system for the community and wildlife’.</p> <p>It is recommended that the Neighbourhood Plan 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 Green Infrastructure 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.</p>	<p>Policy ELM16 should include reference to the Environment Act (2021) and the requirements for “applicable development” to deliver a biodiversity net gain (BNG).</p>

MAP 1

Mineral and Waste Designations/Matters in relation to Elmstead Market Neighbourhood Plan Area – Mineral Safeguarding Areas (MSA), Mineral Consultation Areas (MCA) and Waste Consultation Areas (WCA); and land allocated for the A120-A133 Link Road



Appendix 1 – Safeguarding Designations and Safeguarded Minerals and Waste Infrastructure relevant to the Neighbourhood Plan 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 on Map 1
Mineral Consultation Area Subject to MCA designations – Policy 8 of Essex Minerals Local Plan 2014. Spatial extent shown in Map 1	Land to the South of Colchester Main Road (known as Sunnymead, Elmstead and Heath Farms), Nr Wivenhoe, Alresford, CO7 8DB	ESS/28/23/TEN	Continuation of Extraction of 3.8 million tonnes of sand and gravel as an easterly extension to the existing Wivenhoe Quarry. Decision date – 26/10/23 – expiry 19 years from commencement
	Elmstead Hall, Elmstead, Colchester	ESS/105/21/TEN	Continuation of construction of an irrigation reservoir involving the excavation, processing and removal of sand, gravel and soils, engineering works and ancillary buildings Decision date - 04/02/2022

Schedule of Waste Infrastructure and Designations adjacent to the Neighbourhood Plan 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 Decision date - 02/07/2013

Planning Policy

From: Planning Central <Planning.Central@sportengland.org>
Sent: 21 September 2023 15:43
To: Planning Policy
Subject: RE: Consultation on Draft Elmstead Neighbourhood Development Plan and Neighbourhood Development Order

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.

Therefore, it is essential 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 Technical Team

E: planning.central@sportengland.org



Get involved #ThisGirlCan

Sport Park, 3 Oakwood Drive, Loughborough, Leicester, LE11 3QF



We have updated our Privacy Statement to reflect the recent changes to data protection law but rest assured, we will continue looking after your personal data just as carefully as we always have. Our Privacy Statement is published on our [website](#), and our Data Protection Officer can be contacted by emailing [Gaile Walters](#)

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

Sent: Friday, September 15, 2023 2:42 PM

To: Planning South <Planning.South@sportengland.org>

Subject: Consultation on Draft Elmstead Neighbourhood Development Plan and Neighbourhood Development Order

Dear Stakeholder,

Neighbourhood Planning (General) Regulations (2012) (as amended)
Consultation on the Draft Elmstead Neighbourhood Development Plan
and Neighbourhood Development Order

Elmstead Parish Council has submitted a Draft Neighbourhood Plan for the Parish (under Regulation 15) to Tendring District Council, along with a number of supporting documents. Tendring District Council is responsible for all the remaining stages of making the Neighbourhood Plan.

The Parish Council have also prepared a Neighbourhood Development Order (NDO) under Regulation 21. This NDO is similar to a planning application but achieved through the Neighbourhood Planning regulations. The Parish Council are seeking outline planning consent for the erection of 9 apartments at the old Community Centre site in Elmstead.

We are seeking your views on both the Neighbourhood Plan and NDO (under regulation 16 and 23) before they are considered by an Examiner and can proceed towards a referendum. **Comments can be submitted to Tendring District Council between 9am on Monday 18th September and 5pm on Monday 30th October 2023.**

Where can I view and comment on the Neighbourhood Plan and its supporting documents?

- To view and comment on the Neighbourhood Plan, NDO (Application No: 23/00991/NDO) and supporting documents, visit the Tendring District Council website:

<https://www.tendringdc.uk/sub-content-pages/elmstead-market-neighbourhood-plan>

- The Council is hosting two in-person consultation events at Elmstead Community Centre (School Road, Elmstead, CO7 7ET) on:
 - Tuesday, 26 September (18:00 – 20:00)
 - Friday, 29 September (11:00 – 14:00).

The best way to comment on the Neighbourhood Plan and NDO is by following the above link which will direct you to the Council's Consultation Portal (for the Neighbourhood Plan) and Public Access (for the NDO). However you can also contact the planning policy department by email planning.policy@tendringdc.gov.uk or write to William Fuller at the Town Hall, Station Road, Clacton-on-Sea, Essex, CO15 1SE no later than 5pm on Monday 30th October 2023.

What are Neighbourhood Plans and NDOs?

A Neighbourhood Plan is a way for communities – in this case Elmstead Parish Council, to take a proactive approach to deciding the future of the places where they live and work. Once 'made' (adopted) a Neighbourhood Plan has the same legal status as the District Local Plan, and will be used alongside the Local Plan in deciding planning applications that fall within its area.

Neighbourhood Development Orders (NDOs) grant planning permission for specific development in a particular area. This could include things like specified changes of use, certain kinds of alteration or the reinstatement of historical features. An NDO could be used to grant outline planning permission for specified uses on allocated sites, such as housing, commercial uses, recreational uses, or in this case the erection of 9 apartments at the old Community Centre site in Elmstead .

Kind regards,

Planning Policy Department

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Tendring District Council does not accept service of legal documents by e-mail.

Tendring District Council wants to hear your views on its draft Vision (Corporate Plan) for the next four years. You can submit your views using this link - [TDC Our Vision consultation 2023](#) or

completing a paper copy at our offices in Pier Avenue or the Town Hall, Clacton-on-Sea. The consultation does not end until 25 September 2023.

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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

William Fuller

Tendring District Council
Town Hall
Station Road
Clacton-on-Sea
Essex, CO15 1SE

884 The Crescent, Colchester Business Park,
Colchester, Essex, CO4 9YQ

www.lpppartnership.co.uk
Co. Reg. No. 5677777

Via email & online submission: planning.policy@tendringdc.gov.uk

24th October 2023

Dear Mr Fuller,

**Land Adjacent to Autofarm Car Sales, Clacton Road, Elmstead Market:
Representations to Draft Elmstead Neighbourhood Plan**

1. On behalf of our client, Mr Clarkson, we write to provide our representations on the Proposed Elmstead Neighbourhood Plan Regulation 16 (draft ENP) consultation for your consideration. Mr Clarkson is the landowner of the above site, which lies to the north of Clacton Road in Elmstead Market. An Existing Settlement Boundary Plan is enclosed at **Appendix 1** to this letter.
2. To inform these representations we have reviewed related documents comprising the Consultation Statement (March 2023) and the Basic Conditions Statement (January 2023), as well as the draft ENP and Policies Map. These documents have been assessed against the 'basic conditions' set out at Section 8(2) of Schedule 4B to the Town and Country Planning Act 1990, the National Planning Policy Framework (September 2023), and the adopted Tendring Local Plan (2021 and 2022).

Summary

3. In summary, our client **objects** to the draft ENP, including the related Policies Map, which excludes land to the north of Clacton Road from the defined Settlement Boundary and does not accurately reflect the current extent of Elmstead Market as a settlement.
4. The ENP, as currently drafted, would fail to meet the 'Basic Conditions' set out in paragraph 8 of Schedule 4B of the Town and Country Planning Act 1990 (as amended). The 'Basic Conditions' not met by the draft ENP are:
 - ❖ Criterion a) Inconsistency with national planning policies and advice set out in the National Planning Policy Framework (NPPF) and Planning Practice Guidance (PPG) concerning delivering sustainable development and providing justified policies based on a proportional evidence base; and,
 - ❖ Criterion d) Failure to plan positively for Sustainable Development, particularly in relation to precluding development that would impact the vitality and viability of Elmstead Market as a Rural Service Centre; and,

Managing Director:
John Lawson, BA(Hons), MPhil, MRTPI

Associate Director:
Natalie Makepeace, BA(Hons), MSc(Dist), MRTPI

Directors:
Sharon Lawson, BA(Hons), DipTP, MRTPI
Georgina Brotherton, BSc(Hons), MSc, MRTPI

Technical Director:
Aarti O'Leary, BSc(Hons), MA(Merit), MRTPI



- ❖ Criterion e) Lack of conformity with Policy SPL 2 within Tendring District Council's (TDC's) adopted Local Plan 2013-2033 and Beyond (2022) concerning the need to apply settlement boundary protection only to areas that contribute to the character and openness of the countryside.
5. Set out below is a brief overview of our client's position, together with more detailed representations concerning omissions and inconsistencies within the draft ENP and related evidence base.

Background

6. Mr Clarkson owns a rectangular parcel of land measuring approximately 0.137 hectares, which fronts on to Clacton Road (A133) to the south. To the immediate east of the site lies a mobile home with a large commercial vehicle business lying further to the east. To the immediate north and west is a substantial agricultural land holding containing large, open-sided, modern barns and enclosed livestock units, machinery and other plant. Further to the west lies a row of recently constructed bungalows fronting onto Clacton Road, with a further new housing development located adjacent. A residential property lies to the south of the site, on the opposite side of Clacton Road, with agricultural fields and an established garden centre beyond.
7. The site principally comprises a grassed field/ scrubland, bordered by a hedgerow to the south, a fence to the east, and low-level timber railings to the west. A schedule of photographs of the site and surrounding area is attached at **Appendix 2**.
8. Our client has aspirations for developing the site in the future, as such, he is keen to ensure that the ENP accurately represents the sites and surrounding area's current status in relation to the Elmstead Market settlement to enable appropriate consideration to be given to his development proposals in due course. Accordingly, our specific comments on the draft ENP are set out below.

Elmstead Neighbourhood Plan Regulation 16 Draft

Policy ELM1: Settlement Development Boundaries

9. It is noted that the settlement boundary for Elmstead Market has been informed by Policy SPL 2 of the Tendring Local Plan: Section 2 (2022). The Local Plan Policies Map shows the eastern end of the Elmstead Market Settlement Boundary extending to approximately 100m to the west of our client's land. The Policies Map is dated 2021 and reflects the built form of Elmstead Market as it was at that time.
10. Paragraph 3.3.3.1 of the Local Plan explains that the exclusion of land from settlement boundaries serves to *"protect and enhance the character and openness of the countryside"*, while Policy SPL 2 states that *"within the Settlement Development Boundaries, there will be a general presumption in favour of new development subject to detailed consideration against other relevant Local Plan policies and any approved Neighbourhood Plans"*.
11. Since the Tendring Local Plan Policies Map was adopted, a number of developments have been constructed in Elmstead Market, which are not reflected on the ENP Policies Map. As such, it does not accurately reflect the settlement's current built extent and the plan should be amended accordingly.
12. Paragraph 5.5 of the draft ENP states that the purpose of the Policy is to *"distinguish between the built-up areas of each of the two main settlements in the Parish and their surrounding countryside in*

order to manage development proposals accordingly". However, the Settlement Boundary for Elmstead Market, as currently shown, is not based on an up-to-date Ordnance Survey (OS) base plan and omits existing buildings that form part of the settlement.

13. Paragraph 5.6 explains that a new settlement boundary is proposed for Lanswood to take account of *"the quantum of approved development"* that has come forward since the Local Plan was adopted. In addition, Paragraph 5.9 of the draft ENP states that Policy ELM1 updates the boundary of Elmstead Market to accommodate approved development.
14. At present, the proposed Settlement Boundary shown on 'Plan F' in the draft ENP does not show the residential development around Winterbourne Gardens or the 'Queen Elizabeth Mews' residential development (albeit these are allowed for by the grey shading relating to sites with planning permission). It also does not show the large agricultural buildings to the north of our client's land, nor does it accommodate them within the boundary. These omissions and inconsistent approach result in an inaccurate Policies Map that is based on out-of-date evidence, that seeks to retain a settlement gap that no longer exists.
15. The Winterbourne Gardens development was granted outline planning permission in February 2016 (application ref: 15/00675/OUT), and construction for the 32 dwellings was completed in 2019/2020. The Queen Elizabeth Mews development was granted outline planning permission in October 2021 with Reserved Matters approved in March 2022, and construction is nearing completion.
16. In addition, permission has been granted for numerous barns and extensions during 2011 to 2020 on the large agricultural land holding to the north of our client's land. Most recently, application ref: 19/01874/AGRIC, *"Erection of an agricultural storage barn"* was determined positively in March 2020, whereby prior approval was not required for the erection of a storage barn to be located west of existing barns. This barn is to be 50m in length and 18m wide, and its approximate location is shown on the aerial plan at **Appendix 4**. This barn has not yet been constructed, however the application is valid until 19th March 2025 and the barn may be constructed up to this period. The new barn will be located approximately 20m west of the Winterbourne Gardens development, and up to approximately 3-5m north from the newly built bungalows at 'Queen Elizabeth Mews'.
17. Our client's land was shown as part of a 'Gap between Settlements' in the previous draft of the ENP. The current draft ENP shows a reduced Gap, with the area to the north of Clacton Road no longer included. The 'Local Gap and Corridors of Significance Report' that forms part of the ENP Evidence Base identifies that, within the previously proposed Local Gap, *"only a fairly limited amount of undeveloped frontage remains (maximum extent 130m) on both sides of Clacton Road separating the village from the Lanswood settlement"* and that *"the remaining frontage is fragmented by sporadic development, including large agricultural barns and a few homes"* (Table A, page 8).
18. The removal of land to the north of Clacton Road from the 'Gap between Settlements' (including our client's land) acknowledges that it does not represent *"a rural buffer or visual break between settlements"* and is not required to *"protect the character and rural setting of settlements"* (paragraph 5.17). Therefore, the land should not be excluded from the Elmstead Market Settlement Boundary, as to do so would preclude future development proposals from benefitting from the presumption in favour of sustainable development (contrary to Local Plan Policy SPL 2). Exclusion of this land from the Settlement Boundary would also conflict with paragraph 79 of the NPPF, which states that *"planning*

policies should identify opportunities for villages to grow and thrive, especially where this will support local services”.

19. In light of the above considerations and in the interests of soundness and ensuring the ENP represents a consistent approach to managing development, it is requested that the Elmstead Market Settlement Boundary is amended to include all of the existing built-up area and approved development that has come forward since the Tendring Local Plan was adopted, as well our client’s land. This will ensure it accurately reflects the current extent of the built-up area. A suggested amendment to the Settlement Boundary is shown on the plan attached at **Appendix 3**, which is based on an up-to-date OS base map. An aerial plan showing the suggested amendment to the Settlement Boundary is also included at **Appendix 4**, which highlights the extent of the built development in this area.

Policy ELM3: Gaps Between Settlements

20. On behalf of our client, we welcome the removal of land to the north of Clacton Road from the proposed ‘Gap between Settlements’, which (as discussed above) acknowledges that this area does not represent “*a rural buffer or visual break between settlements*” and is not required to “*protect the character and rural setting of settlements*” (paragraph 5.17).

Conclusion

21. In summary, our client **objects** to the exclusion of land to the north of Clacton Road (including his land) from the settlement boundary as this does not accurately reflect the current extent of the Elmstead Market settlement and does not represent a consistent approach to managing development in the area supported by an up-to-date evidence base. In addition, the proposed exclusion does not acknowledge the area and built form’s spatial and functional relationship with the settlement.
22. To represent a ‘sound’ Plan that meets the ‘Basic Conditions’ required for Neighbourhood Plans, it is requested that the Elmstead Market settlement boundary is amended as per the suggestion shown on the plans attached at **Appendix 3** and **Appendix 4**.
23. We trust the above representations will be given due consideration as part of the ENP’s Examination and, should you require further clarification on the information submitted, please do contact my colleague Georgina Brotherton or me using the details provided.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Aarti O'Leary', written in a cursive style.

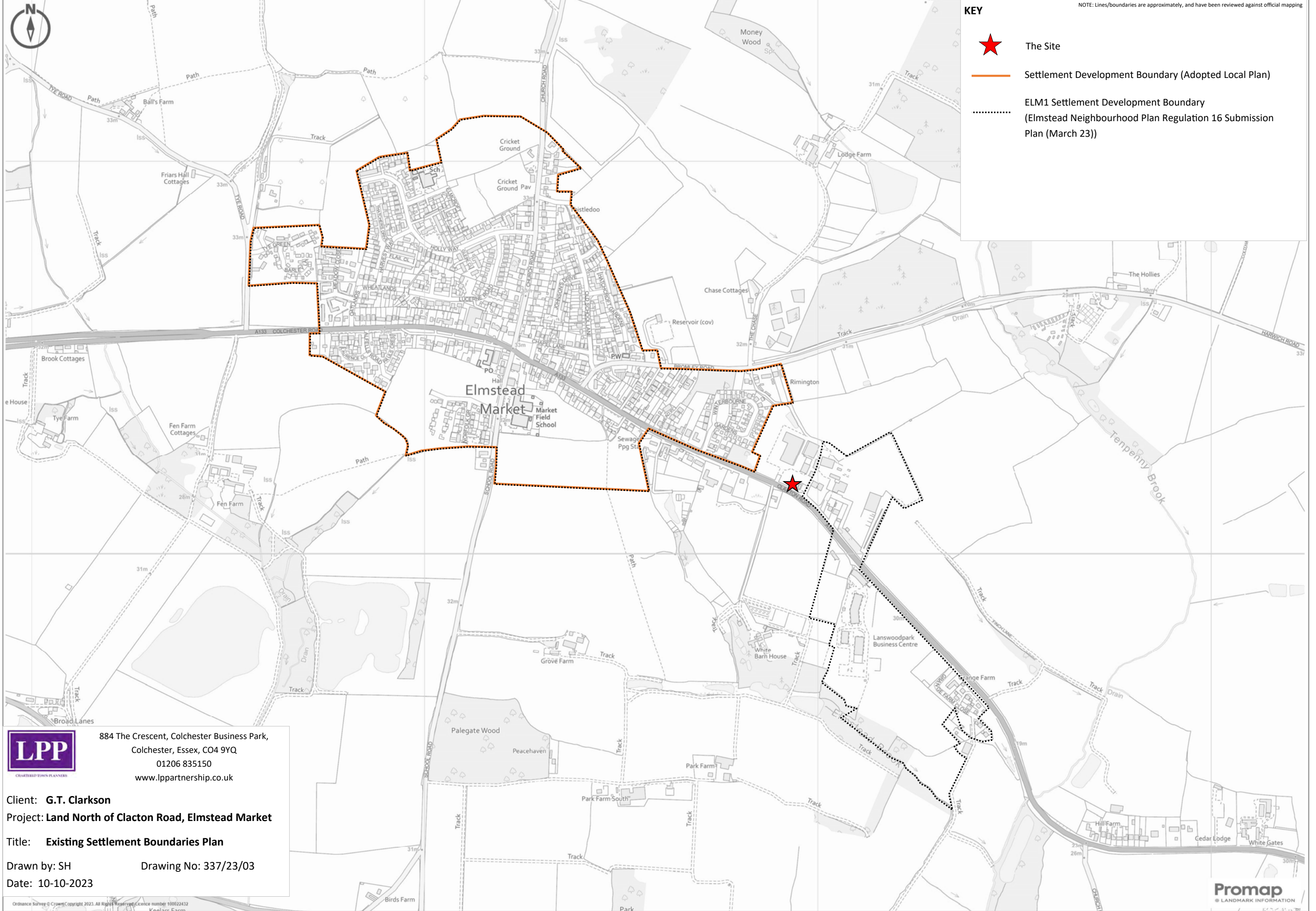
Aarti O’Leary
Lawson Planning Partnership Ltd

Enc.






Appendix 1

Existing Settlement Boundary Plan



KEY

-  The Site
-  Settlement Development Boundary (Adopted Local Plan)
-  ELM1 Settlement Development Boundary (Elmstead Neighbourhood Plan Regulation 16 Submission Plan (March 23))

NOTE: Lines/boundaries are approximately, and have been reviewed against official mapping

LPP
 CHARTERED TOWN PLANNERS
 884 The Crescent, Colchester Business Park,
 Colchester, Essex, CO4 9YQ
 01206 835150
 www.lpppartnership.co.uk

Client: G.T. Clarkson
Project: Land North of Clacton Road, Elmstead Market
Title: Existing Settlement Boundaries Plan
 Drawn by: SH Drawing No: 337/23/03
 Date: 10-10-2023

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Appendix 2

Schedule of Photographs of the Site and Surrounding Area



Photo 1



Photo 2



Photo 3



Photo 4



Photo 5



Photo 6



Photo 7



Photo 8



Photo 9



Photo 10



Photo 11



Photo 12



Photo 13



Photo 14



Photo 15



Photo 16



Photo 17



Photo 18

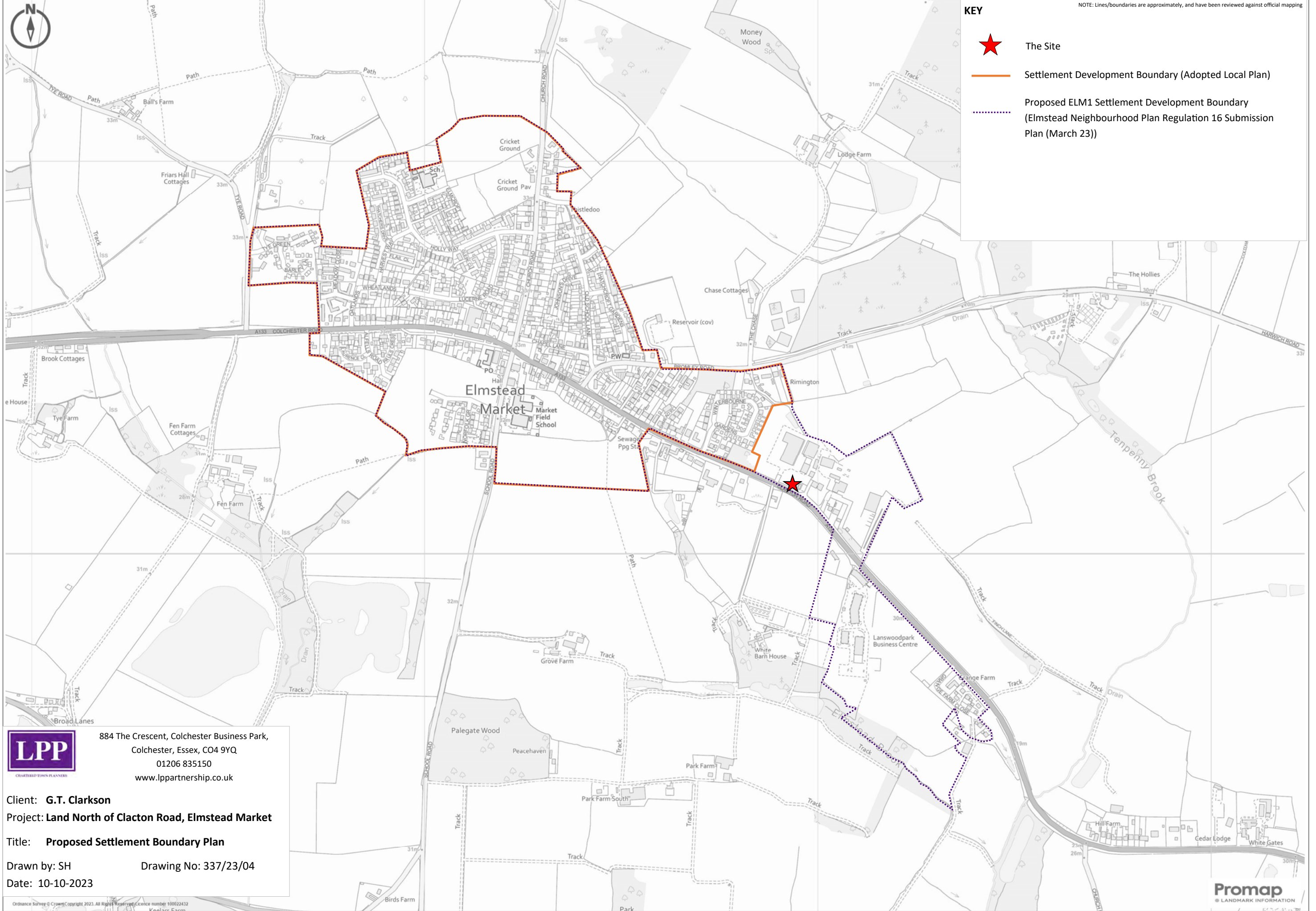


Photo 19



Appendix 3

Plan showing the Suggested Amendment to the Settlement Boundary



KEY

- ★ The Site
- Settlement Development Boundary (Adopted Local Plan)
- Proposed ELM1 Settlement Development Boundary (Elmstead Neighbourhood Plan Regulation 16 Submission Plan (March 23))

NOTE: Lines/boundaries are approximately, and have been reviewed against official mapping

LPP
CHARTERED TOWN PLANNERS

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Client: **G.T. Clarkson**
 Project: **Land North of Clacton Road, Elmstead Market**
 Title: **Proposed Settlement Boundary Plan**
 Drawn by: SH Drawing No: 337/23/04
 Date: 10-10-2023

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Appendix 4

Aerial Plan showing the Suggested Amendment to the Settlement Boundary & Recent Developments



NOTE: Lines/boundaries are approximately, and have been reviewed against official mapping

KEY

-  The Site
-  Settlement Development Boundary (Adopted Local Plan)
-  Proposed ELM1 Settlement Development Boundary (Elmstead Neighbourhood Plan Regulation 16 Submission Plan (March 23))
-  Approved Agricultural Barn, yet to be constructed (application ref: 19/01874/AGRIC)
-  Approved Residential Scheme for 5 Bungalows, Construction nearing completion (application refs: 20/01201/OUT & 22/00138/DETAIL)



 884 The Crescent, Colchester Business Park,
Colchester, Essex, CO4 9YQ
01206 835150
www.lpppartnership.co.uk

Client: **G.T. Clarkson**
Project: **Land North of Clacton Road, Elmstead Market**
Title: **Aerial Plan of Proposed Settlement Boundary**
Drawn by: SH Drawing No: 337/23/05
Date: 10-10-2023





Historic England

By e-mail to:
Planning Policy Department
Tendring District Council
Town Hall
Station Road
Clacton-on-sea
Essex, C015 1SE

Our ref:
Your ref:
Date: 09/11/2023

Direct Dial:
Mobile:

Dear Sir/Madam,

Ref: Elmstead Neighbourhood Plan Regulation 16 Consultation

Thank you for inviting Historic England to comment on the Regulation 16 Submission Draft of the Elmstead Neighbourhood Plan.

As the Government's adviser on the historic environment, Historic England is keen to ensure that the protection of the historic environment is fully taken into account at all stages and levels of the local planning process.

Neighbourhood Plans are an important opportunity for local communities to set the agenda for their places, setting out what is important and why about different aspects of their parish or other area within the neighbourhood area boundary, and providing clear policy and guidance to readers – be they interested members of the public, planners or developers – regarding how the place should develop over the course of the plan period.

We welcome the production of this neighbourhood plan and acknowledge the work of the community in pulling together this plan. Having had an opportunity to review the plan, we have several comments to make regarding the significance of, and opportunities to protect, enhance and promote Elmstead's historic environment and heritage assets, whilst preventing the potential for significant harm to occur.

Comments

Focus of Historic Environment could be stronger:

The importance of Elmstead's historic environment, and its designated and non-designated asset are implied in the plan via reference to strategic policies and the character assessment contained within Annex C 'Design Code', which we note includes a policy map highlighted designated assets within the plan boundary.



Historic England, Brooklands, 24 Brooklands Avenue, Cambridge CB2 8BU
Telephone 01223 58 2749 HistoricEngland.org.uk

Please note that Historic England operates an access to information policy.

Correspondence or information which you send us may therefore become publicly available.



However, we believe that this could be strengthened and made implicit within your policies by either inclusion of a table or map detailing the designated assets, not only with the context of Elmstead Market but those that are sited within the proposed green buffer and importantly those that are not included in the green buffer (see discussion below). As a minimum, this could involve clear signposting to the relevant section within the Neighbourhood Area Context Analysis in Appendix C which clearly shows these.

A desktop study reveals there to be numerous designated assets within the village core of Elmstead Market as well as several others within the wider Neighbourhood Plan boundary including the Beth Chatto Grade II Registered Park and Gardens, and the Grade I Church of St. Anne and St. Lawrence. We would welcome any further opportunity for the plan to reinforce the significance and importance of the historic environment.

Similarly, we note reference to non-designated assets and would welcome clearer reference to these as they too, play an important role in promoting, providing and celebrating an area's character and historic environment.

'Green Landscape Buffer'

We acknowledge the intention behind the green buffer as a means to prevent coalescence and the potential loss of Elmstead's character and identity. However, having read the policy, we are not clear on the rationale for the designated assets Elmstead Hall (Grade II*), Church of St. Anne And St. Lawrence (Grade I), and Group of 3 Tombstones north of the church (Grade II) being sited outside of the green landscape buffer. We would strongly welcome their inclusion as this could assist in protecting the settings of these important designated assets from the potential harm caused by development of the TCBGC.

We would also encourage further reference here to the historic environment and the importance for how the community can enjoy Elmstead Market as a historic settlement with the identified key views overlooking the landscape.

Important Views

On p.50, At statement B, we would suggest the inclusion of 'and townscape' after 'landscape'.

On p.51, a desktop study suggests that an additional Important view from the top Church Road looking back towards Elmstead Market could be included given the views of the landscape.

We would also recommend signposting your intended audience to Annexe D 'Elmstead Parish Important Views' to ensure the plan remains user friendly and accessible.



Village Core

We welcome this policy which defines the village core. However, consistent with our previous comments and given the density of designated listed assets within this area, we would welcome clearer reference here for the need to support, protect and enhance the historic environment. We would also welcome the inclusion of the designated listed assets on Policy Map J.

We strongly welcome your statement encouraging use of Article 4 directions preventing potential harm to the historic environment.

Movement and Connectivity

We welcome this policy and would encourage Elmstead Parish Council to also consider ways in which future sustainable networks can be used as an opportunity to promote local heritage and the historic environment through improved wayfinding, interpretation or heritage trails, for example in the opportunity identified at 5.61 improving walking and cycling routes to the historical setting of the Church.

Historic England's advice and guidance document ['Streets for All'](#) contains good practice for highways and public realm enhancements.

Managing Traffic

We would also refer you the Streets for All document to inform you on suitable materials and surfaces within historic settings.

'Green Ring'

We welcome the general principle of the 'Green Ring' and desire to enhance Green Infrastructure. However, we feel that in order to ensure the plan remains user friendly and accessible that the intended policy is reworded to make the objective and potential outcomes much clearer for your audience.

We would also support any additions which seek to promote and enhance the historic environment.

Design Guidance and Codes

We welcome the production of this draft Design Code. We consider that it is a comprehensive and clearly presented document and support the principles of high-quality design and place-making that it contains. We welcome the recognition within these chapters of the need to understand and respect the existing character of Elmstead as part of the design process and the Neighbourhood Area Context Analysis which clearly sets out Elmstead's distinctive character areas, ranging from the Village Centre to the Countryside, all of which need to be understood and, where appropriate, respected as part of the design process.



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On pg. 29. SD.4 'Heritage Assets', we would welcome the addition of 'and harm prevented' at the end of the second bullet point.

On pg.29 SD.4 'Heritage Assets', would welcome the use of 'shall be given' at the start of the fourth bullet point.

We would again welcome reference to Historic England's Streets for All guidance as an additional resource to inform future design and a helpful tool to enhance wayfinding and minimise unnecessary street clutter.

Neighbourhood Development Order

Please be advised that we responded separately to the NDO consultation on 13th October 2023 and would reiterate that whilst we did not wish to offer any comment, we have suggested that you seek the views of your specialist conservation and archaeological advisers, as relevant.

Other comments

As an observation, we note that the maps used between pages 21-25 were not the easiest or clearest to read in either PDF or web version.

We would refer you also to any comments made at Regulation 14 stage, as well for general advice to our detailed guidance on successfully incorporating historic environment considerations into a neighbourhood plan, which 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 queries.

Yours faithfully,

Ross McGivern
Historic Places Adviser, East of England



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Tendring District Council
Planning Policy Department
Town Hall
Station Road
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Essex
CO15 1SE

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

Date: 30 October 2023

Our ref: 62189/01/PR/CW/27102610v4

Dear Sir/Madam

Elmstead Neighbourhood Plan Regulation 16 Consultation – October 2023

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 Elmstead Neighbourhood Plan (‘NP’) to Tendring District Council.

This letter provides Latimer’s response to the Regulation 16 submission draft Elmstead NP dated ‘March 2023’, organised under relevant headings. Overall, Latimer object to the NP and, as drafted, consider that it fails to meet the statutory test in Basic Condition (e).

Introduction and context

Latimer 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 Submission Version of the DPD was submitted to the Secretary of State for independent examination on 15 September 2023. The Councils’ current programme anticipates independent

Examination in Q1 2024 and adoption in Q2 2024. 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 Submission Version of the DPD and continue to do so.

Latimer remain committed to working with the Councils to deliver an exemplar Garden Community. Latimer are progressing the masterplanning work along with the appointed planning, design and technical team in preparation towards the submission of a Hybrid planning application in Summer 2024.

The Elmsted NP Area overlaps with the eastern half of the Garden Community site allocation. Latimer submitted representations to the Regulation 14 version of the Elmstead NP dated 'September 2022', supporting aspects of the emerging NP but overall 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 strategically important site allocation.

At examination stage, the principle statutory requirements for the submission draft Elmstead 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 are of the view that the changes made by Elmstead Parish Council to the submission draft NP since Regulation 14 do not go far enough and there remain several conflicting policies.

We are still of the view that the NP must definitively state that the NP policies do not apply to the TCBGC site allocation and emerging DPD. It is of critical and strategic importance that the delivery of TCBGC is not undermined.

This was also the view taken by the Examiner for the submission draft of the Ardleigh NP which was recently submitted to the Secretary of State. The Examiner (Ann Skippers MRTPI), in their response on 18 August 2023 stated:

"I note and welcome that various elements of some policies exclude the Garden Community, but I consider that this Plan should make it clear without any doubt that it does not apply to the Garden Community. There is precedent for this in that Local Plan Section 2 makes it clear that it applies to the areas outside of the Garden Community. I intend to add a paragraph to this effect. This will of course create various consequential amendments throughout the Plan including to the section on planning policy context."

The Ardleigh NP is slightly ahead of the Elmstead NP in the adoption process however the Ardleigh Parish boundary also includes a large area of the TCBGC site allocation area. Both NPs are therefore very similar if not identical in respect of this matter.

For reasons explained in this letter, Latimer is therefore of the view that the submitted Elmstead 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

Whilst Latimer remain of the view that there should be a definitive paragraph included within the Elmstead NP relating to the exclusion of the Garden Community from NP policies, within this section we provide Latimer's response to specific draft NP policies under relevant headings.

Introduction

Latimer note at paragraph 2.23 that a description is given about the design and delivery of the Garden Community. We consider that if a description of the Garden Community is to be included in the introduction, that the wording is taken directly from the adopted Section 1 Plan and is not so definitive on matters such as detailed design points and when development will be completed by which are subject to masterplanning, planning applications and permissions. In particular, the reference to 'predominantly high-density' and construction of the Garden Community commencing after the completion of the new link road in 2025 are objected to and should be deleted, as the principles do not align with the draft DPD or the premise on which the Link Road is being delivered. Latimer further disagree with the inclusion and use of the word "*eventually*" in paragraph 3.5 as this incorrectly cites the adopted Section 1 Plan, 'up to' is sufficient.

Latimer previously requested that the Approach A and B Key diagrams and the accompanying text be removed from the NP. It is inappropriate and unnecessary to include this information as the DPD has not yet completed the independent examination process. Additionally, the Submission Version DPD includes a five year review mechanism which is a legal requirement to ensure the DPD can be updated as necessary. Changes to the DPD could therefore take place during the NP period, meaning the NP would not remain up to date. Latimer therefore object to the inclusion of Approach A and B Key diagrams (page 21) and paragraphs 3.7 to 3.8 and request again that it is removed.

Latimer previously objected to the statement that the NP has been used "*to put markers down for how the DPD should accommodate the Village interests*" (paragraph 3.6). Our objection remains to the inclusion of this statement because whilst we understand that the Parish Council is keen to influence the Garden Community proposals, we are of the view that the Parish Council should progress its draft NP alongside the emerging DPD, with a view to creating a complementary plan. We further note that this it is a theme throughout other draft NP policies (Policy ELM10, ELM12, ELM13 and ELM16) which we subsequently address in turn.

It should also be stated that Latimer are taking an exemplary approach to stakeholder and community engagement and consultation as part of their emerging proposals. This has already included extensive engagement activities including within Elmstead Parish and the Elmstead Community Centre, as well as direct engagement with the Parish Council and local elected Councillors. Therefore the Parish Council will have, and already have, the opportunities to input into the emerging Garden Community proposals to ensure they 'accommodate the village interests' as far as possible.

Furthermore, supporting text has been added on page 20, paragraph 3.8 which states that:

"Not all policy provisions are intended to apply to the Tendring/Colchester Borders Garden Community. Where this is the case, it has been made clear in the policy itself and the supporting text below the policy. There are also policy provisions and evidence which provide further detail on

existing local circumstances which may influence the future masterplanning of the Tendring Colchester Borders Garden Community” (our emphasis).

Latimer object to this paragraph and request that it is removed on the basis that the NP must not make provisions for the Garden Community. The Submission Version DPD is explicit on page 6 that the adopted NP for Wivenhoe and the two (currently draft) NPs for Ardleigh and Elmstead will “*only apply to land and property outside of the Garden Community*”. This is important to prevent any uncertainty or policy overlap between the plans and to prevent the NP undermining the delivery of the Garden Community. This position was reaffirmed recently in August 2023 by the Examiner for the Ardleigh NP examination. The Examiner’s Interim Note¹ to TDC and Ardleigh Parish Council states that “*it is important given the strategic nature of the site which has support in adopted policy that this Plan does not adversely affect the delivery of the site*” and that the NP “*should make it clear without any doubt that it does not apply to the Garden Community*” (our emphasis). As a result, the Examiner has stated that they intend to add a paragraph to modify the Ardleigh NP to this effect. Latimer therefore strongly requests that the Elmstead NP adds a discrete policy early on in the NP that specifically states the TCBGC is not subject to any policies in the NP. This is needed for absolute clarity and to make it clear without any doubt that the NP conforms with the adopted Section 1 of the Local Plan and emerging DPD.

Latimer are fully committed to engaging with the Parish Council as key stakeholders and welcome their participation in the masterplanning process for the Garden Community. We look forward to continuing our engagement with the Parish Council and residents and stakeholders of the Parish on the emerging planning application for the Garden Community and its future design.

Policy ELM1: Settlement Development Boundaries

Latimer supports criterion A of Policy ELM1 as amended because it addresses our previous representation that NP policies should not relate to the TCBGC. Additionally, Latimer supports the inclusion of paragraph 5.5 which states that “*the policy does not relate to the development of land within the Tendring/Colchester Borders Garden Community*”. Nevertheless, for the avoidance of doubt, Latimer request that the supporting text at paragraph 5.5, or the text at paragraph 5.11, is added to the wording of the policy to explicitly exclude the Garden Community, rather than just within the supporting commentary.

Policy ELM2: Protecting the Setting of Elmstead

EML2 of the NP proposes a Green Landscape Buffer, the extent of which is described at Paragraph 5.12: “*it is the eastern boundary of the Garden Community that forms the western boundary of the proposed Green Landscape Buffer*” (our emphasis). Paragraph 5.14 of the NP clarifies that the purpose of the policy is to ‘give local effect’ to Local Plan Part 2, Policy PPL3 and “*It requires that appropriate development, which is only that which is suited to a countryside location, by way of its height, scale and massing for example, avoids the physical and/or visual separation of the settlements either side of the Green Landscape Buffer*”.

¹ [Ardleigh Neighbourhood Plan Examination - Interim Note \(tendringdc.gov.uk\)](https://www.tendringdc.gov.uk)

Latimer object to Policy EMM2 on the basis that it would provide unnecessary and conflicting policy overlap with the adopted Tendring Local Plan Part 2. In the Local Plan this land is clearly defined as outside of the settlement development boundary and is therefore defined as ‘countryside’. The Local plan policies, including Policy PLL3 which relates to ‘The rural Landscape’ clearly set out the policy basis and restrictions for development on such land.

In addition, submission draft DPD Policy 1 (Part E) already defines the ‘Elmstead Strategic Green Gap’, which as stated in the DPD will “*provide protection to the open countryside to the east of the Garden Community; maintain the long-term physical and visual separation to Elmstead Market, and to assist in protecting the setting of the heritage assets of the Church of St. Anne and St. Lawrence, Elmstead Hall, Allens Farmhouse and the Round Burrow.*”

Latimer also object to references to the Garden Community in paragraphs 5.12, 5.13 and 5.16 which do not conform with the submission draft DPD. For example, stating that the policy has “*a mutual, helpful inter-dependence*” is inappropriate as we remain of the view that the NP should not make provisions to land or property within the adopted strategically important site allocation of the Garden Community. The DPD will make all necessary provisions for the Garden Community and detailed matters are subject to the masterplanning and planning application process.

For the reasons set out above, Latimer therefore object to ELM2 and the proposed Landscape Buffer and suggest it should be deleted. The policy as drafted does not meet Basic Condition (e).

Policy ELM5: Affordable Housing

Latimer welcome the amendments made to Policy ELM5 following Latimer’s representations to the Regulation 14 consultation. The amended policy now makes clear the policy does not apply to land within TCBGC. However, we still share the view of the Ardeigh NP Examiner that there should be a wider exclusion of the Garden Community within the Elmstead NP.

Policy ELM6: First Homes

Latimer welcome the amendments made to Policy EML6 following Latimer’s representations to the Regulation 14 consultation. The amended policy now makes clear that it does not apply to land within TCBGC. However, we still share the view of the Ardeigh NP Examiner that there should be a wider exclusion of the Garden Community within the Elmstead NP.

Policy ELM8: Zero Carbon Buildings

As per Latimer’s previous representations, the principle of the policy is supported but Latimer object to the inclusion of the TCBGC in this policy. The TCBGC should be exempt from this policy as such matters will be covered by the DPD and planning permission.

Policy ELM9: Design Codes

Latimer welcome the amendments made to Policy EMP9, the amended policy resolves Latimer’s previous representations to the Regulation 14 consultation. However, we still share the view of the Ardeigh NP Examiner that there should be a wider exclusion of the Garden Community within the Elmstead NP.

Policy ELM10: Important Views

In a similar way to Policy ELM2, Latimer object to the policy which “*takes the opportunity to identify some of the ‘existing landscape features’ which should be considered in proposals being brought forward to deliver the Tendring/Colchester Borders Garden Community.*” Policy ELM10 includes several important views from within the TCBGC allocation.

Whilst there will be important views to, from, within and throughout the Garden Community of the adjacent landscape and settlements that will help inform the masterplan, the specifics of these are for the DPD, its evidence base and the detailed technical work that will accompany planning applications on this site to assess.

Given the strategic nature of this Garden Community site allocation for the Councils and the wider region, placing onerous restrictions on development such as this, without any consideration of the planning balance or site-specific considerations, will severely restrict and prejudice the ability of the Garden Community to deliver what’s required. On this basis Latimer strongly objects to this policy and Plan I on page 51 as because both seek to make landscape provisions for the Garden Community which the Elmstead NP cannot do. On this basis it fails to meet Basic Condition (e).

Policy ELM13: Managing Traffic

Latimer object to this policy, including paragraph 5.67, for reasons previously stated in the Regulation 14 representations. In addition, the amended policy now “*takes the opportunity to identify existing green infrastructure which form part of the existing Green Infrastructure Network, and which should be considered in proposals being brought forward to deliver the Tendring/Colchester Borders Garden Community*” (paragraph 5.67). Latimer object to development provisions being made for the Garden Community which will be covered by the DPD and subject to technical highways, landscape, biodiversity and masterplanning work. This policy also fails to consider the impact that the ECC proposed Link Road development has on the Green Infrastructure Network. The policy therefore fails to meet Basic Condition (e).

Policy ELM14: Local Green Spaces

As per Latimer’s previous representations, Latimer object to Allen’s Reservoir, which is within the TCBGC boundary, being proposed to be allocated as ‘Local Green Space’. Open Space and Green Infrastructure will be an important part of the new Garden Community, the location and extent of which should be masterplan led and informed by the DPD. The policy, by way of proposing to apply to land within the Garden Community, fails to meet Basic Condition (e).

Policy ELM16: Nature Recovery

Whilst Latimer fully support the principle of Nature Recovery, Latimer object to this policy, Plan P, and paragraphs 5.77 and 5.79.

Paragraph 5.79 states that the policy “*takes the opportunity to identify existing green infrastructure which form part of the existing Green Infrastructure Network, and which should be considered in proposals being brought forward to deliver the Tendring/Colchester Borders Garden Community*”. For similar reasons previously stated, the policy is likely to obstruct the masterplanning process and

would undermine the DPD and the planning balance assessment that is required as part of the wider strategic importance of the Garden Community project; the policy, by way of proposing to state requirements for the DPD evidence base (paragraph 5.77), apply to land within the Garden Community through identifying potential areas for additional riparian/floodplain/woodland (Plan P), fails to meet Basic Condition (e). As part of the planning application proposals extensive and thorough ecological and biodiversity surveys have and are being undertaken which will ensure the masterplan can respond positively to these site features.

Policy ELM17: Health and Wellbeing Service Provision

As above, Latimer requests that for the avoidance of doubt, the policy explicitly excludes the Garden Community. Matters relating to health and wellbeing provisions for the Garden Community will be included within the DPD. Latimer additionally request the removal of paragraph 5.82 as it is unnecessary and not applicable to the aims of the NP policy in guiding such development and provisions outside of the Garden Community. The health strategy for the Garden Community is being discussed as part of the pre-application and planning application process with the Council and NHS representatives, and it is therefore not appropriate for the NP to be determining what should be proposed in the TCBGC.

Conclusion

Latimer continue to have significant concerns with the draft Elmstead 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 fully accommodated or addressed.

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 for the Garden Community.

This position is aligned to the Examiner's advice and review into the submission version of the Ardleigh NP. A policy or paragraph must be added the Elmstead NP to make it clear from the outset, without any doubt, that it does not apply to the Garden Community and does not seek to undermine the ability of the Garden Community to achieve its strategically important objectives.

Latimer therefore strongly objects to the draft Elmstead NP and do not consider that the NP, as taken as a whole, is in general conformity with the strategic policies of the adopted local plan (or emerging development 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 sincerely

A handwritten signature in blue ink, appearing to read "Pauline Roberts".

Pauline Roberts

Senior Director


BA (Hons) MSc MRTPI MRICS

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



ELMSTEAD MARKET NEIGHBOURHOOD PLAN 2020-2033 REGULATION 16 CONSULTATION

**Prepared by Strutt & Parker on behalf of Welbeck Land
October 2023**

Site Name:	Land at Elmstead Market
Client Name:	Welbeck Land
Type of Report:	Regulation 16 Consultation Representations
Prepared by:	Rosanna Metcalfe BA (Hons) MSc MRTPI Associate Director
Checked by:	Richard Clews BA (Hons) Dip.TP MRTPI Senior Associate Director 
Date:	October 2023

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CONTENTS

1. INTRODUCTION.....	4
2. DRAFT SUBMISSION VERSION NEIGHBOURHOOD PLAN.....	6
3. CONCLUSION.....	15
Appendix 1 - Site Location Plan.....	16

1. INTRODUCTION

- 1.1 This representation has been prepared on behalf of our clients, Welbeck Land, in response to Regulation 16 submission version of the Elmstead Market Neighbourhood Plan ('EMNP').
- 1.2 Welbeck have control over land to the west of Elmstead Market which is separated into two parcels, both of which adjoin the existing village area and closely follow the proposed settlement boundaries (see Appendix A). The parcels are divided by areas of land that have recently been developed and whilst we are not seeking allocation in this Neighbourhood Plan, it is considered both sites represent the logical next steps to development in the village. It is therefore important that the policies in this plan accord with the adopted Development Plan and do not apply onerous and unevidenced policy constraints which do not take a positive approach to development as advocated by the National Planning Policy Framework (NPPF) (2023).
- 1.3 We are concerned that this Neighbourhood Plan has not been prepared positively. It is not considered aspirational and policies within the plan may render potential development undeliverable. Many of the policies are not supported by robust or proportionate evidence, and we do not consider it complies with the Basic Conditions of Neighbourhood Plan making.
- 1.4 The two sites our client is promoting are discussed in further detail below.

Site 1: Land east of Tye Road

- 1.5 The site is currently in agricultural use and extends to approximately 3.4 hectares. It sits to the west of existing residential dwellings on Harvest Way, Holly Way and Thatchers Drive.
- 1.6 Land to the south (known previously as Land north of Meadow Close) was granted planning permission on 18 April 2016 for 20 dwellings (14/01238/OUT). This has now been completed.
- 1.7 Land to the south-west (known previously as Land to the east of Tye Road) was granted planning permission in April 2017 for 32 dwellings and a community facility (16/00219/OUT). This is now largely completed.
- 1.8 The western and northern boundaries comprise a hedgerow interspersed with trees, but the site is otherwise featureless. In terms of topography it is generally flat.

Site 2: Land north of Colchester Road

- 1.9 This site sits to the south and south west of planning permissions 14/01238/OUT and 16/00219/OUT, whilst to the east are residential properties on Meadow Close. South of the site is Colchester Road and to the west is Tye Road. The site is therefore considered to be well contained by existing features and infrastructure.
- 1.10 The site extends to approximately 2ha. It is bound by hedgerows interspersed by trees. To confirm the site does not contain any woodland or features of particular ecological importance.
- 1.11 Whilst we are not seeking the allocation of either site in this Neighbourhood Plan, it is considered that both would provide the most logical next sites for the expansion of the village.

2. DRAFT SUBMISSION VERSION NEIGHBOURHOOD PLAN

The Basic Conditions

2.1 Within the EMNP, the purpose of Figure 1 is to set out the Neighbourhood Plan Basic Conditions. All Neighbourhood Plans must be prepared in accordance with these conditions. For clarity, as identified in the PPG, these are:

- a. Having regard to national policies and advice contained in guidance issued by the Secretary of State it is appropriate to make the order (or neighbourhood plan).
- b. Not relevant to Neighbourhood Plans
- c. Not relevant to Neighbourhood Plans
- d. The making of the order (or neighbourhood plan) contributes to the achievement of sustainable development.
- e. The making of the order (or neighbourhood plan) is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area).
- f. The making of the order (or neighbourhood plan) does not breach, and is otherwise compatible with, EU obligations.
- g. Prescribed conditions are met in relation to the Order (or plan) and prescribed matters have been complied with in connection with the proposal for the order (or neighbourhood plan). These other basic conditions are:

- (i) the making of the neighbourhood plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017, which set out the habitat regulation assessment process for land use plans, including consideration of the effect on habitats sites.
- (ii) having regard to all material considerations, it is appropriate that the Neighbourhood Development Order is made.

2.2 The Basic Conditions for Neighbourhood Plans do not include conditions relating to listed buildings or buildings of special interest, or the impact on a Conservation Area. Figure 1 should therefore be updated to accurately reflect the basic conditions of a Neighbourhood Plan.

2.3 In applying the five basic conditions to the EMNP, it is not considered to be in general conformity with 3 out of the 5 basic conditions as following:

a. Having regard to national policies and advice contained in guidance issued by the Secretary of State it is appropriate to make the order (or neighbourhood plan).

d. the making of the neighbourhood plan contributes to the achievement of sustainable development;

e. the making of the neighbourhood plan is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area);

2.4 Our reasons are set out under the respective policy headings.

ELM1 – Settlement Boundaries

2.5 In accordance with Policy SPL 2 (Settlement Development Boundaries) in the adopted Local Plan Part 2:

“Outside of Settlement Development Boundaries, the Council will consider any planning application in relation to the pattern and scales of growth promoted through the Settlement Hierarchy in Policy SPL1 and any other relevant policies in this plan. An exemption to this policy is provided through the Rural Exception Site Policy LP6.”

2.6 It is not considered that Policy ELM1 currently complies with the above policy. No reference is made to rural exception sites and we therefore recommend that part (c) of this policy is amended as follows:

“Proposals for development outside the settlement boundaries will only be supported if they accord with development plan policies ~~managing~~ for development in the countryside, and rural exception sites where they comply with Local Plan Policy LP6. Proposals which reinforce the physical and visual separation of Elmstead Market and Lanswood will be supported”.

2.7 Point (c) of Policy ELM1 currently notes that proposals outside of the Settlement Boundaries will be considered in accordance with the Development Plan policies for

“managing” the countryside. We consider that the term ‘managing’ should be removed. It is not clear what the term ‘managing’ means as its inclusion is not consistent with adopted policy wording.

- 2.8 Furthermore, the supporting text for this policy should also be updated to more accurately reflect the provisions of the Local Plan. Supporting paragraph 3.3.3.1 of the Local Plan states:

‘Alongside the planned developments, it is likely that a number of currently unidentified ‘windfall’ sites will obtain planning permission for housing in accordance with the policies in this Local Plan during the plan period.’

- 2.9 The EMNP states at para 5.10 that opportunities for development in the future are going to be very limited:

“new development will occur through the completion of existing planning permissions, unidentified ‘windfall’ sites within settlement development boundaries or through Rural Exception Sites where a need has been identified” (underlined by us).

- 2.10 Reference to windfall sites only coming forward within settlement boundaries should be removed as this is inconsistent with the Local Plan.

- 2.11 We consider that it would be appropriate and sensible to allow modest development on sustainable sites around and within the village over the plan period, where these are clearly well related to the settlement pattern of the village. This could be achieved by drawing the settlement boundary to extend around sites that have not been the subject of earlier applications, which would then be considered within the policies of the district and neighbourhood plan at a later date. If the parish council do not seek to do this now, a policy that explicitly sets out the terms for a review of the plan, and the potential to redraw the settlement boundaries, would be appropriate in our view.

- 2.12 With regard to the evidence base on this matter, the AECOM report on housing need for Elmstead Market (December 2021) provides recommendations on the type of housing that should be sought from developments in the future. However, it is unclear that there will in fact be any meaningful future developments due to the settlement boundary being drawn tightly around the existing village area (and other restrictive policies as discussed below).

- 2.13 The ability of this NP to meet the needs and demands identified in the AECOM report is of some concern to us and in our view conflicts with (a), (d) and (e) of the Basic Conditions.

Policy ELM2 – Protecting the Setting of Elmstead Market

2.14 We strongly object to Policy ELM 2 which we do not consider complies with Basic Conditions (a), (d) and (e). It applies an additional and unnecessary planning constraint which is not justified, necessary or reasonable.

2.15 The purpose of the policy is

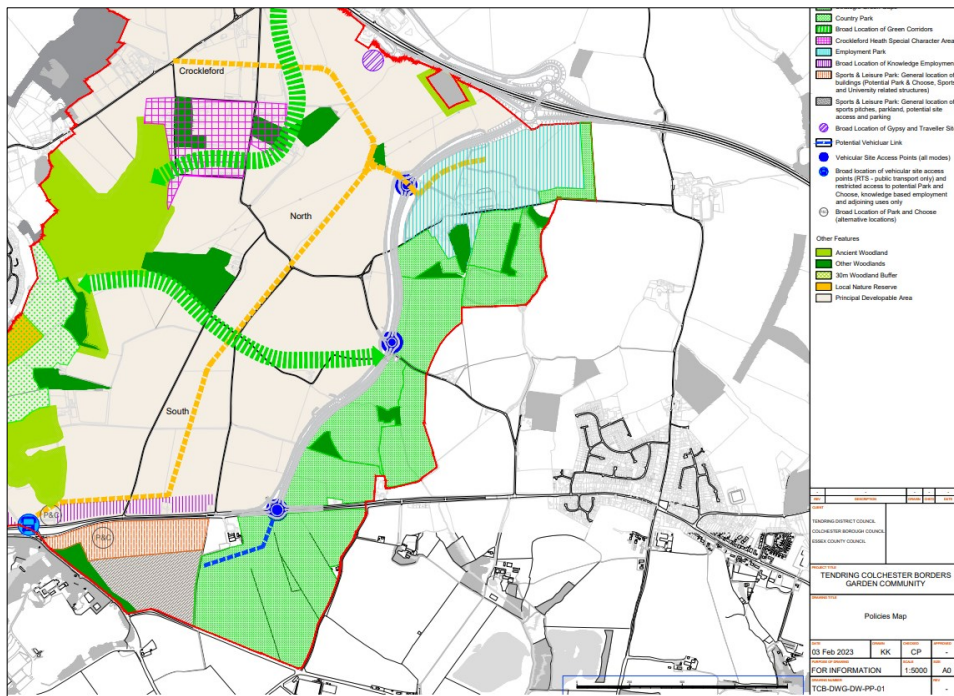
“for the spatial purpose of protecting a valued landscape on the urban fringe of the Tendring/Colchester Borders Garden Community providing access to the countryside; avoiding coalescence; and retaining the separate identities of the Tendring/Colchester Borders Garden Community and Elmstead Market.”

2.16 Firstly, in the context of paragraph 174 of the NPPF, the land between Elmstead Market and Colchester is not a ‘valued landscape’. Whilst the NPPF does not define ‘valued landscape’, case law has dictated that in order to be considered ‘valued landscape’, a landscape needs to demonstrate physical attributes which take it out of the ordinary (see *Stroud DC vs Secretary of State for Communities and Local Government [2015] EWHC 488 (Admin)*).

2.17 No evidence has been provided to suggest that it is a valued landscape albeit the lack of any form of national designation (i.e. National Park or AONB) or feature of significance would suggest that evidence would conclude it is not valued in planning terms.

2.18 Supporting text at paragraph 5.15 suggests that a Landscape Report (December 2022 by LanDesign Associates), has been prepared and included in the evidence base to justify the designation of the Green Landscape Buffer. However, this report does not appear to be in the public domain and it is not listed on the Council’s website as a document forming part of the consultation. Unless this document is published for consultation, it cannot form part of the evidence base for the Neighbourhood Plan.

2.19 It is notable that the inclusion of a buffer was considered as part of the preparation of the Tendring Local Plan and, importantly, that the Submission Version of the Colchester Borders Garden Communities DPD (July 2023) identifies a Strategic Green Gaps on the east of the Garden Community, as shown in the diagram below. It must be presumed that the strategic buffer is sufficient to protect Elmstead Market, otherwise the buffer would have been extended:



Extract from Colchester Borders Garden Community DPD (Final Version) Policies Map¹

2.20 In full view of this evidence, the Local Plan did not seek to protect the setting of Elmstead Market with additional protections such as those sought in the EMNP and the most recent Submission Version DPD has also not sought to extend the protections beyond the boundary set out in the Local Plan.

2.21 We strongly question the approach and motivation for these additional landscape protections. Evidence prepared for the more rigorous Local Plan making process did not, through that process, result in any policies similar to those now proposed being applied or considered necessary. For the Local Plan, the proposed policies within it (including the specific policies for the Tendring / Colchester Garden Community) and the normal planning process for determining applications must have been reasoned to be adequate to secure the individuality of Elmstead Market and to maintain a buffer between the settlements. The same is true for the July 2023 DPD. The additional buffer sought in the EMNP is not necessary nor justified in our view.

2.22 We are also concerned that one of the purposes of the Green Landscape Buffer is to 'provide access to the Countryside'. However, we are not aware that any of the area indicated is currently accessible to the public. There would be little, if any, incentive to a landowner to voluntarily make any of this area accessible to the public without other benefits being realised, particularly as much of it is in viable use. If access to the Countryside is

¹ Available from: <https://talk.tcbgardencommunity.co.uk/the-submission-version-plan>

genuinely one of the purposes of the policy, then the policy will need to provide some incentive to a willing landowner to make this realistic. At present we consider the policy to be ineffective in this regard and should not refer to providing access to the countryside unless (at the very least) there is a counter-policy to permit development where such access can be secured.

2.23 Finally, in mapping the extent of the GLB the EMNP seeks to impose a new, unnecessary protection across a large swath of land that extends directly from the settlement boundary. While the policy purports to seek to maintain a separation between Elmstead Market and the Tendring / Colchester Garden Community, such an aim would not require an effective embargo on development on all land west of Elmstead Market in order to achieve this aim. It is therefore excessive.

2.24 For the above reasons we consider Policy ELM2 and the accompanying protective designations to not be based on a reasonable analysis of the evidence prepared and not to comply with basic conditions (a), (b) and (c).

Policy ELM8 – Zero Carbon Buildings

2.25 The policy seeks to minimise the amount of energy needed to heat and cool buildings through landform, layout, building orientation, massing and landscaping. In relation to Site 1 and 2 whilst we agree with the need to encouraging higher energy efficiency standards, in requiring all developments to be 'zero carbon ready' this policy may reduce the feasibility of development in the area and pose an unjustified burden on new development. Ultimately, this may prove to be a constraint on development in the Elmstead Neighbourhood Plan area that would not apply elsewhere in Tendring, constraining development in this location.

2.26 In accordance with the PPG (reference 41-005-20190509):

“Neighbourhood Plans may contain policies on the contributions expected from development, but these and any other requirements placed on development should accord with relevant strategic policies and not undermine the deliverability of the neighbourhood plan, local plan or spatial development strategy.”

2.27 It goes onto to state at paragraph that policy requirements should be informed by a:

“proportionate assessment of viability that takes into account all relevant policies, and local and national standards, including the cost implications of the Community Infrastructure Levy (CIL) and section 106.”

2.28 While we support the aims of Policy ELM 8, no evidence has been prepared to confirm this is not an unreasonable requirement and that development proposals will be deliverable. This policy is therefore not compliant with basic condition (a).

Policy ELM9 – Design Guides

2.29 Whilst we do not object to the principle of delivering development in accordance with the Design Code and Essex Design Code, these cannot carry the same weight as Development Plan Policies.

2.30 The Design Guidance and Codes (Appendix C of the EMNP) does not set out policies to be applied, it is a detailed assessment of the area and Section 4 proposes a guide to delivering development successfully in Elmstead Market. However, the Guidance covers a very wide set of criteria, some of which is likely covered by other policies and guidance, and some of which will be advisory or methods of assessing and presenting design solutions. Given the breadth of the guidance it should be considered very carefully whether it is possible to apply this with the same weight as the more focused Policies, which are crafted with consideration to their intent, interpretation and consequences. There may be inevitable conflict, uncertainty, ambiguity and frustration at the development control stage if the Design Guide and Codes are applied as Development Plan Policies.

2.31 In regards to the EDG, we understand that because the latest version is essentially a 'live' document open to amendment and updating, it is difficult to adopt the guidance within the consultation requirements of Local and Neighbourhood Plan regulations. In this regard, it is noted that Tendring Council as the Local Planning Authority have adopted the 2005 EDG and use this in decision making. Firstly, if the 2005 EDG is to be used in Elmstead Market, there is no need to specify this as the LPA already use it in decision making. If the current EDG is proposed to be used, while we support the content of the web based EDG, we are not aware that the concerns surrounding consultation on its content have yet been resolved to the satisfaction of the Council. Accordingly, we recommend that any reference to the EDG being given full weight as a development plan policy should be removed.

Policy ELM10 – Important Views

2.32 This policy identifies a series of views from public vantage points that are considered in the Important View Report. Development proposals which would have a significant adverse impact on an identified important view will not be supported. The 3rd important view listed is Crockleford Lanes, also known as Tye Road which runs to the west of Site 2. Images of Tye Road and Crockleford Lane are shown in Figure 1.

2.33 The designation of Crockleford Lanes as a protected view is inaccurate and is strongly disputed, as it is not supported by any professional or technical advice that we can locate. The Important Views Report appears to have been produced by Elmstead Parish Council itself and states the following justification for the classification of this designation:

An important view in the village, much enjoyed by walkers of the lanes that lead to hamlet of Crockleford Heath.

2.34 There is no credible justification, methodology or support from professional input on this matter. This somewhat reduces the credibility of the policy proposed, and the objective importance of the views identified must therefore be questioned.

2.35 As this policy is not supported by robust or proportionate evidence, it does not comply with national policy and is considered contrary to Basic Condition (a).

Policy ELM16 – Nature Recovery

2.36 This policy requires that all development proposals that lie within the network, or that adjoin it, should consider how they may improve it, or at the very least do not undermine its integrity of connecting spaces and habitats.

2.37 Land along the western boundary of Site 2 (Land north of Colchester Road), has been identified as an ‘Area of Potential for Additional Riparian/Floodplain Woodland’.

2.38 Were development to come forward on this site, it is worth noting that as this boundary forms the edge of the site, it is anticipated it would be enhanced to provide a soft green edge to the village. In accordance with national policy, proposals would also be expected to provide at least 10% Biodiversity Net Gain on-site further ensuring that habitats of ecological value will be protected and enhanced.

2.39 It is unclear what the purpose of designating land as an ‘area of potential’ is. Unless there is an incentive for landowners to deliver ‘riparian/floodplain woodland’ through development, it is very unlikely to be delivered. It is worth noting that only development proposals will be delivered in accordance with policy as landscaping and agricultural practices are not bound by the policies within the Neighbourhood Plan.

2.40 Furthermore, if Land north of Colchester Road were to come forward for development, it is unlikely ‘Riparian/Floodplain Woodland’ would be appropriate. The site is not located in the floodplain or by a substantial watercourse. No evidence has been provided to demonstrate that this type of habitat would be appropriate and that it would be suitable alongside the

site's native existing habitat. Any new habitat to be provided should be informed by an Ecological Appraisal.

- 2.41 Our concern with ELM16 is there is unmistakably no professional or technical evidence from an arboricultural advisor or landscape expert to support the designations. Consequently the policy is considered contrary to basic conditions (a) and (d).

Policy ELM17 – Health and Wellbeing Service Provision

- 2.42 This policy emphasises that recent planning applications have demonstrated that any new developments in Elmstead Parish would give rise to a need for improvements to health and wellbeing provision capacity. Part B of the policy specifically states that *all new residential development proposals will only be permitted where they provide or improve the delivery of essential health and/or wellbeing facilities and services required to serve the scale of the development proposed.*
- 2.43 Part B of Policy ELM17 is not necessary as Policy D11 - Infrastructure Delivery and Impact Mitigation of the Tendring Local Plan (Section 2) addressed this in Part A of that policy where it covers *financial contributions towards new or expanded facilities and the maintenance thereof.* Policy ELM17 therefore is not in general conformity with the Strategic Policy D11 as it is seeking to refine the Policy contained in the Tendring District Development Plan in a manner which could be seen to contradict the financial contributions required for Infrastructure in the Tendring District Development Plan and may be further contradicted when the Local Plan is reviewed at a later date.
- 2.44 We therefore consider the policy and the evidence supporting it would be open to challenge if it remained in the NP.

3. CONCLUSION

- 3.1 Welbeck Land would like to acknowledge the hard work and effort that the Steering Group and the local community have put into producing the Submission Neighbourhood Plan and the accompanying supporting documents. However, having reviewed the submission version of the Neighbourhood Plan, Welbeck Land are of the view that it does not comply with basic conditions (a), (d) and (e) and that in its current format it cannot be 'made'.
- 3.2 Amendments have been suggested to Policies ELM1, ELM2, ELM5, ELM8, ELM9, ELM10, ELM16 and ELM17 which it is hoped add clarity to the Plan and, with amendment, may help it to satisfy the basic conditions.
- 3.3 We look forward to further engagement on this stage of the Neighbourhood Plan and would be pleased to discuss these matters directly with the Inspector.

Appendix 1 - Site Location Plan





Phase 2

PLANNING &
DEVELOPMENT
LIMITED

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Office: [REDACTED]
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Date: 24/10/2023

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Tendring District Council
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Station Road
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Essex
CO15 1SE
By email only: planning.policy@tendringdc.gov.uk

Dear Sirs

**Representations to The Elmstead Neighbourhood Plan Submission Document
On Behalf of Hills Building Group**

This letter sets out representations to the draft Neighbourhood Plan on behalf of Hills Building Group, who have a number of land holdings within the Neighbourhood Plan area.

Policy ELM1 Settlement Development Boundaries

This Policy which supports proposals for development within settlement boundaries that accords with development plan policies is supported. A suggested amendment to the settlement boundary is proposed in response to the Policies Map, with details set out below (see heading Policies Map).

Recognition in the supporting text that the quantum of approved development at Lanswood has effectively established an additional settlement in the Parish resulting in the establishment of a new settlement boundary is supported. Numerous planning permissions in recent years resulted in a substantial area of commercial and residential development and the creation of a settlement boundary around this area will enable development proposals to be managed in the same way as they would be in the existing village.

Policy ELM5 Affordable Housing

This draft Neighbourhood Plan Policy requires 30% affordable housing on sites creating six or more dwellings. National Planning Policy Guidance (PPG) states that planning obligations for affordable housing should only be sought for major developments (i.e. development where 10 or more homes will be provided or the site has an area of 0.5ha or more), unless the site lies in a “designated rural area”, which is not the case here. In light of this, it is submitted that this Policy as currently drafted fails to meet the “basic conditions” of a Neighbourhood Plan as set out in paragraph 8(2) of Schedule 4B of the Town and Country Planning Act 1990. This is because the Policy fails to meet condition a) which requires a draft Neighbourhood Plan to have regard to national policies and advice contained in guidance issued by the Secretary of State.

In light of the above, it is proposed that Part A of this Policy is amended to read:

“A. Development proposals outside of the Tendring/Colchester Borders Garden Community, involving the creation of €10 or more (net) homes or sites of 0.5 hectares or greater, will be required to provide 30% of the new dwellings as affordable housing on-site unless it can be demonstrated that it is more appropriate to make a financial contribution towards the provision of affordable housing elsewhere in the Village within the Plan period.”

With regard to Part B of the policy which sets the tenure mix of affordable housing, no evidence has been provided in support of this mix. Deviation from the District policy requirements must be supported by local evidence. In the absence of such evidence, this part of the policy should either be deleted or amended to reflect Policy LP 5 which states:

“The size and type of affordable housing will be specified by the District Council on a case-by-case basis having regard to the latest Strategic Housing Market Assessment (SHMA) and housing needs register and will be the subject of negotiation between the Council and the developer or applicant.”

Policy ELM7 Housing Mix

This policy seeks a housing mix with a majority of one and two bedroom dwellings. The supporting text states that *“the starting point for addressing the need for smaller dwellings is for new developments to be made up of 89.2% 1 and 2 bedroom dwellings”*. The supporting text also identifies that Elmstead’s Housing Needs Assessment demonstrates that the need is heavily weighted towards smaller dwellings.

Whilst this need for smaller dwellings is generally noted and accepted, the policy should have some flexibility to recognise instances where it would be more appropriate to provide larger dwellings to complement the character of the dwellings in the vicinity of the site. It is therefore proposed that the wording of the policy should be amended as follows:

“Where compatible with the character of the immediate environs, new residential development, outside of the Tendring/Colchester Borders Garden Community, should seek to include in their housing mix a majority of 1-bedroom and 2-bedroom dwellings.”

Policy ELM8 Zero Carbon Buildings

This Policy sets out the requirement for all development to be ‘zero carbon ready’ by design and, where feasible, for buildings to be certified to a Passivhaus or equivalent standard. This Policy goes beyond the requirements set out in the Local Plan and also the NPPF which refers to ‘low carbon’. Concern is raised in relation going beyond latest legislation due to the extremely high costs associated with this and the impact in terms of viability of schemes. It is proposed that ELM8 should be amended to state that proposals should comply with the relevant legislation. This approach ensures that the Neighbourhood Plan keeps pace with the latest changes to Building Regulations. It is proposed that the wording of the Policy is amended as follows:

“A. All development should be ‘~~zero~~low carbon ready’ by design to minimise the amount of energy needed to heat and cool buildings through landform, layout, building orientation, massing and landscaping. Consideration should be given to resource efficiency at the outset and whether existing buildings can be re-used as part of the scheme to capture their embodied carbon.

B. All developments should accord with the latest legislation (i.e. Building Regulations). ~~Wherever feasible, all buildings should be certified to a Passivhaus or equivalent standard with a space heating demand of less than 15kWh/m2/year. Where scheme that maximise their potential to meet this standard by proposing the use of terraced and/or apartment building forms of plot size, plot coverage and layout that are different to those of the~~

character area within which the proposal is located, this will be supported, provided it can be demonstrated that the scheme will not have a significant harmful effect on the character of the area.”

Policy ELM9 Design Codes

This Policy requires proposals outside of the Tendring/Colchester Borders Garden Community to have full regard to the relevant design guidelines and codes. It is relevant to note that Elmstead Design Guidance and Codes document relates to the main village and not the Lanswood part of the Neighbourhood Plan area or the countryside beyond the settlement boundaries, whereas the Essex Design Guide is not limited to the village. It is therefore proposed that the supporting text at paragraph 5.49 is amended to reflect this:

“5.49 There are distinctive features of *the village of Elmstead Market* that shapes its character. These features are set out in the Elmstead Design Guidance and Codes attached at Appendix C. The policy places additional local emphasis to the design quality principles of Tendring’s Local Plan Part 2 Policy SPL3 Sustainable Design by highlighting the particular characteristics of the Parish. The policy is *generally* intended to apply to that part of the parish which lies outside of the Tendring/Colchester Borders Garden Community, *with the Elmstead Design Guidance and Codes relating to the village as shown by the inset to figure F.11.*”

Policies Map

The Policies Map is generally supported, and in particular, the inclusion of Lanswood within a new settlement boundary. However, we are seeking minor amendment to the settlement boundary to provide a logical rounding off on the southern side of “Lanswood”.

As shown by the aerial photograph image below, the settlement boundary has been drawn to include recently approved dwellings but has excluded two existing dwellings and a redundant barn. The barn is now an incongruous feature in this edge of settlement location and Hills Building Group are keen to redevelop this site with a small, sensitively designed residential development that would complement its residential surroundings. Amendment to the settlement boundary as suggested, would enable this redevelopment under Policy ELM1.



Figure 1: Aerial Photograph showing the area currently excluded from the settlement boundary (solid red line) with suggested boundary alteration (dashed red line)



Figure 2: Photo showing the barn in the context of consented development (currently under construction)

Elmstead Design Guidance and Codes

It is not clear whether it is intended for this document to just relate to the original built up area of the village of Elmstead Market or whether it extends to also cover the wider neighbourhood area and in particular Lanswood, which is proposed for inclusion within a new settlement boundary through the Neighbourhood Plan. Section 1.3 of this document (Area of Study) and the accompanying context plan on (F.3) on page 8 fail to reference Lanswood, with Section 3 (Neighbourhood Area Context Analysis) looking only at the main part of the village. Section 4 (Design Guidance and Codes) refers to the broader Neighbourhood area.

Whilst there is no objection in principle to the application of the Design Guidance and Codes to the wider neighbourhood plan area, it is important that clarity is provided in terms of the description of the neighbourhood area and the parts covered by this document.

It is suggested that the final paragraph of section 1.3 should be amended along the following lines:

“There are also a number of approved housing developments within the parish, mostly on the outskirts of the village and will forming extensions of the village. In addition, there is a large commercial/residential development known as Lanswood, located to the south-east of the village, to the south of the A133, which is contained by its own settlement boundary. The remainder of the neighbourhood area is made up of countryside with the occasional farmhouse or cluster of a few houses. Therefore, the outside of the village there is a more rural feel to the area.”

The paragraph should then state, either:

“This document relates to the original village as defined by its settlement boundary and not the Lanswood area or the surrounding countryside.”

Or

“This document relates to the neighbourhood plan area that falls outside of the Tendring/Colchester Borders Garden Community.”

Section SD2 “Pattern of Development” and the accompanying figure 19 fails to take into account the Lanswood development, which is recognised in the Neighbourhood Plan. The text should be amended accordingly:

“There is a settlement boundary surrounding the two main built-up areas of the village, indicating that development should take place within these boundaries in order to preserve the countryside and avoid coalescence with neighbouring villages and towns. Some guidance for the pattern of development within Elmstead includes: ...”

Yours sincerely

Phase 2 Planning

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