

16 September 2022

Spatial Planning  
Essex County Council  
County Hall  
Market Road  
Chelmsford, CM1 1QH

Planning Policy  
Colchester Borough Council  
Rowen House  
33 Sheepen Road  
Colchester, CO3 3WG

By email: [REDACTED]

Dear sir / madam,

**RE: COPFORD WITH EASTHOPRE NEIGHBOURHOOD PLAN (REGULATION 16)**

Thank you for consulting Essex County Council (ECC) on the abovementioned Copford with Easthorpe Neighbourhood Plan (NP). ECC provides the following response, which reflects ECC's role as the Minerals and Waste Planning Authority, the Highway Authority, the Transportation Authority, the lead authority for education (including early years and child care), the Lead Local Flood Authority and our responsibility for providing and delivering adult social care (ASC) and public health services.

The ECC response outlines where changes need to be made to ensure ECC can deliver its statutory responsibilities and recommends other changes for your consideration. Although the NP does not make any site allocations, any growth through windfall development will need to be assessed, including infrastructure requirements, any mitigation, and how they will be funded and delivered.

The response is ordered to reflect the order of the NP.

**1. Essex County Council's Neighbourhood Planning Guide (2019)**

This document provides information on the services within ECC that may need to be considered when completing a NP and provides relevant weblinks to policy and guidance. Essex County Council's Neighbourhood Planning Guide can be found [here](#).

## 2. What is a Neighbourhood Plan?

The second paragraph refers to the NP as “sitting alongside the Colchester Borough Council’s Development Plan”. The NP rather forms part of the Colchester Borough Council Development Plan, which also includes the adopted [Colchester Borough Council Local Plan 2013-33, North Essex Authorities Shared Strategic Section 1](#) and [Colchester Borough Council Local Plan 2017-33, Section 2](#).

Further, the NP does not accurately reflect the Development Plan within Copford with Easthorpe. The Development Plan also comprises of the [Essex Minerals Local Plan 2014 \(MLP\)](#) and [the Essex and Southend-on-Sea Waste Local Plan 2017 \(WLP\)](#).

Almost all of the NP area is covered by a MLP Minerals Safeguarding Area (MSA) designation and there are also Mineral Consultation Areas (MCA) and Waste Consultation Areas (WCA) within the NP area. Therefore, when determining a planning application, decision makers must also consider the policies within these two plans (MLP and WLP), as relevant. The emerging Copford with Easthorpe NP must also demonstrate conformity with these two development plans. Attention is drawn in particular to Policy S8 of the MLP and Policy 2 of the WLP, as this could have relevance to local planning decisions.

The Minerals and Waste Planning Authority (MwPA) requests that appropriate reference is made to the MLP and WLP as part of the description of the Development Plan in the NP’s introduction. The suggested wording is as follows:

*Essex County Council is the Minerals and Waste Authority for the Neighbourhood Plan Area and is responsible for the production of mineral and waste local plans. The Development Plan in Copford with Easthorpe therefore also comprises of the [Essex Minerals Local Plan 2014 \(MLP\)](#) and the [Essex and Southend-on-Sea Waste Local Plan 2017 \(WLP\)](#). These plans set out the policy framework within which minerals and waste planning applications are assessed. They also contain policies which safeguard known mineral bearing land from sterilisation, and existing, permitted and allocated mineral and waste infrastructure from proximal development which may compromise their operation.*

Map 1 to this response shows that almost all of the NP area is covered by a MSA designation. Proposals for non-mineral development coming forward in land designated as an MSA must demonstrate compliance with Policy S8 of the MLP.

In light of the fact that almost all of the NP area is within a MSA, the following wording is recommended as an addition to the planning context section.

*The majority of the Neighbourhood Plan area is within a Mineral Safeguarding Area due to the presence of sand, gravel and brick clay deposits beneath the ground (as shown on Map 1). These areas are subject to a mineral safeguarding policy (Policy S8 of the MLP), which seeks to prevent deposits being unnecessarily sterilised by non-mineral development. Essex County Council as the Mineral Planning Authority must be consulted on all applications for non-minerals development proposed within these areas which meet the thresholds set out in Policy S8 and are not considered to be ‘excluded development’ as set out in the same policy.*

There are currently minerals and waste infrastructure within the NP area, including the Marks Tey Rail Siding. Detailed information for these sites can be found in Appendix A of this response.

Policy S8 of the MLP establishes MCAs at a distance of 250m around permitted, allocated and existing mineral infrastructure, including extraction sites. ECC must be consulted on all applications for non-mineral development proposed within these areas. Further, Policy 2 of the WLP establishes WCAs at a distance of 250m (400m in the case of Water Recycling Centres) around permitted, allocated and existing waste infrastructure. ECC must be consulted on all applications for non-waste development proposed within these areas. Accordingly, the following wording is recommended as an addition to the planning context section.

*Within the Neighbourhood Plan Area there is a Mineral Consultation Area in relation to Marks Tey Rail Siding. This area is subject to Policy S8 of the MLP which establishes Mineral Consultation Areas at a distance of 250m around permitted, allocated and existing mineral infrastructure. There is also a Waste Consultation Area in relation to Copford Water Recycling Centre. This area is subject to Policy 2 of the WLP which establishes Waste Consultation Areas at a distance of 250m (400m in the case of Water Recycling Centres) around permitted, allocated and existing waste infrastructure. Essex County Council as the Minerals and Waste Planning Authority must be consulted on all applications for non-waste development proposed within these areas.*

### **3. Parish Identity**

#### Policy CE1: Settlement Boundaries and Development

ECC's Green Infrastructure (GI) team supports reference to the protection of culture, heritage and developing a community spirit through the delivery of the GI. Whilst GI provides environmental and economic benefits, it also delivers social benefits via physical and mental health and wellbeing improvement, social inclusivity through the provision of space for social interaction and public gatherings and, the improvement of community identity through the development of a sense of place. To ensure the community is key in GI delivery, early and continued engagement with key stakeholders and community groups should be undertaken to ensure the GI approach outlined in the NP reflects the needs and wants of residents.

#### Policy CE2a: Natural and Ecological Environment, Open Space and Views

The NP should consider, apply and reference the [Essex Green Infrastructure Strategy](#) (2020) and the [Essex Green Infrastructure Standards](#) (2022), which are relevant to all Essex local authorities. These documents champion the enhancement, protection, and creation of an inclusive and integrated network of green spaces. Applying Essex's nine GI principles will help to ensure quality and consistency in the provision, management, and stewardship of GI an essential part of place-making and place-keeping for the benefit of people and wildlife. The protection and retention of the existing environmental features as outlined in the Map 1 in the NP is supported.

It is recommended that the NP further considers the use of GI and Sustainable Drainage Systems (SuDS). GI and SuDS should be developed together to maximise benefits through multifunctionality. They do this by helping to reduce flood risk whilst providing

biodiversity and amenity benefits. The NP could include reference to the delivery of sustainable design elements, such as:

- *Green Roofs/Walls*: The provision of these features allow ecosystems to function and deliver their services by connecting urban, peri-urban and rural areas. Alongside biodiversity habitat creation, green roofs and walls can provide water storage capacity, flood alleviation and energy saving potential. In addition to buildings, these features can be provided on sustainable transport infrastructure (such as on bus stop/ cycle storage facilities).
- *Wildlife Bricks*: The provision of wildlife bricks creates habitats for invertebrates.
- *Dual street furniture/seating (i.e., a bench including a planter)*: The design of the street furniture and bin stores can contribute to the landscape character, reduce clutter of an area or street and act as a green corridor/link to the wider landscape scale GI network.

Policy CE2a is supported as it expects “applicable developments” to deliver a biodiversity net gain in line with the Environment Act (2021). The delivery of biodiversity net gain is expected to take place on-site where possible, via the protection and retention of existing GI and provision of new features. However, it is recognised that this might not always be conceivable, and that off-site delivery could provide additional benefits and be used to protect areas of land that are of local natural and wildlife value.

#### **4. Design and Character**

##### Policy CE3: Design and Character

ECC recommend that the Policy CE3 includes reference to promoting waste reduction, re-use and recycling, sustainable building design and the use of sustainable materials, including in relation to their procurement, in the construction of new development or redevelopment, in line with Policy S4 of the MLP. There should also be reference to this point within the Copford with Easthorpe Design Guidance and Codes.

#### **5. Housing**

##### Policy CE4a: Housing

ECC are the Adult Social Care (ASC) authority and must ensure that the needs of older adults and adults with a disability are reflected in line with our duty under the [Care Act 2014](#) and the wider prevention and maximising independence agendas. This includes reviewing both general needs housing, and any specialist housing provision.

Policy CE4 identifies a wish to ensure that there are sufficient affordable homes for residents, relatives of residents who wish to remain in the Parish, those wishing to downsize, first time buyers, and those on low income. The majority of downsizers are older people and national research indicates that people consider downsizing at aged 64 years. ECC also note that Copford has a higher percentage of over 65s (according to the last census) versus the England average, which is further evidence of the need to future-proof any new homes to enable people to age in place. In order to support ageing in place; the needs of adults and children with disabilities, and the prevention and maximising independence ambitions, it is recommended that the NP strengthens its position in Policy CE4a by making specific reference to both the Building Regulations Part M4 (2) and M4 (3) and the Colchester Local Plan Housing Standards Policy which requires:

*“A minimum of 10% of market housing and 95% of affordable housing to meet Building Regulations 2015 Part M4 (2) accessible and adaptable standards and 5% of affordable homes to be Part M4 (3)(2)(b) wheelchair user standards.”*

This need is integrated into the [Essex Design Guide](#) for older people, and the principles explored are transferable to all types of care accommodation.

ECC as the Lead Local Flood Authority recommend there is reference in the NP to ensure that new development consider the risk of surface water flooding for the site and wherever possible mitigate flood risk by incorporating sustainable drainage measures. Further, the development should not increase flood risk onsite. All new developments should incorporate SuDS which should include elements that address water quality and water quantity, as well as biodiversity and amenity. All surface water drainage proposals should be in accordance with the ECC [SuDS design guide](#). [The Drainage Hierarchy](#) should be followed when designing proposals for new developments. All new developments should also promote rainwater reuse and rainwater harvesting to help overcome water scarcity. Reference should be made to the relevant Colchester Local Plan policies that reference SuDS and reflect the information contained in this paragraph relating to surface water flooding.

## **6. Transport and getting around**

### Policy CE5: Transport and getting around

Policy CE5 makes reference to adequate off-street parking but there is no mention of parking for those with disabilities or wheelchair users. ECC welcome that the design guide suggests the need to consider parking requirements of wheelchair users.

ECC as the Highway Authority recommend consideration be given to including specific reference to Part M4 (3) parking requirements within the Copford with Easthorpe Design Guidance and Codes (Policy SM03) and the NP (Policy CE5). It is recommended that the NP sets out a requirement that for any Part M4(3) homes, parking also needs to be Part M compliant - i.e., 3.3m or capable of being widened. As a minimum, the number of spaces provided to this standard should reflect the number of Part M4(3) dwellings provided at any development.

ECC have concerns regarding the limited consideration given to improving the environment around Copford CE Primary School and Copford Green. Further guidance is provided within the ECC [Local and Neighbourhood Planners' Guide to School Organisation](#) (January 2018), Section 6 (page 12) including establishing and improving walking and cycling routes to schools; reducing school run traffic and dispersing it away from school entrances; enforcing low traffic speeds around schools and the walking routes pupils use; ensuring pavements around schools are clear and wide enough for parents with pushchairs to pass; providing public art, nature areas and local history information boards, in the immediate area, to offer learning opportunities; planting of trees and / or hedges to enhance air quality / reduce exposure to poor air quality; and the use of landscaping and carefully selected street materials to reduce noise.

There is currently no footpath on the school side of School Road between the school and Copford Green. The NP describes School Road as a 'main artery' between London Road, Copford Green and onward to Easthorpe, yet there is no crossing on School Road to get pedestrians/pupils from the school to the footway opposite. Policy CE5 should be amended to include reference to safe direct walking and cycling routes to the school. The following wording is suggested:

- *They provide safe direct walking and cycling routes to Copford CE Primary School*

ECC notes that the NP proposes no sites for future development. Consequently, the requirements identified in Policy CE5, as appropriate, could also be progressed through the [Colchester Local Highways Panel \(CLHP\)](#).

It is recommended that the NP supports and encourages opportunities to enhance and establish GI along sustainable transport and PRoW networks to both encourage active travel and create a green corridor for wildlife. This could include, but not be limited to, the integration of nature focused SuDS; native hedgerows, tree, and shrub planting; incidental 'play on the way' features / trails; informal sport (outdoor gym/fitness trails); and areas for seating to stop and rest.

ECC supports the ambition of the NP to reduce the reliance on the public car, to encourage and provide for more active travel to provide measures to mitigate and adapt to climate change. ECC welcomes the recommended reference to electric charging points and safeguarding and enhancing of pedestrian, cycling connections and improvements to public transport.

ECC is preparing an Electric Vehicle Strategy to help with the roll-out of charging infrastructure to help achieve the net carbon zero objectives set out by the Essex Climate Action Commission (ECAC).

Although inferred, it is noted that the NP makes little or no reference to the promotion of improved links to Marks Tey railway station, or improved bus services into Colchester.

It is recommended that greater reference is made to how the NP could support, improve and enhance the sustainable infrastructure links and services to Marks Tey Railway Station and Colchester. This would help support use and accessibility to public transport and help create a higher-quality environment by encouraging people further to use public transport to support health, wellbeing, net-zero resilience and independence for all through improved connectivity.

Any improvements around the school; connectivity by sustainable modes to Marks Tey Station and requirements in Policy CE5 would preferably be funded by development through developer contributions subject to the statutory tests in Regulation 122 being met, namely they make the development acceptable in planning terms; are directly related to the development; and are fair and reasonable in scale and kind to the development.

ECC recommends any improvements could also be progressed through the [CLHP](#). The CLHP covers potential schemes regarding traffic management improvements; tackling congestion; PRoW improvements; cycling schemes; passenger transport improvements; minor improvement schemes and aesthetic improvements to the local community. In order to progress potential schemes, the Parish Council will need to make a case for

funding via the LHP. The LHP is able to consider locally requested measures that are not able to be prioritised for funding through other dedicated highways budgets but meet the desires of the local community. The LHP Members meet on a quarterly basis to discuss and consider Highways concerns within their local boundaries. The Panels prioritise the local concerns and make recommendations to the ECC Cabinet Member for the implementation of highway schemes that meet the concerns of local people.

## **7. Infrastructure and Community Use**

### Policy CE6: Infrastructure and Local Community Facilities

ECC welcome reference to the need to secure for new development to include physical amenities and vital services, as well as intangible demands such as broadband access, which is essential for homeworking but is currently variable across the parish. Similar policies are often found to be prescriptive in other NPs, which are less helpful.

Bullet point three of the policy can be strengthened by including reference to [Essex Developers' Guide to Infrastructure Contributions](#). The guide provides details on the range of infrastructure contributions ECC may seek from developers and landowners in order to mitigate the impact of development. These contributions include:

- Education - Early Years and childcare; Schools (primary, secondary, post 16, Special Education Needs); School transport and sustainable travel
- Transport - Highways and Transportation; Sustainable Travel Planning; Passenger Transport; Public Rights of Way
- Employment and Skills Plans
- Waste Management
- Libraries
- Flood and Water Management and Sustainable Drainage Systems (SuDS)

## **8. Environment and Climate Emergency**

ECC would welcome the inclusion of reference to the Essex Climate Action Commission (ECAC), which is a formal independent cross-party commission established in October 2019. The Commission published its recommendations in [Net Zero: Making Essex Carbon Neutral](#). ECAC's formal role is to:

- identify ways where we can mitigate the effects of climate change, improve air quality, reduce waste across Essex and increase the amount of green infrastructure and biodiversity in the county; and
- explore how we attract investment in natural capital and low carbon growth.

The recommended text for inclusion is provide below.

*In 2019, Colchester Borough Council declared a climate emergency acknowledging that urgent action is required to limit the environmental impacts produced by the climate crisis. The Council aims to achieve carbon neutrality by 2030. This is supported by ECC who established the Essex Climate Action Commission in 2020 to promote and guide climate action in the county and move Essex to net zero by 2050.*

*It is an independent, voluntary, and cross-party body bringing together groups from the public and private sector, as well as individuals from other organisations. The Commission published its report Net Zero: Making Essex Carbon Neutral in July 2021 and its recommendations are relevant to all Essex local authorities, parish and town councils, as well as Essex businesses, residents, and community groups. The report sets out a comprehensive plan for Essex to: reduce its greenhouse gas emissions to net zero by 2050 in line with UK statutory commitments; and to make Essex more resilient to climate impacts such as flooding, water shortages and overheating. The report covers a wide range of topic areas including land use, energy, waste, transport, plus the built and natural environments. The report's recommendations are now incorporated into a Climate Action Plan and a focused work programme over the coming years to ensure the effects of climate change can be mitigated.*

#### Policy CE7a: Water Conservation

ECC are in the process of developing the Essex Water Strategy. Moving forward, this emerging study, the supporting works and findings of this strategy have the potential to influence and support the direction taken in regard to water conservation in the NP.

#### Policy CE7b: Energy

ECC supports the inclusion of Policy CE7b, which references energy efficiency, low carbon technology and energy conservation.

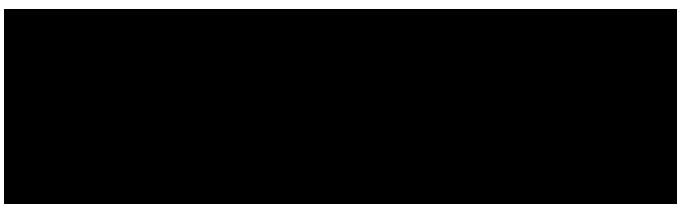
#### **Copford with Easthorpe Design Codes and Guidance**

The Design Guidance and Codes should require that development proposals make reference to the sustainable use of building materials, as outlined in Policy S4 of the MLP. It is recommended that the Design Guidance and Codes includes reference to promoting waste reduction, re-use and recycling, sustainable building design and the use of sustainable materials, including in relation to their procurement, in the construction of new development or redevelopment.

#### **Conclusion**

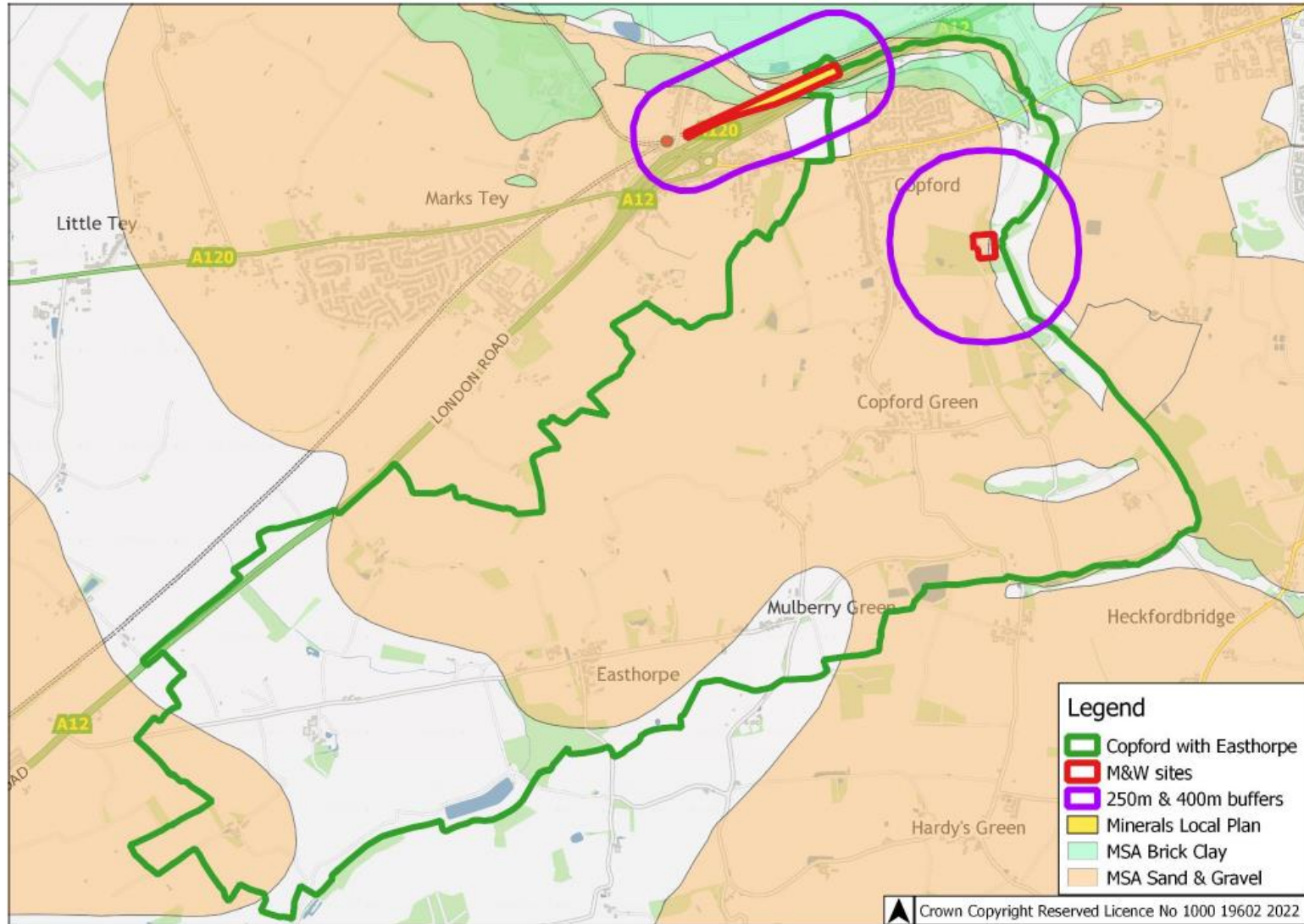
Please contact me if you require further information or would like to discuss this response in more detail.

Yours sincerely,





Map 1 – MSAs, MCAs and WCAs in relation to Copford with Eastford Neighbourhood Plan Areas



## Appendix 1 - Schedule of Safeguarding Designations and Safeguarded Minerals and Waste Infrastructure relevant to the Neighbourhood Plan Area

### A. Schedule of Mineral Infrastructure and Designations

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

Site type	Site name	Planning application number	Further Details
Mineral Safeguarding Area	Sand, Gravel and Brick Clay	N/A	Subject to MSA designation – Policy 8 of the Essex Minerals Local Plan 2014. Spatial extent shown in Map 1
Mineral Consultation Area	Marks Tey Rail Siding	COL/476/91	Policy 8 of the Essex Minerals Local Plan 2014. Spatial extent shown in Map 1. Marks Tey, Rail Depot, Station Road, Marks Tey, Colchester, CO6 1EE - Overnight HGV Lorry Park

### B. Schedule of Waste Infrastructure and Designations Within the Application Site

Site type	Site name	Planning application number	Further Details
Waste Management Infrastructure	Copford Waste Water Treatment Works (now known as Water Recycling Centres)	ESS/12/09/COL	Policy 2 of Essex and Southend-on-Sea Waste Local Plan). Spatial extent shown in Map 1. Construction of chemical dosing equipment at Copford Sewage Treatment Works