

# **Local Plan Committee**

**Grand Jury Room, Town Hall  
25 September 2013 at 6.00pm**

**This committee deals with**

the Council's responsibilities relating to the Local Plan.

# Information for Members of the Public

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**COLCHESTER BOROUGH COUNCIL  
LOCAL PLAN COMMITTEE  
25 September 2013 at 6:00pm**

**Members**

Chairman : Councillor Bill Frame.  
Deputy Chairman : Councillor Martin Goss.  
Councillors Lyn Barton, Elizabeth Blundell, Andrew Ellis,  
John Jowers and Kim Naish.

**Substitute Members** : All members of the Council who are not members of the  
Planning Committee.

**Agenda - Part A**

(open to the public including the media)

**Pages**

**1. Welcome and Announcements**

(a) The Chairman to welcome members of the public and Councillors and to remind all speakers of the requirement for microphones to be used at all times.

(b) At the Chairman's discretion, to announce information on:

- action in the event of an emergency;
- mobile phones switched to silent;
- the audio-recording of meetings;
- location of toilets;
- introduction of members of the meeting.

**2. Substitutions**

Members may arrange for a substitute councillor to attend a meeting on their behalf, subject to prior notice being given. The attendance of substitute councillors must be recorded.

**3. Urgent Items**

To announce any items not on the agenda which the Chairman has agreed to consider because they are urgent and to give reasons for the urgency.

**4. Declarations of Interest**

The Chairman to invite Councillors to declare individually any interests they may have in the items on the agenda. Councillors should consult Meetings General Procedure Rule 7 for full guidance on the

registration and declaration of interests. However Councillors may wish to note the following:-

- Where a Councillor has a disclosable pecuniary interest, other pecuniary interest or a non-pecuniary interest in any business of the authority and he/she is present at a meeting of the authority at which the business is considered, the Councillor must disclose to that meeting the existence and nature of that interest, whether or not such interest is registered on his/her register of Interests or if he/she has made a pending notification.
- If a Councillor has a disclosable pecuniary interest in a matter being considered at a meeting, he/she must not participate in any discussion or vote on the matter at the meeting. The Councillor must withdraw from the room where the meeting is being held unless he/she has received a dispensation from the Monitoring Officer.
- Where a Councillor has another pecuniary interest in a matter being considered at a meeting and where the interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice the Councillor's judgment of the public interest, the Councillor must disclose the existence and nature of the interest and withdraw from the room where the meeting is being held unless he/she has received a dispensation from the Monitoring Officer.
- Failure to comply with the arrangements regarding disclosable pecuniary interests without reasonable excuse is a criminal offence, with a penalty of up to £5,000 and disqualification from office for up to 5 years.

## **5. Have Your Say!**

(a) The Chairman to invite members of the public to indicate if they wish to speak or present a petition at this meeting – either on an item on the agenda or on a general matter not on this agenda. You should indicate your wish to speak at this point if your name has not been noted by Council staff.

(b) The Chairman to invite contributions from members of the public who wish to Have Your Say! on a general matter not on this agenda.

## **6. Minutes**

**1 - 5**

To confirm as a correct record the Minutes of the meeting held on 29 July 2013.



- 7. Strategy for Landscape Planning of Development Sites** **6 - 16**  
Please see the report of the Head of Commercial Services.
- 8. Eight Ash Green Village Design Statement** **17 - 60**  
Please see the report of the Head of Commercial Services.
- 9. The Role and Remit of the Marine Management Organisation** **61 - 66**  
Please see the report of the Head of Commercial Services.
- 10. Dedham Vale AONB Position Statement** **67 - 105**  
Please see the report of the Head of Commercial Services.
- 11. Government Consultation – Greater Flexibilities for Change of Use** **106 - 116**  
Please see the report of the Head of Commercial Services.
- 12. DCLG Consultation Paper: Housing Standards Review** **117 - 140**  
Please see the report of the Head of Commercial Services.
- 13. Revision of the Local Development Scheme** **141 - 184**  
Please see the report of the Head of Commercial Services.
- 14. Exclusion of the Public**  
In accordance with Section 100A(4) of the Local Government Act 1972 to exclude the public, including the press, from the meeting so that any items containing exempt information (for example confidential personal, financial or legal advice), in Part B of this agenda (printed on yellow paper) can be decided. (Exempt information is defined in Section 100I and Schedule 12A of the Local Government Act 1972).



# LOCAL PLAN COMMITTEE

## 29 JULY 2013

*Present :-* Councillor Bill Frame (Chairman)  
Councillors Lyn Barton, Elizabeth Blundell, Andrew Ellis,  
Martin Goss, John Jowers and Kim Naish

### 5. Have Your Say!

Mr Mike Hardy, addressed the Committee pursuant to the provisions of Meetings General Procedure Rule 5(3) in respect of the Local List. He made reference to two previous planning applications involving locally listed buildings, one for a plastic window replacement, which was refused and one for the Drury Arms extension, which was approved. He was concerned that a precedent had been set which would allow any fashion of extension on locally listed buildings, as long as it did not interfere with the existing structure. He requested that guidance be published on what protection is provided to locally listed buildings, with regards to planning applications.

Ms Karen Syrett, Spatial Policy Manager, responded that this was something that could be considered and stated that she would discuss the prospect with the Planning Projects Team.

### 6. Minutes

The Minutes of the meeting held on the 11 March 2013, 22 May 2013 and 3 June 2013 were confirmed as a correct record.

### 7. Wivenhoe Neighbourhood Plan Area

**Councillor Frame (in respect of his position as non-executive director of Colne Housing), Councillor Jowers (in respect of his being an Essex County Council Cabinet Member with Strategic Plan responsibility and a Statutory Strategic Plan Consultee) and Councillor Naish (in respect of his role on the Environment Agency, Anglian Trust and East of England Fresh Water Forum) declared a non-pecuniary interest in this item pursuant to the provisions of Meetings General Procedure Rule 7(5).**

The Head of Commercial Services submitted a report requesting the formal approval of the Wivenhoe Neighbourhood Plan Area. A map of the proposed Neighbourhood Plan area and the application letter are attached as Appendices to the report.

Ms Karen Syrett, Spatial Policy Manager, attended to assist the Committee with its deliberations.

The Committee inquired about the remit of the Marine Management Organisation. It was suggested that a report on the matter be provided to the next meeting of this

Committee.

It was explained that the Ward Boundary Review would not affect the Neighbourhood Plan Area's.

*RESOLVED* that the Wivenhoe Neighbourhood Plan Area be approved.

## 8. West Bergholt Neighbourhood Plan Area

**Councillor Frame (in respect of his position as non-executive director of Colne Housing) and Councillor Jowers (in respect of his being an Essex County Council Cabinet Member with Strategic Plan responsibility and a Statutory Strategic Plan Consultee) declared a non-pecuniary interest in this item pursuant to the provisions of Meetings General Procedure Rule 7(5).**

The Head of Commercial Services submitted a report to formally designate the West Bergholt Neighbourhood Plan Area as set out by Section 61G of Town and Country Planning Act 1990 (inserted by the Localism Act 2011). A map of the proposed Neighbourhood Plan area and the application letter were attached as Appendices to the report.

Mr Mark Edgerley, Planning Policy Officer, attended to assist the Committee with its deliberations.

Councillor Harrington attended and, with the consent of the Chairman, addressed the Committee. He explained that the Neighbourhood Plan Area included the whole Parish in order to create a coherent development policy. He highlighted the importance of the Parish being able to influence its own development. He explained that a Steering Group had been set up in order to lead the Neighbourhood Plan development process.

In response to a query raised by the Committee, Ms Karen Syrett, Spatial Policy Manager, explained that they were currently able to aid the Parish Council's with their Neighbourhood Plan applications, however, if many Parish Council's applied at one time the team would struggle.

*RESOLVED* that the West Bergholt Neighbourhood Plan Area as set out by Section 61G of Town and Country Planning Act 1990 (inserted by the Localism Act 2011) be formally designated.

## 9. Draft Submission Focused Review of the Adopted Colchester Borough Local Plan

**Councillor Jowers (in respect of his being an Essex County Council Cabinet Member with Strategic Plan responsibility and a Statutory Strategic Plan Consultee) declared a non-pecuniary interest in this item pursuant to the provisions of Meetings General Procedure Rule 7(5).**

The Head of Commercial Services submitted a report which sought agreement from the Committee of the content of the Draft Submission Focused Review, that the document and supporting information be published in order for representations to be made, that the review be submitted to Government for examination and that authority be delegated to the Spatial Policy Manager to make any minor revisions. The Draft Submission Focused Review document was attached as Appendix One to the report. An additional document was tabled at the meeting detailing policies in relation to Gypsies, Travellers, and Travelling Showpeople.

Ms Laura Chase, Planning Policy Manager, attended to assist the Committee with its deliberations. She explained that after a 6 week consultation from the 5 August to 16 September, the focused review would be submitted to the Planning Inspectorate who would appoint an Inspector to carry out an Examination in Public. She explained that this was a focused review only to ensure the Council's policies were fit for purpose.

Councillor Chillingworth attended and, with the consent of the Chairman, addressed the Committee. He explained that he was speaking from his roles as a rural Ward Councillor and a Planning Consultant. He drew particular attention to Centres and Employment Policies (Appendix A to the report, p27), suggesting that "(E) Expansion of an existing business" should finish, "on to open countryside", for greater clarity. He also suggested several alterations to Housing Policies (Appendix A to the report, p37), which he would provide in writing.

Members of the Committee considered each of the topic areas of the focused review separately.

### **Planning Contributions/Community Infrastructure Levy (CIL) and Community Facilities**

The Committee questioned what progress had been made regarding the introduction of the Community Infrastructure Levy charging schedule. The Spatial Policy Manager explained that the Council were not proceeding with it at the moment due to viability issues and that it was their intent to react to any national action made.

### **Centres and Employment**

The Committee suggested that clarity would be needed when establishing which policies applied to different types of Centres.

### **Housing**

The Committee commented that a requirement of 20% affordable housing rather than 35% was more practical in the current economic climate. It was suggested that this may result in greater affordable housing in the area, as more developers would be able to deliver at this level.

It was agreed that Councillor Chillingworth's suggestions were supported and would be circulated to Officers to include in the Draft Submission.

## **Energy**

The Committee discussed the disadvantages of ‘expecting’ residential dwellings to achieve a level 4 rating within the Code for Sustainable Homes and zero carbon emissions. It was believed that this would place a significant financial burden on developers.

It was agreed that the word “expected” would be replaced with the word “encouraged”.

## **Gypsies, Travellers, and Travelling Showpeople**

The Planning Policy Manager explained that this policy had been added to the focused review as the Planning Inspector had advised Chelmsford City Council to amend their policy in such a manner.

It was agreed that the phrase “Gypsies and Travellers” in the final paragraph would be replaced with “Gypsies, Travellers and Travelling Showpeople”.

*RESOLVED* that –

- (i) the content of the Draft Submission Focus Review be agreed, subject to the additions discussed above;
- (ii) the document and supporting information, including the Sustainability Appraisal, be published and made available in order for representations relating to issues of soundness to be made;
- (iii) the Submission Focus Review subsequently be submitted to the Government for examination; and
- (iv) authority be delegated to the Spatial Policy Manager to make minor revisions to the document prior to publication and submission.

## **10. Tollgate Framework Vision**

**Councillor Jowers (in respect of his acquaintance with three Tollgate landowners his being an Essex County Council Cabinet Member with Strategic Plan responsibility and a Statutory Strategic Plan Consultee) declared a non-pecuniary interest in this item pursuant to the provisions of Meetings General Procedure Rule 7(5).**

The Head of Commercial Services submitted a report requesting that the Committee note the Tollgate Framework Vision, which had been prepared by landowners in the Tollgate area of Stanway to provide a guiding framework for future development in a key Urban District Centre and Strategic Employment Zone. The Tollgate Framework Vision document was attached as Appendix One to the report.

Ms Laura Chase, Planning Policy Manager, attended to assist the Committee with its

deliberations.

Councillor Colin Sykes attended and, with the consent of the Chairman, addressed the Committee. He asked the Committee to welcome the Tollgate Framework Vision. He claimed that this was a good example of land owners and developers talking with Councillors, Planning Officers and the public. He explained that this was a framework and was only the beginning of a longer process. He suggested that the framework followed on from the Parish Plan and allowed for a much more flexible approach than the previous Core Strategy.

Councillor Laura Sykes attended and, with the consent of the Chairman, addressed the Committee. She highlighted the similarities of the Framework to the Parish Plan with regards to shopping, leisure, the environment and flexibility. She spoke of previous developments in Tollgate and underlined the need for a bus interchange in the area. She emphasised the point that Tollgate was of a different nature to the Town Centre and aimed to complement the Town Centre, rather than compete with it. In response to Members' queries, she explained that space for sports facilities would be provided.

The Committee were encouraged by the Framework document and were impressed with the work that had been put in. It was suggested that the document would allow the development of the Tollgate area to be more transparent to the public. Several Members were, however, hesitant to believe that the development wouldn't detract from the Town Centre.

*RESOLVED* that the Tollgate Framework Vision be noted.



## Local Plan Committee

Item  
**7**

September 2013

Report of	Head of Commercial Services	Author	Adam John 282472
Title	Strategy for Landscape Planning of Development Sites		
Wards affected	All		

**This report concerns a request to adopt the Strategy for Landscape Planning of Development Sites within Colchester Borough as Planning Guidance.**

### 1. Decision Required

- 1.1 That the Local Plan Committee agree to adopt the Strategy for Landscape Planning of Development Sites within Colchester Borough as Planning Guidance.

### 2. Reasons for Decision

- 2.1 This Strategy is brought to the Local Plan Committee's attention as it would ensure that the Council remains a leading practitioner of best practice in landscape planning and design, with this best practice delivered through a partnership between professional practitioners and local community involvement.

### 3. Alternative Options

- 3.1 Members may consider not agreeing the adoption of the Strategy for Landscape Planning of Development Sites within Colchester Borough. This would mean there was no guidance to inform new development.

### 4. Supporting Information

- 4.1 The Strategy for Landscape Planning of Development Sites has been drawn up to supplement certain policies within the Local Plan. The Core Strategy policies most relevant to the Landscape Planning of Development Sites strategy are ENV1 and ENV2, while the most relevant Development Policies are DP1, DP15, DP16, DP21, DP22, DP23 & DP25.
- 4.2 The Strategy collates and formalises best practice in landscape design as developed by the council over a number of years.



## **5. Proposals**

- 5.1 To agree the adoption of the Strategy for Landscape Planning of Development Sites as the Council's landscape planning guidance and to review the Strategy as necessary to reflect changes to national and local planning policies. The Strategy is attached as Appendix 1 to this report.

## **6. Standard References**

- 6.1 There are no particular references to the Strategic Plan; publicity or consultation considerations; or financial; community safety; health and safety or risk management implications to the Council.

## **7. Equality, Diversity and Human Rights implications**

- 7.1 An Equality Impact Assessment has been prepared for the Local Development Framework and is available to view by clicking on this link:- <http://www.colchester.gov.uk/article/4962/Strategic-Policy-and-Regeneration> or go to the Colchester Borough Council website [www.colchester.gov.uk](http://www.colchester.gov.uk) and follow this pathway from the homepage: Council and Democracy > Policies, Strategies and Performance > Equality and Diversity > Equality Impact Assessments > Commercial Services > Local Development Framework.
- 7.2 An Equality Impact Assessment has been prepared for the Planning Service and is available to view by clicking on this link:- <http://www.colchester.gov.uk/CHttpHandler.ashx?id=2762&p=0> or go to the Colchester Borough Council website [www.colchester.gov.uk](http://www.colchester.gov.uk) and follow this pathway from the homepage: Council and Democracy > Policies, Strategies and Performance > Equality and Diversity > Equality Impact Assessments > Professional Services > Planning

## **Background Papers**

1. Landscape Character Assessment, link:- [http://www.colchester.gov.uk/article/4503/Evidence-Base-Documents%20ref%20CBC/EB025 - ref CBC/EB/035](http://www.colchester.gov.uk/article/4503/Evidence-Base-Documents%20ref%20CBC/EB025-ref%20CBC/EB/035), CBC/EB/036, CBC/EB/037 and CBC/EB/037b;
2. Townscape Character Assessment, link:- [http://www.colchester.gov.uk/article/4503/Evidence-Base-Documents - CBC/EB/025](http://www.colchester.gov.uk/article/4503/Evidence-Base-Documents-CBC/EB/025)
3. Historic Landscape Assessment, link:- [http://www.colchester.gov.uk/article/4503/Evidence-Base-Documents - ref CBC/EB/153](http://www.colchester.gov.uk/article/4503/Evidence-Base-Documents-ref%20CBC/EB/153)
4. Green Infrastructure Strategy, link:- <http://www.colchester.gov.uk/article/6092/New-Evidence-Base-Documents--Studies>).



# **DEVELOPING A LANDSCAPE FOR THE FUTURE**

A Strategy for Landscape Planning of Development Sites within Colchester Borough

**Major Developments Team**  
Commercial Services

August 2013

## **Vision for Landscape Development in Colchester Borough**

**Our Vision is for the Borough to be recognised as having the optimal policy framework and service delivery strategy for successful landscape development planning, design and delivery within the East of England and that this planning fully embraces the spirit of localism through the ideals of leadership of place and its advocacy of integrated community involvement.**

### **Introduction**

To deliver this ambition Colchester Borough Council intends to ensure it remains a leading practitioner of best practice in landscape planning and design. We intend that this will be delivered through a partnership between professional practitioners and local community involvement. In tandem, it requires this best practice be reflected within evolving development in the Borough in order to help deliver the aspirations of the wider community; including business interests.

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Our overriding aim is to proactively lead on securing the highest standards of landscape planning within the development process associated with the future expansion of the Borough, in order to positively shape and enhance the landscape overall and by influencing its subsequent practical good management benefiting the community in the long term.

In order to meet this Vision, Colchester Borough Council will develop a strategic overview of how to best approach landscape planning, but is also seeking to actively position the Authority as an enabler of this Vision.

## Delivering a Strategy to meet the Vision

Colchester Borough Council has developed this Strategy to chart a course for planning Colchester's landscape over the lifecycle of the Local Plan Schedule (adoption schedule for 2016/2017), when it is anticipated that the East of England will grow faster than any other region in the country with Colchester as one of its, and the nations, fastest growing local authority areas.

This Strategy deals essentially with the landscape planning carried out by the Council's Planning Services when addressing the practical expansion of the Borough. This landscape design planning ideally starts at the earliest stages of planning individual development sites selection and extends through to the detailed landscape design stages and the securing of its implementation and future management. This design process is informed by the Borough's landscape characterisation, principally through reference to it's:

1. Landscape Character Assessment, the principal landscape characterisation document, which analyses and identifies distinct countryside character areas within the Borough, each of which it supports through objectives and planning and management guidelines, which can feed directly into the landscape design process to help meet those objectives; link - <http://www.colchester.gov.uk/article/4503/Evidence-Base-Documents%20ref%20CBC/EB/035>, CBC/EB/036, CBC/EB/037 and CBC/EB/037b;
2. Townscape Character Assessment, which analyses and identifies distinct character areas within the Boroughs principal urban conurbations, including the identification of significant landscape features within them, which can be used as reference points within the landscape design process, thereby allowing for the protection and enhancement of the urban landscape framework; link - <http://www.colchester.gov.uk/article/4503/Evidence-Base-Documents> - CBC/EB/025
3. Historic Landscape Assessment, which identifies the Boroughs historic environment character areas and historic features within them, which can be used as a reference point within the landscape design process, thereby helping facilitate the protection and enhancement of those features; link - [http://www.colchester.gov.uk/article/4503/Evidence-Base-Documents - ref CBC/EB/153](http://www.colchester.gov.uk/article/4503/Evidence-Base-Documents-ref CBC/EB/153)
4. Green Infrastructure Strategy, which principally identifies potential improvements to the existing green infrastructure within Colchester's growth areas, thereby allowing the landscape design process to take account of the infrastructure and directly influence improvements to it; - link - <http://www.colchester.gov.uk/article/6092/New-Evidence-Base-Documents--Studies>).

Sensitive landscape planning is and will remain part of the glue that is required to keep the rapid expansion of Colchester Borough together. It is vital therefore that the Council makes sure an informed, locally focused and inclusive approach is employed to continue to drive forward this landscape aspect of the Borough's planning. We will endeavour to deliver resilient and robust landscapes that remain true to local character and landscape traditions. We intend that our existing and future residents will be proud of their Borough as an attractive environment in which to live, work and invest, thereby helping to ensure it continues, though the ongoing development of locally inspired landscapes, to remain as somewhere all can enjoy and its residents will be proud to be part of as it matures.

#### Policy context for Landscape Strategy of Development Sites:

The National Planning Policy Framework (2012) has relaxed planning controls particularly in rural areas. It places greater emphasis on rural regeneration permitting a wider range of businesses in the countryside and supports the delivery of market housing on Rural Exceptions sites to increase the delivery of affordable housing in rural towns and villages. Proposals for new or expanded rural businesses or rural housing development proposals however have to be considered in the context of locality and context which includes local landscape considerations to ensure proposals are as sustainable as possible. Importantly, as well, the NPPF highlights the need for development to accord with policies in current local plans.

There are a number of adopted policies in Colchester's Local Plan documents (Core Strategy and Development Policies) that set out how landscape issues need to be considered as part of planning applications.

The key Core Strategy policies are ENV1 and ENV2.

The Coastal Protection Belt referred to in ENV1 plays an important role in protecting the undeveloped and open character of the Borough's coastline. Policy ENV1 seeks to further protect tracts of countryside, and rural character by restricting inappropriate developments outside settlement boundaries and where developments are being proposed in rural areas siting, scale and design are important considerations in terms of protecting landscape character.

Policy ENV2 supports development within settlement boundaries that respect the character of the locality. This policy also supports small scale leisure, business and tourism developments outside settlements boundaries and permits affordable

housing on Rural Exception Sites adjacent to settlement boundaries. In both cases design and scale are important factors in new development proposals to help protect landscape character. Policy ENV2 highlights the important role the Landscape Character Assessment plays in shaping landscape enhancement proposals put forward as part of development schemes.

Protecting landscape character is a key objective of Development Policy DP1. (Design and Amenity) To comply with this policy all developments must be designed to a high standard, and respect and enhance landscape setting and local character by being of an appropriate scale, height, and mass. Developments area also expected to enhance the existing sense of place and protect and enhance those features that help define local landscape character.

Policy DP9 (Employment Uses in the Countryside) is permissive towards employment in the open countryside, however any such schemes must be of a scale appropriate to a rural location and prevent harm to rural character.

Policy DP15 (Retention of Open Space and Indoor Sports Facilities) and DP16 (Private Amenity Space and Open Space Provision for New Residential Development) provide guidance on ensuring the high quality and supply of accessible private and public open space and the retention of important green spaces that help define local character.

Policy DP21 (Nature Conservation and Protected Lanes) highlights the need for developments to conserve or enhance biodiversity; avoid harm to designated sites; and to protect historic landscape features.

Policy DP22 (Dedham Vale Area of Outstanding Natural Beauty) seeks to ensure the protection of the unique and distinctive landscape character of the Dedham Vale as well as the qualities for which it has been designated .

Policy DP23 (Coastal Areas) sets forth an integrated approach to coastal management. It seeks to protect the undeveloped areas of coast in the Borough and also conserve maritime character by restricting inappropriate development that would not help preserve this character

Policy DP25 (Renewable Energy) includes guidance on addressing the impact of renewable energy proposals on the surrounding landscape character.

## Objectives:

The following objectives have been identified as crucial to the implementation of our Vision:

1. To incorporate this strategic landscape planning approach both within and beyond the Council's targeted regeneration areas, including any future urban fringe land adopted as an offset against development, in order to help manage the expansion of Colchester in such a way as to achieve a high quality, well designed, sustainable, naturally bio-diverse and productive environment.
2. To ensure the landscape elements of new development seamlessly weave together identified social & economic considerations with existing and perceived environmental factors. We will ensure that through this process development respects existing or underlying historic landscape character; both within the site and its wider landscape context.
3. To encourage a clearer understanding of best landscape planning practice and design with stakeholder groups through discussion, promotion and education. The development process will thus promote both local aspirations and professional best practice in landscape planning and design.
4. To secure a high standard of landscape design, implementation and management within all development. Thereby facilitating a high quality and attractive landscape, the professional implementation and monitoring of landscape schemes and the influencing of good practice in landscape management within new development and where possible the wider landscape.

## Actions:

The following actions are required in order to ensure a strategic approach to landscape design and implementation can be successfully incorporated within the future development of the Borough, allowing the Priorities identified to drive forward and help achieve our Vision:

Objectives	What will be achieved	How will it be achieved	When will it be achieved	Who will lead
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<p><b>1</b> <b>2</b> <b>3</b> <b>4</b></p>	<p>A balanced approach to landscape design based on a robust strategy.</p> <p>A high standard of landscape design within new development.</p>	<p>'Strategy for Landscape Planning of Development Sites within Colchester Borough' developed to set the standards for landscape planning. To be approved by Portfolio Holder.</p> <p>Where landscape is a key consideration the Council's Landscape Planning Officer will be involved by the Planning Officer at all relevant stages of the planning process. This is to ensure that the landscape element of any development proposals are fully recognised and considered. Once involved they will go on to act as consultant to the Planning Officer, advising them throughout the planning process on landscape issues.</p> <p>Specifically referencing relevant national policies/guidelines and the Council's Local Plan policies, to help negotiate optimum landscape benefits from development proposals. The Landscape Officer will also get involved in recommending and helping discharge any landscape conditions that might need to be set as part of any formal planning consent.</p>	<p>2013</p> <p>2013 Ongoing</p>	<p>Landscape Planning Officer / MDT Manager</p> <p>Planning Officers</p>
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<p><b>2</b> <b>3</b></p>	<p>A clearer understanding of good landscape planning and design within stakeholders groups</p> <p>Promotion of best practice in landscape design, implementation and management as it evolves</p>	<p>Member workshops will be hosted in conjunction with other Officers looking at the broad principals of good design in planning, including that of landscape design and analysis of specific case studies.</p> <p>Internal and external professional and non-professional input/discussion to help develop best practice within landscape design and management.</p> <p>Continued Professional Development</p> <p>Collating and refining feedback from all stakeholders and publishing identified best practice through a series of web-based landscape guidelines. These guidelines will be aimed at developers and detail the generic requirements needed to satisfy landscape proposals as part of any planning application in Colchester Borough.</p>	<p>Annually</p> <p>Ongoing</p> <p>2013</p> <p>Ongoing (updated annually)</p>	<p>Landscape Planning Officer / Members / Council Officers</p> <p>Landscape Consultants / Stakeholders</p>
<p><b>1</b> <b>2</b> <b>4</b></p>	<p>The character of the existing wider landscape will be identified and where recognised as important and/or beneficial clearly reflected within individual development.</p>	<p>The underlying landscape character within the Borough is well documented in a number of the Council's Planning Policy Documents. Development proposals will be cross-checked against these, with professional observation on site by the Council's Landscape Planning Officer and where applicable through stakeholder observation/feedback.</p> <p>Development proposals will then be steered to ensure that dominant landscape characteristics are identified and/or enhanced within individual developments throughout the planning process.</p>	<p>2013</p> <p>Ongoing</p>	<p>Landscape Planning Officer / Planning Officers / Stakeholders</p>

<p><b>1</b> <b>4</b></p>	<p>Professional monitoring of the implementation of principal landscape schemes. This is to ensure that landscape schemes that have been negotiated and agreed as part of the planning process are delivered 'on the ground'.</p>	<p>The Landscape Planning Officer will where possible ensure that the professional implementation and monitoring of the landscape elements in any major development is secured and enforced as part of the planning process.</p>	<p>2013 Ongoing</p>	<p>Landscape Planning Officer / Planning Officers / Planning Enforcement Officers</p>
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<b>Report of</b>	<b>Head of Commercial Services</b>	<b>Author</b>	<b>Beverley McClean</b>
<b>Title</b>	<b>Eight Ash Green Village Design Statement</b>		
<b>Wards affected</b>	<b>Eight Ash Green</b>		

**The Local Plan Committee is asked to agree the adoption of the Eight Ash Green Village Design Statement as a Planning Guidance Note.**

**1. Decision(s) Required**

1.1 To agree the adoption of the Eight Ash Green Village Design Statement as a Planning Guidance Note.

**2. Reasons for Decision(s)**

2.1 Village Design Statements are broad-based community-led plans prepared by a locally constituted community group. When adopted as a Planning Guidance Note they can add local detail to policies already contained in the Local Plan and consequently help inform decision-making related to planning applications in that particular area.

**3. Alternative Options**

3.1 The alternative is to rely on the Local Plan to guide development and inform policy decisions without specific guidance relating to Eight Ash Green. This could result in development coming forward that does not accommodate the specific needs and aspirations of residents and business owners in Eight Ash Green.

**4. Supporting Information**

4.1 Colchester Borough Council promotes the preparation of Village Design Statements because it recognises the importance of giving communities a say in the future of their area. This commitment is formally expressed in Core Strategy Policy ENV2.

4.2 A Village Design Statement is strongly focused on issues that can be addressed by planning. It can include detailed information about a community's desire to accept new development or not, influence what new development should look like and provide information about new community facilities needed in a specific parish. It also seeks to ensure that new development is sympathetic to the character and appearance of the settlement in which it is being proposed by identifying typical building designs and the types of materials that should be used in any new buildings or extensions to existing ones. Village Design Statements may also identify important environmental assets that the local community believes should be protected to help preserve local character and wildlife.

4.3 Once adopted, Village Design Statements become a material consideration when planning applications located in that area are being determined.

## 5. Proposals

- 5.1 Work started on the Eight Ash Green Village Design Statement in 2008. At this time the planning system only promoted Village Design Statement or Parish Plans. This is why Eight Ash Green has produced a Village Design Statement. The Eight Ash Green working group may in the future produce a Neighbourhood Plan to compliment the Village Design Statement and many of the issues raised in the Village Design Statement i.e. housing need, traffic improvements could be further developed through a Neighbourhood Plan.
- 5.2 The Eight Ash Green Village Design Statement includes a short history of the development of Eight Ash Green parish from the 15<sup>th</sup> century to the present day. The document identifies 13 distinct areas within the parish and includes a description of the main architectural features and current land usage within each of these areas. A map showing these areas is included as an Appendix. The document describes what exists in terms of infrastructure, local businesses, and local amenities in the Parish. There are 60 known businesses in the parish including The Holiday Inn, farm shops, a garden centre and 2 commercial areas based at local farms. There are also 2 registered village greens in the parish, namely Fordham Heath and Daisy/Seven Star Green, and several woodland areas which are all designated Local Nature Reserves and therefore important locally for biodiversity.
- 5.3 The Design Statement includes 68 recommendations to be delivered through future planning developments. 33 of these are generic recommendations while the remaining 35 relate to specific areas of the parish. The full list of planning recommendations is set out on page 33 - 37 of the document in Appendix F.
- 5.4 In addition to the delivery of affordable housing on rural exceptions sites, there is support for low/medium density housing developments (infill or developments of between 2-5 houses) within the village envelopes of Eight Ash Green to help retain the rural character of the parish. Information gathered from residents showed support for starter homes and/or 2-4 bedroom family housing. Any future new greenfield site development in the village should be small scale starter homes developments. The document promotes the Heathlands development as a suitable model for other housing schemes in Eight Ash Green.
- 5.5 The VDS seeks to protect and provide local facilities (post offices, newsagent and café) close to existing residential services where they can be easily accessed. The document is supportive of new commercial development but states that it would be best directed to existing commercial centres at Moat Farm (Area 13) and Fiddlers Farm (Area 14) or to existing brown field sites and existing commercial buildings as a priority over new commercial developments. Any new commercial development at these sites should also include improvements to the business curtilage i.e. access improvements and landscaping to help them blend more into their rural location.
- 5.6 In terms of community facilities the VDS recognises the need for new sports and recreational areas and also new allotments. Local residents value the rural character of Eight Ash Green and they are keen to protect the numerous open spaces against inappropriate development to help achieve this.
- 5.7 To improve traffic movements there is local support for sympathetically designed mini roundabouts at the junction of the A1124 and Wood Lane and A1124 and Spring Lane. There is also support for a new footpath on the south side of Heath Road. Residents do

not support any further development at Holy Trinity and Doucecraft Schools without the implementation of a traffic plan to help manage parking.

## **6. Strategic Plan References**

- 6.1 Colchester Borough Council's Strategic Plan Action Plan includes a commitment to regenerate the Borough through buildings, employment, leisure and infrastructure, and enable local communities to help themselves. The adoption of the Eight Ash Green Village Design Statement will help the Council meet these objectives.

## **7. Consultation**

- 7.1 As part of the preparation of the Eight Ash Green Village Design Statement, the Village Design Statement working group carried out several surveys of residents and businesses located in the area. The group also engaged local primary school children in a wildlife project which has helped shape the VDS. The full results from the questionnaire surveys are available from the Spatial Policy team on request.

## **8. Publicity Considerations**

- 8.1 None.

## **9. Financial Implications**

- 9.1 The Eight Ash Green Village Design Statement was prepared by a Village Design Statement Working Group therefore there are no significant financial implications to consider.

## **10. Equality, Diversity and Human Rights implications**

- 10.1 An Equality Impact Assessment has been prepared for the Local Development Framework and is available to view on the Colchester Borough Council website by following this pathway from the homepage: Council and Democracy > Policies, Strategies and Performance > Equality and Diversity > Equality Impact Assessments > Strategic Policy and Regeneration > Development Plan.
- 10.2 There are no particular Human Rights implications.

## **11. Community Safety Implications**

- 11.1 None

## **12. Health and Safety Implications**

- 12.1 None

## **13. Risk Management Implications**

- 13.1 The adoption of Eight Ash Green Village Design Statement is intended to reduce the risk of inappropriate development and ensure that future development meets the needs of the community in Eight Ash Green. Adopted guidance provides the opportunity to offer consistent advice to landowners, developers, officers, councillors and members of the public.

**14. Disclaimer**

The information in this report was, as far as is known, correct at the date of publication. Colchester Borough Council cannot accept responsibility for any error or omission.

**15. Background documents**

Appendix A – Eight Ash Green Village Design Statement.



# *Eight Ash Green*



## VILLAGE DESIGN STATEMENT





# Village Design Statement



Which way should we go?  
(Modified Signpost)

## Contents

1. Introduction
  2. Executive Summary
  3. What is a Village Design Statement?
  4. The Village Design Statement and its Planning Status
  5. Development and preparation of the VDS
  6. Relevant findings from the EAG Parish Plan
  7. Consultation
  8. History of our Village
  9. The Character of our Village
  10. The Village Greens
  11. Defined Settlement Areas of our Village
  12. Environment and school wildlife project
  13. Access to, through and within EAG
  14. Recreation, social and education
  15. Business
  16. The Future
  17. Acknowledgements and contact points
- Annex A – Colchester Borough Council Relevant Core Strategy and Development Policies
- Annex B – National Planning Policy Framework (NPPF) – points relevant to a Village Design Statement (VDS)
- Annex C – Listed Buildings in EAG
- Annex D – Maps of the Village
- Annex E – Map of the Defined Settlement Areas
- Annex F – Design Guidance Statements
- Annex G – Members of the EAG VDS Group

## 1. Introduction

Welcome to the Eight Ash Green (EAG) Village Design Statement (VDS) which covers the Civil Parish of EAG and includes Fordham Heath, Daisy Green, Lexden Heath and Seven Star Green.

The VDS Group would like to say “Thank you” for your support and help in producing this Statement which we hope accurately reflects the views and opinions as expressed *by you* both in the questionnaires you completed and in the attendance at the various village meetings and exhibitions.

The VDS also includes a note setting out the Character of the Village (Section 9) as well as a diagram of the village, maps and photographs so that the reader gets a clear idea of what EAG feels and looks like.

During the whole time members of the VDS Group have been working on the Statement on your behalf, they have had three key thoughts or questions in their mind:-

- How can the essential character of the village be preserved in any future developments that are acceptable to the community?
- How can the VDS support the overwhelming desire as expressed in the Parish Plan, to maintain the tranquil, rural feel of the village?
- What *practical* and *helpful* guidance can be given to those who intend to build or extend their properties that help to care for and enhance the appearance of the village?

We hope that you find this document helpful, both at an individual level and collectively as a community, and that it is something you will refer to as and when necessary. If you have any comments or suggestions, please send an email to [www.eightashgreen.com](http://www.eightashgreen.com)

John Allcock

Derek Franklin

Chair of the Eight Ash Green  
Village Design Statement Group  
July 2013

Chair of the Eight Ash Green  
Parish Council  
July 2013



# Village Design Statement



## 2. Executive Summary

At the annual village festival in July 2011, we launched the EAG Parish Plan which included an Action Plan that set out a number of issues that the people living in EAG thought should be tackled, such as improving the broadband speed in the village.

The Parish Plan also made it quite clear that we enjoy living in a lovely rural setting in a beautiful part of the country which we want to see protected, preserved and improved for the future, both for ourselves and for our children. We do not want to see our village become an urban sprawl - we really value our village way of life which is relatively crime free, a safe place to live and has the Jewel in the Crown that is the Heath. Section 10 describes the protection afforded to both Fordham Heath (VG187) and Seven Star/Daisy Green (VG188). This position has been definitively reinforced by the responses to the VDS questionnaire distributed in July 2012 as set out in the VDS Technical Report which can be found on the village website.

Whilst a Parish Plan identifies a number of *actions* that need to be achieved, the purpose of a VDS is to *describe the character* of a village, (see Section 9) supported by a number of Design Guidelines that aim to help to care for and enhance the appearance of a locality.

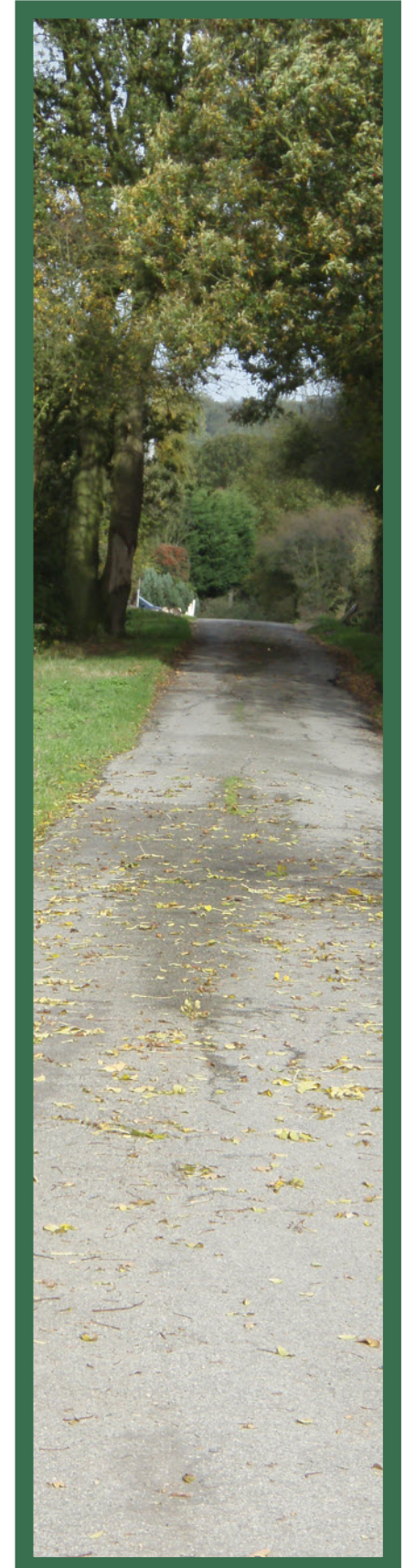
Despite having thirteen listed buildings (see the map on page 30 and Annex C), ours is a relatively new village, so what you will find as you read the VDS, is that the majority of the Design Guidelines are of what might be called “generic” ones i.e. that are applicable to the village as a whole. This recognises that whilst we have fourteen distinct Defined Settlement Areas (see Section 11), that describe what may be found in each area in terms of housing and infrastructure, only a few Design Guidelines lend themselves to being applicable to a particular Defined Settlement Area eg the Design Guideline, “The Heath and associated wild meadow areas should be preserved so as to protect the rural nature and feel of the village” is clearly only relevant to Area 2 – “The Heath”.

What lies behind the Design Guidelines set out in this VDS is that both the feel and look of EAG are very important to the people who live in the village – they do not want to live in an urban area - they value its current rural aspect and outlook. The various Design Guidelines provide a clear set of statements that give a clear expression to their wishes about the future of the village of EAG.

The significance of the VDS is set out in Section 3 (What is a VDS?), paragraph 2 in particular, Section 4 (The VDS and its Planning Status), and how it is linked to the national perspective - Annex B.

Because the VDS is a very important document, we are distributing a hard copy to every household in the village as well as placing it on the village website. At some stage, it will probably affect most people who live here, whether you intend to extend your house, the type of hedging/screening you may wish to plant or if you intend to replace or widen the material covering your front drive for example. Planners and developers will also be able to see what developments you want to see happening in the village in the years to come, or not as the case may be.

**We commend this VDS to you.**



Cooks Hall Lane and the Heath

# Village Design Statement



## 3. What is a Village Design Statement?



Eight Ash Green is a beautiful, sought after area, for all of the right reasons. Long may it last. \*



30 mph speed repeaters throughout the village are needed.\*



Preservation of greenfield areas and wildlife habitat is essential.\*

A VDS is a publicly available guide that identifies the characteristics of a village, which are valued by the people who live there. It provides guidelines on how the characteristics should be respected in any future building work, as well as practical ways to care for and enhance the appearance of a locality. The aim is to focus on best practice both in terms of design and quality which are acceptable to the community, so that any new development is in keeping with the existing character of the village. A VDS does not address the principle of *whether* any development should take place, but rather *what it should look like*, if it does. The aim is to help promote sustainable development by way of sympathetic designs and use of the appropriate materials.

A VDS can be a positive influence on future development by having a real impact on the design of any new buildings and other infrastructure such as extensions, new porches, changes to windows etc to help ensure they are in harmony with their setting thus making a positive contribution to the immediate environment. Planning applications stand a greater chance of success if they adhere to the guidelines set out in this document. The Parish Council would encourage people/developers to discuss their proposals before submitting a planning application, although the Parish Council is able to give advice at any stage of the process.

There are three key points to bear in mind. First, a VDS is about managing change in a way that reflects the views and wishes of those living in a village – not preventing it. Second, the clue is in the title – it is a **Statement** about what we, the villagers would like to see happening should any building work occur where we are living. Third, a VDS gives local people a recognised voice in the planning system rather than having to rely on protest to make their views heard.

\* Comments from the VDS questionnaire



# Village Design Statement

## 4. The Village Design Statement and its Planning Status



All significant development requires planning permission and each application is considered against the Colchester Borough Council's (CBC) main statutory planning document, the Local Plan. The Local Plan provides strategy and policies to guide development in Colchester to 2021 (2023 for housing).

The Local Plan comprises a number of inter-related documents. In Colchester's case the Local Plan is made up from the Core Strategy (adopted December 2008), which sets out the long-term vision for the Borough and the objectives and strategic policies to deliver that vision, the Development Policies Development Plan Document (adopted October 2010), the Site Allocations Development Plan Document (adopted October 2010) and the Proposals Map. Together these documents set out the policy framework to guide future development across the Borough. It is against this framework that the VDS has been prepared.

The development decision making process is informed by all the documents that contribute to the LDF as well as by national policies. This includes, for example:-

- The Core Strategy adopted by CBC in 2008.
- The relevant Development Policies set out by CBC as part of their LDF (see Annex A) which the EAG VDS Group has considered in putting this Village Design Statement together.
- Any Neighbourhood Plans drawn up by communities that set out a development vision about how local communities want their local area to develop in the future.
- A National Planning Policy Framework was published by the Government in 2012 and Annex B sets out the key points that are relevant to the production of our VDS.

Although a VDS is not a statutory planning tool, it does have a formal status in the planning system administered by both the Parish and Borough Councils. If approved for use as a material consideration, a VDS can:-

- Give designers and developers positive guidance on acceptable design from the community's point of view which can help avoid conflict later on.
- Improve design in rural areas by being applied consistently in the development control process. It becomes part of the planning process for planning applications and therefore could help local planning authorities accept/reject planning applications on the grounds of design.
- Help protect visually important buildings and open spaces.

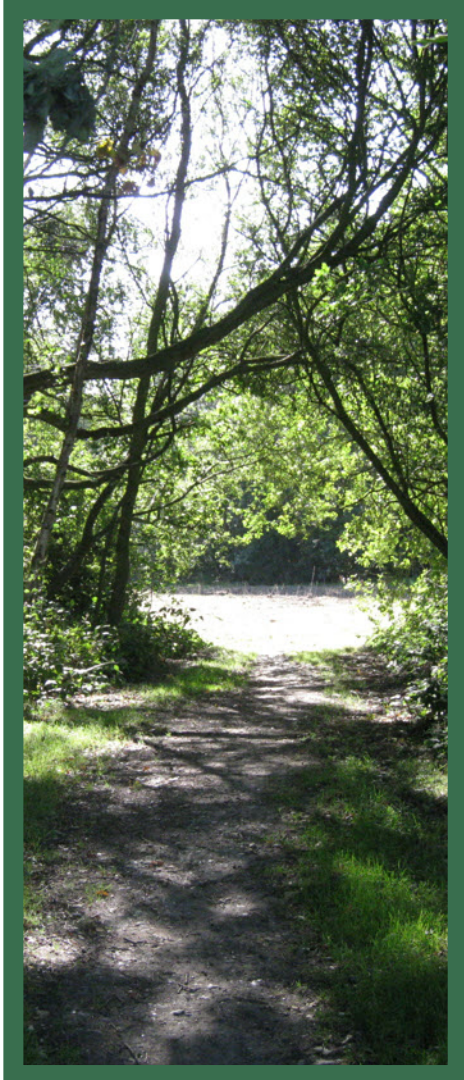


The Heath

# Village Design Statement



## 5. Development and preparation of the VDS



The Heath

The VDS was developed by a small team that first produced the Parish Plan for the village which was published on the EAG Website in 2011.

The main activities included:

- Speaking to both Stella Meesters and Jan Cole at the Rural Community Council of Essex (RCCE) as well as Beverley McClean at (CBC), all of whom provided some excellent advice and guidance.
- Making use of the RCCE VDS Guidance Pack.
- Looking at the VDS produced by other villages.
- Making contact with Heather Hann at the EAG Village school to obtain her help and support - see Section 12.
- Preparation - distribution - analysis of the village questionnaire.
- Hosting a number of village meetings/exhibitions.
- Keeping the village informed of progress by way of the Village Newsletter.
- Obtaining agreement of both the Parish Council and CBC to publish the VDS.

This has been a lengthy process taking just over two years to come to fruition.

## 6. Relevant findings from the EAG Parish Plan

Although increased levels of housing are not proposed on a significant scale for EAG, residents were able to express their views in the Parish Plan questionnaire about the nature and type of housing which may be permitted in future. At present the village has a variety of housing types as set out in Section 11 below ranging from distinctive and individualistic housing stock to newer estates of the 1960s and 1970s for example, which have significantly changed the scale of the settlement.

The Planning section of the Parish Plan questionnaire was answered by a large number of the respondents indicating its importance to people within the village. The majority of respondents, to the question about the location of any new housing development, suggested that no additional sites should be allocated. Of those who did accept that some development might have to take place, the centre of the village was favoured. When questioned about the type of housing that should be permitted, if at all, favour was expressed for smaller starter homes and 2-4 bed family housing.

The results are available on the EAG parish website.



# Village Design Statement

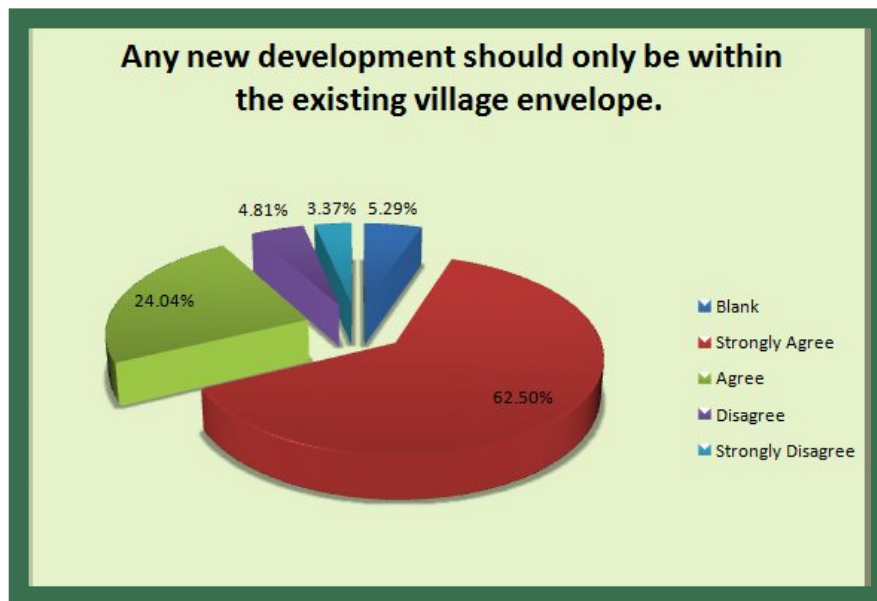
## 7. Consultation



Following on from the Parish Plan, which included the results from a detailed questionnaire, a further questionnaire was distributed which was firmly focused on the design issues that were not covered in the previous one. A full Technical Report was made from the results from this latest survey and it was published on the village website in November 2012. These results are used in this document to provide the Design Guidelines, reflecting the wishes of the inhabitants of the village. This VDS will provide advice for Local and County planners and of course the residents, regarding how we would like the village to look now and in the future.

The most important points made are included in this Section. However the full analysis may be seen on the village website ([www.eightashgreen.com](http://www.eightashgreen.com)) following the links to the Village Design Statement.

The questionnaire was divided into eight Sections, seven dealing with separate groupings of questions and an eighth for comments not covered in the other sections:-



**Section 1 - Housing (General)** - A majority (86%) would like to see any development limited to within the village envelope, a map of which can be found in the Parish Plan. Most thought that a very small addition to the village would be acceptable if planned as infill, individual plots, or a small development of 2-5 houses, where appropriate.

**Section 2 - Infill of one or two houses and or extensions** - The majority would like new development or extensions to be sympathetic to nearby buildings, following the skyline, not blocking out neighbours light, and with private parking on the property.

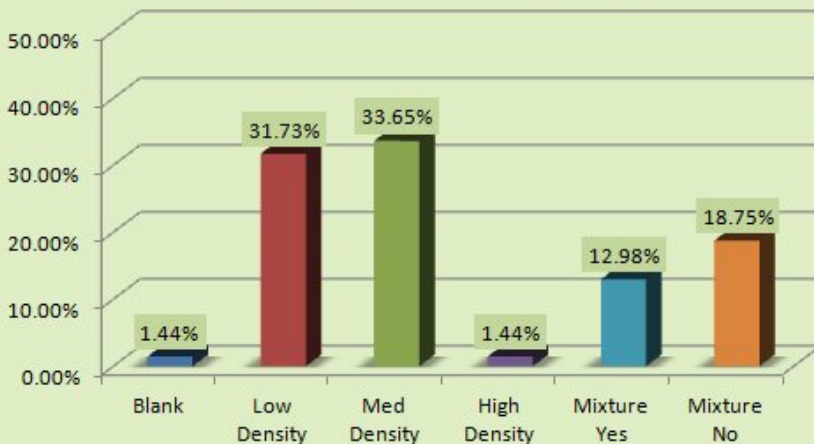


# Village Design Statement



## 7. Consultation

### Which of the different types of housing density or layout would you prefer

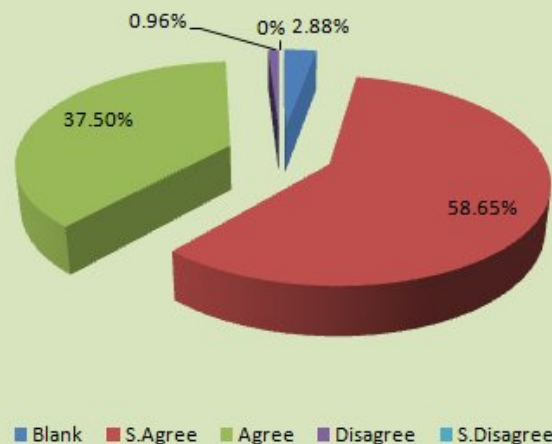


**Section 3 - Estates and Developments** - Low or medium density developments would be acceptable providing garden sizes were considered to be in proportion with the proposed housing.

**Section 4 - Sustainability and external features** - The majority are in favour of sustainable developments and solar panels but not wind power in any of its forms.

**Section 5 - Design and materials** - A very high proportion of those filling in the questionnaire would like the style of new development to fit in with surrounding properties.

### All development in the village should be sympathetic in scale, design and materials



# Village Design Statement

## 7. Consultation



**Section 6 - Environment and open spaces** - A high majority would like to see the village remain as it is with regard to the open spaces and environment. The gaps between the village and adjacent villages should be maintained with the Heath, and our open spaces protected.

**Section 7 - Business and employment** - More research on local business may be needed to establish whether land/premises are required and where the village might want them.

**Section 8** - Most of the comments made in the questionnaire, which are relevant to the planning process, and thus the VDS, are covered by the answers to the relevant questions. Other comments which refer to the beauty, situation and general look of the village are either set out below or are used as quotes throughout this document.

I think there should be affordable housing built for local people who cannot afford to buy in the village.

Keep the Heath free of any type of building or development  
Keep the green wedge around the village

It is VERY important to retain the "Rural" feel.

I think it is key to maintain the village feel and atmosphere whilst allowing some modest development over the 15 year period  
I think it is essential to keep the green wedge between us and Stanway on both sides of the dual carriageway

Some types of contemporary design can compliment traditional design and can add interest to the village scape. Eight Ash Green is not a village that expresses a 'heritage style' that justifies the degree of protection as say, Finchingfield, and disparate architecture would therefore not necessarily offend.

A delightful village - let's keep it that way - resident of 72 years.

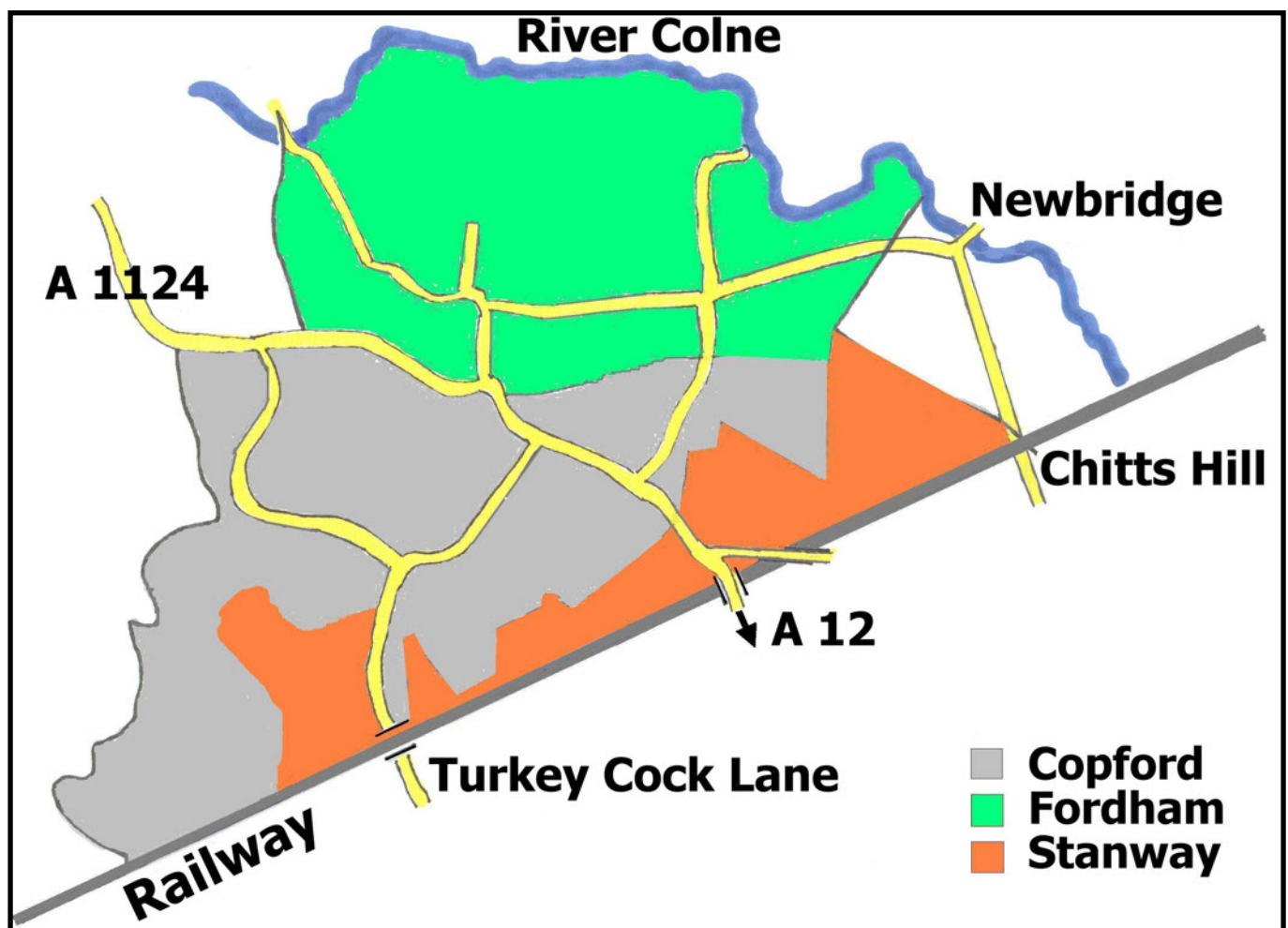
# Village Design Statement



## 8. History of our Village

In 1467 there was evidence of woodland clearance for the development of small hamlets in this part of North Essex with names such as Copford Green, Daisy Green, Gallows Green and Alevenasshes appearing. Alevenasshes means 11 ashes and is thought to be the first mention of EAG. The hamlet of EAG was centred around a small green and pond opposite the site of the then Brick and Tile which itself was in existence by 1754 but closed in 2011. Very little evidence of the pond and green still remains and today the village is without a natural centre, unlike so many older villages. EAG has long been a settlement area with prime agricultural land. A fine example of a Neolithic polished flint axe was found in a field behind the Cricketers (on edge of Fordham Heath) in 1968 together with other flints of a similar honey colour.

The parish of EAG came into existence in 1947 taking land from the surrounding parishes - from Fordham 641 acres, Copford 844 acres, Stanway 125 acres and Aldham 4 acres. At this time the population was 660 and people were mainly involved in agriculture or local trades. There were scattered farms and cottages with two main dwelling areas around Fordham Heath and at the crossroads by the Brick and Tile where an ancient road (Blind Lane) from Copford to West Bergholt crossed the Halstead Road. There were also a few cottages by Seven Star Green and Daisy Green had one 18th century farmhouse (Willow Farm) and cottages built to accommodate workers on the new railway line. Sally's Cottage was once the home of the local hare catcher ('sally' being the name for 'hare'). Seven Star Green and Daisy Green were given to EAG Parish Council in 1973 by deed of gift from the lord of the manor of Copford.





# Village Design Statement

## 8. History of our Village



The 36 acre Fordham Heath was first recorded in 1391 as 'le hathe' and was granted by an Act of Parliament to the parish of EAG in 1965. The Heath was well grazed by cattle, horses, donkeys, sheep and goats. During the First World War it was given over to a camp for the Somerset Yeomanry and in the Second World War it was ploughed up to help food production. The Chapman and Andre map of 1777 shows the outline of the Heath much as it is today. In days gone by, an old well at the top of the northern slope provided a constant supply of pure water for villagers living around the Heath. Water was also collected from small wells in private gardens and there was a well in the Choats Wood area. Various farmhouses were built around the heath (Crook's Farm, Gatehouse Farm, Heathside Farm, Burnthouse Farm and White House Farm) and gradually private dwellings were built along Spring Lane, Huxtables Lane and at the top of Cooks Mill Lane. There has been a public house on the east side of the heath for many years, originally The Star but now The Cricketers. There was also a small beer house on the edge of the heath at the junction of Huxtables Lane and Spring Lane called The Half Moon. This is now a private house.

Agriculture has always been the main means of employment in EAG and the surrounding area. Most farms concentrated on arable farming with some livestock but with the agricultural depression in the late 19th and early 20th centuries farmers diversified into seed and fruit growing and poultry farming. 75% of men in the area were directly employed in agriculture or closely related trades in 1851. Some men would have been employed in the two watermills on the edge of the village area - Cooks Mill and Argents Mill and local women would have been able to boost their family income by spinning for the cloth weavers in Colchester town until this trade disappeared around the middle to the end of the nineteenth century. There was a windmill in Huxtables Lane on the south side of Fordham Heath until the end of the nineteenth century. This produced flour and would have given employment to one or two people.

Today the village consists of an ancient Heath surrounded by residential development and a few retail outlets. It is separated from nearby villages by farmland and near to the A12 in Turkey Cock Lane there are a total of 12 commercial enterprises, with about 6 commercial units at Fiddlers Farm.

EAG is sited close to the modern A12 dual carriageway that runs from London to Great Yarmouth in Norfolk. The Romans built a paved road from London to Colchester, later known as the Great Essex Road and the current A12 route closely follows this Roman highway. The village is also intersected by the A1124, the old Colchester to Cambridge turnpike road. Both the A12 and A1124 are busy roads and traffic flows impact on the village, but it is still possible to enjoy peace and quiet in the side roads.

Over the years a ribbon development has appeared alongside the A1124 divided in the middle of the village by arable fields and Seven Star Green. Housing has also been built along the road to Fordham and around the access road to Fordham Heath (Spring Lane). There was major development in the 1970s with Fiddlers Folly and the new school building to the west of the village and Heathfields and The Walk developments off Spring Lane to the south. Since then there has been very little new build apart from a small development on the A1124 near the church in 2010 and 3 infills of approximately 5 dwellings each, off Wood Lane. The population in 2013 is 1,800 with some 750 dwellings. Many residents work in the surrounding large towns of Colchester, Chelmsford and Ipswich, and still more travel to London for work.

There are 13 Grade 2 listed buildings in the parish of EAG – listed in Annex C. Most of these buildings are on the outskirts of the parish and were originally in Copford, Stanway or Fordham. The oldest surviving house is Abbotts Hall circa 1500. It was a huge manor described as having land in Stanway, Fordham, Copford and Lexden, so must have spread over most of Eight Ash Green at one time. It is now a special school with an intake of 44 pupils. Bulbanks Farm on the Halstead Road to the east of the village was associated with the Bolebek family in the 13th and 14th century and was part of Little Fordham Manor held by St John's Abbey in Colchester.

The church of All Saints on the Halstead Road (A1124) was built of locally made brick in 1866 to serve the then northern part of the parish of Copford. It is now jointly administered with the church in Fordham. A 1879 map of Fordham shows a 'primitive Methodists Church' in Huxtables Lane on the corner of Fordham Heath. The Methodist Church is now in a more modern building on the Halstead Road, built in 1932 with extensions in 1975 and 1986. In 1875 a school opened on the corner of Halstead Road and Spring Lane. This moved to land by the church in 1926 and to its present building in Fiddlers Folly in 1976.

# Village Design Statement



## 9. The Character of our Village

As can be seen from the History of the Village, EAG is a relatively young village in its own right, having only been established since the 1940s. Nevertheless, it does have its own character of a small rural village, mostly modern but with some much older housing, with a population of about 1,800 people living in some 750 houses. EAG stretches just over 3 kilometres from east to west and just over two kilometres maximum from north to south. It rises some 40 metres above sea level, occupying the high ground to the south of the beautiful Colne Valley which contains the ancient Essex Way National Trail. At its heart, EAG boasts one of the best preserved pieces of ancient heathland in the County.

Whilst the village as a separate entity does not have a long pedigree, it does contain thirteen Grade 2 Listed Buildings that are spread out across the village, five of which can be found in Turkey Cock Lane on the south side of EAG. The earliest of the Listed Buildings dates from around 1500. Further details can be found in Annex C. However, Eight Ash Green is not a village that expresses a clear and distinct “heritage style” that justifies the degree of protection as say Finchingfield in Essex does.

Like a number of villages in East Anglia, EAG sits astride a busy main road or thoroughfare – the A1124 – which is based on the old Colchester to Cambridge Turnpike. It is located close to the A12 – the main route from London to East Anglia and about three miles to the West from the garrison town of Colchester which has a population of some 180,000 people. Despite its close proximity to what is a major town, EAG remains in a rural setting that combines agricultural land and buildings, housing of various types and ages, open fields and heath, woods and hedgerows. It is not therefore a suburb of Colchester being clearly separated both in geographical terms (much to the satisfaction of residents) and by the attitude of the villagers – “I moved to Eight Ash Green because I wanted to live in a village and not an urban sprawl”.

It could be said that EAG is not a real village as it simply consists of a number of separate settlements with no central “heart” that have only been combined together for administrative convenience. This argument is perhaps supported by the fact that the two main areas of housing in the East and West of the village are separated by a large open space of fields used for agriculture. However, the other side of the argument is that the “gaps” that exist actually enhance the rural feel typical of a village with plenty of light, open spaces, combined with agricultural aspects and spectacular views of the countryside. It is a village in the true sense of the word – not everywhere is or looks the same.

At first sight, EAG may appear to be disjointed with a number of different parts, but a clear example of people identifying themselves as “EAG villagers” came in 2006/2007 when a proposal to build a Park and Ride scheme in the village brought a huge response to the plans, not just from those immediately affected in Areas 1 and 3 (see Section 11 below) but also from those in the more “remote” parts such as the Defined Settlement Areas 11 and 12 for example. The whole village came together as one to protest and make their feelings known.

EAG has a number of localities which clearly have their own identity and these are set out below as “Defined Settlement Areas”.



The Brick and Tile, Spring Lane as it used to be

# Village Design Statement

## 10. The Village Greens



Eight Ash Green is very fortunate in having two areas of registered Village Green, Fordham Heath (VG 187) and Seven Star/Daisy Green (VG 188), which are both an important medieval legacy. VG 187 and 188 are registered under the same Act of Parliament, the Commons Registration Act 1965. VG188 was sold for £1 to the Parish Council in 1973 by the Lord of the Manor of Copford and was registered in 1981. In the case of Fordham Heath, the Commons Commissioner directed the Registration Authority to register the Parish Council as owner and registration was confirmed for the various parts of the Heath between 1973 and 1979.

Both areas are covered by the same 1947 Scheme of Management under the Commons Act 1899 and by the same 1948 Bye laws made pursuant to the Scheme of Management which are currently displayed on the Heath and Seven Star Green. The Scheme of Management requires that the natural aspects or features of the common must be preserved, free access to all parts be maintained and prohibits any kind of building without specific Secretary of State consent.

Both of the registered Village Greens are therefore owned and managed by the Parish Council. The original maps, *at the time of registration*, of the Registered Village Greens (VG 187 and VG 188) can be found in this section. In the case of VG 188, the map shows that all the verges along both Seven Star Green and Daisy Green to the junction with Foxes Lane Corner are included within VG188 and are therefore covered by legislation relating to Town and Village Greens referred to above.

Village Greens are also protected by Planning Policy – Development Policy DP15 ‘Retention of Open Space and Indoor Sports Facilities’ (see Annex A), states that ... “development that would result in the loss of any small incidental areas of open space, not specifically identified on the Proposals Map but which contribute to the character of existing residential neighbourhoods, and any registered common, heathland or village green or which contribute to green infrastructure will not be permitted”.

In addition a good part of the Daisy Green highway is designated as Protected Lane. This designation originated in the 1970s under a County Council programme to identify highways needing protection but has since been included in the adopted proposals map and in LDF Development Policy 21 ‘Nature Conservation and Protected Lanes, (see Annex A) which says ‘*Protected Lanes of historic and/or landscape value shown on the Proposals Map will be protected from development that would adversely affect their physical appearance or would give rise to a material increase in the amount of traffic*’. Supporting paragraph 9.21 which follows Policy DP15 explains that:

*“The County Council has identified certain lanes that have historic, landscape and biodiversity value which need to be retained and enhanced through appropriate and sensitive management measures”.*



View from the Heath over the Colne Valley



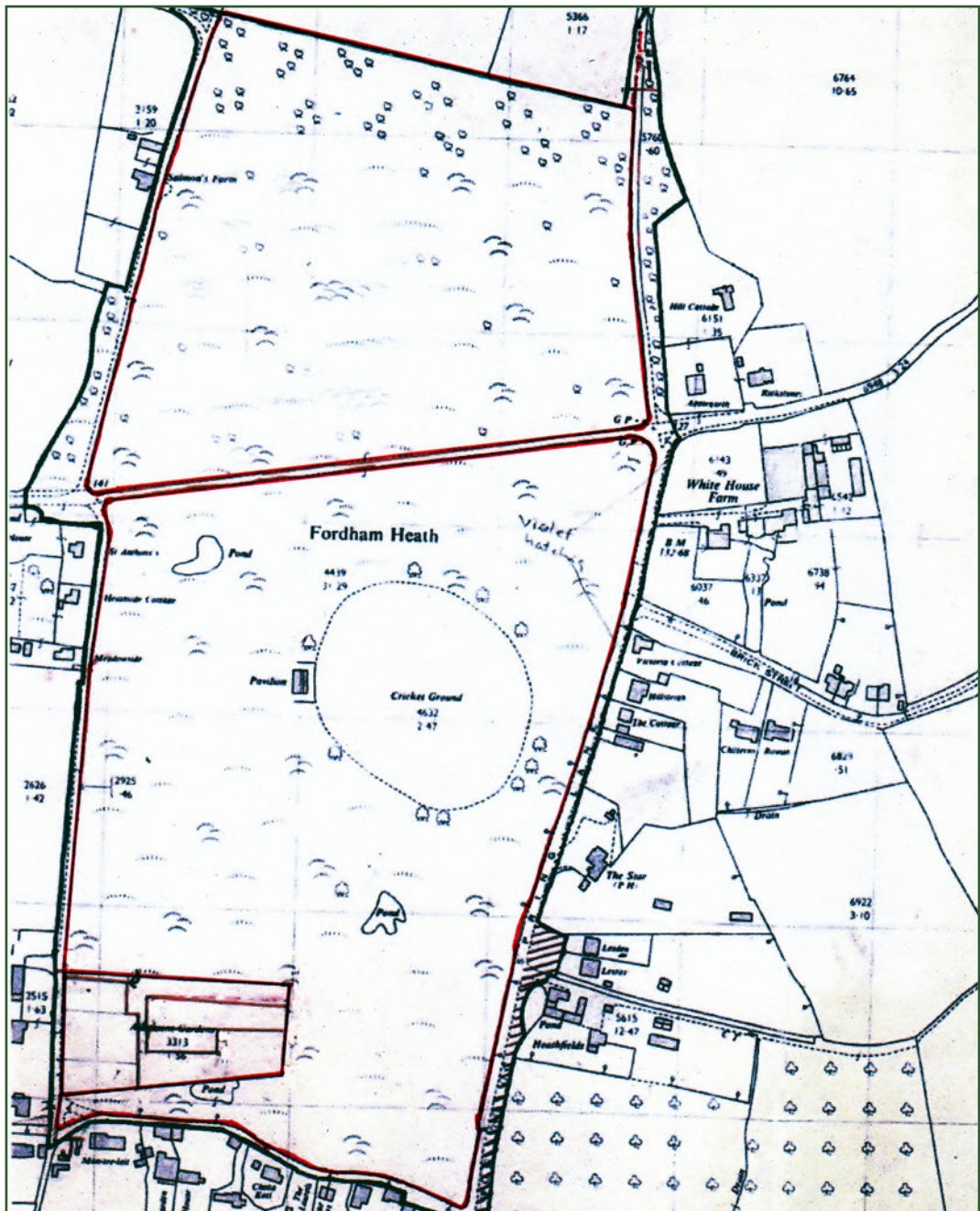
# Village Design Statement



## 10. The Village Greens

**VG  
187**

THE HEATH  
(Enclosed in Red)



**VG  
188**

SEVEN STAR  
GREEN AND DAISY  
GREEN  
(Enclosed in Black)



# Village Design Statement

## 11. Defined Settlement Areas of our Village

Please refer to the Map in Annex E for the boundaries of the Defined Settlement Areas



### Area 1



### Area 1 - Searle Way, Heathfields, The Rise, The Walk, Spring Lane.

This part of EAG containing Searle Way, Heathfields, the Rise, and the Walk consists mainly of two storey houses built in the 1970s with some bungalows, all of which have open fronted gardens and either single or double garages. They are of brick construction and tiled roofs with some houses having different types of cladding such as black painted wood, tiles, UPVC or slates. Windows are either of wood or UPVC construction. Drives are a mixture of concrete or block paving. The tarmac or concrete roads are wide enough for cars to be parked along at least one side so that traffic can pass and there are pavements on both sides of the road. All three parts contain street lighting. There is no “through route” via Heathfields/Searle Way and The Walk/The Rise – they all end in cul de sacs. This Area represents part of the planned development of housing stock in the village and is one of the four main residential areas – the others being in Areas 7, 8, and 9. Area 1 also includes the southern end of Spring Lane where the housing stock consists of both houses and bungalows of both modern and older designs. The village hall, which was formerly an army hut at Matching Green, is located in Spring Lane and was moved to its present site in 1948. Pavements can be found on both sides of the tarmac road for the majority of its length and it has street lights as well. Spring Lane has a 30mph speed limit which is often ignored and it forms part of the “rush hour” rat run from people living in West Bergholt who wish to gain access to the A12 without going through Colchester.

### Area 2



### Area 2 - The Heath and Brick Street

The Parish Plan described the Heath (VD187), which is owned and managed by the Parish Council, as the “Jewel in the Crown” of the village which is in that part of the village known as Fordham Heath. It consists of an ancient common, bordered by houses or bungalows on three sides and a wood to the North. The Heath also contains allotments, a small wood, sports pitches and a cricket pavilion. The Heath is very popular with dog walkers. Accommodation is a mixture of older and newer houses and bungalows with either tiled or slate roofs. The boundary is marked by a tarmac road to the north and east which has one bus stop by the village pub “The Cricketers” and by a bridle path to the west and an old tarmac road to the south, both of which are marked as having “restricted access”. There are no pavements surrounding the Heath, and only limited street lighting. A variety of footpaths lead off the Heath.

The northern end of Spring Lane is included in Area 2 with the housing on the eastern side of the Heath enjoying large front gardens, often with a view of the Heath. Construction of the houses is brick although a number have been rendered. On the eastern edge of Area 2 Brick Street is a short cul de sac with a narrow tarmac road bounded on both sides by a mixture of large, individually built houses, semi-detached properties and much older cottages. The footpath at the end of the street leads downhill into open country at first and then into a wooded area near Stanway.



# Village Design Statement



## 11. Defined Settlement Areas of our Village

Please refer to the Map in Annex E for the boundaries of the Defined Settlement Areas

### Area 3 - Halstead Road Central

The main part of this Area consists of a ribbon development along the A1124 Colchester to Halstead road which is the main arterial tarmac route through the village. It contains the village sign for drivers coming from the south/A12 and is a very busy road with a 30 mph speed limit and street lighting. It has a pavement on both sides. Housing is of varying dates and styles with a mix of slate roofs or tiles and either brick, rendered, or UPVC facias. Most of the front gardens have either a hedge or a low wall, ie they are not “open plan”. The area contains a car sales showroom, the village church, a Methodist chapel, a scout hut, a care home, a post box, and two bus stops as well as the only pedestrian crossing in the village. Parking is dangerous given both the narrowness of the road at this point and the fact that it comprises a very busy main road, often frequented by heavy lorries. Area 3 contains one Listed Building - Bakery Cottage.

### Area 3



### Area 4 - Old Halstead Road

This consists of a ribbon development from EAG leading towards Stanway and Colchester, and alongside the A1124, now split by the new Halstead Road (A1124). Houses and bungalows of varying dates and styles mainly have slate roofs and the gardens have hedges, fencing, or walls at the front, ie they are not “open plan”. The tarmac road has a 30mph speed limit and there is no street lighting. However the dual carriageway which bisects this settlement area has street lighting. Parking occurs in the old road that forms a lay-by in front of the bungalows, in front of the Holiday Inn and near to the exit on to the A1124. There is a private dental practice and a beauticians in this area. Area 4 contains one Listed Building - Brick Stables House.

### Area 4



### Area 5 - Abbots Lane

This is a small cul de sac with a narrow tarmac road that does not cater for parking. It does not have any street lighting, nor are there any pavements. It contains low density 1950s housing of brick construction, some of which have been rendered, mainly with slate roofs, and front gardens have hedges, fencing, or walls, ie they are not “open plan”. At the beginning of the lane there is the Holiday Inn Hotel with its leisure club. Part way along the left hand side of the lane, it has a duck pond, a footpath running off and at the bottom end, there is both the “Doucecroft” Autism Anglia special school sited in Abbots Hall and the cattery, “Little Maltings Feline Lodge”. Area 5 contains one Listed Building - Abbots Hall.

### Area 5



# Village Design Statement

## 11. Defined Settlement Areas of our Village



Please refer to the Map in Annex E for the boundaries of the Defined Settlement Areas

### Area 6



### Area 6 - Seven Star Green and Turkey Cock Lane

Directly opposite the agricultural fields that physically separate or divide the eastern and western parts of the village, first Seven Star Green (VG188) and then Turkey Cock Lane can be found to the south of the A1124. They lie along a rather narrow tarmac road with a 30 mph speed limit where unwary drivers encounter a number of blind bends along the route that ends at Copford. In Seven Star Green, there is a small number of low density 1960s-1980s housing including bungalows with a mixture of either brick or coloured rendering sitting on good size plots. These are mainly to be found on the western side of the road opposite ancient common land containing hedges and trees which has grassland that has remained uncultivated for hundreds of years and is home to some 125 different species of wildflowers. This area also has quite a substantial pond given to the EAG Parish Council in 1947 by the Lord of the Manor of Copford and is home to dragonflies and moorhens which nest on its edge. The EAG Village Sign is located in Seven Star Green sitting alongside the A1124. No pavements are to be found here, rather grass verges hold sway. There is only one street lamp and one listed building – Malting House. Further along the road, Turkey Cock Lane contains a number of substantial properties sitting on large individual plots. Grass verges run along the whole length with no street lights in place. Towards the end, there is a garden centre “Barnplants” as well as a craft and gift centre “Black Barn”.

### Area 7



### Area 7 - Wood Lane and roads off

Wood Lane is a wide tarmac road mainly consisting of 1950s ribbon, low density housing and bungalows, some of which have solar panels on what are mainly slate roofs. There are three private roads running off Wood Lane and these contain modern 1990s housing, often of considerable size on individual plots. Pavements can be found partly on the eastern side and all along the western side. There are double yellow lines to the southern end of Wood Lane adjacent to the main A1124. Wood Lane, which has street lighting, is a busy feeder road through to Fordham and other locations north of EAG. It has a 30mph speed limit.

### Area 8



### Area 8 - Porters Lane and Porters Close

Originally, this contained 1950s brick built municipal housing with a few two storey flats which have slate roofs, with open gardens to the front and large gardens to the rear but much is now in private ownership. They all have UPVC windows. There is no “through route” via either of these roads. Pavements can be found along both sides of what are either a tarmac (PL) or concrete road (PC). Double yellow lines can be found at the entrance of Porters Lane. Street lighting is limited. Area 8 contains one Listed Building - Little Porters.

### Area 9



### Area 9 - Fiddlers Folly

This development is made up of 1970s high density municipal housing, laid out in accordance with the Essex Design Guide which does not provide for any garages on the individual or joint plots. It is a cul de sac. The houses, a few of which have satellite dishes, have slate roofs and most of them have black painted wood cladding. They all have UPVC windows. It has a good network of pavements on both sides of the tarmac road with street lighting and the village school is located at the entrance to the Folly. There is a 30mph speed limit. There is much more of an “urban” or enclosed feel to this development than the other built up areas in the village.

# Village Design Statement



## 11. Defined Settlement Areas of our Village

Please refer to the Map in Annex E for the boundaries of the Defined Settlement Areas

### Area 10 - Halstead Road West

This area is represented by spacious ribbon developments from the 1930s to the 1970s with some infill, sitting mainly alongside the northern side of the A1124. Street lighting can be found along the whole route from the centre of the village up until the 30mph speed limit sign and the village sign for drivers coming from the west from Halstead. The houses have a mixture of slate and tiled roofs and the front gardens have hedges, fencing, or walls, ie they are not “open plan”. Houses are either of brick or rendering. Bulbanks Farm, a general store, a fish and chip shop, a hairdresser, a post box, and a garage can be found in this area. Pavements exist on the northern side of the road. Parking is possible but very difficult given it is along a very busy main road, often frequented by heavy lorries.

### Area 10



### Area 11 - Foxes Lane

There is a small group of large 1970s houses plus some much older properties, all with tiled roofs and some weatherboarding, located right on the border of the Parish of Aldham. Foxes Corner sits on the southern side of the A1124. The tarmac road is very narrow making parking impossible. There is no street lighting but there is a pavement on the northern side of the A1124. Foxes Corner feels quite isolated from the rest of the village being at the very far western edge of EAG. Area 11 contains two listed buildings - Green Acres and Mantills Farmhouse.

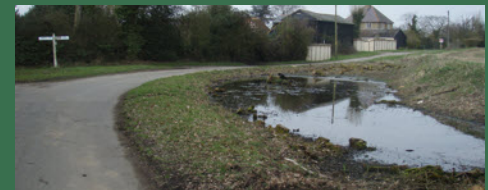
### Area 11



### Area 12 - Daisy Green

Daisy Green (VG188) is possibly the most rural location in the village with a small ribbon development of mixed date Victorian cottages, with slate roofs on one side of a parish green along a narrow, bumpy tarmac road. There are no pavements or street lighting. Daisy Green contains three ponds. Area 12 contains one Listed Building - Chippetts Farmhouse.

### Area 12



### Area 13 - Moat Farm Commercial

This is a group of commercial units located on Kemps Farm and Moat Farm. Area 13 contains four Listed Buildings - Coach House, Kemps Farmhouse, Lampitts Farmhouse, and Moat Farmhouse.

**More detailed descriptions of the Businesses in the village are to be found in Section 15.**

### Area 13



### Area 14 - Fiddlers Farm Commercial

This is a group of commercial units on Fiddlers Farm. Area 14 contains one Listed building - Fiddlers Farmhouse.

**More detailed descriptions of the Businesses in the village are to be found in Section 15.**

### Area 14





# Village Design Statement

## 12. Environment



EAG sits 40 metres above sea level in the gently rolling countryside of North Essex some 3 miles west of the ancient town of Colchester on the gravel and boulder clay slopes to the south of the wide valley of the River Colne. About 50 million years ago London clay was deposited over the area by rivers flowing to the sea. It is thought that the River Thames originally flowed through North Essex just south of Colchester leaving deposits of gravel and stones. The surface geology of the area consists mostly of a thin layer of sands, gravels and clays left by glaciers and rivers during the Ice Age.

The EAG village site is reasonably flat apart from the gentle slope down to the Colne Valley in the north. It is bounded by the main London to Norwich railway line and the A12 London to Yarmouth road to the south and the busy A1124 road to Halstead runs through the village. Fordham Heath, one of the few pieces of preserved ancient heath land in Essex, sits at the heart of the village and consists of an upper and lower heath extending to some 36 acres. The upper heath has two ponds and is surrounded on three sides by houses and bungalows with the village public house, The Cricketers, nestling attractively on one side. Heath Road runs along the fourth side and divides the upper heath from the lower area further down the slope. The lower heath consists of managed scrubland and footpaths with fields leased to a local farmer. A footpath alongside the fields leads to a small pond.



As well as Fordham Heath there are other open areas in the village. There are two major housing areas and these are divided by farmed fields. There are also two large greens to the west, Seven Star Green (which has its own pond) and Daisy Green (which has three ponds).



EAG has three small wooded areas – Fiddlers Wood and Choats Wood to the northwest and a small wooded area behind the church. In addition the whole of Daisy Green from Foxes Corner to Turkey Cock Lane and much of the Seven Star Green is heavily treed on the area of the registered village green. There is a more substantial wooded area to the east. This is Iron Latch Wood which is ancient woodland containing the Iron Latch Nature Reserve. This is a 10.5 acre reserve consisting of a flower-rich meadow and four acres of woodland. It is quite wet in parts with a good selection of trees, especially ash. Nightingales nest in the coppiced woodland and hedgerows and also in the trees on the old gravel workings.

The open spaces mentioned are all designated Local Wildlife Sites (LWS) too which gives them some protection under the current Colchester Local Plan documents. The following are LWS Fordham Heath (CO60), Fiddlers Wood (CO 43), Seven Star Green (Co 55), and Iron Latch ( CO68) and finally Daisy Green Grove which is LWS (CO 47).

# Village Design Statement



## EAG primary school wildlife project

To a large extent, a VDS is all about what people believe their village should look like in terms of building design and infrastructure. However, to place that in its proper perspective it needs to be considered in the wider context of the village and its surroundings. With that in mind, the VDS Group approached Heather Hann, Head of the village primary school and invited the pupils to undertake a wildlife project that would be featured in the VDS. A number of meetings were held with both the Head and the School Council and the results below reflect what the school undertook to do as part of a “Wildlife Project”. The school decided to adopt the theme of “mini-beasts” as the focus for their work and all the material is contained in the school website.

Their project took place over the summer of 2012 and involved the children producing:-

- Pencil drawings [Abbie, Katie, and Michael].
- Paintings.
- Some excellent fact files on a number of species such as ladybirds [by Victoria] – wasps [by Asher] – centipedes [by Nathan] for example. These cover a physical description, habitat, diet, predators, and lifespan or lifecycle.
- Tally charts with and bar graphs [Emily, Grace, and Ryan].
- This was supplemented by a number of photographs, some of which are featured in this VDS.

When we did the drawings it was difficult to keep the mini-beasts still. That was quite a hard thing to do.



Examples of what the pupils found include:-

- On 2<sup>nd</sup> July 2012, Grace found 2 ladybird larvae, 5 spiders, 12 woodlice (“I didn’t think I would find 12 wood lice” she noted down), 4 slugs, 1 earwig, and 2 greenfly.
- On 10<sup>th</sup> July 2012, Emily found 9 ants, 3 slugs/snails, 2 spiders, 1 worm, 3 earwigs, and 2 woodlice.
- On 10<sup>th</sup> July 2012, Ryan found 2 ladybird larvae, 5 spiders, 12 woodlice, 4 slugs, 2 earwigs, and 1 ant.

All this indicates a healthy habitat for the smaller species we share the village with and it demonstrates that we are not alone in this part of the world. Congratulations to all those who took part.

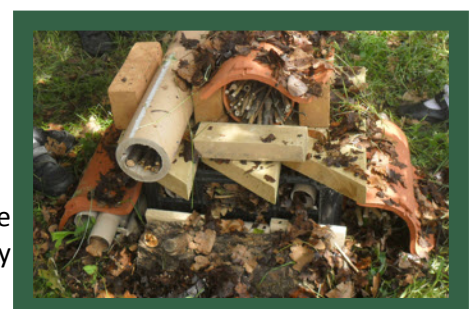
The children clearly enjoyed taking part as is shown by the quotes set out below:-

“I looked under lots of things to find my minbeasts. I think they love the dark under stones and leaves.”

“I found lots in our bug hotel. The spiders loved it and the woodlice, although the ants preferred other areas of the school grounds.”

“I really enjoyed finding out about their habitats, diets and what liked to eat them!”

“I loved being able to choose the art materials we could use. Some of us chose chalk or crayon. I chose charcoal because I wanted to show movement in my drawing.”





# Village Design Statement

## 13. Access to, through and within EAG



The village road system is still much as it was 200 years ago, comprising a junction of the Colchester to Cambridge Turnpike with the Copford to Fordham and West Bergholt roads. These days long distance traffic has been discouraged from using what was designated as the A604 Halstead Road by its downgrading to the A1124. However, the road is still busy and speeding can be a problem on this and several other roads around the village. The only regular traffic congestion is during the morning and evening rush hours at the southern ends of Spring Lane and Wood Lane. The village is largely untroubled by parking problems. However, the loss of parking at the old Brick and Tile has caused some problems and inconsiderate parking of commuters travelling to Chelmsford and London who leave their cars and vans in the lay-by near to the Holiday Inn, is an on-going concern for the immediate residents.

The condition of our roads seems dependent on our weather and the County Council finances of the day. Following two or three bad winters, roads are left with many potholes. Our pavements are generally of a good standard although the less frequently used tend to become overgrown. There have been calls for a new pavement to run along Heath Road which would overcome the problem of pedestrians having to walk in the road. In addition, concern has been expressed about the pavement that runs along the busy A1124 – see Action Plan No 5 of the Parish Plan. The street furniture in EAG is, on the whole, well maintained by the various authorities and around the village the countryside rights of way are signposted and maintained to a high standard. Our bus service, whilst infrequent, is normally reliable. A special bus service has been introduced to take shoppers to the Sainsbury supermarket located a short distance across the A12 in Stanway, which has proved to be a great success.



Halstead Road West - Then and Now



## 14. Recreation, Social and Education

Our Village is privileged to have a wonderful heath where the majority of our outdoor social activities occur these include football, cricket with its pitch and pavilion, the annual Village Festival, walking and horse riding, and is extensively used by dog walkers. The upper heath is also home to the only allotment site in the village and this is in an area marked as 'for the poor of the parish' on the 1839 tithe map.

The village hall (right) provides a warm friendly indoor facility to host events as diverse as Voting to Line Dancing, Zumba, the Village Youth Club, Christadelphians Bible class, pilates, and the men's darts and snooker club.

The Methodist Chapel and Church on the A1124 provide for the religious needs of Eight Ash Green and Fordham Heath. Alongside the Church is the Scout Hut and it is hoped that this will be replaced in the near future with a modern building to cater for the needs of this successful group.

"The Cricketers", our one remaining pub, caters for all tastes and the warming fire is an added bonus in the colder months. It hosts regular events such as the VW Club, Harley Davidson Club, quiz nights and daisy beaders as well as the meetings of the Parish Plan and VDS Group.



# Village Design Statement



## 15. Business



**Moat Farm Industrial Units**

Being a relatively small village set in a rural area, it is not surprising that EAG does not have any large businesses located in the parish. It does, however, contain a number of small businesses which are scattered across the patch - the village quarterly newsletter reflects the wide range of businesses to be found in the village. These are in both commercial premises, farms or are based in people's houses. The village is not a significant centre of employment. The majority of people of working age have jobs outside the village, which is well connected to major employment centres of Colchester, Ipswich, and Chelmsford.

In the past, employment in farming and agricultural trades predominated but this has reduced significantly over the years as other forms of business in the Colchester area have developed coupled with the availability and growth of personal transport allowing people to travel more widely for employment other than just in EAG. However, as an employment activity, farming still contributes significantly to the appearance of our parish



**The Cricketers**

There are some 60 known enterprises operating in the village. Most are carried out in locations dotted around the village:-

- Holiday Inn hotel and sports centre in the east of the village.
- An informal cluster of shops and service station at Wood Corner.
- The Cricketers near to The Heath.
- Various farm shops.
- A Garden Centre.
- Businesses operating as ancillary activity at residential properties.
- Moat Farm Commercial Area – Defined Settlement Area 13 (see Annex E).
- Fiddlers Farm Commercial area – Defined Settlement Area 14 (see Annex E).

Area 13 includes some 12 businesses at Moat Farm, 2 businesses at Lampitts Farm, and 3 at Kemp's Farm: ranging from a seed company, specialist retail, engineering and metal fabrication & hydroponics. Only half the Moat Farm area is currently used for commercial purposes, thus there is ample room for expansion. Access is generally via London Road, Stanway rather than through the village. The type of buildings ranges from modern, purpose built brick built premises and driveway at Kemp's Farm to barns and other wooden buildings located in Moat Farm. The companies at Moat Farm share the land with some old, broken down Nissen huts, vegetation that has gone wild and sand, which is not very attractive and access at the site is via an old concrete road that is in a poor state of repair.



**The Black Barn**



# Village Design Statement

## 15. Business



Area 14 includes some 6 businesses at Fiddlers Farm: ranging from car body repairs and re-spraying, miscellaneous commercial, to equestrian activities. Again there is ample space for further expansion. Access is via Mill Lane to Fordham, or via Wood Lane to the A1124.

The other locality in the village that has a cluster of businesses is at the southern end of Wood Lane – Defined Settlement Area 10 (see Annex E) and Halstead Road West. Here one can find a hairdresser, a fish and chip shop, a petrol station and vehicle repair shop, a farm, and a general store. All of these are small businesses, in purpose built premises, where a small number of people work, either full or part time.

With regard to vehicular access for business, only the A1124 is large enough to provide safe, secure access for HGVs for example. Many of the other roads in the village are narrow and winding eg the road down Turkey Cock Lane leading to Moat Farm, and so do not provide the capacity to carry either a large or an increased number of vehicles or HGVs such as container lorries. This suggests EAG does not lend itself to having further light or even heavy industrial development apart from Areas 13 and 14 providing access is from outside of the village rather than through it. This is perhaps why a majority of residents who responded to the questionnaire felt there is an adequate amount of land available in the village for business premises.

Whilst a growth in business activity can be a force for good in the community by providing employment and prosperity, a balance needs to be struck with having additional traffic coming into the village with its attendant problems of volume, noise, smell/odours, air, available parking, and light pollution. Are the roads designed to cope with the needs of modern traffic with bigger and bigger vehicles and cars for example? Damage is already being caused to verges and hedges as well as the roads themselves eg the northern end of Wood Lane is suffering from HGVs taking a short cut through to Wormingford and other places, with the drains under the road, cracking up under the weight and volume of vehicles.



The Bungalow Stores and Amour Boutique



The Esso Garage and Autoaid



The Holiday Inn

# Village Design Statement



## 16. The Future

Having read through both the VDS and the Parish Plan, there can be no doubt about what the people who live in EAG want:-

- The village to remain as it is – a nice quiet and safe place to live in with its rural aspect and setting to be preserved
- IF any development is to take place (and there is far from universal acceptance that this should happen), then only a very limited number of houses should be built and they should be in keeping with the other types and sizes of nearby residences
- Any building should be within the village envelope, ie no expansion outside of that

The VDS is aimed primarily at a number of different groups, first and foremost, the residents of the village but also planners, developers, architects and builders. Naturally, the Parish Council, who owns the VDS, is a key constituent alongside CBC and at a macro level, Essex County Council.

For the residents, if you are considering alterations to the exterior of your property, you should take this VDS into account and consider how you can incorporate the various Design Guidelines into your plans. Whatever the changes, they will affect the building and its surroundings. They might well also affect the look of the Defined Settlement Area you live in. So please make your own assessment of the impact of the intended change and ask yourself the following:-

- What are the distinctive features of where I live and the immediate area?
- Are any of the proposals out of character with the property, the adjacent properties and the Design Guidelines in this Statement?
- Do the proposals complement or enhance the character of the immediate area?
- What might I need to discuss with the Parish Council on an informal basis before submitting a formal planning application? See Section 3 above.
- If you are in any doubt, consult an architect or obtain some other form of professional advice.

Given that new technologies or procedures seem to be introduced almost on an everyday basis, there will no doubt be some the VDS group may not have even thought about, asked your opinion about or addressed in this VDS. There are two points to bear in mind here. First, the introduction and perhaps adoption in the future of any new technologies should be in keeping with the **spirit** of this Statement and second, as we said in the Parish Plan, this VDS is intended to be a “living” document that will need revisiting on a regular basis, ie it is not cast in tablets of stone for ever.

# Village Design Statement

## *17. Acknowledgements and Contact Points*



- Stella Meesters and Jan Cole at the Rural Community Council of Essex
- Beverley McClean at Colchester Borough Council
- Heather Hann and pupils of the EAG Village school
- Members of the EAG VDS Group
- The villagers of EAG for their support, advice, and comments
- Peter Jones - Diagrams of the village
- Nicky Bailey - Town Planning Advisor

# Village Design Statement



## ANNEX A

### Colchester Borough Council Relevant Core Strategy and Development Policies

#### Core Strategy Policies

##### Sustainable Development

- SD1 Sustainable Development Locations
- SD2 Delivering Facilities and Infrastructure
- SD3 Community Facilities

##### Centres and Employment

- CE1 Centres and Employment Classification and Hierarchy
- CE3 Employment Zones

##### Housing

- H1 Housing Delivery
- H2 Housing Density
- H3 Housing Diversity
- H4 Affordable Housing
- UR2 Build Design and Character

##### Public Realm

- PR1 Open Space
- PR2 People Friendly Streets

##### Transport and Accessibility

- TA1 Accessibility and Changing Travel Behaviour
- TA2 Walking and Cycling
- TA3 Public Transport
- TA4 Roads and Traffic
- TA5 Parking

##### Environment and Rural Communities

- ENV1 Environment
- ENV2 Rural Communities

##### Energy, Resources, Waste, Water and Recycling

- ER1 Energy, Resource, Waste, Water and Recycling

#### Development Policies

##### Sustainable Development

- DP1 Design and Amenity
- DP2 Health Assessments
- DP4 Community Facilities

##### Centres and Employment

- DP5 Appropriate Employment Uses and Protection of Employment
- DP6 Land and Existing Businesses
- DP7 Local Centres and Individual Shops
- DP8 Agricultural Development and Diversification
- DP9 Employment Uses in the Countryside
- DP10 Tourism, Leisure and Culture

##### Housing

- DP11 Flat conversions
- DP12 Dwelling Standards
- DP13 Dwelling Alterations, Extensions and Replacement Dwellings

##### Public Realm

- DP15 Retention of Open Space and Indoor Sports Facilities
- DP16 Private Amenity Space and Open Space Provision for New Residential Development

##### Transport and Accessibility

- DP17 Accessibility and Access
- DP18 Transport Infrastructure Proposals
- DP19 Parking Standards

##### Environment and Rural Communities

- DP20 Flood Risk and Management of Surface Water Drainage
- DP21 Nature Conservation and Protected Lanes
- DP24 Equestrian Activities

##### Energy, Resources, Waste, Water and Recycling

- DP25 Renewable Energy



# Village Design Statement

## ANNEX B



### National Planning Policy Framework (NPPF) – points relevant to a Village Design Statement (VDS)

#### Purpose of this note

It is not the purpose of this note to summarise all of the issues set out in the full 59 page NPPF. Rather it extracts or quotes a number of points taken from the NPPF that seem to be relevant to our VDS.

#### Background

The NPPF, published in 2012 sets out the Government's planning policies for England and how these are expected to be applied. It provides a framework within which local people and their accountable councils can produce their own distinctive plans which reflect the needs and priorities of their communities.

#### Achieving sustainable development

- *"... creating a high quality built environment..."*
- *"... well designed buildings and places can improve the lives of people and communities..."*
- *"...replacing poor design with better design..."*
- *"...widening the choice of high quality homes..."*

#### Core planning principles

- *"...empowering local people to shape their surroundings with succinct plans setting out a positive vision for the future of the area..."*
- *"...always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings..."*
- *"...recognising the intrinsic character and beauty of the countryside and supporting thriving local communities..."*
- *"...contribute to conserving and enhancing the natural environment..."*

#### Supporting a prosperous rural economy

- *"...support sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well designed new buildings..."*
- *"...promote the retention and development of local services and community facilities in villages such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship..."*

#### Supporting high quality communications infrastructure

- *"...existing masts, buildings and other structures should be used unless the need for a new site has been justified. Where new sites are required, equipment should be sympathetically designed and camouflaged where appropriate..."*

# Village Design Statement



## ANNEX B

### Delivering a wide choice of high quality homes

- *“...plan for a mix of housing based on current and future demographic trends...”*
- *“...local planning authorities should consider the case for setting out policies to resist inappropriate development of residential gardens, eg where development would cause harm to the local area...”*
- *“...to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of local communities...”*

### Requiring good design

- *“...respond to local character and history and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation...”*
- *“...are visually attractive as a result of good architecture and appropriate landscaping...”*
- *“design policies should avoid unnecessary prescription or detail and should concentrate on guiding the overall scale, density, massing, height, landscape, layout, materials and access of new development in relation to neighbouring buildings and the local area more generally...”*
- *“planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative....It is, however, proper to seek or promote or reinforce local distinctiveness...”*
- *“...permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area...”*

### Promoting healthy communities

- *“...access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and wellbeing of local communities...”*
- *“...existing open space....including playing fields, should not be built on unless:*
  - *an assessment clearly shows the land to be surplus to requirements*
  - *the loss (of land) would be replaced by the equivalent or better provision ...in a suitable location...”*
- *“...planning policies should protect and enhance public rights of way and access...”*

### Conserving and enhancing the natural environment

- *“...the planning system should contribute to and enhance the natural and local environment by:*
  - *protecting and enhancing valued landscapes*
  - *Contributing to the Government’s commitment to halt overall decline in biodiversity”*

# Village Design Statement

## ANNEX C



### Listed Buildings in EAG

No	Name	Grade	Location	Age	Date Listed	English Heritage Building ID
1	Abbots Hall	2	Abbots Lane	Circa 1500	23/6/1952	417617
2	Bakery Cottage	2	A1124, EAG	17 <sup>th</sup> C	27/1/1982	417652
3	Brick Stables House	2	Halstead Road	16 <sup>th</sup> C	27/1/1982	417692
4	Chippetts Farmhouse	2	Chippetts Lane	Late 16 <sup>th</sup> C	27/1/1982	417644
5	Coach House	2	Turkey Cock Lane	18 <sup>th</sup> C	27/1/1982	417698
6	Fiddlers Farmhouse	2	Fiddlers Hill	Circa 1900	27/1/1982	417649
7	Green Acres	2	Foxes Lane	16 <sup>th</sup> C	27/1/1982	417650
8	Kemps Farmhouse	2	Turkey Cock Lane	17 <sup>th</sup> C	27/1/1982	417696
9	Lampitts Farmhouse	2	Turkey Cock Lane	Circa 1560 & 17 <sup>th</sup> C	27/1/1982	417697
10	Little Porters	2	Porters Lane	17 <sup>th</sup> C	27/1/1982	417693
11	Malting House	2	Turkey Cock Lane	18 <sup>th</sup> C	27/1/1982	417694
12	Mantills Farmhouse	2	Foxes Lane	17 <sup>th</sup> C	27/1/1982	417651
13	Moat Farmhouse	2	Turkey Cock Lane	Circa 1690	27/1/1982	417695

Further details can be found at

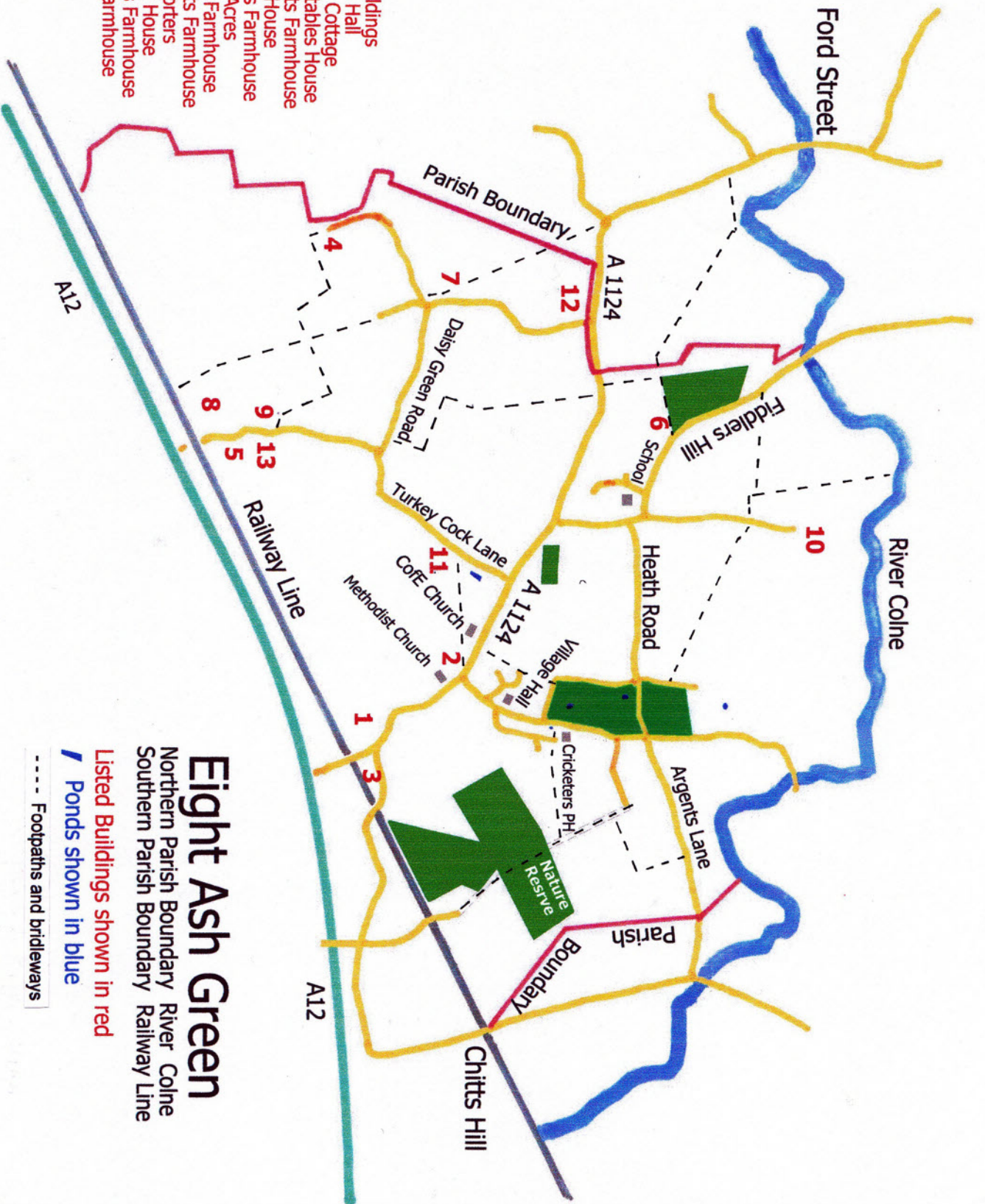
<http://www.britishlistedbuildings.co.uk/england/essex/eight+ash+green>

# Village Design Statement

## ANNEX D



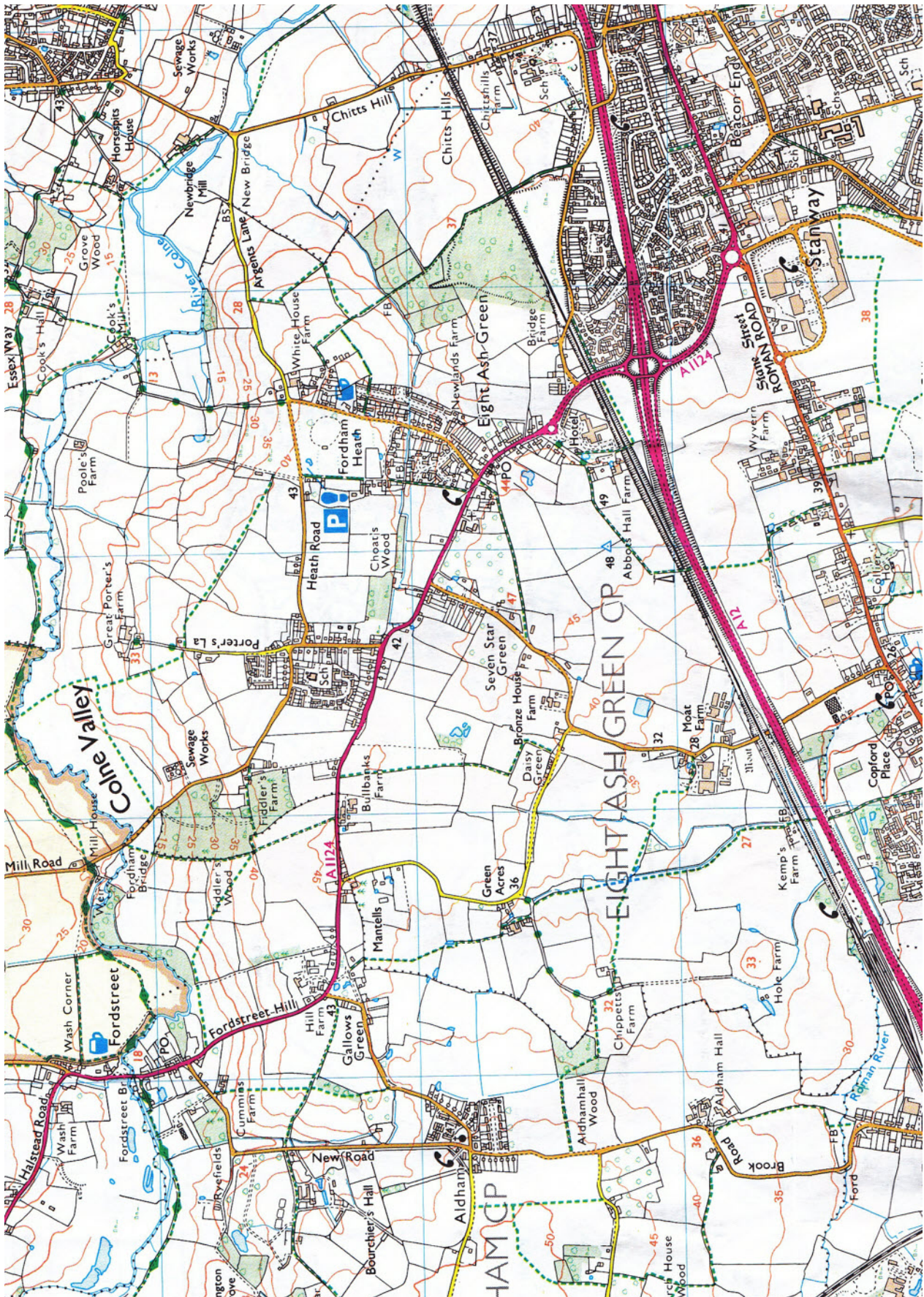
- Listed Buildings
- 1 Abbots Hall
  - 2 Bakery Cottage
  - 3 Brick Stables House
  - 4 Chippets Farmhouse
  - 5 Coach House
  - 6 Fiddlers Farmhouse
  - 7 Green Acres
  - 8 Kemps Farmhouse
  - 9 Lamplitts Farmhouse
  - 10 Little Porters
  - 11 Malting House
  - 12 Mantills Farmhouse
  - 13 Moat Farmhouse





# Village Design Statement

## ANNEX D

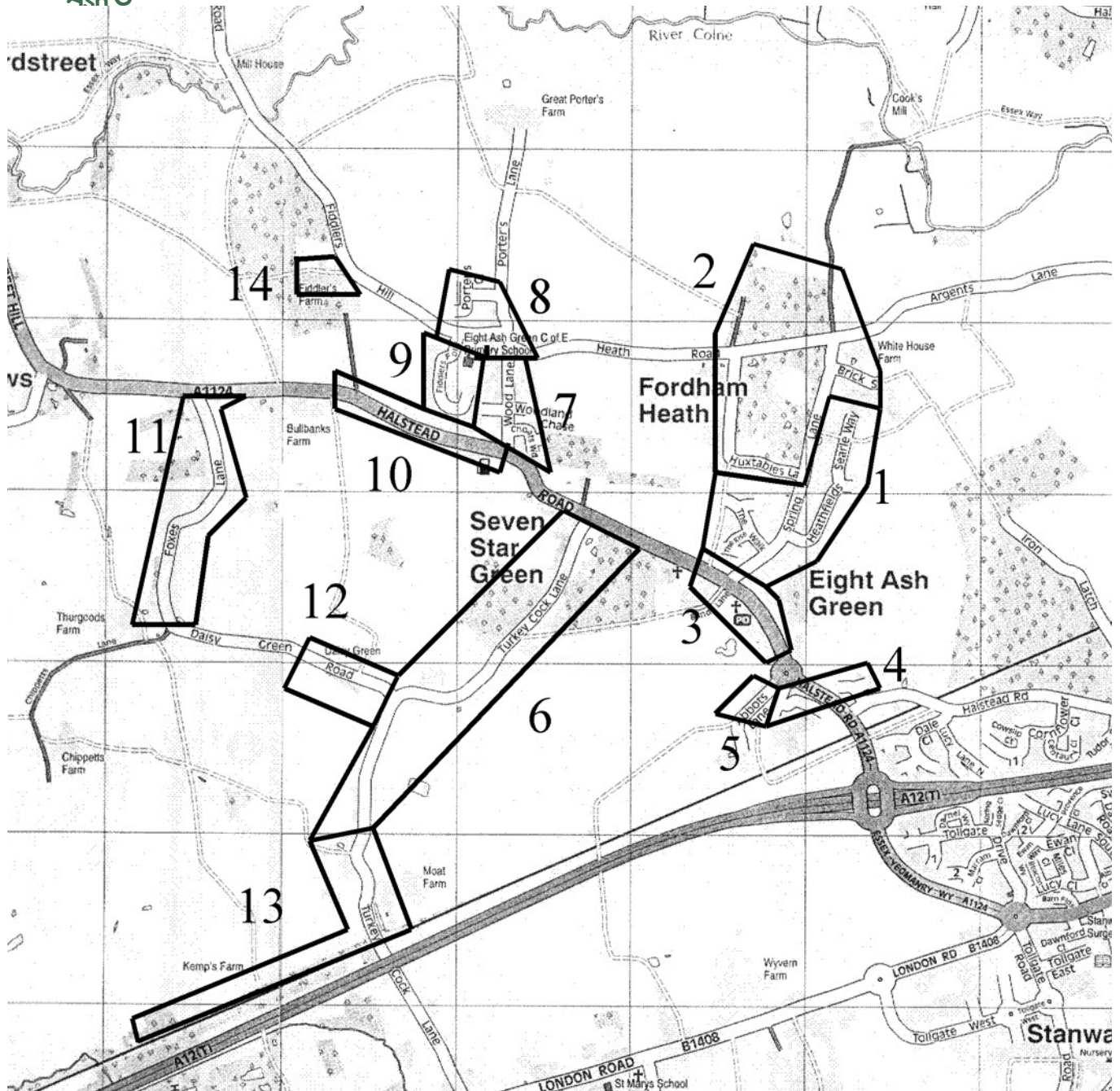




# Village Design Statement

## ANNEX E

Map of the Defined Settlement Areas



VDS Area Number	Area Covered	VDS Area Number	Area Covered
1	Searle Way, Heathfields, The Rise, The Walk, Spring Lane	8	Porters Lane and Porters Close
2	The Heath, Brick Street	9	Fiddlers Folly
3	Halstead Road (Central)	10	Halstead Road West
4	Old Halstead Road	11	Foxes Lane
5	Abbots Lane	12	Daisy Green
6	Seven Star Green, Turkey Cock Lane	13	Moat Farm (Commercial)
7	Wood Lane and roads off	14	Fiddlers Farm (Commercial)

# Village Design Statement

## ANNEX F



### Design Guidance Statements

These lists of DGs should not be regarded as being in a priority order

DG N°	Generic Design Guideline
DG 1	Infills, renovations and extensions to houses in the village should be constructed using sympathetic designs and materials.
DG 2	The expectation is that any new building should take place within the existing village envelope, apart from rural exceptions sites for the delivery of affordable or local needs housing.
DG 3	The expectation is that any new developments be small (2-5 houses) and of low/medium density with sufficient land/gardens and their own, personal off street parking.
DG 4	New developments, infills, and extensions should not significantly alter the existing skyline of EAG.
DG 5	New developments, infills, and extensions should not overlook or block light from adjacent properties.
DG 6	Any new houses or flat developments should be limited to 2 storeys, in keeping with the existing character of EAG, with a 10m limit for industrial units.
DG 7	Solar panels should be supported on new developments and existing properties where installations comply with current regulations and do not detract from the street scene or local character.
DG 8	Wind farms, should be resisted in the countryside surrounding EAG.
DG 9	New building should be designed to be efficient in terms of materials used and to make full use of modern technologies and designs.
DG 10	The installation of air conditioning units, heat pumps and other such technology should be placed out of sight from the front of the properties/buildings away from public view where possible.
DG 11	Permanent roadside advertising should only be permitted where it is well designed and of a style appropriate for a rural location.
DG 12	Street signage should be kept to a minimum, however most of the village would like to see more speed limit repeaters.
DG 13	The existing, open green spaces that separate EAG from Stanway, Copford and Fordham should be preserved so as to protect the rural nature and feel of the village.
DG 14	The existing open spaces and trees throughout the whole village should be preserved so as to protect the rural nature and feel of the village.
DG 15	The Fordham Heath (VG187) and Seven Star/Daisy Green (VG188) Local Nature Reserves and associated wild meadow areas should be retained as valuable green spaces in the village.
DG 16	The Colne Valley to the north of the village should be preserved so as to protect the rural nature and feel of the village.
DG 17	The Iron Latch and other nature reserves should be preserved so as to protect the rural nature and feel of the village.
DG 18	The public Rights of Way network should be protected and where appropriate, enhanced.
DG 19	The village does not support developments such as a Park and Ride scheme within the Parish boundaries.

# Village Design Statement



## ANNEX F

DG N°	Generic Design Guideline
DG 20	Consideration should be given to increasing the number of allotment plots in the village, where a need can be demonstrated.
DG 21	Consideration should be given to increasing the sport and recreational areas, where it might be appropriate to do so but protecting the rural nature of the village and the Heath.
DG 22	Future commercial developments in the village should in the first instance, utilise existing buildings/brown field sites and be well screened to help protect the rural character. Where they have the potential to impact on residential amenities they should if possible be located away from residential areas.
DG 23	Small businesses that directly support the residents of the village such as a post office, newsagent, cafe should be located close to residential areas but the size, construction and materials should be in keeping with their surroundings.
DG 24	Ditches should be well maintained to encourage wildlife and minimise drainage and flooding problems in line with CBC policy.
DG 25	All future developments by utility companies should be sympathetically designed and camouflaged/hidden where appropriate. Utility companies should be encouraged to place all their future services/cabling underground.
DG 26	A 20mph neighbourhood area speed limit should be implemented throughout the village, with the exception of the A1124. Any development close to Spring Lane and Wood Lane junctions should include traffic calming measures.
DG 27	Native plant species should be used for all hedges; hawthorn, blackthorn, hazel, dog rose, holly and beech etc. Quick growing species such as macrocarpa or leylandii cyprus should be firmly restricted.
DG 28	All boundaries of fields and gardens should be carefully maintained, especially trees and hedges, with replanting with native species where areas have been removed
DG 29	Where appropriate, hedges and shrubberies should be encouraged to reduce the impact of new buildings and extensions.
DG 30	Wherever reasonable, the removal of boundaries to facilitate off-street parking should be discouraged.
DG 31	Old brick boundary walls should be retained. New ones should be built in traditional manner. Particular care should be taken over bonding, corners, joints and capping (no expansion joints).
DG 32	New development involving surfacing of drives should use permeable materials to help manage any potential flood risk in the village.
DG 33	Should any further housing be constructed in the village, it should be of similar size, type, layout and materials to those found in Heathfields, eg to include open front gardens, personal off road driveways for two cars per household and roads of similar width and construction.



# Village Design Statement

## ANNEX F



DG N°	Design Guidelines that only apply to Specific Defined Settlement Areas
	<b>DSA 1 – Searle Way, Heathfields, The Rise, The Walk and Spring Lane</b>
<b>DG 34</b>	Should any external changes be made to the Village Hall such as a complete rebuild, the outer fabric should be of an unpainted, natural brick construction, no more than 2 storeys high, with a slate roof and the car park resurfaced with a water permeable material.
	<b>DSA 2 – The Heath and Brick Street</b>
<b>DG 35</b>	The Heath and associated wild meadow areas should be protected against any inappropriate development either on or adjacent to the Heath.
<b>DG 36</b>	The bridleway on the west of the Heath should be maintained.
<b>DG 37</b>	Should a pavement be constructed along Heath Road (see Action Plan No 5 in the Parish Plan), the preference would be for it to be on the south side and to be in keeping with its surroundings and it should not have an urban feel or aspect.
	<b>DSA 3 – Halstead Road Central</b>
<b>DG 38</b>	The village would support the introduction of a sympathetically designed mini-roundabout at the junction of the A1124 and Spring Lane to ensure fair access for those drivers wishing to turn right at what is a very busy junction.
	<b>DSA 4 – Old Halstead Road</b>
<b>DG 39</b>	While the presumption is against development on the green wedges (Policy DG2 & DG13), should any future development be permitted on the field at Grid TL 945 253 (adjacent to the Holiday Inn) , the development should primarily be starter homes of not more than 2 storeys in height, with each dwelling benefiting from its own dedicated off-street parking
<b>DG 40</b>	Should any development take place in the field at GRID TL 945 253, in view of the potential increase in traffic, on-going access to the site should take account of a) the safety of residents and any children who either live in or visit the existing housing that runs along the road which is parallel to the A1124 and b) the ability of emergency vehicles to proceed safely taking account of any parked vehicles.
	<b>DSA 5 – Abbots Lane</b>
<b>DG 41</b>	So as to maintain a truly rural feel to Abbots Lane, the strong preference would be not to introduce any street lights, yellow lines, pavements or other form/type of “urban” infrastructure.
<b>DG 42</b>	The duck pond is a unique feature of the village and so no development shall be permitted to encroach onto, or otherwise reduce the location of, depth to or area of the pond.
<b>DG 43</b>	The village would like to see the grass verges along Abbots Lane being preserved and maintained.

# Village Design Statement



## ANNEX F

DG N°	Design Guidelines that only apply to Specific Defined Settlement Areas
	<b>DSA 6 – Seven Star Green and Turkey Cock Lane</b>
DG 44	The open nature of Seven Star Green which is a Registered Village Green (VG 188) should be protected against inappropriate development and vehicular traffic.
DG 45	So as to maintain a truly rural feel to Seven Star Green and Turkey Cock Lane, street lights, yellow lines, pavements or other form/type of “urban” infrastructure should not be introduced.
DG 46	The “open” nature of Seven Star Green particularly with its uninterrupted views across open fields to the North across the A1124 should be preserved and maintained.
DG 47	The village would like to see the grass verges along Seven Star Green (registered Village Green VG188) and Turkey Cock Lane being preserved and maintained.
	<b>DSA 7 – Wood Lane and roads off</b>
DG 48	The village would support the introduction of a sympathetically designed mini-roundabout at the junction of the A1124 and Wood Lane to ensure fair access for those drivers wishing to turn right at what is a very busy junction.
DG 49	The village would like to see the grass verges on the Heath side of Wood Lane being preserved and maintained.
DG 50	The open fields to the east of DSA 7 and to the west of DSA 1 and 2 should not be built on so as to preserve the open aspect of the village, much valued by the villagers.
	<b>DSA 8 – Porters Lane and Porters Close</b>
DG 51	Planting of deciduous trees along the pavements in both Porters Lane and Porters Close would help enhance the rural aspect of this part of the village.
	<b>DSA 9 – Fiddlers Folly</b>
DG 52	The footways throughout Fiddlers Folly shall be maintained and no developments may encroach thereupon.
DG 53	Car parking space is at a premium in Fiddlers Folly, therefore no development should be permitted to encroach onto, or otherwise reduce the area of car parking space currently provided within the development.
	<b>DSA 10 – Halstead Road West</b>
DG 54	The “open” nature of this DSA with its views across open fields both to the north and the south should be preserved and maintained.
	<b>DSA 11 – Foxes Lane</b>
DG 55	So as to maintain the truly rural feel to Foxes Lane, street lights, yellow lines, pavements or other form/type of “urban” infrastructure should not be introduced. Foxes lane is also a Designated Protected Lane as per DP policy 21. (See Annex A)
DG 56	In view of the very narrow road in Foxes Lane, any future housing development must make provision for its own dedicated off street parking in line with approved parking standards or at least two vehicles.
DG 57	The village would like to see the grass verges along Foxes Lane being preserved and maintained.
DG 58	Any future upgrading or improvement to the narrow road in Foxes Lane should be undertaken with a view to maintaining the rural aspect of this part of the village. Foxes Lane is also a Designated Protected Lane as per DP policy 21. (See Annex A)

# Village Design Statement

## ANNEX F



DG N°	Design Guidelines that only apply to Specific Defined Settlement Areas
	<b>DSA 12 – Daisy Green</b>
DG 59	So as to maintain the truly rural feel to Daisy Green, street lights, yellow lines, pavements or other form/type of “urban” infrastructure should not be introduced.
DG 60	The Village would like to see the grass verges along Daisy Green being preserved and maintained. Daisy Green Road is wholly within the Registered Village Green V188 and so all verges, trees and green areas fall under the protection accorded to Registered Village Greens.
DG 61	Any future upgrading or improvement to the narrow, bumpy road in Daisy Green should be undertaken with a view to maintaining the most rural aspect of this part of the village.
	<b>DSA 13 – Moat Farm Commercial</b>
DG 62	Whilst recognising the welcome, commercial aspect this DSA contributes to the village, encouragement should be given to improve and support the provision of a rural setting to the commercial premises. Should any new development take place, planting of deciduous trees, laying down of grass areas, improving the quality of the access road surface and the provision of outdoor facilities for staff such as benches should be considered.
DG 63	Encouragement should be given to the provision of bird boxes on the sides of new commercial premises.
	<b>DSA 14 – Fiddlers Farm Commercial</b>
DG 64	The wooded area at Grid TL 931 265 should be preserved so as to protect the rural nature and feel of the village.
DG 65	Whilst recognising the welcome, commercial aspect this DSA contributes to the village, encouragement should be given to improve and support the provision of a rural setting to the commercial premises. Should any new development take place, planting of deciduous trees, laying down of grass areas, improving the quality of the access road surface and the provision of outdoor facilities for staff such as benches should be considered.
	<b>Additional Segmentation Area surrounding the schools (Holy Trinity and Doucecroft)</b>
DG 66	No further development shall be permitted at a school unless it has implemented a traffic plan to protect the safety of its children on the approach roads. Specifically, the Traffic Plan shall implement the County Council Parking Standards 2009 for user Class D1 (Education–primary/secondary): Vehicles 1 space per 15 pupils.)
DG 67	No further development should be permitted at Doucecroft school until traffic orders have been introduced to ensure that parking in Abbots Lane does not obstruct access to the school by the emergency services.
DG 68	Due to the substantial number of HGV vehicles using the unclassified local road between Fordham Heath and Fordham in the vicinity of Holy Trinity School, Fiddlers Folley, no further development shall be permitted at the school until traffic calming chicanes have been implement on both sides of the local road and its junction with Fiddlers Folly.

# Village Design Statement



## *ANNEX G*

### **Members of the EAG VDS Group**

John Allcock  
Steve Brown  
Jenny Jones  
Dennis Willetts  
Keith Winterbourne

Chairman  
Secretary  
Group Member  
Press Officer  
Treasurer







<b>Report of</b>	<b>Head of Commercial Services</b>	<b>Author</b>	<b>Beverley McClean</b> ☎01206 282480
<b>Title</b>	<b>The Role and Remit of the Marine Management Organisation</b>		
<b>Wards affected</b>	<b>Wivenhoe Quay, Wivenhoe Cross, East Donyland, Harbour, Pyefleet, West Mersea, Birch and Winstree</b>		

The Local Plan Committee asked for a paper setting out the role and influence of the Marine Management Organisation.

**1. Decision(s) Required**

- 1.1 Local Plan Committee members are asked to note the content of the report regarding the role and influence of the Marine Management Organisation.

**2. Reasons for Decision(s)**

- 2.1 The report has been prepared to clarify the various roles and responsibilities of the Marine Management Organisation.

**3. Alternative Options**

- 3.1 The content of the report is for information only.

**4. Supporting Information**

- 4.1 The Marine and Coastal Access Act 2009 introduced the concept of Marine Spatial Planning in the UK. The Marine and Coastal Access Act 2009 also established the Marine Management Organisation, an executive non-departmental public body (NDPB) established and given powers under the Marine and Coastal Access Act 2009.
- 4.2 The Marine Management Organisation was established to promote sustainable development in the marine area and to promote the UK government's vision for clean, healthy, safe, productive and biologically diverse oceans and seas. The establishment of the Marine Management Organisation brings together key marine decision-making powers and delivery mechanisms.
- 4.3 The Marine Management Organisation began operating in April 2010, with responsibilities for 4 key areas in the marine environment: Marine Spatial Planning, Fisheries, Protecting the Environment and Marine Regulation and Licensing. Marine Management Organisation responsibilities incorporate the work of the Marine and Fisheries Agency (MFA) and they have acquired new roles, powers and functions previously performed by the Department of Energy and Climate Change (DECC) and the Department for Transport (DfT). Establishing the Marine Management Organisation marked a fundamental shift in how activities in the marine area are planned, regulated and licensed, with an emphasis on sustainable development.

## **Marine Planning**

- 4.4 The Marine and Coastal Access Act 2009 introduced the concept of Marine Spatial Planning in the UK. To help achieve the Government prepared a UK Marine Policy Statement in 2011. The Marine Policy Statement (MPS) provides the national framework for preparing Marine Plans and taking decisions affecting the marine environment.
- 4.5 The Marine Policy Statement identifies 4 high level objectives for marine spatial planning in the UK. These are
- Achieving a sustainable marine economy
  - Ensuring a strong, healthy and just society
  - Living within environmental limits
  - Promoting good governance.
- 4.6 The UK MPS sets the marine policy objectives for English waters with marine plans putting these into practice. An adopted marine plan is the appropriate marine policy document for a marine plan area while the Marine Policy Statement serves as the appropriate marine policy document where an adopted plan is not in place.
- 4.7 Marine Spatial Plans are to be introduced for the whole coastline of the UK by 2021 and the current intention is to prepare 2 Marine Spatial Plans approximately every 2 years. The process for preparing Marine Spatial Plans is similar to the processes underpinning the preparation of Local Plans. This is discussed more fully in section 4.10.

## **Geographical coverage and links with land use planning**

- 4.8 The Marine Management Organisation has responsibilities for managing all the different competing activities in the coastal/marine environment. For inshore marine plans, the plan areas extends from mean high water spring tides up to 12 nautical miles and for off shore marine plans, from mean high water spring tides up to 200 nautical miles as defined by renewable energy zones. Terrestrial planning boundaries generally extend out to mean low water spring tides, therefore the area covered by the marine plan physically overlaps with that of terrestrial plans in the zone between mean high water spring tides and mean low water spring tides. This overlap ensures that marine and land planning will address the whole of the marine and terrestrial environments respectively and not be restricted by artificial boundaries at the coast. The geographic overlap between the Marine Plan and Local Plans areas will require organisations to work effectively together and ensure that the appropriate harmonisation of plans is achieved.
- 4.9 The Marine Management Organisation is a statutory consultee in the Local Plan process as per section 2 of the Town and Country Planning Regulations 2012. When a planning application for a development in or affecting the intertidal zone is submitted to a Local Planning Authority, some of the proposed activities in the planning application may require a licence. The Marine Management Organisation is the body responsible for issuing the licenses and these are the equivalent of planning permission on land. Where a license is applied for, the licensing authority is required to issue statutory notification to the relevant local planning authority about the marine licence application but there is no statutory obligation for the Marine Management Organisation to consult with the Local Planning Authority about it. Furthermore, there is no statutory obligation for Local Planning Authorities to consult with the MMO on non-EIA planning applications affecting the estuarine or coastal environment. From 19 April 2011, by virtue of changes to the Town and Country (EIA) Regulations, it has been a requirement for Local Planning Authorities to consult the Marine Management Organisation (MMO)



in relation to environmental impact assessment on terrestrial projects which may impact on the marine environment where the MMO has responsibility.

4.10 The Marine Management Organisation is bound by the Duty to Cooperate introduced through Localism Act in 2011 and the NPPF. When the Marine Management Organisation starts preparing a marine spatial plan contact is made with the Planning Authority for the marine plan area, neighbouring Local Authorities and key stakeholders. This effectively represents the start the Duty to Co-operate process for the Marine Management Organisation. Following this initial engagement, stage two involves collating all relevant Local Plan policies covering coastal estuarine areas in the plan area and completing a sub national policy review of these policies against the national Marine Policy Statement. This stage of the process helps identify any policy gaps and issues to be addressed through the marine spatial plan and to help meet the Duty to Cooperate. The Marine Management Organisation is currently developing mechanisms to help them fulfil their obligations under the Duty to Co-operate. One approach being considered is a flexible Memorandum of Understanding that will be responsive to any future changes to the NPPF or the Marine Policy Statement. This is still under development.

4.11 The keys stages involved in the development of a marine Spatial Plan include:

- identifying relevant Local Authority, neighbouring authorities and key stakeholders
- production of a Statement of Participation
- gathering evidence and identifying key issues from coastal or marine stakeholders
- developing a vision and developing policy options for the marine plan area
- drafting the marine plan and supporting maps covering the various activities in the marine environment
- examination of marine plan and adoption

4.13 The Marine Management Organisation is currently developing a Coastal Concordat in partnership with the Department for Environment, Food and Rural Affairs, Department for Communities and Local Government, the Department for Transport, the Environment Agency, Natural England and the Local Government Association's Coastal Special Interest Group. This agreement will set out the principles which the regulatory and advisory bodies will adopt when working with local planning authorities and will act to enable sustainable growth in the coastal zone by streamlining the consenting process and provide a better service to businesses.

The Concordat is based on five high level principles:

- a single point of entry into the regulatory system;
- agreement on a single lead authority for coordinating the requirements of Environmental Impact Assessment (EIA) Directive or Habitats Regulations Assessments (HRA);
- dispensing or deferring regulatory responsibilities where legally possible;
- competent authorities and statutory advisors agreeing evidence requirements at the pre-application stage; and
- where possible appropriate regulators and statutory advisors providing coordinated advice to applicants from across their respective organisations.

The Coastal Concordat is currently at draft stage but it is likely to be published later in 2013 following agreement of Ministers.

- 4.14 The coastal area of Colchester falls within South East Onshore Marine Planning (Area 5) but as yet no date has been set as to when the Marine Plan will commence for this area. The Marine Management Organisation is however required to notify Local Authorities when they intend to commence work on a Marine Plan in their area.

### **Fisheries**

- 4.15 The Marine Management Organisation has the following responsibilities in relation to fisheries:
- providing quality assurance to Inshore Fisheries and Conservation Authorities (IFCAs) that were established under the Marine and Coastal Access Act and providing support and advice to IFCAs when it is necessary to create and enforce emergency byelaws.
  - issuing dispensations from national domestic and European marine fisheries legislation to licensed fishing vessels for the purposes of genuine scientific research in English waters.
  - co-ordinating an enforcement programme for monitoring, control and surveillance of all sea fishing activity within British fishery limits around the coast of England, and UK vessels operating outside those waters.
  - issuing and administering vessel licences that all UK fishing vessels are required to have in order to fish for profit.
  - managing fishing quotas to eliminate or minimise any UK overfishing. This includes helping improve the sustainability of Cod and Sole stocks through the Days at Sea programme.

### **Protecting the Environment**

- 4.16 The Marine Management Organisation has the following responsibilities with regards to the protecting the marine environment:

Marine Pollution – the Marine Management Organisation’s role in marine pollution involves the maintenance of a Marine Pollution Contingency Plan, enforcement of the against damage to protected species and habitats and to sites of special scientific interest in the sea through unregulated activity , and through the regulation of oil spill treatment products

Marine Protected Areas (MPAs) – the Marine Management Organisation has statutory responsibilities for managing the 75 MPAs in English waters out to the continental shelf limits. These include marine Special Areas of Conservation and Special Protection Areas designated under the Conservation of species and Habitats Regulations 2010 (as amended), the Offshore Marine conservation (Natural Habitats, &c.) Regulations 2007 (as amended) and the Marine and Coastal Access Act 2009. They will also be responsible for the Marine Conservation Zones currently being considered for designation by the Government Their key role relate to licensable marine activities, fisheries and other unregulated marine activities (such as recreation).

Wildlife licences – the Marine Management Organisation is responsible for most marine licensing in English inshore and offshore waters and for Welsh and Northern Ireland offshore waters.

## **Marine Regulation and Licensing**

- 4.17 Marine Licensing - A marine licence is only required for activities involving the deposit or removal of a substance or object in the UK marine area. This generally means areas below mean high water spring tides mark and in any tidal river to the extent of its tidal influence. Activities requiring licences include depositing or removing any substance or object either in the sea, on or under the sea bed from a vehicle, vessel, aircraft, marine or land-based structure or floating container. Any form of marine dredging is also licensable.
- 4.18 Harbour Orders – From 1 April 2010, the Marine Management Organisation took over new applications for harbour revision and empowerment orders from the Department for Transport. Harbour Orders may be used to reconstitute a harbour authority or regulate their procedures or construct a new harbour or to gain powers to improve, maintain or manage an existing harbour. The Marine Management Organisation maintains a register of Harbour Orders and an archive of licences and consents issued under the Food and Environment Protection Act 1985 and Coast Protection Act 1949

### **4.19 Conclusion**

The above is a summary of the roles and responsibilities of the Marine Management Organisation following the passing of the Marine and Coastal Access Act in 2009. More information is available about the work undertaken by the Marine Management Organisation in relation to marine planning, fisheries, marine protection, licensing and regulation from the Marine Management Organisation website - <http://www.marinemangement.org.uk/index.htm>

## **5. Proposals**

The committee is asked to note the above reports which sets out the responsibilities of the Marine Management Organisation in relation to Marine Planning, Marine Licensing and Regulation, Fisheries and Protecting the Environment.

## **6. Strategic Plan References**

- 6.1 Colchester Borough Council's Strategic Plan Action Plan includes a commitment to being cleaner and greener and improving the local environment and promoting sustainability.

## **7. Consultation**

- 7.1 None

## **8. Publicity Considerations**

- 8.1 None.

## **9. Financial Implications**

- 9.1 None.

## **10. Equality, Diversity and Human Rights implications**

10.1 An Equality Impact Assessment has been prepared for the Local Development Framework and is available to view on the Colchester Borough Council website by following this pathway from the homepage: Council and Democracy > Policies, Strategies and Performance > Equality and Diversity > Equality Impact Assessments > Strategic Policy and Regeneration >Development Plan.

10.2 There are no particular Human Rights implications.

**11. Community Safety Implications**

11.1 None

**12. Health and Safety Implications**

12.1 None

**13. Risk Management Implications**

13.1 None

**14. Disclaimer**

The information in this report was, as far as is known, correct at the date of publication. Colchester Borough Council cannot accept responsibility for any error or omission.

**15. Background documents**

None

<b>Report of</b>	<b>Head of Commercial Services</b>	<b>Author</b>	<b>Beverley McClean</b> ☎01206 282480
<b>Title</b>	<b>Dedham Vale AONB Planning Position Statement</b>		
<b>Wards affected</b>	<b>Dedham and Langham and Fordham and Stour</b>		

The Local Plan Committee is asked to endorse the content of the updated Dedham Vale Area of Outstanding Natural Beauty (AONB) Planning Position Statement.

### 1. Decision(s) Required

- 1.1 Local Plan Committee members are asked to endorse the content of the updated Dedham Vale AONB Planning Position Statement.

### 2. Reasons for Decision(s)

- 2.1 The Dedham Vale AONB is an important landscape area in the Borough of Colchester. AONB's receive special protection under national and local planning systems. The Dedham Vale Planning Position Statement has been prepared to update the previous Position Statement which was drafted in 2011, to bring it into conformity with the National Planning Policy Framework (NPPF) and Colchester, Tendring and Babergh Councils' Local Plans.

### 3. Alternative Options

- 3.1 There is no alternative option as the Position Statement has already been agreed by the Dedham Vale Joint Advisory Committee. The report is for information only.

### 4. Supporting Information

- 4.1 The Position Statement is divided into 4 sections. Section 1, pages 1-4 of the Position Statement explains why AONBs are designated, their status in the UK planning system, the purpose of the Position statement and governance arrangements and responsibilities of the Dedham Vale AONB project team.
- 4.2 Areas of Outstanding Natural Beauty (AONBs) are designated by the Government for the purpose of ensuring that the special qualities of the finest landscapes in England, Wales and Northern Ireland are conserved and enhanced. The primary legislation in relation to AONB designation is from the Countryside and Rights of Way Act 2000 (The CRoW Act) and originally from the 1949 National Parks and Access to the Countryside Act. The primary purpose of AONB designation is to conserve and enhance the natural beauty of the area, (Section 82 of the CRoW Act 2000).
- 4.3 The landscape qualities of AONBs and National Parks have equal status in terms of protection given by the land use planning system. The AONB designation is also of international importance, recognised as a Category V Protected Landscape by the International Union for the Conservation of Nature (IUCN). AONBs are defined within



the Environmental Impact Assessments Regulations for specific consideration as a “sensitive area”.

- 4.4 Section 85 (1) of the CRoW Act 2000 places a duty on all relevant authorities to have regard to the conservation and enhancement of the natural beauty of AONBs when exercising or performing any functions in relation to, or so as to affect land in AONBs. This duty of regard requires all public bodies, down to parish council level, to consider the AONBs nationally protected status in any land use related decisions. This includes planning applications and the preparation of Local and Neighbourhood Plans.
- 4.5 The Dedham Vale AONB was first designated in 1970 and has been extended twice since then. It is one of 35 Areas of Outstanding Natural Beauty in England and it is the fourth smallest AONB, covering 90 sq km. At the heart of the Dedham Vale AONB and Stour Valley is the area known as “Constable Country” centred on the villages of Dedham, Flatford and East Bergholt. John Constable’s famous paintings of this landscape influenced the national designation as an AONB. It is unique as it is the only AONB designated for predominantly cultural reasons, in particular the area’s association with the artist John Constable.
- 4.6 Section 2, Appendix A of the Position Statement discusses the protection given to AONB’s under European and national legislation, and through national and local planning guidance/policies
- 4.7 Paragraphs 18 -24 of Appendix A explains why AONB’s are designated and clarifies the requirements on all relevant authorities to meet the Duty Of Regard when exercising or performing their functions in AONBS in accordance with The CRoW Act 2000.
- 4.8 Paragraphs 25 – 36 of the Position Statement identifies the key legislation protecting AONBs, namely the Countryside and Rights of Way Act 2000 (CRoW Act) and the National Parks and Access to the Countryside Act 1949. Paragraphs 27- 36 sets out how the National Planning Policy Framework expects AONBS to be considered by Planning Authorities when they are preparing Local Plans or determining planning applications. The key sections of the NPPF relevant to AONBS are paragraphs 11, 14 (footnote 9 and 10), 113, 115, 116 123 and 125.
- 4.7 Paragraphs 37- 46 of Appendix A cover the treatment of Heritage Assets and their significance within the setting of a protected landscape such as an AONB. Paragraphs 37, 38 and 40 (page 8) includes definitions about what constitutes a Heritage Asset and what is meant by the setting of a Heritage Asset. This section also explores how change created by development can affect the setting of an AONB and provides guidance on how the implications of change created by development needs to be considered as part of planning processes
- 4.8 Appendix A includes information about planning applications for Major Infrastructure Schemes and Renewable Energy proposals within or close to AONBs. Paragraphs 47- 49 of Appendix A introduces how AONBs are to be treated within the new National Policy Statements for Energy developed to replace the previous Planning Policy Statement 22, while paragraphs 51- 60 sets out the role of PINS and the issues they need to consider when determining major infrastructure planning applications in an AONB
- 4.9 The Dedham Vale AONB sits within three local planning authority areas: Babergh District Council, Tendring District Council and Colchester Borough Council. The emerging Local Plans of the three councils all include planning polices which raise awareness of the importance of Dedham Vale and seek to protect it. The relevant policies from Colchester’s Local Plan are set out on pages of 24-28 of Appendix A of the Position

Statement and include ENV1 - Environment and ENV2 – Rural Communities in the Core Strategy and DP1 (Design and Amenity, DP22 (Dedham Vale Area of Outstanding Natural Beauty) in the Development Policies document.

- 4.10 Appendix B in the Document includes a number of planning appeals where the setting of the AONB has been an important consideration. As mentioned the Dedham Vale AONB Planning Position Statement will form part of the evidence base in the Horkesley Park Planning Inquiry.
- 4.11 The last section of the document, Appendix C sets out the important qualities of the Dedham Vale AONB as defined in the current Dedham Vale AONB Management Plan 2010-2015.

## **5. Proposals**

- 5.1 The Dedham Vale AONB Planning Position Statement sets out why the Dedham Vale is important and explains the protection given to the AONB's through legislation, national planning guidance, the new National Policy Statements for Energy, and Colchester, Tendring and Babergh Councils' Local Plans.
- 5.2 The Local Plan Committee is asked to endorse the Position Statement.

## **6. Strategic Plan References**

- 6.1 Colchester Borough Council's Strategic Plan Action Plan includes a commitment to regenerate the Borough through buildings, employment, leisure and infrastructure, and supporting tourism, heritage and the arts. The Dedham Vale AONB planning Position Statement will help contribute towards the Council meeting these objectives.

## **7. Consultation**

- 7.1 The Dedham Vale AONB Planning Position Statement has been issued to other AONB project teams for comment and it has been formally adopted by the Dedham Vale AONB Joint Advisory Committee.

## **8. Publicity Considerations**

- 8.1 The document may be discussed in the forthcoming Horkesley Park Planning Inquiry in October 2013. The inquiry is likely to generate a high level of interest from local media and the public.

## **9. Financial Implications**

- 9.1 None.

## **10. Equality, Diversity and Human Rights implications**

- 10.1 An Equality Impact Assessment has been prepared for the Local Development Framework and is available to view on the Colchester Borough Council website by following this pathway from the homepage: Council and Democracy > Policies, Strategies and Performance > Equality and Diversity > Equality Impact Assessments > Strategic Policy and Regeneration > Development Plan.

10.2 There are no particular Human Rights implications.

## **11. Community Safety Implications**

11.1 None

## **12. Health and Safety Implications**

12.1 None

## **13. Risk Management Implications**

13.1 The preparation of the Dedham Vale AONB Planning Position Statement is intended to reduce the risk of inappropriate development within the Dedham Vale AONB to help conserve and enhance the AONB. It will achieve this by providing consistent advice re planning requirements to landowners, developers, officers, councillors and members of the public.

## **14. Disclaimer**

The information in this report was, as far as is known, correct at the date of publication. Colchester Borough Council cannot accept responsibility for any error or omission.

## **15. Background documents**

Appendix A – The Dedham Vale AONB Planning Position Statement



## **Dedham Vale AONB Position Statement (September 2013)**

### **Development in the setting of the Dedham Vale Area of Outstanding Natural Beauty**

#### **Introduction**

1. Areas of Outstanding Natural Beauty (AONBs) are designated by the Government for the purpose of ensuring that the special qualities of the finest landscapes in England and Wales are conserved and enhanced. In policy terms they have the same planning status as National Parks.
2. The Dedham Vale AONB designation seeks to conserve and enhance the natural beauty of the Dedham Vale AONB and to increase the awareness and understanding of the special qualities of the AONB.

#### **Purpose**

3. This Statement provides guidance to local planning authorities, landowners and other interested parties regarding the consideration of the impact of development and land management proposals which lie outside the AONB but within its "setting" ("development" includes transport and other infrastructure as well as proposals requiring planning applications; "land management" includes tree planting, energy crops, and drainage schemes).
4. The Partnership considers the setting of the Dedham Vale AONB to be the area within which development and land management proposals, by virtue of their nature, size, scale, siting materials or design can be considered to have an impact, positive or negative, on the natural beauty and special qualities of the Dedham Vale AONB.
5. This Statement expands upon issues raised in the Dedham Vale AONB Management Plan 2010 -15 in particular in the following management plan policies:

*LFB2. Encourage changes in land use to reflect local landscape character assessments... [and that] are not detrimental to landscape and tranquillity*

*LFB4. Seek to protect the tranquillity of the area, including its setting, from intrusive communication and utility infrastructure; noisy recreational pursuits; air traffic; some forms of national scale renewable energy facilities and light pollution.*

*SP2. Ensure that business development brings economic benefits to the local area and does not adversely affect... the qualities, including the setting, of the*

*SP7. Ensure that development does not detract from the area's character.*

6. The need to consider the impact of proposals within the setting of the AONB is set out in the National Planning Policy Framework (NPPF), local planning policies and guidance from Natural England and English Heritage. These are discussed more fully in Appendix A, together with extracts from relevant planning appeals in Appendix B. The special qualities of the Dedham Vale AONB are identified in the AONB Management Plan and are set out in Appendix C.

7. This Statement is intended to be used to secure appropriate policies responding to this issue in Local Plans and other policy documents which relate to the Dedham Vale AONB and assist the decision making process with respect to proposals for development or land management outside the AONB designation, yet of contextual relevance to this area.

8. The need to consider the potential impact of developments within the setting of the AONB on the natural beauty and special qualities of the AONB itself are explicitly referred to in the NPPF and in a number of emerging and adopted Local Plans in relation to the Dedham Vale AONB. These are discussed more fully in Appendix B which is attached to this document. The NPPF also sets out the national planning approach for conserving and enhancing the historic environment. While a development may have an adverse impact, circumstances can be envisaged where a development or changes in land use e.g. tree planting outside the AONB could enhance the AONB by mitigating or removing unsightly existing structures which may adversely impact upon the AONB.

9. The Partnership will seek to ensure that the importance of considering the impact of development and land management proposals outside the Dedham Vale AONB on the natural beauty and special qualities of the AONB is made clear in all Local Plans and in policies in any other relevant documents.

10. The Partnership will expect local authorities to be mindful of both the possible positive and negative impacts of a development within the setting of the AONB and on the natural beauty and special qualities of the AONB when determining planning applications. Local Authorities should seek the views of the AONB team (who may in turn seek advice from the Joint Advisory Committee (JAC) where necessary, particularly when significant impacts are anticipated.



11. The setting of the Dedham Vale AONB does not have a geographical border. The character, location, scale, materials or design of a proposed development or land management activity will determine whether it affects the natural beauty and special qualities of the AONB. A very large development may have an impact even if some considerable distance from the AONB boundary.

12. Examples of adverse impacts will include:

- Development not appropriate to the landscape setting of the AONB
- Blocking or interference of views out of the AONB particularly from public viewpoints
- Blocking or interference of views of the AONB from public viewpoints outside the AONB
- Loss of tranquillity through the introduction of lighting, noise, or traffic movement
- Introduction of an abrupt change of landscape character
- Loss of biodiversity, particularly species of importance within the AONB
- Loss of features of historic interest, particularly if these are contiguous with features within the AONB
- Reduction in public access to or within the AONB
- Increase in air or water pollution

13. Adverse impacts might not be visual. The special qualities of the Dedham Vale AONB include tranquillity. A development which is noisy or introduces intensive visitor activity into a previously undeveloped area, may well impact adversely on tranquillity even if not visible from the AONB.

14. The staff unit will monitor, comment in conjunction with the Joint Advisory Committee as appropriate, and report significant planning application decisions which relate to the impact of development within the setting of the Dedham Vale AONB on the natural beauty and special qualities of the AONB.

15. In accordance with Section 85 of the Countryside and Rights of Way Act 2000, the relevant authorities operating with the Dedham Vale AONB have a statutory duty to conserve and enhance the natural beauty of the AONB. The AONB also has secondary purposes to increase awareness and understanding of the special qualities of the AONB, to take account of the needs of agriculture, forestry and other rural industries and to foster the social and economic well being of local communities and those who live and work in the area.

16. The governance of the AONB is undertaken by the Joint Advisory Committee, which is made up of appointed representatives from Suffolk County Council, Essex County Council, Babergh District Council, Colchester Borough Council and Tendring District Council. In addition, Braintree District Council and St.

Edmundsbury Borough Council are part of the committee because they represent the additional Stour Valley Project Area which is managed alongside the Dedham Vale AONB.

17. The Dedham Vale AONB was first designated in 1970 and has been extended twice since then. It is one of 35 Areas of Outstanding Natural Beauty in England. It is the fourth smallest AONB, covering 90 sq km and is a landscape of equal importance with National Parks such as Snowdonia and the Lake District.

**For further information contact:**

Dedham Vale AONB Manager

01473 264263

[dedhamvale.project@suffolk.gov.uk](mailto:dedhamvale.project@suffolk.gov.uk)

## **APPENDIX A - Policy guidance on the consideration of development proposals within the setting of protected landscapes**

### **National Environmental Legislation and requirements**

18. Areas of Outstanding Natural Beauty (AONBs) are designated by the Government for the purpose of ensuring that the special qualities of the finest landscapes in England, Wales and Northern Ireland are conserved and enhanced. The primary purpose of AONB designation is to conserve and enhance the natural beauty of the area, as confirmed by Section 82 of the *Countryside and Rights of Way Act 2000* (CRoW Act).

19. The Government has confirmed that the landscape qualities of AONBs and National Parks have equal status in terms of protection, and the protection given by the land use planning system to natural beauty in both types of area should also be equal. The AONB designation is also of international importance, recognised as a Category V Protected Landscape by the International Union for the Conservation of Nature (IUCN) and AONBs are defined within the Environmental Impact Assessments Regulations for specific consideration as a “sensitive area”.

20. Within Section 85 (1) of the CRoW Act 2000 there is a duty on all relevant authorities to have regard to this purpose in exercising or performing any functions in relation to, or so as to affect land in AONBs<sup>1</sup>. This Duty of Regard requires all public bodies, down to parish council level, to consider the AONBs nationally protected status in any land use related decisions. This includes planning applications and the formulation of Local and Neighbourhood Plans.

21. Sections 88 and 89 of the Act state that each Local Authority or Conservation Board shall prepare and publish a Management Plan for their AONB which should then be reviewed at intervals of no more than 5 years. Management Plans are adopted statutory policy of the Local Authority AONB and have been recognised as a ‘material consideration’ in the planning decision making process.

22. Guidance on how the implication of the Duty of Regard and how it may be discharged was issued by Department for Environment, Food & Rural Affairs (DEFRA) in 2005<sup>2</sup>. This includes the statement “*Additionally, it may sometimes be the case that the activities of certain authorities operating outside the boundaries of these areas may have an impact within them. In such cases, relevant authorities will also be expected to have regard to the purposes of these areas*”. The Guidance includes a list of relevant authorities, although this is not definitive.

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<sup>1</sup> Section 88 of the Crow Act sets out the duty on all relevant authorities in relation to exercising or performing any functions in AONBS

<sup>2</sup> Duties on relevant authorities to have regard to the purposes of National Parks, Areas of Outstanding Natural Beauty (AONBs) and the Norfolk and Suffolk Broads. Defra (2005)

23. Natural England (NE) published more detailed guidance in 2010<sup>3</sup>. It includes a case study from the Northumberland National Park regarding “*Working to ensure policies include the impact on National Parks from development beyond their boundaries.*”

24. NE’s also published Spatial Planning Position<sup>4</sup> in Position 5 (2009) which considers the protection and enhancement of protected landscapes: “*Spatial planning policies and decisions should ensure the highest levels of protection and enhancement for England’s protected landscapes, habitats, sites and species.*” The explanatory text states “*Natural England interprets the protection and enhancement of all sites, habitats and landscapes widely. This includes safeguarding their character, qualities and features, including where appropriate, their settings...*”

This includes the statement:

*“Natural England regards the setting of protected landscapes as being potentially influential on the conservation of the special qualities of the National Park or AONB concerned.”*

The guidance continues

*“Spatial plans should include policies that take into account the sensitivity of the setting of protected landscapes.” The potential for developments to dominate the setting of protected landscapes requires careful consideration.”*

## **National Legislation and National Planning Policy Framework**

25. The primary legislation in relation to AONB designation is from the CRoW Act (2000) and originally from the 1949 National Parks and Access to the Countryside Act.

26. The amount of policy relating to AONBs has reduced greatly since the removal of Structure Plans and abolition of the Regional Spatial Strategies. Policies for AONBs are now solely contained in the National Planning Policy Framework (NPPF), Local Plans and emerging Neighbourhood Plans.

27. The NPPF identifies the three dimensions of sustainable development, as being economic, social and environmental. Paragraph 14 of the NPPF promotes “*a presumption in favour of sustainable development*” but then highlights the position for plan makers and for decision makers areas where this policy may be

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<sup>3</sup> “England’s statutory designations: A practical guide to your duty of regard” Natural England NE243 (2010)

<sup>4</sup> Natural England’s Spatial Planning Position (2009)  
([http://www.naturalengland.org.uk/Images/PlanningPosition\\_tcm6-16604.pdf](http://www.naturalengland.org.uk/Images/PlanningPosition_tcm6-16604.pdf))

restricted. Footnote 9 in the NPPF specifically identifies AONBs as such areas where restrictions may apply to the above presumption.

28. Paragraph 11 of the NPPF confirms the requirement in the Planning and Compulsory Purchase Act 2004 that applications must be determined in accordance with an up to date development plan, unless material considerations indicate otherwise.

29. In relation to plan making, paragraph 113 states that local planning authorities should set criteria based policies against which proposals for any development on or affecting protected wildlife or geodiversity sites or landscape areas will be judged. The phrase “or affecting” landscape areas supports the need for setting as a consideration in policy making.

30. Paragraph 115 provides specific planning guidance for plan makers and decision takers in relation to AONBs<sup>5</sup> and confirms that great weight should be given to conserving landscape and scenic beauty and that AONBs have the highest status of protection in relation to landscape and scenic beauty.

31. In specific relation to major development, paragraph 116 of the NPPF states that planning permission should be refused for major developments in AONBs except in exceptional circumstances and where it can be demonstrated that they are in the public interest, and sets a series of 3 tests that have to be assessed. What constitutes “major development” has not been defined and will be assessed on its merits, according to local circumstances.

32. The ‘great weight test’ is significant and one of the most stringent legal tests that can be applied under planning law.

33. The NPPF also contains a number of references to various forms of pollution. Pollution can result from outside the AONB, but impact on and into the AONB including from noise, dust, and light.

34. Paragraph 125 states *“By encouraging good design, planning policies and decisions should limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.”*

35. At paragraph 123 of the NPPF it is also recommended that policy makers and decision takers *“identify and protect areas of tranquillity which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason.”*

36. The “presumption in favour of sustainable development” therefore may be overridden within AONBs by the need to take account of such designations and

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<sup>5</sup> NPPF paragraphs 14 (and footnote 9), 115 & 116)



the legislation and policies covering them i.e. CROW Act 2000 and paragraphs 11, 14 (footnotes 9 and 10), 113, 115 and 116, 123 and 125 of the NPPF. AONB Management Plans are also material considerations when development proposals with the potential to affect an AONB are being considered

### **Heritage - Setting, Assets and Significance**

37. The concept of “setting” is set out in legislation<sup>6</sup> and guidance<sup>7</sup> relating to designated historic assets.

38. A “Heritage asset” is defined in the glossary of the NPPF as “a building, monument, site, place, area or landscape identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest. Heritage asset includes designated heritage assets and assets identified by the local planning authority (including local listing).”

39. In view of the number, scale, quality and distribution of designated and non-designated historic features in the Dedham Vale AONB, the AONB is a landscape which can be considered a heritage asset under this definition. In addition, the Dedham Vale AONB is unique amongst the English and Welsh family of AONBs in that it was designated for predominantly cultural reasons, in particular the area’s association with the artist John Constable. The NPPF definition is relevant in this context with regards to the Dedham Vale AONB because it is a heritage asset which inspired artists. Paragraph 16 of the PPS5 Planning for the Historic Environment Practice Guide (2010) further supports this position as it states that “*National Parks, the Broads and Areas of Outstanding Natural Beauty are designated to conserve both the natural environmental cultural heritage of these areas.*”

40. The NPPF glossary and the PPS5 Planning for the Historic Environment Practice Guide (2010) defines the setting of a heritage asset as “the surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral. Further guidance on this issue is to be found in ‘The Setting of Heritage Assets’ published by English Heritage in 2011.

41. Further guidance on the consideration of the setting of heritage assets is also included in the “Historic Environment Planning Practice Guide” published by English Heritage in March 2010. All heritage assets have a setting, irrespective of the form in which they survive and whether they are designated or not. The

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<sup>6</sup> Sections 16 and 66, Planning (Listed Buildings and Conservation Areas) Act 1990

<sup>7</sup> Planning Policy Statement 5 “Planning for the historic Environment Historic Environment Planning Practice Guide (2010) Policy HE10 paragraphs 113 - 124

guidance states that “ *For the purposes of spatial planning, any development or change capable of affecting the significance of a heritage asset or peoples experience of it can be considered as falling within its setting.* “ This includes transport proposals which can also affect the setting of heritage assets.

42. Paragraphs 114 – 124 of the PPS5 Practice Guide provides more detailed information about understanding setting and its contribution to significance.

*114. The extent and importance of setting is often expressed by reference to visual considerations. Although views of or from an asset will play an important part, the way in which an asset is experienced in its setting is also influenced by other environmental factors such as noise, dust and vibration, by spatial associations, and, by our understanding of the historic relationship between places. For example, buildings that are in close proximity but not visible from each other may have a historic or aesthetic connection that amplifies the experience of the significance of each. They would be considered to be within one another’s setting.*

*115. Setting will, therefore, generally be more extensive than curtilage and its perceived extent may change as an asset and its surroundings evolve or as the understanding of the asset improves.*

*116. The setting of a heritage asset can enhance its significance whether or not it was designed to do so. The formal parkland around a country house and the fortuitously developed multi-period townscape around a medieval church may both contribute to the significance.*

*117. The contribution that setting makes to the significance does not depend on there being public rights or an ability to access or experience that setting. This will vary over time and according to circumstance. Nevertheless, proper evaluation of the effect of change within the setting of a heritage asset will usually need to consider the implications, if any, for public appreciation of its significance.*

### **Assessing the implications of change affecting setting**

*118. Change, including development, can sustain, enhance or better reveal the significance of an asset as well as detract from it or leave it unaltered. For the purposes of spatial planning, any development or change capable of affecting the significance of a heritage asset or people’s experience of it can be considered as falling within its setting. Where the significance and appreciation of an asset have been compromised by inappropriate changes within its setting in the past it may be possible to enhance the setting by reversing those changes.*

*119. Understanding the significance of a heritage asset will enable the contribution made by its setting to be understood. This will be the starting point for any proper evaluation of the implications of development affecting setting.*

*The effect on the significance of an asset should be considered and weighed-up following the principles set out in policies HE 7, 8 and 9 of the*

*PPS5 Planning for the Historic Environment Practice Guide<sup>8</sup> (2010). These principles include thorough data collection to enable a proper assessment of all potential impacts to a heritage asset to be made, understanding harm and sensitivity to change, understanding setting and seeking expert advice when necessary to ensure effective decisions are made when development proposals affecting a heritage asset are proposed. While most considerations are most likely to address the addition or removal of a visual intrusion, other factors such as noise or traffic activity and historic relationships may also need to be considered.*

*120. When assessing any application for development within the setting of a heritage asset, local planning authorities may need to consider the implications of cumulative change and the fact that developments that materially detract from the asset's significance may also damage its economic viability now, or in the future, thereby threatening its ongoing conservation.*

*121. The design of a development affecting the setting of a heritage asset may play an important part in determining its impact. The contribution of setting to the historic significance of an asset can be sustained or enhanced if new buildings are carefully designed to respect their setting by virtue of their scale, proportion, height, massing, alignment and use of materials. This does not mean that new buildings have to copy their older neighbours in detail, but rather that they should together form a harmonious group.*

*122. A proper assessment of the impact on setting will take into account, and be proportionate to, the significance of the asset and the degree to which proposed changes enhance or detract from that significance and the ability to appreciate it.*

*124. Transport proposals can affect the setting of the heritage assets and highways authorities are advised to consult with the local planning authority in such circumstances.*

43. Many of these principles have been carried forward into Section 12 (paragraphs 126 -141) of the NPPF to guide the conservation and management of the historic environment. They are therefore applicable to any planning application coming forward in or close to the Dedham Vale AONB.

*126. Local planning authorities should set out in their Local Plan a positive strategy for the conservation and enjoyment of the historic environment. In developing this strategy local planning authorities should take into account: the wider social, cultural, economic and environmental benefit that conservation of the historic environment can bring and opportunities to draw on the contribution made by the historic environment to the character of a place.*

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<sup>8</sup> PPS 5 Planning for the Historic Environment Historic Environment Planning Practice Guide Policies HE 7 – HE 9

*128. In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary.*

*132. When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification.*

*133. Where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:*

- *the nature of the heritage asset prevents all reasonable uses of the site; and*
- *no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and*
- *conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible; and*
- *the harm or loss is outweighed by the benefit of bringing the site back into use.*

### **Significance of Setting**

44. The concept of the significance of setting has to be recognised with respect to protected landscapes (AONBs and National Parks).

45. The NPPF glossary defines Significance (for heritage policy) as “The value of a heritage asset to this and future generations because of its heritage interest. That interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset's physical presence, but also from its setting.

46. PPS5 Planning for the Historic Environment (Historic Environment planning Practice Guide (2010) was retained following the introduction of the NPPF. This guidance stipulates that proposals for large-scale energy generation and other infrastructure schemes, such as wind farms, that have a positive role to play in the mitigation of climate change and the delivery of energy security, but which

may impact on the significance of a heritage asset, such as a historic landscape, should be carefully considered by the developer and planning authority with a view to minimising or eliminating the impact on the asset. An acceptable balance between the necessity for measures that meet the challenge of climate change and the importance of conserving the significance of the asset needs to be achieved.



## **Renewable Energy /Major Infrastructure Projects**

47. Paragraph 98 of the NPPF states that when determining applications for renewable energy “*local planning authorities should approve the application [footnote 18) unless material considerations indicate otherwise] if its impacts are (or can be made) acceptable.*”

48. Planning Policy Statement 22 “Planning for Renewable Energy” was deleted following the introduction of the NPPF in March 2012. The Companion Guide to PPS22 (Planning for Renewable Energy A Companion Guide to PPS22<sup>9</sup>, 2004) however was retained. It includes policy RE 2: Spatial Strategy for Onshore Wind Development and stipulates that:

*“Within designated National Parks, AONBs and Heritage Coasts wind developments should be limited to individual turbines of no greater than 100kW installed capacity, to provide power to off mains properties and other small users.”*

49. PPS22 has been replaced by a suite of new National Policy Statements (NPSs) for energy production. The Overarching National Policy Statement NPS EN -1 sets out the position re future energy requirements for England and Wales.

50. Paragraph 5.9.8 of NPS EN -1 states that “*landscape effects depend on the existing character of the local landscape, its current quality, how highly it is valued and its capacity to accommodate change. All of these factors need to be considered in judging the impact of a project on landscape. Virtually all nationally significant energy infrastructure projects will have effects on the landscape. Projects need to be designed carefully, taking account of the potential impact on the landscape. Having regard to siting, operational and other relevant constraints, the aim should be to minimise harm to the landscape, providing reasonable mitigation where possible and appropriate.*”

### **Development proposed within nationally designated landscapes**

51. Section 5.9.9 of the NPS EN -1 states that “National Parks, the Broads and AONBs have been confirmed by the Government as having the highest status of protection in relation to landscape and scenic beauty. Each of these designated areas has specific statutory purposes which help ensure their continued protection which the Infrastructure Planning Commission (now the Planning Inspectorate (PINS) should have regard to in its decision making.

52. The conservation of the natural beauty of the landscape and countryside should be given substantial weight by PINS when determining applications for development consent in these areas.

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<sup>9</sup> PPS22 Planning for Renewable Energy A Companion Guide to PPS22 Policy RE2

53. Paragraph 5.9.10 goes on to say that while the IPC may grant development consent in these areas in exceptional circumstances it will be necessary to demonstrate that the development is in the public interest, a need has been established, alternative locations have been considered outside the designated areas, any detrimental effect on the environment, landscape and recreational opportunities have been identified and can be moderated.

54. Paragraph 5.9.11 states that “*The IPC should ensure that any projects consented in these designated areas should be carried out to high environmental standards, including through the application of appropriate requirements where necessary*”.

### **Developments outside nationally designated areas which might affect them**

55. Section 5.9.12 of the NPS EN -1<sup>10</sup> confirms that the duty to have regard to the purposes of nationally designated areas also applies when considering applications for projects outside the boundaries of these areas which may have impacts within them. The aim should be to avoid compromising the purposes of designation and such projects should be designed sensitively given the various siting, operational, and other relevant constraints. The fact that a proposed project will be visible from within a designated area should not in itself be a reason for refusing consent.

### **Visual impact**

56. Section 5.9.18 of the NPS EN-1 states that “*All proposed energy infrastructure is likely to have visual effects for many receptors around proposed sites. The IPC will have to judge whether the visual effects on sensitive receptors, such as local residents, and other receptors, such as visitors to the local area, outweigh the benefits of the project.*”

### **Mitigation**

57. Sections 5.9.21 and 5.9.22 of the NPS EN -1 discuss the importance of mitigation as a way to minimise impacts on designated landscapes and setting. It stipulates that reducing the scale of a project can help mitigate visual and landscape effects of a proposed project. However, it also recognises that a reduction in scale or change to the design of a proposed energy infrastructure project may result in a significant operational constraint and reduction in function.

58. There may be exceptional circumstances, where mitigation could have a very significant benefit and warrant a small reduction in function and in these

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<sup>10</sup> Overarching National Policy Statement for Energy (EN-1) July 2011 Sections 5.9.9., 5.9.11, 5.9.12., 5.9.18. .

circumstances. The IPC may decide that the benefits of the mitigation to reduce the landscape and/or visual effects outweigh the marginal loss of function.

59. Within a defined site, adverse landscape and visual effects may be minimised through appropriate siting of infrastructure within that site, good design and landscaping schemes.

60. Natural England has also published “Making Space for Renewable Energy” – Natural England’s approach to assessing on-shore wind energy development”.

## **Local Planning Policies relevant to the Dedham Vale AONB**

61. The Dedham Vale AONB sits within three local planning authority areas: Babergh District Council, Tendring District Council and Colchester Borough Council. The councils have recognised the importance of the AONB in a number of their local planning policies as set out below. The actual policies are shown in bold.

### **Babergh District Council: Local Plan, Chapter 6 - Countryside and Rural Economy**

*6.18 Parts of the Dedham Vale and the Suffolk Coast and Heaths Areas of Outstanding Natural Beauty (AONB) lie in the Babergh District. This designation indicates national recognition of the landscape quality on a par with National Parks. Protection of these designated landscapes will be of prime importance.*

*Local authorities have a statutory duty under the Countryside and Rights of Way (CROW) Act 2000, when carrying out their function in relation to, or so as to affect, land in an AONB to have regard to the purpose of conserving and enhancing the natural beauty of the AONB. The CROW Act also places a duty on local authorities, acting jointly with other authorities where appropriate, to prepare and publish a plan which formulates their policy for the management of the AONB and for the carrying out of their function in relation to it. This task has been undertaken by the relevant Partnerships to produce the Dedham Vale and Stour Valley .....Management Strategies respectively. In implementing the policies of the Local Plan, the Council will also seek to implement relevant parts of the Dedham Vale and Stour Valley.....Management Strategies and Action Plans and will resist development that would conflict with these aims and objectives.*

***Policy CR02- The landscape of the Dedham Vale and the Suffolk Coast and Heaths Areas of Outstanding Natural Beauty will be safeguarded through the strict control of development. Unless there is an overriding national need for development having a significant impact in the particular location and no alternative site is available, such developments will not be allowed. Due regard will be given to the provisions contained within the Dedham Vale and Stour Valley Management Strategy.***

*6.19. The provision of public utility services may necessitate the construction of buildings and other installations, often of a large scale such as grid lines and water towers. If it is necessary to site these in Areas of Outstanding Natural Beauty, care should be taken to minimise their impact.*

*6.20. Many statutory undertakers and utility providers enjoy permitted development rights, which means that certain types of development required in connection with the particular utility may be erected without the*

need for a specific planning permission. This may include, for example, certain types of telecommunications developments (see Chapter 2). Where they may have a significant adverse impact on an Area of Outstanding Natural Beauty, the District Council will consider whether such permitted development rights should be withdrawn, either by the use of conditions attached to planning permissions, or serving an Article 4 Direction under the Town and Country Planning. (General Permitted Development) Order 1995 (as amended). The needs and statutory responsibilities of the utility provider will be taken into account.

**Policy CR03 - In considering proposals by statutory undertakers and utility providers for buildings and installations in Areas of Outstanding Natural Beauty, particular attention will be paid to siting, design and landscaping. Major utilities and overhead power lines will be discouraged in Areas of Outstanding Natural Beauty.**

**Babergh Submission Core Strategy (2011)**

Section 3 of Babergh's Submission Core Strategy addresses the environment in all its forms (including landscapes, the estuarial coast and biodiversity, etc.) and these will be conserved to protect the district's environment, which is of considerable value and diversity. The Core Strategy recognises landscape as one of the most precious natural assets in England. Babergh has 2 Areas of Outstanding Natural Beauty, one of which is the Dedham Vale AONB.

At the heart of the Dedham Vale AONB and Stour Valley is the area known as "Constable Country" centred on the villages including Dedham, Flatford and East Bergholt. John Constable's famous paintings of this landscape influenced the national designation as an AONB which is now widely recognised as typifying lowland English countryside. Key features within the landscape in this area which are significant include; the meandering river and its tributaries, gentle valley slopes with scattered woodlands, grazing and water meadows, sunken rural lanes, historic villages with imposing church towers and historic timber framed buildings, small fields enclosed by ancient hedgerows and a wealth of evidence of human settlement over centuries.

Section 3.3.3 of the Submission Core Strategy sets out the management approach for protecting Landscape and Character. As part of this approach future development must be managed to respect the key features and local distinctiveness. The approach can not simply be that these areas should be "no go" areas for development (although this may be appropriate in some locations for some types of development).

**Section 3.3.4 - Strategy for Environmental Enhancement (Submission Core Strategy)**

***Opportunities to enhance the rich and varied environmental resource in Babergh which comprises; the estuaries, river valleys, AONBs, biodiversity and Geodiversity areas, open spaces, countryside, heritage assets, conservation areas and historic buildings will be positively encouraged.***

- New provision of Accessible Natural Green space will be a core focus to the design and layout of development at the urban extensions, and other large sites***
- Developer contributions will be directed to provision of new areas of open space where needed and also to enhance existing areas or improve the links between existing spaces to enhance the function and attractiveness of some sites or areas of the countryside.***
- All new development will be expected to ensure its design, character and scale complements its location and as such will be required to include adequate open space, landscaping and biodiversity elements which will enhance the existing and surrounding environment.***
- Open space / landscape schemes will be encouraged to reflect locally distinctive landscape character and opportunities to enhance these features will be promoted.***
- Opportunities will be encouraged to enhance specific habitats, particularly where wildlife / nature conservation organisations advise a need exists for enhancement or creation of a particular habitat, through landscape schemes of open space / green infrastructure provision associated with new development.***
- Support for existing countryside management groups including the Suffolk Coasts and Heaths and Dedham Vale AONBs will continue, supporting the proven record of proactive enhancement of the environment in these areas.***
- Other local or community initiatives which contribute to environmental enhancement, even on a small scale, will be encouraged, including for example, Wildlife Trust, community groups / parish town councils litter picks / tree planting.***
- Opportunities to enhance the rich and varied environmental resource in Babergh which comprises; the estuaries, river valleys, AONBs, biodiversity and Geodiversity areas, open spaces, countryside,***



***heritage assets, conservation areas and historic buildings will be positively encouraged.***

***All new development will be expected to ensure its design, character and scale complements its location and as such will be required to include adequate open space, landscaping and biodiversity elements which will enhance the existing and surrounding environment. Open space / landscape schemes will be encouraged to reflect locally distinctive landscape character and opportunities to enhance these features will be promoted.***

**Tendring District Council's Adopted Local Plan (2007) Chapter 6:  
Sustaining our Environment**

**Areas of Outstanding Natural Beauty**

6.23a *The 1949 National Parks and Access to the Countryside Act provides for the designation of Areas of Outstanding Natural Beauty (AONBs). These areas are precious landscapes whose distinctive character and natural beauty are so outstanding that it is in the nation's interest to legally safeguard them based upon special policies for controlling development and encouraging proper land management.*

6.24 *The Countryside and Rights of Way Act (CRoW) 2000 strengthened the status of AONBs and placed new duties on local authorities regarding their conservation and enhancement. In planning terms, the designation is now equivalent to that of a National Park.*

6.25 *It is important to the Country's natural heritage that these areas are protected from any development that would be likely to cause harm. The CRoW Act has created a new legal right of access on foot to areas of open, uncultivated countryside. The Act includes measures to protect AONBs, raise awareness of their importance at a national and local level, and places a statutory duty on local authorities to produce a Management Strategy.*

6.26 *There are two AONBs of importance for Tendring district, and both these AONBs impact upon the management of the landscape and control of development. The first AONB is the Dedham Vale AONB that is located in the north-western part of the district*

6.26a *When considering planning applications that will impact on the Dedham Vale AONB, the Council will have particular regard to the Government's advice in PPS7, namely that the primary objective of designation is conservation of the natural beauty of the landscape. The objective of designation as an AONB does not include the promotion of recreation, though the Government considers that these areas should be used to meet the demand for recreation so far as that is consistent with the conservation of natural beauty and the needs of agriculture, forestry and other uses.*

6.27 *In relation to major development, developers must demonstrate that the project is in the national interest before it is allowed to proceed, and proposals must include an assessment of the need for a proposal, alternative locational options and whether appropriate mitigation of environmental impact can be achieved. For all development within AONBs,*

due regard should also be had to the economic and social well-being of local communities.

6.27a In accordance with section 85 of the CRoW Act the Council will have regard to the purposes of conserving and enhancing the natural beauty of the Dedham Vale AONB... In addition, in keeping with Section 89 of the CRoW Act, 2000 the Council recognises that the Dedham Vale.....management strategy is formulated in relation to the management of these areas...

### **Dedham Vale**

6.28 The Dedham Vale AONB was designated in 1970. The conservation of this area is important to the County's natural heritage, and it should therefore be protected from any development likely to harm its character. Within the limited resources available, the Council works with other local authorities, the Countryside Agency, statutory undertakers and landowners to protect and enhance this attractive landscape with its considerable historical and cultural associations.

### **Policy EN5 - Areas of Outstanding Natural Beauty (AONBs)**

**(i) Development which would harm or otherwise fail to conserve the natural beauty of the landscape of an AONB, including views towards it from outside, will not be permitted. Major development will only be approved if there is an overriding national need, and in the absence of any alternative sites outside the AONB.**

**(ii) The Council will have regard to the Dedham Vale Management Strategy when determining applications affecting the Dedham Vale AONB. Conflicting proposals will not be permitted.**

### **Tendring District Local Plan Proposed Submission Draft (2012)**

#### **Chapter 5 – Planning for Places**

### **Policy PLA5 - The Countryside Landscape**

5.29 The countryside in our district is one of its key assets both in terms of tourism and the living environment of our residents. The district is diverse in its landscape character and appearance and certain areas are particularly sensitive to development and change.

5.30 The most notable countryside landscapes include the Dedham Vale Area of Outstanding Natural Beauty (AONB) in the north west of the district and the coastal slopes around the district which afford spectacular views to and from the coast and estuaries.

5.31 *The southern shore of the Stour Estuary is recognised in particular for its natural beauty and whilst it is not currently designated as an AONB, the Council supports the inclusion of this area in the Suffolk Coast and Heaths AONB which currently covers only the northern shore of the Stour Estuary in Suffolk. The Council will work with its partners in Suffolk to seek the formal designation of the area as an AONB but in the meantime, it will be subjected to the highest level of protection in order to protect its quality and character.*

5.32 *In selecting which sites to allocate for new development in the Local Plan, the Council has taken particular care to assess the value of the landscape and, where practical, allocate sites with the lowest sensitivity, protecting and enhancing valued landscapes, geological conservation interests and soils, including a preference in favour of previously developed land (Brownfield Sites) where possible and protecting the district's best and most versatile agricultural land.*

5.33 *The National Planning Policy Framework requires Local Planning Authorities to maintain the character of the undeveloped coast, protect its distinctive landscapes and improve public access to and enjoyment of the coast. 'Coastal Protection Belt' was identified by Essex County Council in the 1980s in recognition that the undeveloped coast is a unique, finite and irreplaceable resource in its own right which justifies its protection, regardless of its other qualities. In accordance with this policy, development will only be permitted within the Coastal Protection Belt in exceptional circumstances.*

5.34 *In 2001 a Landscape Character Assessment was carried out which identified 30 different landscape areas with different characteristics and highlighted key sensitivities that need to be taken into account when considering development proposals in the countryside in any part of the district whether it is covered by a landscape designation or not.*

5.35 *This policy will primarily apply to development proposals in the countryside but development proposals within a built up area which could detract visually from key landscape or settlement characteristics of its surroundings would also be considered against the criteria of this policy (in other areas listed building and Conservation Area policies will provide such protection). In applying the policy, the Council will refer to the Tendring Landscape Character Assessment (2001).*

#### **Policy PLA5 - The Countryside Landscape**

***The Council will work with adjoining authorities to ensure the continued protection of the Dedham Vale Area of Outstanding Natural Beauty (AONB) and will refuse planning permission for any development that would harm or otherwise fail to conserve its natural***

***beauty, including views towards it from the outside. These areas are defined on the Policies Maps.***

***The Council will also work in partnership with adjoining authorities on the 'Stour Project' to secure the extension to the Suffolk Coast and Heaths AONB to cover the southern part of the Stour Estuary between Mistley and Ramsey. The extent of the proposed area is depicted on the Policies Map and, until it is formally designated as an AONB, will be subject to a high level of protection to protect its quality and character.***

***The tourism potential of the countryside will be promoted and opportunities to improve public access and provide appropriate tourist facilities and visitors centres will be supported subject to detailed consideration against the policies set out elsewhere in the Local Plan.***

***The Council will seek to protect the open character of the undeveloped coastline by refusing planning permission for developments in the 'Coastal Protection Belt' that do not have a compelling functional or critical operational requirement to be located there. The Coastal Protection Belt is shown on the Policies Maps.***

***The quality of the district's landscape and its distinctive local character will be protected and, wherever possible, enhanced. Any development which would significantly harm landscape character or quality will not be permitted. The Council will seek in particular to conserve the following natural and man-made features which contribute to local distinctiveness:***

- a. estuaries and rivers, and the undeveloped coast;***
- b. skylines and prominent views, including those of ridge tops and plateau edges;***
- c. the settings and character of settlements and of attractive and/or vernacular buildings within the landscape;***
- d. historic landscapes and listed parks and gardens, ancient woodlands, and other important woodland, hedgerows and trees; and***
- e. the traditional character of protected lanes, other rural lanes, bridleways and footpaths.***

***Where a local landscape is capable of accommodating development, any proposals shall include suitable measures for landscape conservation and enhancement.***

**Colchester Borough Council's Local Plan- Core Strategy (2008) and Development Policies (2010)**

**Policy ENV1 - Environment**

***The Borough Council will conserve and enhance Colchester's natural and historic environment, countryside and coastline. The Borough's biodiversity, geology, history and archaeology will be safeguarded through the protection and enhancement of sites of international, national, regional and local importance. Developments that have an adverse impact on Natura 2000 sites or the Dedham Vale Area of Outstanding Natural Beauty will not be supported.***

***Unallocated greenfield land outside of settlement boundaries will be protected and where possible enhanced, in accordance with the Landscape Character Assessment. Within such areas development will be strictly controlled to conserve the environmental assets and open character of the Borough.***

***Where new development needs, or is compatible with, a rural location, it should demonstrably:***

- (i) be in accord with national, regional and local policies for development within rural areas, including those for European and nationally designated areas; and***
- (ii) be appropriate in terms of its scale, siting, and design; and***
- (iii) protect, conserve or enhance landscape and townscape character, including maintaining settlement separation; and***
- (iv) protect, conserve or enhance the interests of natural and historic assets; and***
- (v) apply a sequential approach to and at risk of fluvial or coastal flooding in line with guidance in PPS25; and***
- (vi) protect habitats and species and conserve and enhance the biodiversity of the Borough; and***
- (vii) provide for any necessary mitigating or compensatory measures.***

*Colchester's countryside and coastline is extremely diverse and important in terms of its natural environment, biodiversity, landscape character, archaeology and cultural heritage. The countryside provides the attractive landscape setting that defines and characterises the villages and rural communities of Colchester Borough. The countryside and coastal areas also provide important agricultural, tourism and recreational opportunities that support local economies and communities.*



*The Dedham Vale Area of Outstanding Natural Beauty extends into the northern part of the Borough and has the highest status of protection in relation to landscape and scenic beauty.*

*Policy ENV1 aims to control development outside settlement boundaries to protect open stretches of countryside around and between existing settlements to prevent coalescence and retain settlement identity. The Landscape Character Assessment will inform the detailed application of the relevant policy criteria.*

*The historic environment will be protected across the Borough with reference to the Townscape Character Assessment, the Urban Archaeological Database and the Historic Environment Characterisation Study.*

## **ENV2 – Rural Communities**

***The Borough Council will enhance the vitality of rural communities by supporting appropriate development of infill sites and previously developed land (PDL) within the settlement development boundaries of villages. The design and construction of new village development must be high quality in all respects, including design, sustainability and compatibility with the distinctive character of the locality.***

***Outside village boundaries, small-scale rural business, leisure and tourism schemes will be favourably considered that are appropriate to local employment needs, minimise negative environmental impacts and harmonise with the local character and surrounding natural environment.***

Both ENV1 and ENV2 set out flexible approaches that seek to support rural communities and rural regeneration whilst maintaining a balance between environmental considerations and appropriate growth.

The following adopted Development Policies in Colchester's Local Plan are relevant to the protection of the Dedham Vale AONB including:

### **DP1 (Design and Amenity)**

***All development must be designed to a high standard, avoid unacceptable impacts on amenity, and demonstrate social, economic and environmental sustainability. Development proposals must demonstrate that they, and any ancillary activities associated with them, will:***

***(i) Respect and enhance the character of the site, its context and surroundings in terms of its architectural approach, height, size, scale, form, massing, density, proportions, materials, townscape and/or landscape setting, and detailed design features. Wherever possible development should remove existing unsightly features as part of the overall development proposal;***

***(ii) Provide a design and layout that takes into account the potential users of the site including giving priority to pedestrian, cycling and public transport access, and the provision of satisfactory access provision for disabled people and those with restricted mobility;***

***(iii) Protect existing public and residential amenity, particularly with regard to privacy, overlooking, security, noise and disturbance, pollution (including light and odour pollution), daylight and sunlight;***

***(iv) Create a safe and secure environment;***

***(v) Respect or enhance the landscape and other assets that contribute positively to the site and the surrounding area; and***

***(vi) Incorporate any necessary infrastructure and services including recycling and waste facilities and, where appropriate, Sustainable Drainage Systems (SuDS), and undertake appropriate remediation of contaminated land***

***For the purpose of this policy ancillary activities associated with development will be considered to include vehicle movement.***

*3.1 New development can play an important role in achieving a high quality environment. Applicants submitting new proposals will need to demonstrate that new development will relate well to the existing surrounding context, both natural and built, resulting in development of a coherent and interesting character.*

*Requests for information to demonstrate these points will be reasonable and proportionate to the nature and scale of the proposal, in line with the Government's efforts to streamline the planning system. For many applications, a Design and Access Statement will be the main source of justification on the design of a proposal. In simple terms this will explain how the design has come about and what the scheme is trying to achieve. For larger schemes, applicants may wish to refer to the Urban Place Supplement developed by Essex County Council, which provides detailed guidance on the scope of a context appraisal for urban areas and considers the spatial, built form, functional, operational, and community context for new proposals.*

*3.2 Development must positively contribute to the public realm, identifying, preserving or enhancing the existing sense of place, townscapes or streetscapes, key views, roofscapes, landmarks, green links and spaces, and other focal points. Development schemes should protect existing landscape features such as mature trees, hedgerows and ponds, wherever possible. Additional planting may be required to maintain and enhance these features.*

*3.3 Good design also relates to the layout of the development. Giving priority to non-car based modes of transport including pedestrians and cyclists will assist in creating an environment that is both attractive and safe*

for its intended users, and also help to promote sustainable forms of development.

**DP22 (Dedham Vale Area of Outstanding Natural Beauty)**

**Development will only be supported in or near to the Dedham Vale Area of Outstanding Natural Beauty (AONB) that:**

- (i) makes a positive contribution to the special landscape character and qualities of the AONB;**
- (ii) does not adversely affect the character, quality views and distinctiveness of the AONB or threaten public enjoyment of these areas, including by increased vehicle movement; and,**
- (iii) supports the wider environmental, social and economic objectives as set out in the Dedham Vale AONB & Stour Valley Management Plan.**

**Where exceptionally development is essential, landscape enhancements, mitigation or compensation measures must be provided to the Local Planning Authority's satisfaction. Any existing development that adversely affects the landscape qualities of the AONB will be expected to satisfactorily mitigate this impact as part of any new development proposals.**

9.22 The Dedham Vale AONB has been designated for its national importance in terms of landscape quality, and is further enhanced through its close association with the works of artist John Constable. The quality of the landscape is defined by its natural beauty and the integration of the man-made elements within it, and the primary aim of the designation is to conserve and enhance this character.

9.23 It is essential that AONBs are conserved and enhanced. However it is acknowledged that the Dedham Vale is a 'living' landscape which needs to be able to adapt, change and respond positively to changing social, economic and environmental issues (climate change, declining agricultural sector, recreational pressures) to meet the needs of the local community and visitors to the area. In exceptional cases development proposals that help maintain the economic and social wellbeing of the AONB will be supported where these do not detract from the special character/quality of the AONB. Minor house extensions may have little opportunity to enhance the landscape qualities of the AONB and accordingly will not be exclusively rejected on this basis where otherwise acceptable. Proposals outside of the AONB will not be supported where, in the opinion of the Local Planning Authority, they will have an impact on the public enjoyment of the AONB.

## **Appendix B - AONB appeal decision examples relating to “the setting”**

62. The potential for development to impact on the setting of the Dorset AONB, and hence being a material matter in the consideration of the acceptability of that development, has been affirmed by the Planning Inspectorate. In respect to an appeal against the refusal of permission for the “creation of a new static caravan community of 30 bases and a reduction of 30 bases elsewhere on the park”. [APP/P1235/A/06/2012807, 2007] the Inspector wrote:

*“I consider that the area immediately abutting an AONB will be relevant where the appreciation of the natural beauty of the designated area may be affected by what lies outside it. In my view, this is analogous to development outside of a Green Belt, where Planning Policy Guidance Green Belts (PPG2) advises, at paragraph 3.15, that the visual amenities of the Green Belt should not be injured by proposals for development conspicuous from the Green Belt which, although they would not prejudice the purposes of including land in Green Belts, might be visually detrimental by reason of their siting, materials or design. I therefore agree with the Council that the effect on the AONB is a material consideration.”*

63. Detailed consideration of the adverse impact of the “Construction and operation of a four 100m turbine wind farm for electricity generation, including ancillary buildings and activities. The proposed wind farm will have a maximum rated output of 12MW.” on the special qualities of Exmoor National Park was given by the Inspector in appeal ref APP/Y1138/A/08/2084526, 2008:

*“I turn now to views south from Exmoor, and the setting on the National Park. Although it was suggested that the evidence presented in opposition to the proposal was tantamount to the creation of a buffer zone to the south of Exmoor, I accept that this is not the case. The special qualities of Exmoor include the description of “a landscape that provides inspiration and enjoyment to visitors and residents alike”. In my judgment part of the enjoyment stems from the appreciation of Exmoor in its rural setting, and the land to the south is a significant element in that. The National Park clearly has a setting framed by the land to the south, and proposals must be considered individually or cumulatively in respect of the setting. The definition of setting is difficult to pin down in many instances. For a particular building it might involve hard boundaries such as walls, but for a landscape it involves concepts such as topography, land use, character, vegetation and more.”*

*“So the effect on the character and appearance of the area, and the setting of Exmoor, can be summarised thus. The visual experience will vary from location to location, and will be of a major and substantial intrusion in places. There would be serious harm to landscape character. But from*

*some places there would be levels of visibility and intrusion which would not, in my judgment, be so harmful as to weigh against the proposal. I consider that the skyline views and movement of blades would, notwithstanding the separation from Exmoor, impinge upon the appreciation of the special qualities of Exmoor to a material degree.”*

64. An Inspector, in dismissing appeal ref: APP/H1840/A/06/2023564, addressed the issue of the proposed development of a haulage depot and storage buildings outside the AONB that impacted adversely on views out from the Cotswolds AONB:

*“From the elevated vantage point of the Cotswold Way [within the AONB] the greater density of the development would be readily apparent, as although the site forms part of a vast panorama, it would be towards the front of that view.”*

And towards the Cotswolds AONB:

*“From lower viewpoints ... the breach of the AONB skyline would not be mitigated”*

65. The Secretary of State, in dismissing appeal ref: APP/U2235/A/09/2096565 addressed the “setting” issue regarding a proposed freight transport depot adjoining the Kent Downs AONB:

*“The Countryside, the Special Landscape Area and the AONB  
The Secretary of State agrees with the Inspector’s reasoning and conclusions, as set out at IR18.29 – 18.52, regarding the impact of the proposed development on the countryside, Special Landscape Area and the AONB. He agrees that the majority of the appeal site is attractive open countryside and that, whilst the noise of the M20 / HS1 is a negative feature of the area, the site nonetheless has a strongly rural character and atmosphere (IR18.31). He further agrees that, overall, the proposal would cause substantial harm to the open countryside character and appearance of the site and would be in conflict with relevant development plan policies (IR18.34). The Secretary of State agrees with the Inspector’s conclusion that the appearance and scale of the development would be alien and out of character with the countryside and the existing built-form of neighbouring settlements, and that it would cause substantial harm to the setting of the AONB (IR18.45). Given the importance and value of the open countryside which currently forms the appeal site and of the AONB which adjoins it, and given the harm the proposal would cause to them, the Secretary of State agrees that substantial weight should be given to these matters in the determination of the appeal (IR18.52).”*

Gloucestershire Waste Core Strategy – Inspectors report

66. The test to be applied in the case of major development proposals within any of the County’s three Areas of Outstanding Natural Beauty is, in essence, that in paragraph 116 of the NPPF. While including in policy the effects on the setting of



an Area of Outstanding Natural Beauty is not specifically envisaged by the NPPF nor is its inclusion in Local Plan policy expressly excluded. In any event, if the policy was to be varied as suggested by some, the test would simply be applied as part of the assessment of the effect on the general landscape.

Taking all these matters into account the Inspector recommended MM19 as drafted by Gloucestershire County Council

Modification MM19

Core Policy WCS11 and associated text changes

Replace Paragraph 4.223 with the following:

*4.223 Gloucestershire has a diverse landscape as a result of a number of factors including its unique geology, culture, and socio-economic influences. In 2006 a Landscape Character Assessment was produced on behalf of Gloucestershire County Council which identified 38 landscape types within the county. It accompanied two earlier district landscape assessments for the Forest of Dean (2002) and the Cotswolds (2004).*

*4.224 Over 50% of the county is falls within the Cotswold AONB, Wye Valley AONB and the Malvern Hills AONB and as a national designation AONBs have been confirmed by the Government as having the highest status of protection in relation to landscape and scenic beauty. The conservation of the natural beauty of the landscape and countryside should therefore be given great weight in planning policies and planning decisions in these areas. Planning policies should also support suitably located and designed development that may be necessary to facilitate the economic and social well-being of the AONB and its communities.*

Replace paragraph 4.229 with the following:

*4.229 The proposed locational strategy set out in Core Policy WCS4 ensures that all of the strategic site allocations identified in the WCS are located outside of the AONB. There is however of course the possibility of speculative unplanned development proposals coming forward and as such we need to ensure an appropriate policy framework is in place to determine these against the national designation of AONB and the potential impact of development on all landscapes of the county.*

4.230 Our proposed approach is set out in Core Policy WCS11

Core Policy WCS11 – Landscape

General Landscape

*Proposals for waste development will be permitted where they do not have a significant adverse effect on the local landscape as identified in the significant*

*adverse impacts can not be fully mitigated, the social, environmental and economic benefits of the proposal must outweigh any harm arising from the impacts.*

#### **Areas of Outstanding Natural Beauty (AONB)**

*Proposals for waste development within or affecting the setting of the Cotswolds, Wye Valley and Malvern Hills Areas of Outstanding Natural Beauty (AONB) will only be permitted where it can be demonstrated that:*

- There is a lack of alternative sites not affecting the AONB to serve the market need; and*
- The impact on the special qualities of the AONB as defined by the relevant management plan (including the landscape setting and recreational opportunities) can be satisfactorily mitigated; and*
- The proposal complies with other relevant development plan policies.*

*In the case of major development within the AONB, a proven public interest must be demonstrated. Planning permission will only be granted in exceptional circumstances following the most rigorous examination and subject to the criteria above.*

*The County Council will continue to work in partnership with the respective AONB Conservation Boards and/or Joint Advisory Committees to help deliver the vision and objectives of the AONB Management Plans and Waste Core Strategy (WCS).*

*1 <http://www.gloucestershire.gov.uk/index.cfm?articleid=13187Landscape> Character Assessment1 or unless the impact can be mitigated.*

67. The Inspector, in dismissing appeal ref: APP/W0340/A/12/2175116 addressed the issue of the effect of a proposal for a single storey building to house a children's soft play area and café on the character and appearance of the area which is located within the North Wessex Downs Area of Outstanding Natural Beauty (AONB). The Inspector also considered whether the proposal would be suited to this location having regard to local policy on economic development in the rural area.

*It was concluded that the proposal would change the nature of the existing business from that of a modest rural enterprise within the AONB to one which would bring about a significant increase in the amount of built development and activity at the appeal site. As a result, it would be likely to harmfully change the character of the AONB through increased development and activity.*

*The impact of such an increase in built form it was argued would not be sufficiently ameliorated by the claimed environmental benefits of the landscaping scheme and the proposal would therefore be detrimental to the character and appearance of the AONB. Furthermore despite the proposal creating new rural employment, the Inspector found that that the location was not sustainable and would result in increased traffic. It was concluded that the claimed benefits*

deliverable by the proposal did not outweigh the adverse impacts generated by the proposal or the conflict with national and local policies.

### **Appendix C - Special qualities of the Dedham Vale AONB**

- A predominantly farmed landscape with little evidence of urban sprawl, close to the conurbations of Colchester and Ipswich. As a result, some parts of the area, particularly around Flatford and Dedham, are tourist honey pots sites, attracting in excess of 200,000 visitors per year.
- In many areas within the AONB, the farming follows a traditional pattern of grazing on the valley floor and arable production on the valley sides.
- The river Stour, which winds through the landscape, is a peaceful waterway, flanked by willows and water meadows. However, it is a canalised river, hence it has an interesting industrial heritage.
- Small fields, woodland and hedgerows still feature in the area, making it a quintessential lowland English Landscape.
- The relatively traditional landscape allows for a rich diversity of native flora and fauna, including black poplars, barn owls and otters.
- The landscape was the main inspiration for the artist John Constable, who was born in the area in 1776 and who is universally regarded as one of the England's foremost landscape painters.
- The small area known as Constable Country, which runs from Stoke by Nayland in the west to Flatford in the east, inspired the majority of Constable's finest paintings, including *The Haywain* and *The Leaping Horse*, as well as hundreds of sketches.
- In the area around Flatford, the National Trust manages the landscape to reflect Constable's paintings, a unique example of landscape management.
- Other well known artists have gained inspiration from the area, including Alfred Munnings and John Nash.
- Many fine timber framed buildings in the AONB are evidence of the area's medieval prosperity as a wool producing landscape. Later brick fronted and brick built buildings are indicative of the area's continued agricultural prosperity and early industrialisation.

## **Appendix D - References**

Babergh District Council (2011) *Babergh Development Framework Core Strategy (2011- 2031) Section 3.3 Submission Draft Part 1 of Babergh's New Local Plan* Hadleigh Babergh District Council

Colchester Borough Council 2008 *Local Development Framework Adopted Core Strategy pp 65-67* Colchester Colchester Borough Council

Colchester Borough Council 2008 *Local Development Framework Adopted Development Policies pp12-13 & 52* Colchester Colchester Borough Council

CLG (2012) *National Planning Policy Framework* London

*DCLG, DCMS and EH (2010) PPS5 Planning for the Historic Environment: Historic Environment Planning Practice Guide* London English Heritage

English Heritage (2011) *The Setting of Heritage Assets* English Heritage London

English Heritage (2012) *Seeing the History in the View: A Method for Assessing Heritage Significance Within Views* English Heritage London

NAAONB (2013) *NAAONB Planning Group Guidance on Strengthening AONB Designation in the Planning Process (version 3)* Gloucestershire NAAONB

ODPM (2004) *Planning for Renewable Energy A Companion Guide to PPS22* Norwich HMSO

Tendring District Council (2007) *Adopted Local Plan* Tendring Tendring District Council

Tendring District Council (2012) *Tendring District Local Plan Proposed Submission Draft* Tendring Tendring District Council



## Local Plan Committee

Item  
**11**

25 September 2013

<b>Report of</b>	<b>Head of Commercial Services</b>	<b>Author</b>	<b>Sarah Pullin</b>
<b>Title</b>	<b>Government Consultation – Greater flexibilities for change of use</b>		
<b>Wards affected</b>	<b>All</b>		

**The Local Plan Committee is asked to note the current government consultation which proposes greater flexibilities for change of use, and to agree the proposed officer response**

### **1. Decision(s) Required**

- 1.1 The Local Plan Committee is asked to note the current government consultation which proposes greater flexibilities for change of use
- 1.2 To agree the proposed officer response, prior to sign off by the portfolio holder

### **2. Reasons for Decision(s)**

- 2.1 To ensure the Council takes the opportunity to try to influence proposed changes to national planning legislation, which will impact upon the Council's level of control over development in the Borough.

### **3. Alternative Options**

- 3.1 An alternative option would be to not respond to the consultation. However, officers feel that is important to feed into the consultation process and highlight the Council's concerns with the proposals.

### **4. Supporting Information**

- 4.1 The planning proposals put forward as part of this consultation are aimed at supporting government priorities for making better use of existing buildings, supporting the high street and rural communities; providing new housing; developing more free schools and contributing to the provision of childcare for working families.
- 4.2 The Town and Country Planning (Use Classes) Order 1987 (as amended) and the Town and Country Planning (General Permitted Development) Order 1995 (as amended) are deregulatory tools which allow change of use between land uses that have similar impacts, without the need to apply for planning permission. In the 2013 Budget Statement the Government announced its intention to consult on



proposals to allow further flexibilities between use classes to support change of use from certain agricultural and retail uses to residential.

4.3 The consultation paper states *“we want decisions to be taken at the right level and often this can be allowing an owner to decide on the most appropriate future use of a commercial property where the current use is no longer economically viable. It is important that we focus on bringing empty and redundant buildings back into use and support brownfield regeneration. In doing so we can increase the resident population around and near town centres. This will support the existing shops by increasing footfall”*.

4.4 The consultation seeks views on five proposals for new permitted development rights, as follows:

- To create a permitted development right to assist change of use and the associated physical works from an existing building used as a small shop or provider of professional/financial services (A1 and A2 uses) to residential use (C3);
- To create a permitted development right to enable retail use (A1) to change to a bank or a building society;
- To create a permitted development right to assist change of use and the associated physical works from existing buildings used for agricultural purposes to change to residential use (C3);
- To extend the permitted development rights for premises used as offices (B1), hotels (C1), residential (C2 and C2A), non-residential institutions (D1), and leisure and assembly (D2) to change use to a state funded school, to also be able to change to nurseries providing childcare; and
- To create a permitted development right to allow a building used for agricultural purposes of up to 500m<sup>2</sup> to be used as a new state funded school or nursery providing childcare.

All proposals also include permission to carry out building work connected with the change of use.

4.5 The consultation paper asks a specific question in relation to each of the proposals, as well as a more general question asking for any further comments. In total, there are six questions.

4.6 The proposed changes follow on from the changes to permitted development for householders, which came into effect in May this year. The government proposes to bring these additional changes into effect in April 2014, subject to the outcome of the consultation.

## **5. Proposals**

5.1 The planning policy team has identified a number of areas of concern in relation to the proposals put forward in the consultation document. It is, therefore, proposed the Council submits a consultation response to the government as drafted and attached as Appendix A.

5.2 In summary, the Council has concerns as follows:

- The proposals contravene the plan-led approach promoted by the NPPF and would remove local control.
- The government's aims in respect of this consultation can and should be met through the Local Plan production process.
- Whilst the proposals are intended to reduce bureaucracy, the prior approval process will instead add to councils' administrative burdens and costs. The set 'prior approval' fee would be below the level that the Council would receive to deal with a proposal through the standard planning application route.
- The proposals to allow conversion of shops to residential could diminish street level activity and visual interest, with reduced levels of retail offer. The prior approval process provides some protection against this, but does not offer the proper protection that the planning application process offers
- The proposals to allow existing buildings used for agricultural purposes to change use to a dwelling house would introduce residential dwellings into previously uninhabited areas in the countryside and would result in increased car journeys.

## **6. Strategic Plan References**

6.1 The Strategic Plan Action Plan contains a number of priority areas and outcomes to be achieved. Those of relevance to this report are:

- Regenerating the Borough through buildings, employment, leisure and infrastructure
- Improving opportunities for local businesses to thrive, including retail
- Promoting sustainability and reducing congestion

This report proposes a response to national government, which supports these Strategic Action Plan objectives.

## **7. Consultation**

7.1 This report proposes the submission of a response to the national government consultation which is currently being held, and which closes on 15 October 2013. It does not require any consultation at the local level.

## **8. Publicity Considerations**

8.1 The consultation may attract some publicity, particularly because of the implications for the town centre.

## **9. Financial Implications**

9.1 Staff time resource is the only financial implication in relation to the proposals in this report. However, the proposals in the government consultation, which this report relates to, may result in financial implications, in that they would be likely to lead to a reduction in the

receipt of Development Management fees. The proposals in this report aim to try and reduce the likelihood of these financial implications by raising concerns via the government consultation. It is not thought that any financial implications resulting from the Government proposals are likely to be significant.

**10. Equality, Diversity and Human Rights implications**

10.1 There are no particular equality, diversity or human rights implications.

**11. Community Safety Implications**

11.1 None

**12. Health and Safety Implications**

12.1 None

**13. Risk Management Implications**

13.1 A response to the government consultation, in line with that proposed in this report, may help to reduce the risk of unsustainable development along with negative financial implications for the Council.

**14. Disclaimer**

14.1 The information in this report was, as far as is known, correct at the date of publication. Colchester Borough Council cannot accept responsibility for any error or omissions.

**Appendix A**  
**Government Consultation – Greater Flexibilities for change of use**  
**Colchester Borough Council’s – Proposed Consultation Response**

**Question 1**

*Do you agree there should be permitted development rights, as proposed, for shops (A1) and financial and professional services (A2) to change use to a dwelling house (C3) and to carry out building work connected with the change of use?*

*How do you think the prior approval requirement should be worded, in order to ensure that it is tightly defined and delivers maximum benefits?*

- 1.1 Colchester Borough Council (CBC) does not agree and has serious concerns with the proposed introduction of permitted development rights for shops (A1) and financial and professional services (A2) to change use to dwelling houses (C3), together with the building work connected with the change of use.
- 1.2 CBC considers that it is illogical to permit dwellings in unsustainable locations on the basis of an existing agricultural building. This is highlighted by the fact that the proposed relaxation would allow the demolition and rebuild of the existing structure as opposed to the re-use of an existing building without substantial reconstruction or alteration. The presence of a structure does not render a site suitable for a dwelling. This is especially the case in designated landscapes or Article 1(5) land where the change in character could result in substantial harm contrary to national and local policy and the statutory framework.
- 1.3 CBC is concerned about the impact that a permitted development right of this kind could have on Colchester town centre. The proposals could undermine both the vitality and viability of the town centre. It will also undermine the plan-led system, removing the planning authority’s ability to plan positively to support economic growth and a successful town centre, as well as the ability to adapt to economic circumstances.
- 1.4 The change of use would impact disproportionately on independent retailers who commonly occupy smaller retail units. The independent retail sector adds local distinctiveness to the town centre and serves as an attractor for visitors. The loss of this sector would exacerbate the potentially adverse impact on the vitality of town centres.
- 1.5 The loss of retail units would diminish street level activity and visual interest, with reduced levels of retail offer, leading to a reduction in town centre visitor numbers, which would ultimately undermine the viability of Colchester town centre. The loss of retail units on the grounds that they are not required today would make them unavailable in a future climate when they are needed. A future demand for town centre retail units that cannot be met due to the loss of such units to residential use would challenge the continuing vitality of Colchester’s

historic town centre and would add to pressure for development of unsustainable, out of centre, retail development. This would conflict with the NPPF's aim to 'promote competitive town centre environments'.

- 1.6 For these reasons, it is felt vital that planning powers should be retained and that proposals for the change of use of retail units to residential use should continue to be dealt with through the proper planning application process. These types of proposals are often complex and should be dealt with comprehensively. Consideration of these proposals through the proper planning application process will enable each proposal to continue to be considered fully and properly in order that it can be judged on its merits, to ensure the continuing success and development of Colchester town centre.
- 1.7 CBC considers that the permitted development proposals could perhaps be more acceptable if they did not apply to core or primary shopping areas. However, paragraph 24 of the consultation paper states that there is no terminology that could be used in the wording of a permitted development which would secure the protection of core or primary shopping areas, so it is clear that this is not an option.
- 1.8 The NPPF provides that local plans should define the extent of town centres and primary shopping areas based on a clear definition of primary and secondary frontages. This is considered to provide a sufficient basis for plans to provide for greater flexibility of uses in secondary retail areas, without the need for changes in permitted development rights.
- 1.9 CBC has additional concerns relating to the details and complexities of the proposals, specifically in relation to the prior approvals system. On the surface, the proposals claim to liberalise the planning system. However, it seems that they replace one form of application with another, which adds confusion and complexities for all. It is incorrect to say the proposals involve the introduction of a 'national permitted development right' which implies a developer can act without explicit permission (para 25), when, in fact, they will be required to apply to the LPA for prior approval in respect of a number of factors. To some extent this could mean that authorities such as Colchester, with up-to-date local plans, may be able to support the retention of retail uses in primary shopping areas. However, CBC is concerned that proposals considered through the prior approval system will not be given full and proper consideration. If the government considers that proposals would receive full and proper consideration through the prior approvals system, then CBC would question how this is different to the standard planning application procedure (other than the fee) and what the benefits of such an approach would be, particularly given the disbenefits of the confusion that it would be likely to cause.
- 1.10 CBC notes that the government press release indicates that these new proposals are supported by the Portas Review, stating: "*The proposals*

*reflect the advice of the Portas Review, which recommended more flexibility for change of use, and would help the high street, rural communities and local retailers by increasing footfall and spending".* However, the Portas Review does not support the idea of the conversion of A1 and A2 properties to dwellings. Indeed, the very idea undermines the sustainability of town centres. Importantly, the Portas Review distinguishes between bringing back redundant buildings into active use, from changing important shops into low activity areas of residential use. The report suggests allowing empty retail units on high streets to be used for a range of community uses (e.g. schools, gyms, youth clubs, yoga, bingo, etc) and makes no suggestion of converting them for residential accommodation. The key thing being that there would be a gain for the general public - bringing a vacant building into community use, as opposed to the loss of a building resulting from conversion to residential use.

- 1.11 CBC would question what the aim of the introduction of the proposed permitted development rights is, and suggests that the impacts would be in direct conflict with the intended purpose of their introduction. CBC considers that the problem of vacant units could be more effectively addressed through incentives given through the business rates system, rather than the introduction of the proposed permitted development rights.

## **Question 2**

*Do you agree there should be permitted development rights for retail units (A1) to change use to banks and building societies?*

- 2.1 CBC does not have any great concerns with the proposal to allow change of use from A1 retail to banks and building societies, as it is considered to be an acceptable change of use and it is not thought that there would be a particularly big demand for such changes of use in any case. The Council is unclear what evidence base supports such a change given that, in the main, the number of banks on the High Street has reduced, rather than increased, over the past decades. There is also a question of whether differentiating between different uses within a use class would weaken the logic of treating uses as distinct categories. A simpler approach would be to include banks within the A1 use class.

## **Question 3**

*Do you agree there should be permitted development rights, as proposed, for existing buildings used for agricultural purposes to change use to a dwelling house (C3) and to carry out building work connected with the change of use?*

- 3.1 CBC does not agree that there should be permitted development rights, as proposed, for existing buildings used for agricultural purposes to change use to a dwelling house or with building work connected with that change of use.

- 3.2 CBC is strongly opposed to the introduction of such a permitted development right, but in the event that such a permitted development right was introduced, CBC is of the view that any option for demolition and rebuild should be removed, as this does not constitute reuse of redundant buildings and in effect allows for new dwellings in the open countryside. This is in direct conflict with the NPPF's aim of promoting sustainable development and also conflicts with the NPPF's principle of *'recognising the intrinsic character and beauty of the countryside'*.
- 3.3 The proposed changes to permitted development rights conflict with the aspiration to promote sustainable development, which is central to the NPPF. The construction of dwellings in the open countryside would result in increased car journeys with resultant impacts on increased carbon emissions and traffic congestion.
- 3.4 CBC considers that development proposals for agricultural buildings should be considered through the normal planning application process, on a case by case basis and the individual merits of the proposal. This would allow redevelopment where it could be considered to be sustainable, but would prevent the development of unsuitable, unsustainable development. A catch-all, permitted development rights, approach to this kind of development proposal would be imprudent, and would be likely to result in inappropriate and unsustainable development.
- 3.5 The prior approval process for agricultural buildings, limited to siting and design, traffic and highways, noise, contamination and flooding, cannot adequately address the range of potential impacts arising from permitted development rights for residential development in the countryside. The list excludes important considerations such as the impact of residential use on the intrinsic characteristics of the previously uninhabited countryside, as well as the overall sustainability of the proposals.
- 3.6 CBC is also very concerned that the proposed permitted development rights would apply to conservation areas, National Parks, AONBs, the Broads and World Heritage sites, particularly when the proposed change of use from shops to residential would not. The unspoilt nature and absence of residential development is often an intrinsic characteristic of many designated areas. For these areas, their special status warrants particularly close scrutiny of residential proposals and should not be subject to a relaxation in development restrictions. The proposed permitted development rights would be likely to undermine and prevent the protection of these important designated areas.

#### **Question 4**

*Do you agree that there should be permitted development rights, as proposed, to allow offices (B1), hotels (C1); residential institutions (C2); secure residential institutions (C2A) and assembly and leisure (D2) to change*



*use to nurseries providing childcare and to carry out building work connected with the change of use?*

- 4.1 CBC does not favour the proposed permitted development rights to allow the uses listed to change use to nurseries and to provide building work connected with the change of use.
- 4.2 It is felt that such proposals should be considered through the planning application process in order to ensure that development is appropriately located.

### **Question 5**

*Do you agree there should be permitted development rights, as proposed, for buildings used for agricultural purposes to change use to new state funded schools or nurseries providing childcare and to carry out building work connected with the change of use?*

- 5.1 CBC is strongly opposed to the introduction of permitted development rights, as proposed, for buildings used for agricultural purposes to change use to new state funded schools or nurseries providing childcare and to carry out building work connected with the change of use.
- 5.2 In most cases it is likely that the use of agricultural buildings for schools or nurseries would equate to highly unsustainable, inappropriate development. Due to the nature of schools and nurseries, such development would result in a relatively large increase in car travel and the associated impacts. The proposal is in complete conflict with the core aim of the NPPF; to achieve sustainable development.
- 5.3 Redundant agricultural buildings in the countryside are the least appropriate location for a use of this nature, which involves lots of people making at least two journeys to and from the building each day. The development is also likely to result in the need for deliveries such as educational equipment, as well as other deliveries, to meet day to day needs. Not only are the proposals likely to result in an increase in distance travelled and the consequential impacts on carbon emissions, but these buildings are often located off of narrow country roads which are not suitable to cater for usage associated with this type of development. The prior approval process includes transport considerations, but in the absence of detailed guidance, authorities may interpret this narrowly to only cover specific highways access issues, rather than broader sustainable transport concerns.
- 5.4 Paragraph 45 of the consultation document states that it can be difficult to find educational provision in rural areas. However, there is nothing in the consultation to suggest that the proposed permitted change of use would directly relate to local need, or of any mechanism to prevent people from outside of the immediate local area from attending a school or nursery in the countryside. This raises real sustainability

concerns where the result would be that people travel considerable distances, and potentially from urban areas (where this kind of development would be more sustainably and appropriately located), to reach schools or nurseries located in former agricultural buildings in the countryside. In addition to the extra distance that these locations are likely to add to car journeys, these locations do not offer opportunities for combined trips as it is unlikely that there would be shops, services or facilities nearby.

- 5.5 Proposals of this nature should be considered through the normal planning application process where they will be properly assessed and considered. This would prevent unsustainable development from coming forward, but would allow for the approval of sustainable development proposals.

### **Question 6**

*Do you have any comments and further evidence on the benefits and impact of our proposals set out in the consultation?*

- 6.1 Overall CBC considers that the proposed permitted development rights, if introduced, would result in the delivery of unsustainable development with detrimental impacts.
- 6.2 The proposals conflict with many of the NPPF's principles and policies. By removing planning management of these types of development, there is a high risk of undermining the plan-led system by reducing local planning authorities' ability to plan positively for their area in a way which promotes the achievement of sustainable development. The proposed permitted development rights will provide opportunities for the delivery of inappropriate and unsustainable development that could have wide and unintended adverse impacts. In many cases the developments will conflict with local policies (which have been formed based on a strong evidence base) and national policies, and are likely to have damaging, and irreversible, long term impacts.
- 6.3 CBC is concerned that the proposals remove local control over growth and development, to the detriment of the wider environment and wider considerations. The dictation of detailed planning policy at the national level, with no regard for local or specific circumstances, is not felt to be appropriate, given the resultant harm that it would be likely to result in. CBC is also concerned that the proposals are in direct conflict with the Government's Localism agenda. The proposals would remove or reduce the level and ability of local people, who may be affected by the proposed development, to raise their concerns and influence the plans. The proposals are incompatible with the government aim of empowering people to shape their local areas. They also conflict with many of the aims and objectives of the NPPF.
- 6.4 CBC is concerned that the proposals are in danger of creating a grossly unfair system, with dramatic disparities between proposals

which may benefit from a prior approval process and those which would not. For instance, a piece of land could benefit from pd rights for unsustainable development in the countryside, simply because of the existence of a dilapidated barn, whereas others would have to go through the proper planning process.

- 6.5 CBC considers that the 'prior approval' system will introduce additional pressure on Councils', extremely limited, and already stressed, financial resources. It is not felt appropriate to remove Councils' ability to recoup the costs of dealing with development proposals through the introduction of further 'prior approval' responsibilities where the cost is determined at a national level which does not reflect the cost incurred by local planning authorities in dealing with 'prior approvals', especially at a time when local authorities are facing drastic budget cuts and huge financial challenges. A charge of £80/£172 is not an adequate reflection of the amount of time an authority would need to spend on considering a prior approval application. It is not felt that the introduction of the proposed permitted development rights would instigate or promote economic growth, nor is it felt that the reduction in fee itself (from planning application fee to, nationally established, prior approval fee) will act as an economic incentive. It is considered that a proper and appropriate fee would not deter any potential applicant or developer, making this an unnecessary and unbeneficial burden on local planning authorities. The burden could stretch Ips to a point that would result in wider negative implications on the planning system and its implementation.
- 6.6 It is considered that the plan-led approach is essential to ensuring the achievement of sustainable development and the associated goals, such as promoting competitive town centres, reducing carbon emissions and supporting economic growth. CBC is concerned that the proposed permitted development rights would undermine the plan-led system and the achievement of these goals. The most appropriate way to deal with proposed changes of use, detailed in the consultation paper, is through the planning application process, in accordance with the Plan, where individual proposals will be fully and properly considered on their merits. This will contribute towards the achievement of sustainable development and avoid the unintentional detrimental impacts highlighted in this response, and prevent the delivery of unsustainable development.

## Local Plan Committee

Item  
**12**

Date: 25 September 2013

Report of	Head of Commercial Services	Author	Vincent Pearce
Title	DCLG Consultation Paper: Housing Standards Review		
Wards affected	All		
			01206 282452

**This report provides members with a brief explanation and examination of the implications of the Government's published suggestions for changes to a range of current housing standards achieved via the Building Regulations and planning processes. It is intended that this report, if endorsed by the Local Plan Committee and noted by the Planning Committee will be passed to the Portfolio Holder for Planning, Community Safety & Culture for consideration as the formal views of Colchester Borough Council in respect of the proposals.**

### 1.0 Decision(s) Required

- 1.1 Members are asked to agree the comments detailed in Appendix 1.
- 1.2 The comments in Appendix 1 and any additional comments made by the Committee will form the basis of a recommendation to the Portfolio Holder for Planning, Community Safety & Culture, who will consider and finalise the formal Council response.

### 2.0 Reasons for Decision(s)

- 2.1 The Government's Consultation Paper: Housing Standards Review is considered to propose some interesting potential changes to housing standards that can be secured through the planning process. If implemented it is expected that a number of these would impact on a number of the Council's current local plan policies and adopted standards. This could well prompt a need for a selective review of certain policies and a consequent amendment of some. On that basis it is considered appropriate to share this report with Members directly involved in the planning policy process. It should be noted that many of the proposed changes relate to the Building Regulations which sit outside of the planning process and Members are not being asked to directly comment on these aspects of the Consultation Paper.

### 3.0 Alternative Options

- 3.1 The Local Plan Committee could decide not to comment on the Consultation Paper and leave the formal response to the Portfolio Holder.
- 3.2 The Local Plan Committee can amend all or some of the proposed responses.

## 4.0 Supporting Information

4.1 In August 2013 the Government in the shape of the Department for Communities & Local Government (DCLG) published its Consultation Paper titled: "Housing Standards Review".

4.2 The Government describes the aim of the consultation as:

"...to seek views on the results of recent review of Building Regulations and housing standards. This was a radical reform of the framework of building regulations, guidance, local codes and standards which aimed to reduce bureaucracy and costs on house builders – supporting growth whilst delivering quality, sustainability, safety and accessibility."

4.3 The deadline for consultation responses has been set by the DCLG as 22 October 2013. This provides for a 10-week consultation period.

4.4 In 2011 an industry led examination of housing standards was undertaken with a view to finding a way of simplifying them. In view of the range and complexity of standards that were being applied both nationally and locally it was decided to approach the review on a themed basis. The conclusion reached by the Housing Delivery Group was that there was significant scope for rationalisation.

4.5 The Consultation Paper now looks to put shape to this potential rationalisation.

4.6 The Government accepts that there is a balance to be struck between industry led voluntary codes and standards that are nationally described and subject to local cost benefit analysis or viability assessments or rigorous local needs assessments. It is this aspect of the debate that is the most important part.

4.7 This is borne out by the fact that the Government is canvassing opinion on the best way to achieve delivery of changed standards. The following options are suggested:-

- 1) whether government should develop a nationally described standards set which would operate in addition to the Building Regulations (where rigorous local needs and viability testing indicated it could apply);
- 2) whether government should develop a nationally described standards set as a stepping stone en route to integrating standards into Building Regulations at a future date;
- 3) whether the Government should move now to integrate standards directly into Building regulations, as functional tiers, and no technical standards would remain at all outside of the Building Regulations system, recognising that this will take time and may require legislative change.

4.8 The themes explored within the Consultation paper are as follows:-

1. Accessibility
2. Space
3. Security
4. Water efficiency
5. Energy
6. Indoor environmental standards
7. Materials

## 8. Process and compliance.

- 4.9 Rather than explore each of the themes in detail at this point within this report Members are asked to consider the content of Appendix 1 which effectively provides that material by way of recommended responses to the sixty-four pre-set theme based questions.
- 4.10 Generally the objectives of the Housing Standards Review are supported including the proposed simplification of local housing standards and the aspiration to ensure dwellings are built to a consistently high standard across the country.
- 4.11 The Review states that it is principally concerned with technical planning standards inside dwellings and therefore contributions have been secured from across the Council where relevant.
- 4.12 The Council's Building Control Service has considered the content of the Consultation Paper and broadly accepts that the best way to enforce these standards is through the Building Regulations. They have provided some of the detailed commentary within Appendix 1 when discussing preferred options.
- 4.13 The Planning Policy Team is mindful of the effect minimum standards such as space and accessibility can have on accommodating a diverse housing stock and also the effect this may have on viability of developments. The team are of the opinion that housing standards and building regulations should be enforced through building control (as opposed to through planning policies) and that such a distinction should be maintained following this review.
- 4.15 Housing Strategy make the following comments:-

"The distinction between mandatory and voluntary codes is sensible, but the dividing line needs to be set carefully, especially because once a house is built it is likely to stand for many decades. At the present time, the housing market is a "sellers' market" and voluntary codes cannot necessarily be relied on to achieve the housing stock we require in the longer term.

### **Implementation**

We have some reservations about placing sole reliance on the Building Regulations whilst the Building Regulations are a well-established and relatively stable mechanism, it is also difficult to use them to push for higher standards in the way that for example the Code for Sustainable Homes has been able to do.

### **Standards for affordable housing**

Separate standards for social housing have served the sector well. Of course, if the private sector were willing/able to operate to the same standards then differences may no longer be justified, but it is not clear that this is so.

### **Accessibility**

We would support a national requirement across all sectors for Lifetime Home standards (LTH). Current estimates suggest that the extra costs of achieving LTH are modest – around £1k per unit, with a similar amount again for the extra space required. But the extra costs of achieving the wheelchair standard are much higher – around £12k, with a similar amount again for the extra space costs. If homes are

going to meet future needs and costs of adapting them are to be contained then it is much easier and a much lower cost to incorporate higher standards from the outset.

## **Space**

National space standards apply only in affordable housing through the HCA and GLA, although they may be enforced by LAs through planning policies. Given the variety of approaches there is obviously a case for harmonisation. Britain achieves the lowest floorspace in new build in Europe, and it is the only country without minimum standards. Our view is that we would favour a minimum standard that applies to all housing, not just affordable housing, that could then be consistently applied across England.

## **Energy**

We are concerned about the proposed ending of the Code for Sustainable Homes. While in theory its provisions can be incorporated elsewhere, the Code has been a powerful tool in its own right and has established a standard which those aiming for it have been proud to meet and to publicise. Compliance with the Code has been a key way to show how much higher eco-standards can be met and has created examples for the industry to follow. The Code is in effect a phased process of achieving progressively higher standards. It is unclear how such a process could be guaranteed through the Building Regulations, given that there were delays in implementing part L and the original proposals for it were watered down.

- 4.16 Operational Services have commented that they support the principle of design standards for bin enclosures but emphasise the need for these to be designed not just from an aesthetic perspective but to also have regard to ease and operational efficiency of collection and the health & safety of the refuse collectors. Anything that adds undue delay to collection has serious implications for the cost and efficiency of collection and round/collection route design.
- 4.17 The Consultation Paper is considered to have a serious omission in terms of scope when it comes to fire safety. Whilst it is not a matter referred to in the Government's Consultation Paper, members are also asked to endorse a reference in the formal response to the Council's support for a Government review of the Building Regulations that would require the widespread installation of sprinkler systems in new buildings particularly schools. This Council has indicated its support for The Essex Fire & Rescue Services initiative to raise the awareness of the benefits of installing sprinkler systems in new buildings and the recent complete destruction.

## **5.0 Proposals**

- 5.1 The principle of employing housing standards is one that the Council can support. As always the devil will be in the detail and until these have been agreed and introduced it is difficult to assess just how far any national standards will align with the Council's own approach in terms of broad standards within the Local Plan. This is because the Council's standards tend to deal with external space whereas what the Government is proposing are a raft of highly specific technical standards for internal space. The technical nature of the proposed internal standards options are such as to sit within the existing Building Regulation regime rather than a strategic planning level. The Local Plan Committee is unlikely to want to consider detail as specific as stop cock positions. This level of technical detail is not considered to warrant the Local Plan Committee's detailed consideration. It is unlikely that this Council would wish to accept lesser broad planning standards than we already



operate. Furthermore our support should be cautious at this stage because a nationally set of standards may not fully reflect regional differences in terms of viability. Similarly any nationally prescribed standards need to afford local planning authorities with enough freedom to ensure that local distinctiveness is maintained where appropriate in new schemes and that design and urban design standards achieved are as high as Members' now expect whilst balancing viability considerations. Members' have always sought to aim higher than achieving a bland ubiquity when it comes to the design of new development. Any move towards a system of standards that produces government supported national house types needs to be carefully considered for fear that it result in a drop in the quality of life in Colchester. That said this Council can support the proposed changes on the basis that anything that promotes improved standards is welcomed even where the enforcement of these will sit largely outside of the planning regime.

5.2 Generally speaking The Council supports the move to include the proposed changed standards into the Building Regulations where they can be effectively applied and enforced as an extension of existing arrangements. This provides a statutory basis for forcing up standards. That's aid the Council also has concerns that the sweeping away of the Code for Sustainable Homes will potentially remove a tool for pushing standards upwards in an inspirational way. This may leave the door open for the planning process to take developers beyond the Building Regulations where viability and specialised marketing allow in the form local plan policies.

5.3 The Council has reservations around changes to energy standards in that the devaluation of loss of the Code for Sustainable Homes will mean a valuable promotional tool will be lost from Councils' toolboxes for encouraging advances in energy conservation beyond what baseline standards within the Building regulations may allow.

5.4 The Council's proposed response to the consultation is attached as Appendix 1.

## **6.0 Strategic Plan References**

6.1 In responding to this DCLG Consultation Paper the Council is demonstrating leadership for the future, that it is responding and inspiring. As a proactive and progressive local planning authority the Council wishes to play a part in shaping national planning policy in order to do what it can to ensure that it best supports the people and businesses of Colchester

## **7.0 Consultation**

7.1 None

## **8.0 Publicity Considerations**

8.1 This report has been subject to the Council's standard publicity process of being publicly available 5 working days before the Committee meeting.

## **9.0 Financial Implications**

9.1 None

## **10.0 Equality, Diversity and Human Rights Implications**

10.1 This report relates potential changes to national housing standards and within the proposals are suggestions for establishing a national set of access standards. It also explores whether standards that may be applied to open market private sector housing should be applied to public affordable housing and vice versa.

### **11.0 Community Safety Implications**

11.1 Similarly the Consultation Paper examines whether security standards should be prescribed by national standards

### **12.0 Health and Safety Implications**

12.1 This report relates to proposed changes to the Building Regulations. These have a direct relationship to health & safety.

### **13.0 Risk Management Implications**

13.1 None

### **14.0 Background Papers**

DCLG Consultation Paper: Housing Standards Review  
Adopted Development Policies 2010  
Essex Design Guide & Urban Place Supplement  
Adopted Essex Parking Standards



**The formal response of Colchester Borough Council in respect of:  
DCLG Consultation Paper: 'Housing Standards Review'**

As endorsed by the Local Plan Committee and as subsequently approved by  
Councillor Tim Young, the Portfolio Holder for Planning, Community Safety & Culture

**Q1: Which of the options (A, B or C) set out [reproduced below] do you prefer?**

Description for Members

- 1) whether government should develop a nationally described standards set which would operate in addition to the Building Regulations (where rigorous local needs and viability testing indicated it could apply);
- 2) whether government should develop a nationally described standards set as a stepping stone en route to integrating standards into Building Regulations at a future date;
- 3) whether the Government should move now to integrate standards directly into Building regulations, as functional tiers, and no technical standards would remain at all outside of the Building Regulations system, recognising that this will take time and may require legislative change.

**Please provide reasons for your answers.**

Option B seems to be a pragmatic solution to long term integration.

**Q2: Do you agree that there should be a group to keep the nationally described standards under review? Y/N.**

Yes. Inevitably review arrangements are essential to ensure that the broad spectrum of interested party perspectives and changing economic conditions are taken account of and that the reasoning for proposing further changes is transparent and open to industry-wide (including local government) discussion.

**Q3: Do you agree that the proposed standards available for housing should not differ between affordable and private sector housing? Y/N. Please provide reasons for your answer.**

A difficult question given that the market should provide an appropriate response to consumer demand and cost considerations. That said, building homes to new national standards on a voluntary basis suggests that the consumer will not have ready universal access to the type of home they require in every location where the general consumer is satisfied with current standards. On this basis the market is deciding where people live rather than the consumer having any particular influence over where provision occurs.

Given the open market mechanism (responding to consumer demand through price) is not applicable to affordable housing there is perhaps a case for continuing the existing arrangements whereby standards are applied to affordable homes.

**Q4: We would welcome feedback on the estimates we have used in the impact assessment to derive the total number of homes incorporating each standard, for both the do nothing and option 2 alternatives. We would welcome any evidence, or reasons for any suggested changes, so these can be incorporated into the final assessment.**

We are unable to comment on the robustness of the figures

#### **ACCESSIBILITY:**

Explanation for Members of terminology and option levels used within the Consultation Paper

Members are advised that when considering standards options the Government has referred in the Consultation paper to 3 distinct performance levels. These are:

Level 1: Potential future version of Part M of the Building Regulations. (access to and use of buildings) Level 1 homes will provide adequate accessibility for most people; including many older people, and basic visitor access for people who use wheelchairs. The Paper explores how level 1 could be adjusted via Building Regulations Part M to ensure they align seamlessly with levels 2 and 3.

Level 2: Intermediate accessible and adaptable housing standards as an alternative to such standards as Habinteg Housing Associations Lifetime Homes Standards. Level 2 homes will provide adaptability as well as improved accessibility for everyone; making them suitable for the majority of older people and many part-time wheelchair users while also helping families with young children and buggies. They will also provide good visitor access for people who use wheelchairs.

Level 3: A revised version of the Wheelchair Housing Design Guide. As the higher tier it will be appropriate for a small but important proportion of new homes. It will provide very good accessibility for most people, including the majority of wheelchair users. Some disabled people will continue to need larger homes with additional features designed on a bespoke basis.

**Q5: Do you agree that minimum requirements for accessibility should be maintained in Building Regulations? Y/N**

Yes. Building regulations provide the perfect vehicle for the universal application of technical standards. Planning Authorities could easily amend their own local design requirements to complement the Building Regulations in order to avoid unnecessary conflict between the two systems in so far as Building Regulations requiring subsequent material amendments to approved schemes to accommodate the Reg's requirements. (e.g. elevational appearance, building footprint). Generally internal space requirements are not a planning matter and are best controlled via the Building Regulation system. Planning is concerned with the principle of use, impact on the environment within which

it is proposed and basic external amenity. Whatever regime is finally agreed it is essential that demarcations between the Building regulation and planning systems are clear if the Government's intention to make development easier is to be achieved. This Council would not support a regime that added confusion to the development process or involved unnecessary duplication from a developer or a local authority perspective.

**Q6: a) Is up-front investment in accessibility the most appropriate way to address housing needs. Y/N.**

**If Yes**

**b) Should requirements for higher levels of accessibility be set in proportion to local need through local planning policy? Y/N**

Yes. Retro fitting is general significantly more expensive and in many cases impractical. That said higher levels of accessibility should be met via Building regulations with local deviations agreed through the local plan process. The Government needs to take care that where higher standards are required through the local plan process Approved Inspectors should be required to apply the same standards and cannot be permitted to operate a lesser standard prescribed as the baseline within the National Reg's. Failure to ensure this consistency of approach will result in mixed delivery as developers opt to pursue lower standards possible via Approved Inspectors thereby saving short-term cost to them but not necessary the life time cost of the building.

We would support a national requirement across all sectors for Lifetime Home standards (LTH). Current estimates suggest that the extra costs of achieving LTH are modest – around £1k per unit, with a similar amount again for the extra space required. But the extra costs of achieving the wheelchair standard are much higher – around £12k, with a similar amount again for the extra space costs. If homes are going to meet future needs and costs of adapting them are to be contained then it is much easier and a much lower cost to incorporate higher standards from the outset.

**Q7: Do you agree in principle with the working groups proposal to develop a national set of accessibility standards [eg: approach routes, lobbies and double doors, lifts, staircase widths, switch heights sanitary fittings] consisting of a national regulatory baseline, and optional higher standards consisting of an intermediate and wheelchair accessible standard? Y/N.**

Yes

**Q8: Do you agree with the costs and assumptions set out in the accompanying Impact Assessment? Specifically we would like your views on the following:**

**a) Do you agree with the estimated unit costs of Life Time Homes? If not, we would appreciate feedback as to what you believe the cost of complying with Life Time Homes is.**

- b) Do you consider our estimates for the number of homes which incorporate Life Time Homes to be accurate? If respondents do not consider our estimate is reasonable, we would appreciate feedback indicating how many authorities you believe are requiring Life Time Homes standards.

**Wheelchair Housing Design Guide/standards:**

- c) Do you agree with the figures and assumptions made to derive the extra over cost of incorporating Wheelchair Housing Design Guide? If not, we would welcome feedback along with evidence so that we can factor this into our final analysis.
- d) Do you have evidence of requirements for and the costs other wheelchair standards which we have not estimated? We would appreciate the estimated costs of complying with the standard and how it impacts properties.
- e) Do you consider our estimates for the number of homes which incorporate wheelchair standards to be accurate (in the “do nothing” and “option 2” alternatives)? If you do not consider the estimate to be reasonable, please could you indicate how many authorities you believe require wheelchair standards.

We are unable to comment

**Q9: Do you believe that the estimated extra over costs in the Impact Assessment reflect the likely additional cost of each level?**

We are unable to comment

**Q10: Do you agree that level 3 properties should be capped in order to ensure local viability calculations remain balanced? Y/N**

Yes, but the cap should relate to viability and demographic evidence

**Q11 If a cap were adopted should it, in principle:**

- a) Vary across tenure
- b) Be flat across tenure

Vary across tenure to reflect the greater choice in private sector housing.

**Q12: To what extent would you support integration of all three levels of the working group’s proposed access standard in to Building Regulations with higher levels being ‘regulated’ options? Please provide reasons for your answer if possible.**

- a) Fully support
- b) Neither support or oppose
- c) Oppose

Oppose – Whilst the Council agrees that it is time to consolidate the numerous requirements and guidance that is available into a frame work that is simpler to understand and apply it is the Council’s view that it would be preferable to have a two tier system rather than 3 levels. Level 1 could be the standard, albeit revised to incorporate some of the more frequently applied criteria as contained within ‘Lifetime Homes’, within Part M to the Building Regulations and Level 2 nationally defined wheelchair standards which are applied locally, this being established by assessment of need through the planning process. However it is important as stated above to ensure there is no conflict when applying the enhanced standard required by virtue of level 2.

**SPACE:**

**Q13: Would you support government working with industry to promote space labelling of new homes?**

*Explanation for Members of the 3 levels identified in the Consultation Paper as options for space standards and explanation of terminology and principle of space labelling.*

*As with accessibility the Government has used levels as scenarios for setting space standards. These are:-*

*Level 1 Space Standard provides enough space to accommodate the minimum amount of furniture, fittings, activity and circulation space considered necessary to carry out a typical range of daily activities and meet the basic requirements of Level 1 of the Accessibility Standard.*

*Level 2 Space Standard provides enough space to accommodate the same furniture and fittings as Level 1 and increase activity and circulation space (both within and between rooms) to cover the additional spatial implications of Level 2 of the Accessibility Standard and a straight stair.*

*Level 3 Space Standard provides enough space to accommodate the same furniture and fittings as Levels 1 and 2 and additional space to charge and store a wheelchair, install a home-lift, enlarge the kitchen and bathroom and provide the extra activity and circulation space (both within and between rooms) needed to meet Level 3 of the Accessibility Standard.*

Space labelling is the name given by the Government to the process by which housebuilders would describe the size of new dwelling units using a standardised format. The aim of space labelling being to provide the consumer with a simple comparator to judge what you are getting for your money. In some ways it would serve the same purpose as energy ratings on white goods or nutritional data on foodstuffs in that it provides an ‘at a glance’ ‘like for like’ metrics.

At its simplest level this would be:- (using fictitious details)

Acme Housebuilders at the Central Site	100sq.m. total internal floorarea	£300,000
Pioneer Developments at the Quay	110sq.m. total internal floorarea	£285,000
Calibre Homes at the Hub	95sq.m. total internal floorarea	£424,000



Yes. That said voluntary participation may not result in the consumer having a complete picture of easy comparators when looking to purchase a new home if take up across industry is not universal. Space labelling will obviously only go so far in describing what the consumer is 'getting for their money' as it is a quantitative measure rather than a qualitative one.

**Q14: Do you agree with this suggested simple approach to space labelling? Y/N**

Yes. A total gross internal floor area provides a standardised and simple comparator. However the use of a sq. m. room area rather than the proposed dimensions by room may prove to be an easier comparator for the consumer.

**Q15: If not, what alternative approach would you propose?**

N/A

**Q16: Would you support requirements for space labelling as an alternative to imposing space standards on new development? Y/N**

No. National space standards apply only in affordable housing through the HCA and GLA, although they may be enforced by LAs through planning policies. Given the variety of approaches there is obviously a case for harmonisation. Britain achieves the lowest floorspace in new build in Europe, and it is the only country without minimum standards. Our view is that we would favour a minimum standard that applies to all housing, not just affordable housing, that could then be consistently applied across England. Whilst it may be argued that competition should encourage take up of the space labelling approach there ought to be a baseline minimum to establish a basic level of amenity and habitability. Ideally the market would identify a need for a 'Compare the Market' style facility whereby the consumer could see at a glance through space labelling who was providing what where and for how much. This direct feedback to consumers could encourage better competition with space or price being the beneficiary. (and thereby the consumer). The Government or local authorities could itself/themselves consider publishing such data. That said there is still considered a need to avoid developers squeezing the quart into a pint pot and minimum standards would help to prevent this.

**Q17: Would you support the introduction of a benchmark against which the space labelling of new properties is rated? Please give reasons for your answer.**

Yes. Whilst space labelling is a helpful tool for allowing easy comparisons, that's all it is. Some consumers will be able to afford a larger dwelling than others and the fact that some consumers will only be able to avoid a small unit will not influence the building industry to provide larger units. There would appear to be no business sense for doing so. There remains an argument for the introduction of a new style of Parker Morris approach to setting minimum or optimum room size standards to prevent misrepresentation and to ensure that space being offered is not substandard for reasonable living. It is not enough to say that a buyer does not have to buy if they don't like what is being offered if that is all that can be afforded and that's all that is on offer. The Government should however agree national standards for minimum room sizes to ensure that approved residential development meets a standard level of

habitability and this may require the consolidation of or harmonisation between other levels of legislation. Minimum room sizes should be enforced via the Building Regulations.

**Q18: Which of the following best represents your views? Please provide reasons for your views.**

- a) **Local authorities should not be allowed to impose space standards (linked to access standards) on new development**
  - b) **Local authorities should only be allowed to require space standards (linked to access standards) for affordable housing**
  - c) **Local authorities should be allowed to require space standards (linked to access standards) across all tenures**
- b) Whilst the authority supports space standards for affordable housing we believe that the variance between authorities resulting from local standards may distort the private sector market and discourage development or increase costs in certain areas. Space standards need to be responsive to local context. But still need to demonstrate viability.

**Q19 Do you think a space standard is necessary (when linked to access standards), and would you support, in principle, the development of a national space standard for use by local authorities across England? Y/N**

YES. Space standards are necessary to ensure a minimum level of quality of life amenity and comfort for occupiers. **BUT** the consultation paper then makes a leap to talk about “type approvals” for standard layouts that can be used across the country. This is unacceptable in the view of this council. The Government has been critical of poor quality ubiquitous housing schemes. The assumption that what will in effect become standard house types will be universally acceptable is misguided and undermines the Government’s desire to raise urban design quality and encourage respect for local distinctiveness and strong local character. This suggests that local authorities would also have great difficulty in protecting and enhancing the character of conservation areas and the setting of listed buildings.

A national space standard that is discretionary could be a useful benchmark to avoid extremely small units and excessive densities however prescribing a minimum room size is considered necessary? (also refer back to the answer provided in respect of Q17)

**Q20 Do you agree with the proposed limiting of the scope of any potential space standard to internal aspects only? Y/N**

Yes. If this means that local authorities will be free to continue setting their own minimum standards for external space. (eg garden sizes, parking space/garage sizes). If however the assumption of Government is that external space is effectively to become unregulated then no.

Absolute national standards are inappropriate as they fail to respond to local context and distinctiveness. Locally set standards are tested through the local plan process and must be evidence based.

**Q21 Do you agreed that Space Standards should only be applied through tested Local Plans, in conjunction with access standards, and subject to robust viability testing?**

Space standards that are not nationally prescribed should be subject to adoption via the local plan process to ensure transparency and appropriate consultation. Any standards that are imposed locally must be deliverable or they are self defeating. It also suggests that space standards will need to be under constant review as the housing market fluctuates along with the state of the national economy. This suggests a level of monitoring and scrutiny that could be onerous and would seem to suggest that the clarity and certainty the Government is looking for would be absent. Any local review would need to demonstrate viability.

**Q22 Do you agree with the costs and assumptions set out in the Impact Assessment? We are particularly interested in understanding:**

- a) **Do stakeholders agree with our assumption that house builders are able to recover 70% of the additional cost associated with space in higher sales values?**
- b) **Do you agree with the extra over unit costs we have used for the current and proposed space standards? If you do not agree, could you provide evidence to support alternative figures for us to include in the final Impact Assessment?**
- c) **Do you agree with the proportion of homes we have estimated to have taken up space standards in the “do nothing” and “option 2” alternatives? If you do not agree, could you provide evidence to support alternative figures for us to include in the final Impact Assessment?**

**Please provide reasons for your answers**

We are not in a position to comment on the robustness of costs and assumptions used

**Q23 If you do not agreed with the costs set out in the Impact Assessment, please state why this is the case, and provide evidence that supports any alternative assumptions or costs that should be used.**

N/A in view of response to Q22

**Q24 We also need to verify how many local authorities are currently requiring space standards, and what those space standard requirements might be. Can you**

**identify any requirements for space standards in local planning policies? – please provide evidence or links where possible.**

Colchester Borough Council as planning authority does not currently have any adopted internal space standards within its Planning Policies other than for the size of flats produced as a result of sub-division of a house. Other space standards relate to external spaces.

It does however have a range of other standards related to external spaces

- Minimum house size for conversion to flats.

110 sq.m.

Development Policies Adopted October 2010 Policy DP11

- Daylighting distances and angles.

45° angle measured in plan and elevation from the middle of an adjoining window. A line draw at 25° from a height of 2m with minimum separation of 10m

Development Policies Adopted October 2010 Policy DP12 Dwelling Standards and Essex Design Guide and the Urban Place Supplement

- Garden Size

4-bed+ 100 sq.m.

3-bed 60 sq.m.

1-2 bed 50 sq.m.

Flats 25 sq.m. per flat (communal)

Development Policies Adopted October 2010 Policy DP16 Private Amenity Space Provision for new residential development

- Maximum off street parking & cycle parking provision standards – non residential:

Adopted Essex Parking Standards

- Minimum parking provision - residential

1 off-street space for 1bed

2 off-street spaces for 2 bed+

Visitor parking 0.25 per unit

Development Policies Adopted October 2010 Policy DP19 Parking Standards  
Adopted Essex Parking Policy Standards.

- Car parking space size:

5.5m x 2.9m preferred  
5.0m x 2.5 min

Development Policies Adopted October 2010 Policy DP19 Parking Standards  
Adopted Essex Parking Policy Standards.

- Minimum Garage size

7.0m x 3.0m

Development Policies Adopted October 2010 Policy DP19 Parking Standards  
Adopted Essex Parking Policy Standards.

- Minimum back to back distances

25m gr/fl – gr/fl  
35m 1<sup>st</sup> – gr/fl

Development Policies Adopted October 2010 Policy DP12 Dwelling Standards and  
Essex Design Guide and the Urban Place Supplement

**Q25 Can you provide any of the following (supporting your submission with evidence wherever possible)?**

- Evidence of the distribution of the size of current private and affordable housing development?**
- Evidence of space standards required by local authorities stating what is required and by whom?**
- Evidence of the likely cost impact of space standards?**

We are unable to comment

**Q26 What issues or material do you consider need be included in H6 of the Building Regulations, [solid waste storage] in order to address the issues identified above? [here the Government is referring to what it has described as ‘bin blight’ whereby ranks of wheelie bins sit permanently on the pavement outside of houses (particularly unbroken terraces) as no/insufficient space is provided to conceal them from view either within the curtilage or actually within the property itself. This is particularly prevalent in areas where as many as nine separate wheelie bins are required by authorities for recycling collections. This causes an eyesore]**

Visual amenity issues and anti social behaviour caused by ‘bin blight’ are not matters that should be addressed within the Building Regulations. This falls beyond the remit

of the Regulations which are concerned with the health and safety of the occupants in and around the building. Accordingly the current guidance within H6 is fit for purpose and needs no revision. This is a matter however for local planning authorities and national guidance on a range of design solutions would be welcome. This Council accepts that whilst it does not itself use wheelie bin collections the principle of storing waste for collection in purpose designed enclosures is to be welcomed and supported. This is from both an aesthetic and a public health perspective. The Council does wish to emphasise to the Government that where design standards are being set due regard should be given to the ease of collection and the health & safety of the refuse collectors

**Q27 Do you agree with this approach to managing cycle storage? Y/N**

Yes

#### **SECURITY:**

**Q28 Do you support the view that domestic security for new homes should be covered by national standards/Building Regulations or should it be left to market forces/other?**

a) **national standards/Building Regulations**

b) **market forces/other**

**Where possible, please provide evidence to support your view?**

a) The Government is intent on reducing levels of crime. Consumers are tired of ever increasing insurance premiums. It may now be time to require providers (national house builders) to deliver new dwellings with built-in enhanced security as installing such equipment during the build process is more cost effective than retro fitting once the new owner has taken possession. Furthermore builders could work in partnership with the insurance industry to secure sector wide reduced premiums for owners of new dwellings where industry standard security has been provided within the build. The cost would be absorbed by the new buyer in the purchase cost but they would get such equipment at better value than fitting it later. The owner would benefit from cheaper insurance premiums if partner insurance companies offered special policies and they in turn would benefit from increased business. An increase in better protected homes would also go some way to reducing the incidence of opportunist crime and would also reduce the fear of crime.

A basic example that might parallel the situation is that of the car industry where even the most basic model comes with at least an engine immobiliser. This has had a dramatic impact on the incidence of car theft. Increasingly car thieves now break into houses to find car keys in order to be able to drive the car away from hardstandings.

b) There is no convincing evidence of a demonstrable need or appetite for national security standards from within the house building industry and so market forces is unlikely to produce any change to the status quo.

**Q29 Part 1: Do you think there is a need for security standards? Y/N**

**Part 2: If yes, which of the approaches set out above do you believe would be most effective to adopt (please select one only)?**

- a) **Option 1 – A baseline (level 1) standard and a higher (level 2) standard**
- b) **Option 2 – A single enhanced standard (level 2) for use in areas of higher risk only**

From a planning and building control perspective No. However if the Government wishes to widen its approach to tackling Crime & Disorder then Yes If yes then option 1 is preferred. If incorporated into the Building Regulations on the basis that this is a matter relating to building performance then a Baseline level 1 requirement only should be applied. Enhanced standards should not be covered by a level 2 regulated option this should be down to warranty providers and insurance companies

**Q30 If the level 2 standard is used, how do you think it should be applied:**

- a) **On a broad local basis set out in local planning policy?**

Or

- b) **On a development by development basis?**

b) Level 2 on a case by case basis

**Q31 Do you believe that there would be additional benefits to industry of integrating the proposed security standards in to the Building Regulations as ‘regulated options’?**

Yes. Economies of scale in terms of unit cost and fitting costs (particularly compared to retro fitting). Possibly reduced insurance costs to consumers.

**Q32 If security standards are integrated in to the Building Regulations, would you prefer that:**

- a) **level 1 and level 2 become optional ‘regulated options’ for use by local authorities?**

Or

- b) **level 1 be required as a mandatory baseline for all properties with level 2 a regulated option for use by local authorities?**

b)



**Q33 Do you agree with the overall costs as set out in the accompanying Impact Assessment? Y/N If you do not agree, then do you have evidence to support alternative figures?**

We are unable to comment

**Q34 Do you agree that level 1 security reflects current industry practice? Y/N If you do not agree, then do you have evidence to support an alternative view?**

Unable to comment as security matters not within current Regulations, however baseline standards would normally be required by warranty providers under their technical standards.

**Q35 Do you agree with the assumptions used to derive the extra over cost of Secured by Design as set out? Y/N If you do not agree, then do you have evidence to support alternative figures?**

We are unable to comment

**Q36 Do you agree with the number of homes which incorporate Secured by Design standards that have been used in the accompanying Impact Assessment? Y/N If you do not agree, then do you have evidence to support alternative figures?**

We are unable to comment

**Q37 Do you agree with the assumptions of the growth in the use of Secured by Design standards over the 10 years of the 'do nothing option' in the accompanying Impact Assessment? Y/N If you do not agree, then do you have evidence to support alternative figures?**

We are unable to comment

**Q38 Do you agree with the assumptions for the 'take up' of the proposed security standards in the accompanying Impact Assessment? Y/N If you do not agree, then do you have an alternative estimate that can be supported by robust data?**

We are unable to comment

**Q39 Do you agree with the unit cost as set out in the accompanying Impact Assessment for the "do nothing" and "option 2" alternatives? Y/N If you do not agree, please provide evidence to support alternative figures for us to include in the final Impact Assessment.**

We are unable to comment

## **WATER EFFICIENCY**

**Q40 Do you agree a national water efficiency standard for all new homes should continue to be set out in the Building Regulations? Y/N**

Yes

**Q41 Do you agree that standards should be set in terms of both the whole-house and fittings-based approaches? Y/N**

Yes

**Q42 Do you agree that the national minimum standard set in the Building Regulations should remain at the current Part G level? Y/N (see also Question 43)**

Agree that the application of water conservation should continue within the Building Regulations however the current performance target approach should be changed to a system whereby conservation of water is achieved by regulation of water fixtures and fittings that are fitted within new buildings. As Regulation cannot ensure responsible behaviour by the occupants of a building the target approach is flawed

**Q43 Do you agree that there should be an additional local standard set at the proposed level? Y/N**

Yes. National standards have no regard to the differential scarcity of water across the country. Here in East Anglia water is relatively scarce compared to other parts of the country where rainfall is significantly higher.

**Q44 Do you agree that no different or higher water efficiency standards should be able to be required? Y/N**

No (for the reverse reason as set out in Q43 above)

**Q45 Would you prefer a single, tighter national baseline rather than the proposed national limit plus local variation? Y/N**

No

**Q46 Do you agree that local water efficiency standards should only be required to meet a clear need, following consultation as set out above and where it is part of a wider approach consistent with the local water undertaker's resources management plan? Y/N**

Yes

**Q47 Should there be any additional further restrictions/conditions? Y/N**

No

**Q48 Do you agree with the unit costs as set out in the accompanying Impact Assessment for the "do nothing" and "option 2" alternatives? Y/N If you do not agree, please provide the evidence to support your alternative figures.**

We are unable to comment

**Q49 Do you agree with the number of homes which we estimate will incorporate the proposed tighter water standard in the accompanying Impact Assessment? Y/N If you do not agree, please provide the evidence to support your alternative figures.**

We are unable to comment

**Q50 Do you currently require through planning that new homes are built to a higher standard of water efficiency than required by the Building Regulations through:**

a) a more general requirement to build to Code Level 3 or above?

Or

b) a water-specific planning requirement?

And

c) are you likely to introduce or continue with a water-specific water efficiency standard (beyond the Building Regulations) in the future?

YES b)

## **ENERGY**

**Q51 The government considers that the right approach is that carbon and energy targets are only set in National Building Regulations and that no interim standard is needed? Do you agree? Y/N If not, please provide reasons for your answer.**

Yes in terms of ensuring a set standard is delivered as a mandatory requirement. That said the Council is concerned that once set standards are all enshrined within the Building Regulations local planning authorities will have lost a valuable tool to promote higher standards in that the Code for Sustainable Homes does allow authorities to encourage aspirational goals. There is a real danger that standards will solidify at the lowest common denominator. This may in the short-term represent a national improvement but this could soon mean that any drive to improve on that standard is dissipated

**Q52 Are respondents content with the proposal in relation to each energy element of the Code for Sustainable Homes? Y/N. If not, what are the reasons for wanting to retain elements? If you think some of these elements should be retained, should they be incorporated within Building Regulations or set out as a nationally described standard? Please give your reasons.**

Yes

**Q53 Do consultees agree with the number of homes we have estimated which currently have a renewable target and the costs associated with incorporating such a target? Y/N**

We are unable to comment

**Q54 Do you agree with the unit costs for the code set out in the accompanying Impact Assessment for the “do nothing” and “option 2” alternatives? Y/N If you do not agree, please provide the evidence to support your alternative figures.**

We are unable to comment

**Q55 Do you agree with the proportion of homes we have estimated will incorporate the Code and the Planning and Energy Act 2008 (aka Merton rule) over the next 10 years? Y/N If you do not agree, please provide the evidence to support your alternative figures.**

We are unable to comment

**Q56 What are your views on the future of the Planning and Energy Act 2008 (“Merton’s Rule” type planning policies) in relation to the preferred Building Regulations only approach to energy standards?**

The 2008 Act is incompatible with the Building Reg’s approach and The P&E Act 2008 requires higher standards to be met. In the event that Building Regulations are amended to effectively absorb the requirements of the P&E A 2008 then that could be supported. If however the intention is to dilute the requirements then this seems incompatible with the Government’s green objectives.

## **INDOOR ENVIRONMENTAL STANDARDS**

**Q57 Government is interested in understanding the extent to which daylighting in new homes is a problem, and the appetite for a daylighting design standard to be available to designers and local authorities.**

**a) Do you believe that new homes are not achieving a sufficient level of daylighting in habitable rooms? Y/N If so, what evidence do you have that this is the case (please submit evidence as part of your consultation response).**

**b) Do you think that it is desirable to consider having a national daylighting standard for us in the design of new homes? Y/N**

a) No

b) Yes (i) to protect existing dwellings from the adverse impact of new development nearby. (ii) to ensure that whilst a habitable room may in theory permit adequate daylighting regard is also taken of external obstructions that will result in sub-standard daylighting. ie a contextual element.

**Q58 Do you agree that a review of simple percentage based methodologies should be undertaken to help determine if such an approach is fit for purpose? Y/N If you have any relevant research or evidence please submit this as part of your consultation response.**

Whatever method is used it must take account of surrounding obstructions and cannot merely represent a %age of the floorspace to the room being served. The Government could make software freely available to industry and planning authorities to allow a common and transparent basis for calculating impact. Previously daylighting indicator overlays were available but these have fallen into decline. IT now offers a quick and effective way of ensuring agreed levels can be measured and thereby delivered.

**Q59 Do you agree that sunlighting should sit outside the scope of this review? Y/N**

No. Increasingly high densities are resulting in the development of gloomy accommodation in a number of instances. The introduction of baseline standards will ensure a minimum level of amenity is achieved.

**Q60 Do you agree that essential indoor air quality issues should be addressed through ongoing review of Part F (Ventilation) of the Building Regulations? Y/N**

Yes

## **MATERIALS**

**Q61 Do you agree that materials standards are best left to the market to lead on? Y/N**

Yes in terms of their performance but not their aesthetic qualities

## **PROCESS AND COMPLIANCE**

**Q62 Which of the above options do you prefer (1, 2 or the hybrid approach)? Please provide your reasons for your answer.**

Hybrid approach provides a transitional measure for the interim until implementation via the Building Regulations can be achieved.

**Q63 Do you think that moving to a nationally consistent set of housing standards will deliver supply chain efficiencies to home builders? Y/N If yes, can you provide estimates and evidence of the level of efficiency that could be achieved?**

Yes

**Q64 Do you think that moving to a nationally consistent set of housing standards could help reduce abortive or repeated costs during the construction stage of home building? Y/N If yes, can you provide estimates and evidence of the level of efficiency that could be achieved?**

Yes. unable to provide estimates. Anything that reduces the extraordinary levels of materials waste that occur within the building industry must be welcome. Whilst suppliers may welcome over-ordering or mis-ordering it is ultimately the customer that pays for this. It cannot be energy efficient to produce the material and then scrap large proportions of 'left over' material.

**Additional issue raised by Colchester Borough Council that it feels should be included within the scope of the Consultation Paper**

Colchester Borough Council wishes to urge the DCLG to consider reviewing the Building Regulations as they relate to fire safety measures in new buildings, particularly schools as this Council believes that there is an increasing case to support the installation of sprinkler systems. This Council supports the Essex Fire & Rescue Service and the Suffolk Fire & Rescue Service in raising awareness of the benefits of installing sprinkler systems at the time of construction.



## Local Plan Committee

Item  
**13**

25 September 2013

Report of	Head of Commercial Services	Author	Mark Edgerley ☎ 282476
Title	Revision of the Local Development Scheme		
Wards affected	All		

**The Local Plan Committee is asked to agree the revised Local Development Scheme.**

### 1. Decision(s) Required

- 1.1 To agree a revised Local Development Scheme (LDS), this details the programme of work and documents to be produced as part of the Local Plan up to December 2016.

### 2. Reasons for Decision(s)

- 2.1 The plan making process is regulated by the Planning and Compulsory Purchase Act 2004, as amended by the Localism Act 2011 (part 6, Planning, section 111 Local Development Schemes) which governs the production of development plan documents including the LDS through the Town and Country Planning (Local Planning) (England) Regulations 2012.
- 2.2 The LDS is an essential tool used to keep the Local Plan up to date and provide details of consultation periods, public examinations and expected dates of adoption and publication for each document. The Council previously agreed to undertake a review of the Core Strategy commencing at the end of 2012. Work has progressed ahead of schedule with the Local Plan Focused Review whilst progress on the Implementation of the Community Infrastructure Levy has been held back which requires a revision to the LDS.

### 3. Alternative Options

- 3.1 The Council is required under the Localism Act 2011 and the Town and Country Planning (Local Planning) (England) Regulations 2012 to publish up to date information on the preparation and revision of development plan documents direct to the public through the LDS. The Council is no longer required to submit the LDS to the Secretary of State as was previously the case, however the Secretary of State still retains powers to direct changes upon a local planning authority, but will only be able to use them for the purpose of ensuring effective plan coverage.

### 4. Supporting Information

- 4.1 Colchester Borough Council first adopted a LDS in May 2005, with various revisions published at regular intervals to reflect changes in governing regulations and work programmes. The current LDS project chart which covers the period 2013-2016 was last reviewed by Local Plan Committee in March 2013 but progress on various documents as well as the introduction of further Neighbourhood Plans across the Borough now requires an update to reflect the Borough's plans for the review of its Local Plan.



- 4.2 The LDS sets out which documents will form part of the Colchester Local Plan along with the timetable for the preparation and review of each document. The LDS is also reviewed annually as part of the Council's Annual Monitoring Report to show how the programme of plan formulation is being implemented against the set timetable; to indicate where new matters should be included and to provide an updated programme for the next 3 years.
- 4.3 The current revision to the LDS is required to show the progress made regarding the Local Plan Focused Review which is ahead of the previously agreed schedule. Another significant revision is on the Community Infrastructure Levy. Work on this project has been delayed due to concerns surrounding viability of developments and the resulting impact on housing delivery across the Borough should the Community Infrastructure Levy Charging Schedule be introduced.
- 4.4 The LDS sets out which documents will be prepared and in what time frame. The revised LDS (which can be found in Appendix A) provides the scope and further details with regards to each document and includes the Project Chart which outlines the timescales proposed and shows how each document will be progressed over the next 3 years. Below is a summary of the proposed changes which are further explained within Appendix A:
- Local Plan Review,
  - Community Infrastructure Levy,
  - Neighbourhood Planning,
    - Bosted – Plan Area adopted in 2012
    - Messing cum Inworth – Plan Area subject to consultation August-October 2013,
    - Myland – Plan Area adopted in January 2013,
    - West Bergholt – Plan Area adopted in July 2013
    - Wivenhoe – Plan Area adopted in July 2013,
    - Other areas as and when requested by Neighbourhoods.
  - Revised timetable for the preparation of various Supplementary Planning Documents,
    - Planning Obligations SPD,
    - North Station Master Plan,
    - Stanway Master Plan,
    - Magdalen Street Development Brief,
  - Evidence base updates which will be necessary to support the Local Plan Review,
  - Changes to the text of the LDS to reflect the range of documents outlined above.
- 4.5 In earlier versions of the LDS, the Council was required to specify details of each Supplementary Planning Document intended to be produced. Changes to the Regulations no longer require Supplementary Planning Documents to be included on the LDS; we continue to show these to ensure transparency and to demonstrate the links between all the documents which contribute to the Colchester Local Plan.
- 4.6 The LDS project chart shows a series of Supplementary Planning Documents, but the Council still has the flexibility to develop additional documents should these be exceptionally required without the need to formally change the LDS. From time to time additional guidance notes and development brief documents may be produced by the Spatial Policy Team but these are not normally detailed on the LDS because of their non-statutory status in the decision making process.

## **5. Proposals**

- 5.1 Members are requested to agree the revised timetable in the LDS for the period 2013-2016 as detailed on the project chart found in Appendix A of this report. The LDS will come into immediate effect unless the Council receives direction from the Secretary of State that he wishes to intervene to ensure effective plan coverage. However as the Council currently has a comprehensive suite of development plan documents this intervention is considered unlikely.

## **6. Strategic Plan References**

- 6.1 The Strategic Plan Action Plan includes a commitment to regenerate the Borough through buildings, employment, leisure and infrastructure, and enable local communities to help themselves which can in part be facilitated by the Colchester Local Plan.

## **7. Consultation**

- 7.1 Public consultation on the LDS is not specifically required by the Regulations. Each document highlighted on the LDS will be subject to specific public consultation in line with the statutory regulations at the appropriate time.

## **8. Publicity Considerations**

- 8.1 Attention could well be focused on plans listed in the LDS resulting in publicity for the Council.
- 8.2 Consultation on the plans referred to in the LDS will be publicised on the Colchester Borough Council website and by press release. Notification will also be sent to people and companies on the Council's Local Plan consultation database at the start of every public consultation period.

## **9. Financial Implications**

- 9.1 The financial implications of the LDS are included within the budget which has been allocated for the review of the Local Plan including updating of evidence based documents, consultation and examination.

## **10. Equality, Diversity and Human Rights implications**

- 10.1 An Equality Impact Assessment has been prepared for the Local Development Framework and is available to view on the Colchester Borough Council website by following this pathway from the homepage: Council and Democracy > Policies, Strategies and Performance > Diversity and Equality > Equality Impact Assessments > Strategic Policy and Regeneration > Local Development Framework.
- 10.2 There are no particular Human Rights implications.

## **11. Community Safety Implications**

- 11.1 None

## **12. Health and Safety Implications**

12.1 None

## **13. Risk Management Implications**

13.1 Revision of the LDS will contribute to ensuring that the Local Plan is produced within the agreed timescales and will reduce the risk of inappropriate development being permitted.

### **Supporting Documents:**

**Appendix A – Colchester Borough Council LDS 2013-2016**



# Colchester's Local Development Scheme 2013 – 2016

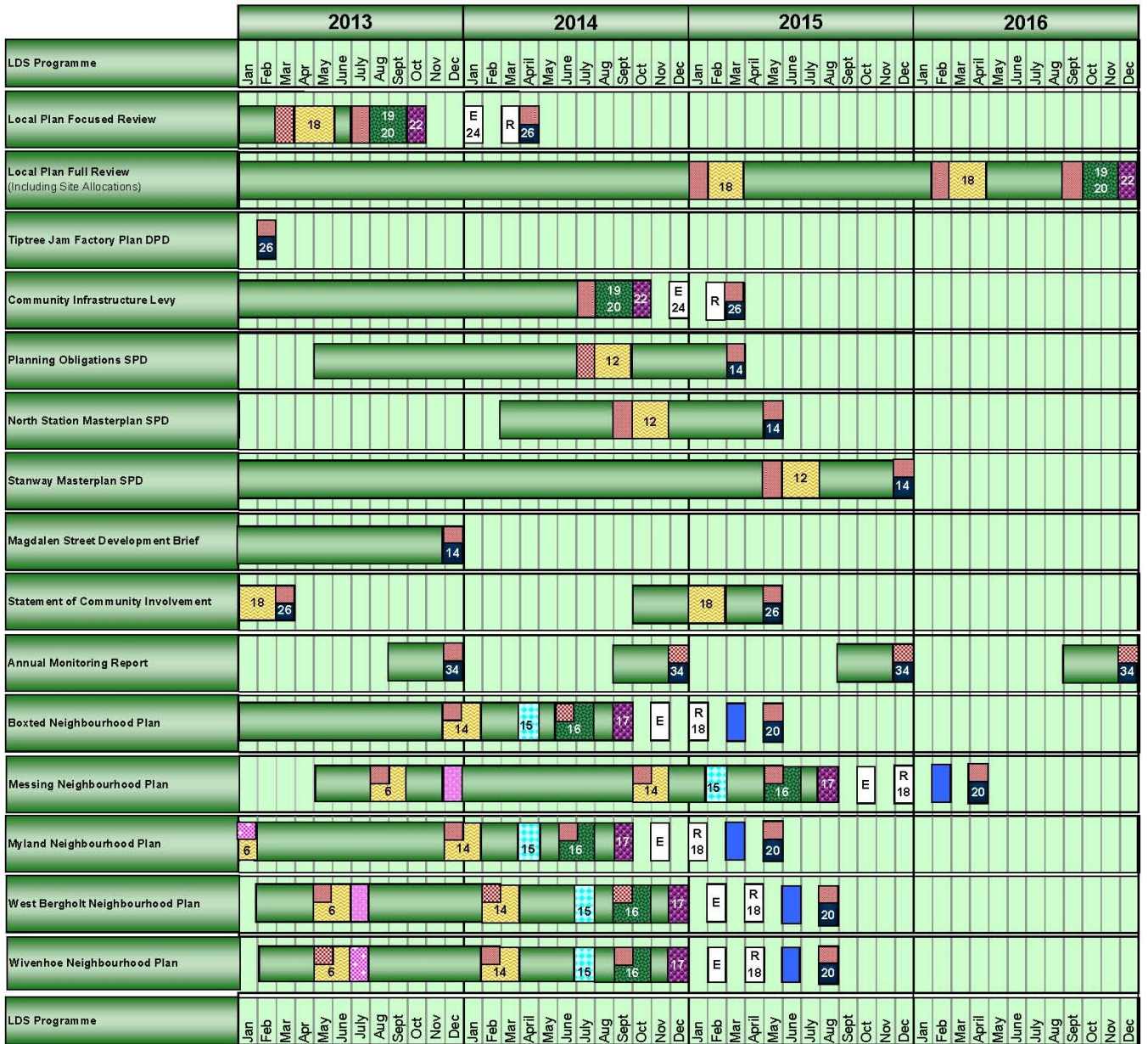
**September 2013**

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### Local Development Scheme Project Chart 2013 - 2016



	Document preparation
	Member approval
	Public Participation Stage/Options Document
	Approval of Neighbourhood Plan Area
	Submission of Neighbourhood Plan to CBC
	Public Participation Stage
	Submission to Secretary of State
	Examination / Report
	Neighbourhood Plan Referendum
	Document adopted by CBC

The Town and Country Planning (Local Planning) (England) Regulations 2012	The Neighbourhood Planning (General) Regulations 2012
12 - Public participation on SPD	6 - Publicising an area application
14 - Adoption of supplementary planning documents	7 - Publicising a designation of a neighbourhood area
18 - Preparation of a local plan	14 - Pre-submission consultation and publicity
19 - Publication of a local plan	15 - Submission of plan proposals to CBC
20 - Representations relating to a local plan	16 - Publicising a plan proposal
22 - Submission of documents and information to the Secretary of State	17 - Submission of plan proposal to examination
23 - Consideration of representations by appointed person	18 - Publication of the examiners report and plan proposal decisions
24 - Independent examination	20 - Publicising a neighbourhood development plan
25 - Publication of the recommendations of the appointed person	
26 - Adoption of a local plan	
34 - Authorities' monitoring reports	

LDS project chart updated September 2013

# 1. Introduction

Colchester Borough Council first adopted a Local Development Scheme (LDS) in May 2005 with various revisions published since then. The latest revision was in March 2013 which this current version (September 2013) now supersedes. Earlier versions of the Colchester LDS were prepared under the requirements of the 2004 Planning and Compulsory Purchase Act and The Town and Country Planning (Local Development) (England) (Amendment) Regulations 2008.

The production of an LDS is now to be prepared under the requirements of the Localism Act 2011, section 111 which amended section 15 of the 2004 Planning and Compulsory Purchase Act and is supported by the Town and Country Planning (Local Planning) (England) Regulations 2012.

The Council has a good record in meeting the milestones set out in the earlier versions of the LDS and it is considered appropriate to set out a future programme for the preparation of Local Plan documents up the end of 2016.

The LDS sets out the council's proposals for implementing the Act, in particular a schedule of relevant documents and a timetable for their production and review. The current LDS covers the period 2013 to 2016.

## Documents to be produced

The Local Development Scheme will;

- Provide a brief description of all the development plan documents (DPD's), supplementary planning documents (SPD's) and Neighbourhood Plans (NP's) to be prepared and the content and geographical area to which they relate.
- Explain how the different documents relate to each other, and especially how they relate to the adopted Core Strategy (and the Local Plan focused review).
- Set out the timetable for producing documents – giving the timings for the achievement of the following milestones:
  - consulting statutory bodies on the scope of the Sustainability Appraisal
  - publication of the document
  - submission of the document
  - adoption of the document
- Set out the timetable for producing SPDs – giving the timings for the publication of the draft SPD and the adoption of the SPD.

*Please note - The glossary at the end describes the types of documents and their acronyms and other technical terms used in this document.*

### **Review of the LDS**

The scheme is required to be reviewed annually as part of the Colchester Borough Council Annual Monitoring Report (usually published each December). The review will;

- Show how the programme is being implemented against the set milestones
- Indicate where new matters are to be included
- Provide an updated programme rolled forward for the following 3 years (where necessary).

## **2. The content of the Local Development Scheme**

The LDS sets out the process and projected timetable for the production and adoption of all documents. It also sets out the resources available for the production of documents and the risks associated with preparation; it sets out the arrangements for monitoring and review; and it identifies those background documents that are to be prepared to inform the production of the Local Plan.

## **3. Documents to be prepared during 2013 to 2016**

### **Phasing of work for Local Development Documents (LDDs)**

The timetable for the production of documents is shown in the chart on page 3. It is important that the LDS is kept under review and reflects any changes in Government policy.

### **Local Development Documents**

#### **Statement of Community Involvement (SCI)**

The Statement of Community Involvement (SCI) was the first LDD to be produced by Colchester Borough Council, given its importance in ensuring consultation and engagement during the production of future documents of all types. The SCI was originally submitted to the Planning Inspectorate in October 2005 and adopted by the Council in June 2006. It was subject to minor amendments in 2008 following changes to the regulations and was also



revised further early in 2011. In January 2013 a further revised SCI was published for consultation which focused primarily on consultation procedures for planning applications. The latest SCI revision was adopted in March 2013 following consideration of the consultation responses.

The production of an SCI is in part governed and directed by guidance and requirements at the national level. Should the regulations change or new examples of best practice be introduced the Council will update the SCI accordingly. The project chart shows the SCI to be reviewed in 2015.

## **Development Plan Documents**

### Local Plan Focused Review

The Local Plan Focused Review is to be the first development plan document that the Council will produce as the main planning policy document for Colchester. The focused review will ensure that the Colchester development plan is in conformity with the National Planning Policy Framework (NPPF). The focused review will consider the current policies that are judged to not be in accordance with the NPPF and also provides opportunity to revise policies which are no longer considered to be most appropriate or those that have been challenged successfully at appeal. This will ensure that the Colchester Local Plan is not silent on any issue and that the future development of the Borough is genuinely plan led.

### Local Plan Full Review

The focused review of the Local Plan will ensure that the overall strategic objectives and areas for growth are firmly identified through the comprehensive production of a complete Local Plan which will combine the policies currently found within the Core Strategy, Site Allocations and Development Policies documents. The Local Plan Full Review will enable longer term strategic issues to be discussed through public consultation and the duty to co-operate. It will also address strategic site allocations and infrastructure requirements alongside identification of housing and employment needs across the Borough up to 2031.

### Community Infrastructure Levy

Colchester Borough Council is part of the Community Infrastructure Levy (CIL) front runners project in partnership with the Department of Communities and Central Government. Two rounds of public consultation took place in 2011 with regards to the production of a CIL Charging Schedule and relevant implementation and governance procedures. The CIL Charging Schedule has been held back and is now expected to come forward in line with government requirements for local authorities to implement CIL Charging Schedules.

### Tiptree Jam Factory Plan

The Tiptree Jam Factory Plan is a stand alone DPD which focuses on the redevelopment of the Wilkin & Sons Jam Factory in Tiptree and associated enabling development, community facilities and open space provision. Previous versions of the LDS included milestones relating to the Tiptree Jam Factory Plan which was subject to public consultation in 2011 and 2012 and a public examination conducted by the Planning Inspectorate in autumn 2012. In December 2012, the Council received the Inspector's recommendations for the document and the Plan was formally adopted by Full Council in February 2013.

### Neighbourhood Planning

The Localism Act 2011 and the publication of the NPPF in March 2012 placed greater emphasis on developing plans at the local level through Neighbourhood Planning. Neighbourhood Plans are to be produced by local communities and once complete (subject to examination and local referendum) they can become part of the local authorities' development plan and have a significant influence on the future growth and development of particular areas. Colchester Borough Council currently has two Neighbourhood Plans (Boxted and Myland & Braiswick) which have received funding as front runner projects from the Department of Communities and Local Government.

Communities in Messing, West Bergholt and Wivenhoe have also come forward to undertake a Neighbourhood Plan within their area. These are not part of the front runner scheme but are still utilising government funding to assist the communities developing their plans.

The LDS project plan shows the expected timescales for the production of these Neighbourhood Plans and it is expected the further Neighbourhood Plans will be added to future revisions of the LDS once communities across the Borough express an interest to the Council.

### **Other Local Development Documents to be prepared**

#### Annual Monitoring Report

The Annual Monitoring Report (AMR) is published each December to demonstrate how the Council's planning policies have performed over a 12 month period against a range of established indicators. The AMR also includes general information about the Borough including population and the local economy.

#### Supplementary Planning Documents

SPD supplements policy contained in a DPD, it cannot set new policy but are treated as a material consideration in the determination of planning applications across the Borough. There are a number of SPD documents

(previously called Supplementary Planning Guidance, SPG) that are proposed either to be carried forward, currently under preparation, or proposed to be undertaken during the LDS period.

These are listed in Appendix 1.

#### Guidance notes and other documents

These will be produced to assist in explaining protocols, and other technical matters. They are essentially informative and may be used to assist the determination of planning applications or in other areas where planning decisions are required. They may not be subject to public consultation or a sustainability appraisal by the Borough Council. An example is the Essex Contaminated Land Report.

The Council is also encouraging Parish and Town Councils to prepare their own community plans (normally Parish Plans and Village Design Statements) These will not have the same weight in the decision making process as Neighbourhood Plans but will still be a material planning consideration. These documents will also be adopted by the Council where they are in compliance with national and local policy.

The current Guidance Notes are listed in Appendix 1.

## **4. General programme for Development Plan Document preparation and adoption**

The Project Chart at the front of this document shows the main milestones as set out in the Regulations for the production of each of the documents we intend to prepare in the next three years. The table below sets out each stage of plan preparation and the amount of time the Council expects each stage to be completed.

The Town and Country Planning (Local Planning) (England) Regulations 2012 came into force on 6 April 2012 and provide the guidance for the production of Local Plans and associated documents in England.

## Development Plan Documents (DPDs)

(Please note the timings below are indicative only and reference should be made to the LDS Project Chart for specific details and timescales)

Stage	How long?	Notes	Related Regulation (2012)	
<b>Project work</b>	6 months	Preparation of evidence base and other supporting information before the first publication of a Local Plan document and Sustainability Appraisal Scoping Report.	Regulation 18	
<b>Member approval</b>	1 month	Approval of evidence base and first consultation documents.		
<b>Consultation</b>	2 months	Public participation and Sustainability Appraisal Scoping Report.	Regulation 19	
<b>Project work</b>	3-6 months	Analysis of consultation results. Results feed into preparation of a further revision to a Local Plan document and Final Sustainability Appraisal.		
<b>Member approval</b>	1 month	Approval of evidence base and a further consultation document if required.		<b>Optional</b>  Depending on their content, some DPDs may not require this additional stage of consultation
<b>Consultation</b>	2 months	Public participation and Sustainability Appraisal.	Regulation 19	
<b>Project work</b>	3-6 months	Analysis of consultation results and amendments to the draft DPD.		
<b>Member approval</b>	1 month	Approval of Local Plan document which is to be published prior to submission to Secretary of State.		
<b>Publication Consultaiton</b>	2 months	Publish final version of the Local Plan document. Invite representations for a period of six weeks.	Regulation 19	
<b>Submission</b>		Submit final version of Local Plan document, Sustainability Appraisal, and a summary of representations to Secretary of State and GO.	Regulation 22	
<b>Preparatory work</b>	2-4 months	Publish details of the examination six weeks beforehand. Unable to make changes to the document before the examination. Hearing statements to be prepared in	Regulation 24	

		accordance with deadline set by inspector.	
<b>Examination</b>	1 month	Independent examination takes place.	Regulation 24
<b>Gap</b>	3 months	Await the inspector's report.	
<b>Inspector's Report</b>	1 month	Receive the inspector's report (including modifications) and publish the recommendations.	Regulation 25
<b>Adoption</b>		Publish the final DPD and adoption statement.	Regulation 26

### **Summary and Profile of Proposed Documents**

Details of the documents we intend to produce in the next five years follow in the tables below. The timetable for the production of documents reflects previous experience. The Planning Inspectorate (PINS) are also consulted about the production timetable specifically with regards to documents which require submission of the document to the Secretary of State and a formal examination in public.

## Local Plan Focused Review

<b>Subject and Scope</b>	This document will ensure that the Colchester policies are in conformity with the National Planning Policy Framework. The focused review will consider the current policies that are judged to not be in accordance with the NPPF. It will also reconsider policies that are deemed out of date.
<b>Geographical area</b>	All Colchester Borough
<b>Status</b>	Development Plan Document
<b>Chain of conformity</b>	Must be in conformity with the National Planning Policy Framework.
<b>Timetable for production</b>	
<b>Document preparation</b>	December 2012 – February 2013
<b>Member approval</b>	March 2013
<b>Local Plan document and sustainability appraisal scoping report published for consultation</b>	April – May 2013
<b>Consideration of responses and amendment of document</b>	June 2013
<b>Member Approval</b>	July 2013
<b>Publication Draft of Local Plan document and Sustainability Appraisal for consultation</b>	August – September 2013
<b>Submit documents and information to Secretary of State</b>	October 2013
<b>Independent examination</b>	January 2014
<b>Inspector's report</b>	March 2014
<b>Adoption</b>	April 2014
<b>Production arrangements</b>	Led by Spatial Policy group, with input from all internal CBC service groups and Essex County Council as appropriate. The SCI outlines how external parties and members of the public will be involved.
<b>Timetable for review</b>	The Annual Monitoring Report (AMR) will assess the effectiveness of the policies contained within the Local Plan. It is envisaged that a full review of the Local Plan will be on going with consultation expected in 2015.

## Local Plan Full Review

<b>Subject and Scope</b>	This document will develop the overall strategic objectives and areas for growth in the Borough. The Local Plan Full Review will combine the policies currently found within the Core Strategy, Development Policies and Site Allocations documents.
<b>Geographical area</b>	All Colchester Borough
<b>Status</b>	Development Plan Document
<b>Chain of conformity</b>	Must be in conformity with the National Planning Policy Framework.
<b>Timetable for production</b>	
<b>Document preparation</b>	December 2012 – December 2014
<b>Member approval</b>	January 2015
<b>Local Plan document and sustainability appraisal scoping report published for consultation</b>	February - March 2015
<b>Consideration of responses and amendment of document</b>	April – January 2016
<b>Member Approval</b>	February 2016
<b>Local Plan document and sustainability appraisal scoping report published for further consultation</b>	March - April 2016
<b>Consideration of responses and amendment of document</b>	May - August 2016
<b>Member approval</b>	September 2016
<b>Publication Draft of Local Plan document and Sustainability Appraisal for consultation</b>	October – November 2016
<b>Submission of DPD and summary of comments received to Secretary of State</b>	December 2016
<b>Independent examination</b>	March 2017
<b>Inspector's report</b>	May 2017
<b>Adoption</b>	June 2017
<b>Production arrangements</b>	Led by Spatial Policy group; input from all internal CBC service groups and Essex County Council as appropriate. The SCI outlines how external parties and members of the public will be involved.
<b>Timetable for review</b>	The Local Plan Full review will set the overall spatial strategy for the Borough

	and will be reviewed within 5 – 10 years of adoption.
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## Tiptree Jam Factory DPD

<b>Subject and Scope</b>	This document will include policies and allocations to support Tiptree Jam Factory, an important local employer. The plan is likely to include employment and housing allocations.
<b>Geographical area</b>	Tiptree
<b>Status</b>	Development Plan Document
<b>Chain of conformity</b>	Must conform with the Core Strategy and be consistent with other adopted DPDs. The plan will update the allocations for this area of Tiptree.
<b>Timetable for production</b>	
<b>Document preparation</b>	July 2011 – October 2011
<b>Member approval</b>	November 2011
<b>Consultation on draft document and sustainability appraisal scoping report</b>	November – January 2012
<b>Consideration of responses and amendment of document</b>	January – February 2012
<b>Member Approval</b>	April 2012
<b>Publication and 6 week consultation</b>	April – May 2012
<b>Submission of DPD and summary of comments received to Secretary of State</b>	May 2012
<b>Independent examination</b>	September 2012
<b>Inspector's report</b>	December 2012
<b>Adoption</b>	February 2013
<b>Production arrangements</b>	Spatial Policy group and Melville Dunbar Associates (on behalf of Wilkin & Sons). Input from internal CBC service groups and Essex County Council as appropriate. The SCI has determined how external parties and members of the public will be involved.
<b>Timetable for review</b>	The Annual Monitoring Report (AMR) will assess the effectiveness of the policies and allocations. The allocations will also be reconsidered as part of the Local Plan Full Review as required.

## Community Infrastructure Levy

<b>Subject and Scope</b>	Community Infrastructure Levy
<b>Geographical area</b>	Colchester Borough
<b>Status</b>	CIL charging schedule, governance arrangements, implementation plan, installment policy and other associated documents
<b>Chain of conformity</b>	Must conform with Local Plan and other DPD's as well as the NPPF.
<b>Timetable for production</b>	
<b>Consultation on draft documents</b>	July – September 2011 and November – December 2011
<b>Consideration of responses and amendment of document following earlier consultations</b>	January 2012 – June 2014
<b>Member Approval</b>	July 2014
<b>Publication and 6 week consultation</b>	August - September 2014
<b>Submission of plan and summary of comments received to Secretary of State</b>	October 2014
<b>Independent examination</b>	December 2014
<b>Inspector's report</b>	February 2015
<b>Adoption</b>	March 2015
<b>Production arrangements</b>	Spatial Policy group. Input from internal CBC service groups and Essex County Council as required.
<b>Timetable for review</b>	It is anticipated that the regulation 123 list (infrastructure items) will be reviewed and updated as required on an annual basis. The charging schedule and other CIL documents will be reviewed as required. The Annual Monitoring Report (AMR) will assess the effectiveness of CIL policies.

## Annual Monitoring Report

<b>Subject and Scope</b>	This document provides an in-depth analysis of how the Colchester planning policies are performing against a range of established indicators.
<b>Geographical area</b>	Colchester Borough
<b>Status</b>	Local development document which is updated annually.
<b>Chain of conformity</b>	None
<b>Timetable for production – same process followed each year</b>	
<b>Project work</b>	September – November
<b>Member Approval</b>	December
<b>Publication</b>	December
<b>Production arrangements</b>	Spatial Policy group. Input from internal CBC service groups and Essex County Council as required.
<b>Timetable for review</b>	The AMR is produced in the autumn of each year and is presented to the last Local Plan Committee meeting in the calendar year.

## Boxted Neighbourhood Plan

<b>Subject and Scope</b>	Neighbourhood Plan for Boxted Parish
<b>Geographical area</b>	Boxted Parish
<b>Status</b>	Neighbourhood Plan
<b>Chain of conformity</b>	Must conform with strategic policies in the Local Plan and other adopted DPDs.
<b>Timetable for production</b>	
<b>Document preparation</b>	November 2011 – July 2012
<b>Member approval</b>	August 2012
<b>Consultation on Neighborhood Plan Area</b>	August – September 2012
<b>Adoption of Plan Area</b>	October 2012
<b>Document preparation</b>	January – November 2013
<b>Member approval</b>	December 2013
<b>Pre-submission consultation and publicity</b>	December – January 2014
<b>Document preparation and analysis of consultation responses</b>	February - March 2014
<b>Submission of Neighbourhood Plan Proposals to CBC</b>	April 2014
<b>Document preparation</b>	May 2014
<b>Member approval</b>	June 2014
<b>Publication of Neighbourhood Plan Proposals</b>	June – July 2014
<b>Document preparation</b>	August 2014
<b>Submission of plan proposal to examination</b>	September 2014
<b>Independent examination</b>	November 2014
<b>Inspector's report</b>	January 2015
<b>Referendum</b>	March 2015
<b>Adoption</b>	May 2015
<b>Production arrangements</b>	Boxted Parish Council with support from Spatial Policy group as appropriate. Input from internal CBC service groups and Essex County Council as required.
<b>Timetable for review</b>	The Annual Monitoring Report (AMR) will assess the effectiveness of the policies and allocations.

## Messing cum Inworth Neighbourhood Plan

<b>Subject and Scope</b>	Neighbourhood Plan for Messing cum Inworth Parish
<b>Geographical area</b>	Messing cum Inworth Parish
<b>Status</b>	Neighbourhood Plan
<b>Chain of conformity</b>	Must conform with strategic policies in the Local Plan and other adopted DPDs.
<b>Timetable for production</b>	
<b>Document preparation</b>	May – July 2013
<b>Member approval</b>	August 2013
<b>Consultation on Neighborhood Plan Area</b>	August – September 2013
<b>Adoption of Plan Area</b>	December 2013
<b>Document preparation</b>	January – September 2014
<b>Member approval</b>	October 2014
<b>Pre-submission consultation and publicity</b>	October – November 2014
<b>Document preparation and analysis of consultation responses</b>	December – January 2015
<b>Submission of Neighbourhood Plan Proposals to CBC</b>	February 2015
<b>Document preparation</b>	March – April 2015
<b>Member approval</b>	May 2015
<b>Publication of Neighbourhood Plan Proposals</b>	May - June 2015
<b>Document preparation</b>	July 2015
<b>Submission of plan proposal to examination</b>	August 2015
<b>Independent examination</b>	October 2015
<b>Inspector's report</b>	December 2015
<b>Referendum</b>	February 2015
<b>Adoption</b>	April 2015
<b>Production arrangements</b>	Messing cum Inworth Parish Council with support from Spatial Policy group as appropriate. Input from internal CBC service groups and Essex County Council as required.
<b>Timetable for review</b>	The Annual Monitoring Report (AMR) will assess the effectiveness of the policies and allocations.

## Myland and Braiswick Neighbourhood Plan

<b>Subject and Scope</b>	Neighbourhood Plan for Myland Parish
<b>Geographical area</b>	Myland Parish
<b>Status</b>	Neighbourhood Plan
<b>Chain of conformity</b>	Must conform with strategic policies in the Local Plan and other adopted DPDs.
<b>Timetable for production</b>	
<b>Document preparation</b>	November 2011 – July 2012
<b>Member approval</b>	August 2012
<b>Consultation on Neighborhood Plan Area</b>	August – September 2012
<b>Adoption of Plan Area</b>	January 2013
<b>Document preparation</b>	January – November 2013
<b>Member approval</b>	December 2013
<b>Pre-submission consultation and publicity</b>	December – January 2014
<b>Document preparation and analysis of consultation responses</b>	February - March 2014
<b>Submission of Neighbourhood Plan Proposals to CBC</b>	April 2014
<b>Document preparation</b>	May 2014
<b>Member approval</b>	June 2014
<b>Publication of Neighbourhood Plan Proposals</b>	June – July 2014
<b>Document preparation</b>	August 2014
<b>Submission of plan proposal to examination</b>	September 2014
<b>Independent examination</b>	November 2014
<b>Inspector's report</b>	January 2015
<b>Referendum</b>	March 2015
<b>Adoption</b>	May 2015
<b>Production arrangements</b>	Myland Community Council with support from Spatial Policy group as appropriate. Input from internal CBC service groups and Essex County Council as required.
<b>Timetable for review</b>	The Annual Monitoring Report (AMR) will assess the effectiveness of the policies and allocations.

## West Bergholt Neighbourhood Plan

<b>Subject and Scope</b>	Neighbourhood Plan for West Bergholt Parish
<b>Geographical area</b>	West Bergholt Parish
<b>Status</b>	Neighbourhood Plan
<b>Chain of conformity</b>	Must conform with strategic policies in the Local Plan and other adopted DPDs.
<b>Timetable for production</b>	
<b>Document preparation</b>	February – April 2013
<b>Member approval</b>	May 2013
<b>Consultation on Neighbourhood Plan Area</b>	May – June 2013
<b>Adoption of Plan Area</b>	July 2013
<b>Document preparation</b>	August – January 2014
<b>Member approval</b>	February 2014
<b>Pre-submission consultation and publicity</b>	February – March 2014
<b>Document preparation and analysis of consultation responses</b>	April – June 2014
<b>Submission of Neighbourhood Plan Proposals to CBC</b>	July 2014
<b>Document preparation</b>	August 2014
<b>Member approval</b>	September 2014
<b>Publication of Neighbourhood Plan Proposals</b>	September – October 2014
<b>Document preparation</b>	November 2014
<b>Submission of plan proposal to examination</b>	December 2014
<b>Independent examination</b>	February 2015
<b>Inspector's report</b>	April 2015
<b>Referendum</b>	June 2015
<b>Adoption</b>	August 2015
<b>Production arrangements</b>	West Bergholt Parish Council with support from Spatial Policy group as appropriate. Input from internal CBC service groups and Essex County Council as required.
<b>Timetable for review</b>	The Annual Monitoring Report (AMR) will assess the effectiveness of the policies and allocations.

## Wivenhoe Neighbourhood Plan

<b>Subject and Scope</b>	Neighbourhood Plan for Wivenhoe
<b>Geographical area</b>	Wivenhoe
<b>Status</b>	Neighbourhood Plan
<b>Chain of conformity</b>	Must conform with strategic policies in the Local Plan and other adopted DPDs.
<b>Timetable for production</b>	
<b>Document preparation</b>	February – April 2013
<b>Member approval</b>	May 2013
<b>Consultation on Neighbourhood Plan Area</b>	May – June 2013
<b>Adoption of Plan Area</b>	July 2013
<b>Document preparation</b>	August – January 2014
<b>Member approval</b>	February 2014
<b>Pre-submission consultation and publicity</b>	February – March 2014
<b>Document preparation and analysis of consultation responses</b>	April – June 2014
<b>Submission of Neighbourhood Plan Proposals to CBC</b>	July 2014
<b>Document preparation</b>	August 2014
<b>Member approval</b>	September 2014
<b>Publication of Neighbourhood Plan Proposals</b>	September – October 2014
<b>Document preparation</b>	November 2014
<b>Submission of plan proposal to examination</b>	December 2014
<b>Independent examination</b>	February 2015
<b>Inspector's report</b>	April 2015
<b>Referendum</b>	June 2015
<b>Adoption</b>	August 2015
<b>Production arrangements</b>	Wivenhoe Town Council with support from Spatial Policy group as appropriate. Input from internal CBC service groups and Essex County Council as required.
<b>Timetable for review</b>	The Annual Monitoring Report (AMR) will assess the effectiveness of the policies and allocations.



## Profiles for Supplementary Planning Documents

<b>North Station Masterplan</b>	
<b>Title</b>	North Station Masterplan
<b>Role and content</b>	To provide advice on the future redevelopment in the area
<b>Status</b>	SPD
<b>Chain of conformity</b>	The SPD will supplement policies in the Local Plan
<b>Geographic coverage</b>	Land around Colchester North Station, North Station Road and the Cowdray Centre
<b>Timetable and milestones in months:</b>	<ul style="list-style-type: none"> <li>• Member approval for consultation – September 2014</li> <li>• Public participation – October - November 2014</li> <li>• Consideration of consultation representations and revisions to the document – December – April 2015</li> <li>• Adoption – May 2015</li> </ul>
<b>Arrangements for production</b>	Colchester Borough Council (CBC) to lead with significant input from Essex County Council. Public consultation to include a press release, advertisement and letters/emails.
<b>Post production - Monitoring and review mechanisms</b>	CBC to monitor after adoption through a review of planning applications.

<b>Stanway Masterplan</b>	
<b>Title</b>	Stanway Masterplan
<b>Role and content</b>	To provide advice on future development in the area
<b>Status</b>	SPD
<b>Chain of conformity</b>	The SPD will support the policies within the Local Plan
<b>Geographic coverage</b>	Stanway Growth Area
<b>Timetable and milestones in months:</b>	<ul style="list-style-type: none"> <li>• Preparation of draft SPD and sustainability appraisal scoping report – January 2013 – April 2015</li> <li>• Member approval for consultation – May 2015</li> </ul>

	<ul style="list-style-type: none"> <li>• Public consultation – June - July 2015</li> <li>• Consideration of consultation representations – August – November 2015</li> <li>• Adoption – December 2015</li> </ul>
<b>Arrangements for production</b>	Colchester Borough Council (CBC) to lead with significant input from Essex County Council. Public consultation to include a press release, advertisement and letters/emails.
<b>Post production - Monitoring and review mechanisms</b>	CBC to monitor after adoption through a review of planning applications.

### Magdalen Street Development Brief

<b>Title</b>	Magdalen Street Development Brief
<b>Role and content</b>	To provide advice on the future redevelopment in the area
<b>Status</b>	Development Brief
<b>Chain of conformity</b>	The Development Brief will supplement policies in the Local Plan which will encourage regeneration in this part of the Borough.
<b>Geographic coverage</b>	Land around Magdalen Street and Military Road
<b>Timetable and milestones in months:</b>	<ul style="list-style-type: none"> <li>• Document Preparation – January – November 2013</li> <li>• Adoption – December 2013</li> </ul>
<b>Arrangements for production</b>	Colchester Borough Council (CBC) to lead with input from Essex County Council and landowners.
<b>Post production - Monitoring and review mechanisms</b>	CBC to monitor after adoption through a review of planning applications.

<b>Planning Obligations SPD</b>	
<b>Title</b>	Planning Obligations SPD
<b>Role and content</b>	To provide further details on the collection of the planning obligations received by the Council as a result of planned developments across the Borough.
<b>Status</b>	SPD
<b>Chain of conformity</b>	The SPD will support the policies within the Local Plan and the Community Infrastructure Levy
<b>Geographic coverage</b>	Whole Borough
<b>Timetable and milestones in months:</b>	<ul style="list-style-type: none"> <li>• Preparation of draft SPD and sustainability appraisal scoping report – May 2013 – June 2014</li> <li>• Member approval for consultation – July 2014</li> <li>• Public consultation – August - September 2014</li> <li>• Consideration of consultation representations – September – February 2015</li> <li>• Adoption – March 2015</li> </ul>
<b>Arrangements for production</b>	Colchester Borough Council (CBC) to lead with significant input from Essex County Council. Public consultation to include a press release, advertisement and letters/emails.
<b>Post production - Monitoring and review mechanisms</b>	CBC to monitor after adoption through a review of planning applications.

## 5. Evidence Base

The 'evidence base' is a key feature of the Colchester Local Plan. It seeks to ensure that the development plan's proposals and policies are soundly based. To ensure this a number of specialist studies and other research projects are, or will be undertaken. These will also be important in monitoring and review, as required by the AMR.

Some documents will also be published that are not specifically for planning purposes but are important in informing the process (eg. the Colchester Borough Council's Strategic Plan and other service strategies).

Each document will be made publically available at the appropriate time in the process, usually on the Council's website ([www.colchester.gov.uk](http://www.colchester.gov.uk)). All will be made available at the relevant examination. These documents will be reviewed in the AMR to see if they need to be reviewed or withdrawn. Other documents may also be produced as needed during the process.

The table on the following pages identifies the reports and studies that will be used to provide a robust and credible evidence base for the Local Plan. This list will be added to if additional work is required.

### Integration with other Strategies

The Local Plan has a key role in providing a spatial dimension for many other strategies and helping their co-ordination and delivery.

**Documents to be produced as Evidence Base for Local Development Documents**

<b>Title</b>	<b>Purpose and Scope</b>	<b>Timescale and review</b>
SEA Baseline Study & Environment Report	To provide sound evidence base on main environmental factors in the borough for SEA and SA of all documents.	Base line study will be updated as part of the Local Plan Focused Review.
Strategic Environmental Assessment & Sustainability Appraisal	To provide sound evidence base for all documents (except some guidance notes).	Sustainability Appraisal work will be undertaken alongside the formulation of policy documents.
Townscape Character Study	To provide a sound basis for the SHLAA and built environment DPD policies.	Completed June 2006.
Housing Land Availability Assessment	To provide evidence for housing land availability and distribution in relation to Core Strategy requirements.	Completed February 2007
Strategic Housing Land Availability Assessment (SHLAA)	Update of previous Housing Land Availability and Urban Capacity work to meet the requirements for Strategic Housing Land Availability Assessments.	Final Report Completed November 2007. Updated annually as part of the AMR.  A new SHLAA will be required to inform the Local Plan Full Review starting in 2014/15.
Housing Needs Survey and Strategic Housing Market Assessment (SHMA)	Joint study with Braintree and Chelmsford Councils. This updates the HNS for Colchester undertaken in 2002. It assesses local housing markets and housing needs.	Completed February 2008 and updated annually.  A new SHMA will be required to inform the Local Plan Full Review in 2014/15. A sub regional SHMA has been commissioned in 2013.
Employment Land Study	To add detail to the Haven Gateway study on a borough level. The study looks at existing sites and future needs	Completed May 2007 to help inform the production of Core Strategy. Study will be updated to inform the

	to at least 2021.	Local Plan Full Review starting in 2014/15
Retail study	Joint study with Maldon, Braintree and Tendring Councils. To provide evidence for future shopping strategies provision across the borough up to 2021.	Report completed March 2007. The study helped the production of Core Strategy and other documents. Updated in 2009.  A new study will be completed in 2013/14
Landscape Character Assessment	To provide evidence for countryside strategies and housing allocations.	Assessment completed November 2005.
Haven Gateway Green Infrastructure Study (HAGGIS).	To ensure there are sufficient open space, sport and recreational facilities, that they are in the right places, are of high quality, attractive to users and well managed and maintained.	Study completed April 2008.
Colchester Green Infrastructure Study	To provide additional detail at the local level	Work completed in October 2011.
PPG17 Study	To ensure there are sufficient open space, sport and recreational facilities, that they are in the right places, are of high quality, attractive to users and well managed and maintained.	PPG17 Study completed February 2008. A new Open Space Study will be commissioned in 2013/14.
Strategic Flood Risk Assessment	Joint study with Maldon and Braintree Councils. The assessment helped inform the production of Site Allocations and other DPD's.	Completed October 2007.
Transport Model for Colchester	To enable area-wide traffic and public transport modelling to take place including the future traffic scenarios to be predicted and transport solution to be tested	The model has been validated and calibrated and is available for testing scenarios and projects as part of the Local Plan Full Review expected to start in 2014/15.
East Transit Corridor study	To investigate options for a high-speed, high-	Initial stage of feasibility study complete which

	frequency public transport link between the University, East Colchester regeneration area and the Town Centre.	identifies short, medium and long term options.
Town Centre Car Parking strategy	To ascertain current and future demand for parking and develop a parking strategy for the Town complementing Colchester's Park and Ride strategy.	Capacity and demand analysis undertaken in relationship to Regeneration Programme. Strategy is kept under review to reflect changes in regeneration programme.
Review of Local Wildlife Sites	Resurvey the whole borough including a review of existing local wildlife sites (last carried out in late 1980's) Produce list of wildlife sites following consultation	Work completed December 2008
Hotel Demand Study	Identify gaps in the market and inform potential hotel investors of development opportunities. Provide a sequential site assessment of potential sites for development	Completed April 2007 and updated 2009
Historic Environment Characterisation	This project design presents a programme of work to characterise the historic environment of Colchester Borough	Work completed November 2008.
Green Breaks Study	Assess the justification for including land in such local designations	Work completed January 2009
Affordable Housing Viability Study	To assess the impact the delivery of affordable housing on the viability of schemes across the Borough	Work commissioned in 2012 and will be completed in 2013.

## 6. Monitoring and review

### Monitoring of LDDs

The development plan system is a continuous process with monitoring and review being fundamental aspects to the delivery of a successful plan. Since the introduction of the Planning and Compulsory Purchase Act 2004, it has been a requirement that an Annual Monitoring Report (AMR) will be published by the end of December each year. The AMR has been used to inform the review of this Local Development Scheme annually.

The AMR will analyse the period of the previous April to March of the current year. The report will:

- Set out how the Council is performing in the production of documents against the timescales and milestones set out in the previous years LDS;
- Provide information on how the strategies/policies/targets in the Local Plan are being achieved;
- Advise on whether any LDDs need reviewing;
- Review progress on SPDs and whether any new ones are required or old ones withdrawn or reviewed;
- Advise on the need to update the LDS as appropriate; and
- Provide information on the 'State of the Borough'.

As required by the Regulations, the LDS will be monitored annually, informed by the AMR and a report produced and submitted to the Local Plan Committee for revision should changes be required.

### Review of LDDs

Following the initial adoption of development plan document, it is anticipated that subsequent reviews will be in the form of a rolling programme following recommendations from the Local Plan Committee.

The AMR will provide information regarding the performance of each document as well as identifying areas where strategies/policies/targets are not being achieved. The outcomes will be dependent on a variety of influences such as changes to Government policy or pressures for development(s) across the Borough.



# 7. Resources and Risk Assessment

## Professional officer input

The Local Plan process will be led by the Spatial Policy Team as part of Commercial Services at Colchester Borough Council.

The Spatial Policy Team consists of Planning Policy and Transportation Policy. The team is lead by the Place Strategy Manager who will be responsible for the overall project and policy direction. The team also includes a planning policy manager and four planning officers, who will be responsible for various elements of the Local Plan process and policy. Transportation officers will also be heavily involved in the production of the Local Plan, working alongside colleagues from Essex County Council.

Additional staff resources will be brought in to the process from time to time as required from other professional groups within the Council and outside agencies as follows:

### Commercial Services

Housing Policy,  
Enterprise,  
Regeneration,  
Leisure, Tourism and Cultural services.

### Other CBC Services

Development Management,  
Environmental Protection,  
Research and Engagement,  
Community Strategies,  
Operational Services.

### Others

Highways Agency (strategic highways matters)  
Essex County Council (other highway matters, education, planning etc)  
Rural Community Council for Essex (to promote/facilitate links with parish councils)  
Consultants have been commissioned to develop elements of the evidence base and this is continuing.

### Consultee groups

The Statement of Community Involvement sets out in detail who we will consult and at what stage in the production of all documents. The SCI covers both plan making and decision taking so all aspects of the Council's statutory planning functions have been included within the SCI.

### Financial resources

In 2010 the Government announced it was abolishing the Housing and Planning Delivery Grant. This had been a significant source of funding and was used to fund the various technical studies required to underpin and inform the production of planning documents. The evidence base is a continuous process and whilst further studies and updates are identified above, there is limited funding identified in the future.

### Risk Assessment

#### Risks

There are several factors which may impact upon the ability of the Council to keep to the timetable for the production of documents. The table below considers and deals with the main risks.

Issue and level of Risk	Comment and proposed mitigating measures
<b>Significant public opposition to plan proposals.</b>  <b>Medium Risk</b>	The production of the Local Plan and specifically the allocation of land is likely to be contentious. Whilst every effort will be made to build cross-community consensus, there is a high risk of significant public opposition.  Where there is opposition to things that have already been determined within previous documents (Core Strategy and subsequently the Site Allocations DPD) there is little the Council can do without a full scale review. Even then the allocations have already been found to be most appropriate.
<b>Inability of PINS to deliver examinations/reports to timetable.</b>  <b>Medium Risk</b>	The Planning Inspectorate has been identified for 35% cuts to its budget and will need to change the way it works and the number of staff. There is also uncertainty as to the Governments plans for planning policy. PINS may not be able to provide Inspectors at the appropriate times. If problems do occur, caused by factors outside the council's control, we may have to accept some slippage of the timetable. The LDS would need to be amended accordingly.
<b>Loss/turnover of staff</b>  <b>Low Risk</b>	The Spatial Policy Team have benefitted from low turnover in recent years.  In the past the programme suffered through the loss of a number of experienced officers and it was difficult to replace them.

<p><b>Financial shortfall</b></p> <p><b>Medium Risk</b></p>	<p>Any review of documents is a costly exercise, involving preparation of an evidence base, production of documents, consultation and examination.</p> <p>In previous years the Council has allocated funds through the Housing &amp; Planning Delivery Grant (HPDG) and its Service and Financial Planning process to allow for the preparation of the Local Plan. In the longer term no HPDG funding is available. Additional Council expenditure will be subject to scrutiny.</p> <p>Examination costs may inflate due to the length/complexity of the Examination. This will be kept under review.</p>
<p><b>Changing Political Priorities</b></p> <p><b>Medium Risk</b></p>	<p>This document has been considered and approved by Local Plan Committee which has a cross party representation of members. Elections in the borough could result in political changes and/or there could be changing priorities. Any future changes in the documents to be produced can be dealt with at the annual review.</p>
<p><b>Legal Challenge</b></p> <p><b>Low Risk</b></p>	<p>A legal challenge may be lodged to any document within six week of adoption. The degree to which this will happen is uncertain due to the untried nature of the system emerging. However, a challenge will only succeed if the Council (or Inspector) has made a mistake in procedure or in fact.</p> <p>To avoid a legal challenge, every effort will be made to ensure that procedures are followed and facts are correct.</p>

## Appendix 1

### SUPPLEMENTARY PLANNING GUIDANCE/DOCUMENTS AND PLANNING GUIDANCE NOTES Status and Programme as at September 2013

Subject	Authorities involved and Projected Date of Approval	Timetable for review
<b>Existing Supplementary Planning Guidance</b>		
<b>Blackwater Estuary Management Plan</b>	Colchester Borough Council/ Maldon District Council/English Nature/Essex County Council 1996.	Additional documents published to be read in conjunction with the Plan; Issues Update – 1999 Review Document - 2002
<b>Great Horkesley Village Appraisal</b>	Colchester Borough Council March 1998	
<b>Severalls Hospital/Cuckoo Farm Masterplan</b>	Colchester Borough Council 2001	
<b>Magdalen Street and Barrack Street Development Brief</b>	Colchester Borough Council 2001	
<b>Colchester Garrison Development Plan/Masterplan</b>	Colchester Borough Council 2001 Adopted November 2002	
<b>Dedham Vale AONB &amp; Stour Valley Management Strategy &amp; Action Plan</b>	Colchester Borough Council Essex County Council Adopted 2004	

<b>Existing Guidance Notes proposed to be retained (these are not SPG) This guidance forms a material consideration</b>	
<b>Legal Obligations</b>	CBC adopted March 2004
<b>Development Team Protocol</b>	CBC adopted March 2004
<b>Paxmans Development Brief</b>	CBC adopted February 2005
<b>Tilehouse Farm Great Horkesley Development Brief</b>	CBC adopted June 2005
<b>St Botolphs Masterplan</b>	CBC adopted as Council Guidance 30.6.05
<b>Magistrates Court Development Brief</b>	CBC adopted May 2006
<b>Planning Out Crime</b>	Colchester Borough Council Adopted 5 April 2005
<b>Contaminated Land</b>	CBC/Essex Contaminated Land Consortium. Adopted July 2004
<b>Layer Road Development Brief</b>	CBC adopted October 2006
<b>Stanway Rail Sidings Development Brief</b>	CBC adopted February 2006
<b>Betts Development Brief</b>	CBC adopted December 2010
<b>Stanway Railway Sidings Development Brief</b>	CBC adopted May 2011
<b>Town Centre Public Realm Strategy</b>	CBC adopted June 2011
<b>Rural Workers Dwellings Guidance Note</b>	CBC adopted August 2012
<b>Air Quality Management Guidance Note</b>	CBC adopted August 2012
<b>Dedham Village Design Statement</b>	CBC adopted October 2007

<b>Langham Village Design Statement</b>	CBC adopted September 2008	
<b>Wivenhoe Town Plan</b>	CBC adopted December 2008	
<b>Boxted Joint VDS and Parish Plan</b>	CBC adopted June 2010	Action Plan outstanding
<b>Little Horkesley Village Design Statement</b>	CBC adopted August 2010	
<b>Myland Design Statement</b>	CBC adopted September 2010	
<b>West Bergholt Parish Plan</b>	CBC adopted December 2010	
<b>Stanway Joint Design Statement and Parish Plan</b>	CBC adopted March 2011	
<b>West Bergholt Village Design Statement</b>	CBC adopted December 2011	
<b>Dedham Parish Plan</b>	CBC adopted December 2011	
<b>Winstred Hundred Community Plan</b>	CBC adopted March 2012	
<b>Myland Parish Plan</b>	CBC adopted July 2012	
<b>Essex County Council Guidance (no resource implications for CBC) This guidance forms a material consideration</b>		
<b>Essex Golf Report</b>	Essex County Council 1992	
<b>Essex Design Guide and Urban Place Supplement</b>	Essex Planning Officers Assoc. 2005	
<b>Developers Guide to Infrastructure Contributions</b>	Essex County Council 2010	
<b>Education Contributions Supplement</b>	Essex County Council 2010	
<b>Development and Public Rights of Way</b>	Essex County Council 2011	
<b>Procedure and Policy for Public</b>	Essex County Council 2011	

<b>Path Creations</b>			
<b>Procedure for Public Path Diversions</b>	Essex County Council 2011		
<b>Adopted Supplementary Planning Documents</b>			
<b>External Materials</b>	Colchester Borough Council		Adopted June 2004
<b>Rowhedge Port Redevelopment Brief</b>	Colchester Borough Council		Adopted June 2004
<b>Open Space, Sport and Recreational facilities</b>	Colchester Borough Council		Adopted July 2006
<b>Extending Your House</b>	Colchester Borough Council		Adopted November 2005
<b>Magdalen Street (south side)</b>	Colchester Borough Council		Adopted November 2005
<b>Colne Harbour Masterplan</b>	Essex CC and Colchester BC		Adopted December 2007
<b>Sustainable Construction</b>	Colchester Borough Council		Adopted October 2007 and revised in June 2011
<b>Backland and Infill Development</b>	Colchester Borough Council		Adopted December 2010
<b>Community Facilities</b>	Colchester Borough Council		Adopted September 2009
<b>Car Parking Standards</b>	Essex Planning Officers Society		Adopted September 2009
<b>Shop front Design Guide</b>	Colchester Borough Council		Adopted June 2011
<b>Affordable Housing</b>	Colchester Borough Council		Adopted August 2011
<b>Cycling Delivery Strategy</b>	Colchester Borough Council		Adopted January 2012
<b>North Colchester Growth Area</b>	Colchester Borough Council		Adopted June 2012
<b>Street Services</b>	Colchester Borough Council		Adopted October 2012
<b>Better Town Centre</b>	Colchester Borough Council		Adopted December 2012

**Supplementary Planning Documents under Preparation**

<b>Stanway Master Plan</b>	Colchester Borough Council	Adoption expected 2015
<b>Planning Obligations</b>	Colchester Borough Council	Adoption expected 2015
<b>North Station Master Plan</b>	Colchester Borough Council	Adoption expected 2015

*Note:* Planning Guidance Notes are non statutory because they have not been through all the formal procedures set out in legislation and regulations. These documents will therefore be largely advisory or relate to procedures. They do however set out Council policy and may be used in determining planning applications, or informing any other planning decisions.



## Appendix 2

### Glossary of terms and acronyms

#### **Annual Monitoring Report (AMR)**

This assesses how the Council is progressing with the timetables set out in the Local Development Scheme. It also assesses how effective the various policies contained in the other Local Development Documents are in practice. This is a statutory document but is not a Local Development Document (LDD).

#### **Communities and Local Government (CLG)**

The department was created on 5 May 2006 with a powerful remit to promote community cohesion and equality, as well as responsibility for housing, urban regeneration, planning and local government.

#### **Community Led Plans**

The most recognised current “types” of community led plans are Neighbourhood Plans, Parish Plans and Village/Town Design Statements (VDS). There is no standard format for community-led plan documents, although there are generic structures and guidance on how to prepare them. The documents usually contain results of the appraisal and survey work undertaken and the actions/guidance arising from it, but each one is unique to the community that will monitor it. There is however a fundamental difference between Parish Plans/Market Town Initiatives and Village/Town Design Statements;

- **Neighbourhood Plans**

The Localism Act enables a local group to work together either through their Parish, Town or Community Council or a specially constituted Neighbourhood Forum to prepare a Neighbourhood Plan. The Plan will set out a development vision about how the local community wants their local area to develop in the future.

- **Parish Plans**

Parish Plans address a range of social, environmental and economic issues, and produce two main types of outcome – action which can be undertaken by local groups, and proposals to influence actions, decisions and policies of larger organisations. Similar action based community-led plans can be undertaken in urban areas which focus on housing estates or other geographically identifiable areas of a town.

- **Village Design Statements (VDS)**

VDS describes the character of the local area and produces design guidance and practical ways to care for and enhance the appearance of the local area. The VDS, if in accordance with development plan policy, can be adopted as planning guidance and can then be a material consideration in the determination of planning applications.

### **Development Plan Documents (DPD)**

These are the documents which must be taken into account in determining planning applications. Planning permission must be granted in accordance with these documents unless material considerations indicate otherwise. Development Plan Documents must be subjected to independent examination before being adopted.

### **Local Development Documents (LDD)**

These documents can be Development Plan Documents (DPD) and Supplementary Planning Documents (SPD) both of which are used to guide development and by the Council in the determination of planning applications. The Statement of Community Involvement (SCI) is also an LDD.

### **Local Development Framework (LDF)**

This is the complete “portfolio” of documents that make up the Development Plan for the Borough. In Colchester it comprised of the Local Development Scheme, Annual Monitoring Report, Statement of Community Involvement, Local Development Documents, Development Plan Documents, Supplementary Planning Documents and Planning Guidance Notes. The Local Development Framework system is now to be replaced by a Local Plan following the publication of the National Planning Policy Framework.

### **Local Development Scheme (LDS)**

This document sets out which documents are part of the Local Plan, the timetable for their review and the preparation of new documents. This is a statutory document although not a Local Development Document (LDD).

### **Local Plan**

A document to be produced covering the whole of the Borough which guides growth and development of Colchester. An earlier Local Plan was adopted in 2004 and then was replaced by documents under the Local Development Framework. The Council will be replacing the LDF documents with a new Local Plan in coming years.

### **Local Plan Committee**

The working group of councillors set up by the council to take forward the Local Plan process. The committee is open to the public and has delegated power from the Full Council to decide the form and content of the Local Plan.

### **National Planning Policy Framework (NPPF)**

The National Planning Policy Framework was published in March 2012 and provides policy guidance at the national level. All development plan documents are to be in conformity with the NPPF.

### **Planning Inspectorate (PINS)**

The independent Government Agency charged with Examinations into LDDs and dealing with planning appeals. The Inspectors decisions will be binding on the council on all LDDs.

### **Portfolio Holder**

The Cabinet Member responsible for the planning function of the council. The portfolio holder will agree the process and content for SPD and other Guidance documents.

### **Statement of Community Involvement (SCI)**

This sets out the Council's policy on involving the community in policy-making and major planning applications. It is a Local Development Document.

### **Strategic Environmental Assessment (SEA)**

Required under the terms of the European directive 2001/42/EC for "environmental assessment of certain plans and programmes, including those in the field of planning and land use". Undertaken in conjunction with the Sustainability Appraisal.

### **Supplementary Planning Documents (SPD)**

There is no legal requirement to take these documents into account in determining planning applications, but where they are relevant, the council will do so. They are intended to provide guidance to applicants wishing to develop land or buildings. The community will be involved in their preparation, but there is no independent examination of the document.

### **Supplementary Planning Guidance (SPG)**

Same as SPD, but produced under the old system, with fewer regulations governing their preparation.

### **Sustainability Appraisal (SA)**

An assessment of the impact the proposals contained within a Local Development Document would have on the environment, economy and society. SA is an ongoing process; it should be used to improve the sustainability of subsequent versions of the document. It is to be carried out in conjunction with the Strategic Environmental Assessment.

