

CONSULTATION

RESPONSE

Colchester Local Plan

Regulation 18

Land Northwest of the Fire Station,
Wivenhoe

On behalf of
Manor Oak Homes and Mr Charles Gooch

January 2026

TABLE OF CONTENTS

1. INTRODUCTION.....	1
2. THE SITE.....	5
3. POLICY PP24.....	7
4. POLICY GN5, SUSTAINABILITY APPRAISAL AND EVIDENCE BASE.....	19
5. CONCLUSION	24
Appendix A - Revised Site Plan (Red Line) – SLP-01 P4.....	26
Appendix B – Recommended Amendments to Policy PP24.....	27

- 1.3 For Wivenhoe, Policy PP24 proposes to allocate Land Northwest of the Fire Station, Colchester Road, Wivenhoe for approximately 175 homes. This is predominantly the southern land parcel shown on Figure 1 above, and subject to some revisions and commentary as set out below, is the focus of this representation.
- 1.4 This representation provides formal comments on the draft policies within the plan considered relevant to our client's interests, in particular Policy PP24.
- 1.5 Manor Oak Homes and Mr Charles Gooch welcome the proposed inclusion of the Land Northwest of the Fire Station as an allocation in the emerging Preferred Options Local Plan and support the principle of the inclusion of Policy PP24 in the Plan. They welcome the opportunity to work with Planning Officers to further refine the Policy and ensure that the site is both a developable and deliverable housing opportunity.
- 1.6 While they are obviously disappointed the other two land parcels have not been proposed as allocations, we would like to confirm that they are both still available, either in their entirety or in part for inclusion in the emerging plan, in the event further sites are required to meet the Council's substantial housing needs and ensure there is a sufficient supply of sites to do this over the plan period.

Policy Context

- 1.7 In preparing these representations, regard has been had to the National Planning Policy Framework, December 2024 (NPPF). Paragraph 11 of the NPPF sets out:

Plans and decisions should apply a presumption in favour of sustainable development.

For plan-making this means that:

a) all plans should promote a sustainable pattern of development that seeks to: meet the development needs of their area; align growth and infrastructure; improve the environment; mitigate climate change (including by making effective use of land in urban areas) and adapt to its effects;

b) strategic policies should, as a minimum, provide for objectively assessed needs for housing and other uses, as well as any needs that cannot be met within neighbouring areas, unless:

i. the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for restricting the overall scale, type, or distribution of development in the plan area; or

ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole...

1.8 Section 3 of the NPPF relates to 'plan-making'. Paragraph 15 of the NPPF promotes a plan-led system, and that succinct and up-to-date plans should provide a positive vision for the future of each area; a framework for addressing housing needs and other economic, social and environmental policies; and a platform for local people to shape their surroundings.

1.9 Paragraph 16 states that Plans should:

- a) be prepared with the objective of contributing to the achievement of sustainable development;*
- b) be prepared positively, in a way that is aspirational but deliverable;*
- c) be shaped by early, proportionate and effective engagement between plan-makers and communities, local organisations, businesses, infrastructure providers and operators and statutory consultees;*
- d) contain policies that are clearly written and unambiguous, so it is evident how a decision maker should react to development proposals;*
- e) be accessible through the use of digital tools to assist public involvement and policy presentation; and*
- f) serve a clear purpose, avoiding unnecessary duplication of policies that apply to a particular area (including policies in this Framework, where relevant).*

1.10 As set out at paragraph 36, local plans are examined to assess whether they have been prepared in accordance with legal and procedural requirements, to determine whether they can be considered 'sound'. The test for soundness as set out within the NPPF requires that Plans are:

- a) Positively prepared*
- b) Justified*

- c) *Effective*
- d) *Consistent with national policy*

- 1.11 By way of background to the Council's preparation of the emerging Local Plan, it is acknowledged that the Council's current five year land supply is increasingly marginal.
- 1.12 In February 2026 the existing Adopted Section 1 Local Plan becomes five years old, and the housing requirement within it will accordingly be out of date for the purposes of calculation of five year housing land supply as set by NPPF paragraph 232. At this point in time the Council accept that they will be unable to demonstrate a five year housing land supply and this situation is unlikely to be rectified until the adoption of the new Local Plan.
- 1.13 The housing land supply annual requirement will therefore become approximately 1,300 dwellings per annum in line with the standard method, as opposed to 920 dpa within the existing adopted Local Plan. Over a five year period this will add 1,900 homes to the required supply, plus the required buffer.
- 1.14 The Council acknowledges this requirement at paragraph 3.36 of the Regulation 18 Consultation document, confirming that the requirement for 20,800 new homes over the plan period is a mandatory target (or minimum target [emphasis added]) which must be planned for. At present the draft Plan proposes to deliver 21,106 new homes which equates to a headroom of just 1.1%. There is also a significant Affordable Housing need in the Borough, which the 2024 Housing Needs Assessment indicates equates to 877 affordable dpa. Both these factors suggest that it is likely that the Regulation 19 Plan will need to establish a higher total requirement figure, not only to provide an appropriate buffer of a minimum 5% but also to boost overall numbers to help address acute affordable housing needs.

2. THE SITE

2.1 On 7th February 2025 the Council published papers for the Local Plan Committee meeting to be held on 17th February which included a full draft of the Regulation 18 Preferred Options Local Plan and the inclusion of Policy PP24. While at that time the resolution to publish the plan for consultation was not agreed, the draft Plan sought to allocate sufficient sites to provide for 1,300 dwellings per year across the new Plan period to 2041. For Wivenhoe, Policy PP24 proposed to allocate Land Northwest of the Fire Station for approximately 175 homes.

2.2 As stated above, Manor Oak Homes and Mr Charles Gooch welcomed the proposed inclusion of the Land Northwest of the Fire Station as an allocation in the emerging Local Plan. Having reviewed draft Policy PP24, the Promoters have been working with their consultant team to progress further technical work to help support the Site's early delivery. Updated plans and technical notes/reports have now been produced to provide further evidence to support the Site's inclusion as both a developable and deliverable opportunity. These confirm that, a development with the following description could be brought forward;

A proposed residential development of approximately 200 dwellings with land for a new community space, associated public open space, landscaping, and infrastructure.

2.3 A positive meeting with officers from the Council's Planning Policy Team was held on 16th December 2025 to provide an update on the progress which has been made to date. The following documents were provided to the Council ahead of the meeting:

- Revised Site Plan (Red Line) – SLP-01 P4: Produced by Thrive Architects
- Wivenhoe Constraints and Opportunities Context Plan – COP-01 P4: Produced by Thrive Architects
- Concept Master Plan Option 1 – CMP-02 P7: Produced by Thrive Architects
- Concept Master Plan Option 2 – CMP-02 P8: Produced by Thrive Architects
- Land Budget Plan Option 1 – LBP-02 P7: Produced by Thrive Architects
- Land Budget Plan Option 2 – LBP-02 P8: Produced by Thrive Architects
- Proposed Access – 1255-TA11: Produced by Martin Andrews Consulting

- Arboricultural Impact Plan – OE-002 October 2025: Produced by Origin Environmental
- Technical Note – Highways: Produced by Martin Andrews Consulting
- Indicative Attenuation Requirement – 1255-FRA03 Rev A: Produced by Martin Andrews Consulting
- Technical Note – Flood Risk and Drainage: Produced by Martin Andrews Consulting
- Landscape & Visual Technical Note – October 2025: Produced by Aspect Landscape Planning
- Preliminary Ecological Appraisal – September 2025: Produced by Blackstone Ecology Ltd

2.4 Apart from the Revised Site Plan (Red Line) – SLP-01 P4 (at Appendix A) these have not been re-provided as part of the consultation response; however, further copies can be made available if required.

2.5 Following the submission of this representation it is the Promoters intention to work up a formal pre-application submission to help further develop the detail of site proposals ahead of the potential submission of an outline application later in the year, which will help to confirm that the Site is developable and provide a clearer indication of when housing delivery may actually commence.

3. POLICY PP24

Supporting Text

- 3.1 The supporting text for Policy PP24 is set out at paragraph 12.24 of the draft Plan. This confirms that Wivenhoe benefits from a good range of infrastructure including a mainline train station, GP surgery, two primary schools, numerous shops and restaurants, and abundant open space provision. It also benefits from public transport connections to Colchester and a good cycle and footpath network which provides good connections to the University of Essex, amongst other destinations. As such, the Town can be acknowledged as a sustainable location, in line with the Plans development strategy for the accommodation of further growth.
- 3.2 Paragraph 12.24 also acknowledges there are a number of environmental constraints which reasonably restrict the opportunities for the town's expansion to the south, east, and west, which confirms the only logical direction for some proportionate growth is to the north.
- 3.3 There is also a made neighbourhood plan for Wivenhoe, the Wivenhoe Neighbourhood Plan (Adopted May 2019), which has helped to guide development in the past, whilst safeguarding the surrounding environmentally sensitive areas. Whilst this is part of the Development Plan, it is now over five years old and as such the weight which can be attributed to its policies will need to be moderated to reflect the increased local housing requirement.

Policy PP24: Land Northwest of the Fire Station, Wivenhoe

- 3.4 The requirements of Policy PP24 are set out in turn below with comments and responses provided to each of the relevant criteria. Overall, the allocation is supported with the proposal for approximately 175 new homes, or more to make the most efficient use of the Site, considered appropriate, given the sustainability of the settlement, and Wivenhoe's position in the Borough's settlement hierarchy. There are, however, a number criteria within the Policy which it is considered might be better worded, require clarification, or are not actually considered to be necessary to enable the effective delivery of the allocation.

Policy PP24: Land Northwest of the Fire Station, Wivenhoe

In addition to the infrastructure and mitigation requirements identified in Policy ST 7 and subject to compliance with all other relevant policies, development will be supported on land within the area identified on the policies map which provides:

- 3.5 As referred to above the extent of the Site boundary (red line) has been reviewed as part of the current scheme development; in particular having regard to the landscape, ecological and access technical work which has been completed to date. Some revisions to the Site boundary are now proposed and these are included on the accompanying Site Plan SLP-01 P4 which is attached at Appendix A. The extent of the Site and development boundary shown on the draft policies map we consider should be updated to reflect the full extent of the amended site area, which is 8.828 hectares.
- 3.6 The amendments can be summarised as follows:
- **The northern boundary:** Has been adjusted to the north along Colchester Road to deliver a better development relationship with Feedhams Close on the west side of Colchester Road and provide a more logical settlement boundary along the northern part of the town while allowing the slightly enlarged site to deliver an appropriate and efficient quantum of development, reflecting the sustainability of Wivenhoe as a location. This also helps to better accommodate the required access visibility splay to the north and provide a stronger gateway into the settlement. Along the northern boundary from an ecological and biodiversity point of view, it is also important to include a 5m buffer on the north side of existing hedgerow, ditch, and tree cover, for enhancement and management purposes, however this area will not include any built development.
 - **Southern boundary:** This includes the track to allotments and the former care home site.
 - **Eastern boundary:** This follows the title plan.
 - **Western boundary:** This follows the edge of the new of allotment site.
- 3.7 While these changes will marginally increase the size of the site, they help to facilitate it delivering at least the anticipated quantum of development, without compromising the ability to retain and improve the existing important landscape trees, hedges, and ditches, and also ensure that the biodiversity value of these features can be maximised in the long term.
- a) Approximately 175 new dwellings of a mix and type of housing to meet evidenced needs and be compatible with surrounding development;

- 3.8 Criteria a) is supported, however there does need to be some flexibility in respect of the total number of dwellings which can be delivered. Currently two different development options are being developed, one which reflects the pylons which cross the site as being retained, and a second which reflects Policy criterion j) showing them undergrounded. At present these options confirm that 175 dwellings are likely to be below the minimum number of dwellings the Site can deliver and in reality, higher numbers will be achievable in order to make the most efficient use of the land available in this sustainable location.
- 3.9 Both Concept Master Plan options seek to retain existing landscape features, primarily the existing field boundaries. A single point of access is provided to Colchester Road with a main spine road running through the Site and providing an all modes connection to the north-west corner of the Cala Homes development.
- 3.10 To provide a vehicle connection between the eastern half of the Site and the west, it will be necessary to remove a short central section of the existing hedgerow. This will be kept to a minimum and compensatory planting will be carried out. Additional pedestrian connectivity has also been provided to assist the integration of the Care Home land, the Cala development, the new allotments, and the wider Site.
- 3.11 Generous areas of landscaping and green space have been included, with green buffers to existing landscape features throughout. The landscaping will help to establish an appropriate rural character to the scheme and some separation between the internal development parcels, reflective of the Site's edge of settlement location.
- 3.12 On the western side of the Site a surface water attenuation basin is proposed which can be gravity fed from the remainder of the development area. This will also be located close to the existing attenuation basin which serves the Cala development, and the new allotment site to the west, creating a large natural space, rich in habitat value and adding a tranquil area to the setting of the new allotments.
- 3.13 The Promoters architects are currently refining the site option plans to ensure that an efficient use of the site can be delivered at an appropriate density to reflect the landscape sensitivity of the site, however, the early indications are that a higher number of dwellings is likely to be deliverable and as such it is recommended that the figure of approximately 175 dwellings is slightly increased to approximately 200 dwellings. When the additional design work has been completed, we will provide the Council with an update of the most realistic site capacity, to help inform the next stage of the emerging Plan.

- b) **Safe and suitable site access to required highway design standards and point of vehicle access to be via the adjoining Neighbourhood Plan allocation, to be agreed with the Highway Authority and demonstration that the proposal would not be detrimental to highway capacity or safety;**
- 3.14 It is noted that criteria (b) of Policy PP24 seems to suggest that the; *'...point of vehicle access to be via the adjoining Neighbourhood Plan allocation...'* The existing access to the Cala development is physically constrained by the existing buildings in Watsham Place and as such it is not considered that it would be desirable in highway terms for it to serve approximately 260 dwellings.
- 3.15 As part of the scheme development process, it has therefore been concluded that providing a new point of access further north along Colchester Road would deliver substantial highway safety and amenity benefits, reducing the potential for congestion around the junctions of Vine Drive and Elmstead Road. Additional pedestrian and cycle connections can be provided directly to Colchester Road, as part of this new access, as well as to the new track to the allotments, in the south-east corner of the Site frontage as well. A vehicle link to the Cala development is also proposed which ultimately will create a loop through both sites. This will improve the over permeability of both sites.
- 3.16 In respect of the location of the new Site access on Colchester Road, a central location is considered to be the only feasible option to serve the development. This is because there is not scope to locate the access to the south due to the separation distance required from the Elmstead Road junction and the controlled crossing, meaning there are no suitable non constrained alternative locations. A Highway Technical Note and accompanying plans have already been provided to the Planning Policy Team and further copies can be made available upon request. As the scheme development is progressed engagement with Essex County Council Highways will be undertaken to help confirm the technical acceptability of these arrangements.
- 3.17 It is therefore recommended that criterion b) should be amended to the following:
- Safe and suitable site access to required highway design standards and point(s) of vehicle access ~~to be via the adjoining Neighbourhood Plan allocation,~~ to be agreed with the Highway Authority and demonstration that the proposal would not be detrimental to highway capacity or safety.*
- 3.18 The Promoters would be happy to discuss this or another form of suitable access with the Council.
- c) **Provide a safe pedestrian access to ensure connectivity within and throughout the site to existing footways and any Public Rights of Way. Ensure provision of green infrastructure connections and recreational access to the countryside, also securing active travel links and connections to the settlement;**

3.19 This criterion appears to be trying to address three matters, which are generally related, however, the reference to green infrastructure connections is considered confusing as these connections are not only associated with accessibility but also green and blue corridors where it may be more appropriate to discourage public activity from an ecological perspective. Furthermore, there are no public rights of way crossing, or immediately adjoining the site. It is therefore recommended that criteria c) is amended as follows:

*c) Provide ~~a~~ safe pedestrian **and active travel** access to ensure connectivity within and throughout the site and to the settlement and surrounding area. Connections to existing footways and the track to the allotments and where possible recreational access to the countryside should also be considered. ~~to existing footways and any Public Rights of Way. Ensure provision of green infrastructure connections and recreational access to the countryside, also securing active travel links and connections to the settlement;~~*

3.20 The delivery of green infrastructure connections can be secured through the statutory requirements to deliver biodiversity net gain and the general layout of the development.

3.21 If the reference to green infrastructure connections was intended to suggest that public access should not only be provided through the urban parts of the development, but also through more informal rural settings, then this can be explained as part of the supporting text.

d) Contributions towards enhancement of the quality and value of King George V Playing Fields;

3.22 There is no objection to this particular criterion. While the emerging scheme which is being developed for the Site will provide the minimum 10% open space requirement currently operated by the Council, given the size of the development it is unlikely that this will include any formal sports facilities, and as such it is appropriate that some mitigation should be delivered providing this is not already captured as part of the Council's CIL charging schedule.

e) Screening comprising locally appropriate tree belts and/or hedgerows will be required along the site boundaries to ensure that development is sensitively integrated into the landscape and to maintain settlement separation;

3.23 This is a reasonable requirement, and the current scheme development is being informed by an accompanying landscape strategy which seeks to retain existing hedgerows and tree belts with appropriate buffers and introduce new tree belts and/or hedgerows where necessary along the Site boundaries to ensure the Site is sensitively integrated into the townscape.

f) Biodiversity enhancement measures should include enhancing hedgerow condition and establishing grassland habitats along road verges;

3.24 There is no particular objection to this policy criteria, however, given the statutory biodiversity enhancement requirements which will be secured through the detailed planning application stage and a statutory biodiversity net gain condition, it is unclear why there is a site specific requirement for establishing grassland habitats along road verges in this particular location. As such these comments might be better included in the supporting text of policy where further explanation and justification can be provided.

3.25 It is therefore considered that unless there is site specific justification available this criterion should be deleted.

g) Development must conserve, and where appropriate, enhance the significance of heritage assets (including any contribution made by their settings). Designated heritage assets close to the allocated site includes five Grade II Listed Buildings as informed by the stage 1 HIA;

3.26 This is in line with national policy and legislative requirements which require heritage assets to be conserved or enhanced, not conserved and enhanced. It is considered that the Site can be developed to ensure that the setting of the nearby listed buildings are, as a minimum, preserved.

3.27 It is noted that the Heritage Impact Assessment Sift Methodology (January 2025) classified the site as not requiring any further investigation at this stage but indicates that a proportionate heritage impact assessment, desk-based archaeological assessment and potentially trial trenching, should be part of the planning application stage.

h) The total number of dwellings will be spread between this site and the area currently set aside for a care home as part of the neighbourhood plan allocation;

This criterion is supported as it will provide clarity in respect of the status of the Neighbourhood Plan as part of the development plan and the Site's existing designation for use as a care home.

3.28 Following the original outline permission (Ref: 213507) in January 2024 for the adjoining housing site, which included permission for a 60 bed care home, the site was marketed and Cala Homes purchased the residential element, however, very little interest was expressed in the Care Home site. More recently, in October 2024, a focused marketing exercise commenced for the care home land. Over twenty operators were contacted directly, however, despite the extensive marketing, only one operator expressed any serious interest, and after a more detailed review concluded the site was not suitable for their requirements.

- 3.29 It is also relevant that the care home land to the rear of the Fire Station was not the only opportunity for care home provision to be made by the Neighbourhood Plan. At paragraph 16.35, the Neighbourhood Plan notes this and states: *“Whether proposals for care homes come forward will depend on market factors.”* Furthermore, the Council have recently resolved to grant planning permission (Ref: 240409) at the Croquet Gardens site for 25 Bungalows and a 60-Bed Care Home. Therefore, the care home land to the rear of the Fire Station is not required or suitable for care home use to meet any current local need and, as such, there is sufficient justification for its logical inclusion as part of the residential allocation.
- 3.30 This is also recognised in the Summary of Sites Evidence (October 2025) evidence base document as set out in Section 4 below.
- i) A new community space must be included within the site and pedestrian access to the adjacent allotments must be created;**
- 3.31 The Site Promoters would be agreeable to including a community space/land as part of the scheme development, however, there needs to be a clear vision around what is actually necessary, proportionate, and justified.
- 3.32 At the present time, this criterion is considered to be imprecise in respect of the size and type of community space which is required and is lacking justification.
- 3.33 While pedestrian access will clearly be provided to the adjacent allotments through the inclusion of the allotment access track, this can also be secured under criterion c) above.
- 3.34 Having regard to the limited information in the Infrastructure Audit and Delivery Plan (October 2025) (IADP), which it is acknowledged does refer to a limited range of community facilities at Table 3.25 (Page 69). However, it does not expand this any further and explain which community facilities there are a shortage of. It is noted that those facilities listed in the introduction to section seem to relate to buildings such as community halls and libraries rather than ‘spaces’.
- 3.35 While the Sustainability Appraisal refers to this as a potential community benefit for residents in the north of the settlement, it fails to provide any further guidance what is expected.
- 3.36 The reference in the IADP does not seem to align with the assessment set out in the Settlement Evidence Stage 1 Document (November 2024). This evidence document includes an analysis of Wivenhoe (Page 108 onwards) which generally confirms that it is a sustainable location with a good range of community facilities and local services. This does not suggest a shortage of community buildings. At Page 109 it states:

“There is numerous community and social infrastructure in Wivenhoe. There is a GP surgery, dentist surgeries, shops including a One Stop, Co-op and numerous independent shops. There is a library, three hair salons and three barbers, art galleries. There are nine public houses/restaurants, four cafes, a fish and chip shop, football ground, tennis courts, cricket ground, bowls club, allotments and open space provision including playing fields. There are multiple churches and community halls.” [emphasis added]

- 3.37 Under the section on High Level Opportunities (at a settlement level), whilst it suggests that growth may provide opportunities to enhance local infrastructure, including active travel within the settlement and beyond, there is no mention of a need for additional community spaces or buildings. There is, however, reference to the Wivenhoe Green Spaces Community Project which demonstrates how a mosaic of sites of varying sizes contribute to the green infrastructure of the town and encourage diversity of wild flowers on green spaces, bringing significant ecological, climate, and heritage benefits.
- 3.38 As referred to above, noting that the Council is a CIL charging authority and 25% of CIL receipts will be transferred directly to Wivenhoe Parish Council to spend on local projects, there does not appear to be any reasonable justification for this criterion at present.
- 3.39 Furthermore, criterion d) indicates there is a particular need for contributions towards the enhancement of the quality and value of King George V Playing Fields which it is assumed would be secured separately to CIL, through a Section 106 Agreement. Requiring the Site to deliver a further additional community space or land as well as a contribution to this existing community recreation space is not considered reasonable or proportionate to the scale of the proposed development. As such it is not likely to be compliant with the tests set out in the CIL Regulations without further appropriate site-specific justification.
- 3.40 In respect of the current scheme development work, without more precise understanding of what a community space may be required to deliver it is difficult to understand where it might be best located on the site, the type and extent of land required, the potential neighbouring impact it may have and what accessibility requirements may be necessary. It would therefore be extremely helpful to have further clarification on this matter if the criterion is to be retained.
- 3.41 In summary, at the present time it is therefore considered that criterion i) should be deleted or further site specific justification should be provided.

j) Opportunities for undergrounding should be explored

3.42 There is no objection to this criterion. At the beginning of July 2025 notice was served by the landowner on Eastern Power Networks Plc that their Wayleave Agreement which crosses the Site, will be terminated on 15th January 2026. This is the first step towards potentially securing the ungrounding of the existing overhead power lines. However, at this stage it is not known whether this is a realistically viable option. As such, as referred to above, two layout options, with and without undergrounding, have been prepared and are being developed further.

3.43 It should also be noted that there is a mains sewer which follows the alignment of the existing Pylons which means the two different schemes do not vary dramatically with a linear open space running through the Site, even if the existing overhead power lines were to be undergrounded. This is not to say there would not be visual and environmental benefits from fully exploring the opportunity for undergrounding.

k) Development must discharge attenuated surface water to a receiving waterbody and not to the combined sewer network, unless it can be demonstrated that there is no other option.

3.44 There is no objection to this criterion. A drainage strategy is being prepared as part of the scheme development and, as referred to above, a technical note, Flood Risk and Drainage has already been provided to the Council which confirms that surface water can be discharged to an appropriately sized attenuation basin on site. A further copy of this technical note can be provided if required.

l) Demonstrate adequate capacity for managing wastewater including proposed phasing requirements or alternative solutions to the satisfaction of the Council and Anglian Water;

3.45 As referred to above, a drainage strategy to inform the scheme development is being developed and this will include engagement with Anglian Water.

3.46 Although as a statutory consultee, consultation would undoubtedly take place in connection with this and other criteria, it is the local planning authority (not Anglian Water or any other body) that makes the final decision on planning applications, accordingly it is inappropriate for Anglian to be included in the Policy. References to the need for consultation and capacity issues if they exist can be included in the support text.

3.47 It is relevant to note that Anglian Water have been raising issues up and down the country, objecting to development due to insufficient capacity, and these objections are being further tested through the courts. However, the law is clear that Anglian Water has a duty under the Water Industry Act 1991, to accept connections to the public sewer which they accept; the current issue is where there is a shortage of headroom in the receiving waste water recycling centre (WRC), the speed at which

appropriate capacity can be delivered. Clearly, through a plan led system, there should not be a problem for the sewage undertaker to align its asset management upgrade programme, a five year cycle, with the housing trajectory proposed through a Local Plan and early engagement by site promoters as well as the local planning authority will assist with this. This is clearly a matter which should also be addressed through the infrastructure delivery plan and in turn needs to be linked to the Council's housing trajectory.

3.48 In conclusion the reference to Anglian Water in criterion l) should be deleted.

m) A range of measures in addition to prioritising SuDs (Policy EN8) and water efficiency measures to reduce the risk on impact on the WRC capacity as a result of planned growth including:

- i. Removal of unrequired network flows;
- ii. Targeted education to include new residents of the development;
- iii. Reduction in the demand for potable water.

3.49 It is unclear why this particular criterion has been included given the requirements for a site specific flood risk assessment and drainage strategy, which would need to be in accordance with Policy EN8 and cover the items listed as i) to iii) above. In addition, as referred to in the comments above in respect of criterion l) consultation with Anglian Water will be required and the above issues will be addressed through this mechanism. It will also be linked to the infrastructure delivery plan and housing trajectory.

3.50 It is considered that it would be more appropriate for this matter to be referred to in the supporting text rather than as an additional policy element.

3.51 Criterion m) should be deleted.

n) Any site specific infrastructure requirements from the IDP (likely to include education provision, highway mitigation, water and wastewater and specific community / open space provision).

3.52 There is no objection to this particular criterion, however, any site specific infrastructure requirements will need to meet the statutory requirements as set out in Regulation 122 of the CIL Regulations 2010 (as amended) i.e. be:

(a) necessary to make the development acceptable in planning terms;

(b) directly related to the development; and

(c) fairly and reasonably related in scale and kind to the development.

- 3.53 This will be particularly important bearing in mind that the Council is already a CIL charging authority and there should be no double counting when considering infrastructure and mitigation.
- 3.54 In the national policy context of producing succinct local plans, as a general good practice comment including this requirement does seem to be an unnecessary “belt and braces” approach, given the reference to Policy ST7 in the introduction to the Policy, as well as the requirements set out in the other criteria discussed above.
- 3.55 In conclusion it is recommended that criterion n) is deleted.

o) Before granting planning consent, wintering bird surveys will be undertaken at the appropriate time of year to identify any offsite functional habitat. In the unlikely event that significant numbers are identified, development must firstly avoid impacts. Where this is not possible, development must be phased to deliver habitat creation and management either on or off-site to mitigate any significant impacts. Any such habitat must be provided and fully functional before any development takes place which would affect significant numbers of SPA birds

- 3.56 There is no objection to this criterion given the environmental sensitivities of the surrounding protected sites. As part of the scheme development, ecologically assessments have been carried out including bird surveys which were undertaken during January, February, and March 2025. These confirmed that any use of the site by waterfowl was negligible. These results are included in the Preliminary Ecological Appraisal which has already been provided to the Council. This assessment is further supported by the surveys previously undertaken in relation to the CALA and Care Home site which are also still relatively recent, albeit now out of date, but again not identifying any particular concerns.
- 3.57 These conclusions are also supported by the Emerging Allocations Biodiversity Assessment as referred to in Section 5 below.

All development Proposals within Wivenhoe Neighbourhood Plan Area, will also be determined against the policies in the Wivenhoe Neighbourhood Plan (Adopted May 2019) where they are up to date and relevant.

- 3.58 There is no objection to the final paragraph of the Policy which acknowledges the existence of the Wivenhoe Neighbourhood Plan, which will remain part of the development plan for the area. This helpfully confirms that the weight attached to its policies for decision making purposes in the future will need to be moderated having regard to its age, consistency with the Local Plan strategic policies, and national planning policy at the time of the determination of any future planning application

PP24 Summary

- 3.59 Manor Oak Homes and Mr Charles Gooch welcome the proposed inclusion of the Land Northwest of the Fire Station as an allocation in the emerging Preferred Options Local Plan and support the inclusion of Policy PP24 in the Plan. While the above section includes some relatively detailed commentary in respect of the particular criteria and wording of Policy PP24, these are not intended to be a criticism, but a positive review to assist the Council with the drafting of the forthcoming version of the Policy and supporting text to be included in the Regulation 19 submission version of the Plan, to help ensure that the Plan can be found sound on examination with limited modification.
- 3.60 A track change version of Policy PP24 has been provided at Appendix B capturing the recommended amendments set out above. In conclusion this representation supports Policy PP24 subject to the recommended refinements and minor amendment to the Site area as indicated at Appendix A, ensuring flexibility, clarity, and deliverability of the Site in the early part of the Plan period.

4. POLICY GN5, SUSTAINABILITY APPRAISAL AND EVIDENCE BASE

Policy GN5: Suitable Alternative Natural Greenspace

- 4.1 It is noted that the emerging Plan, includes Policy GN5: Suitable Alternative Natural Greenspace. This policy requires that the Natural England standard of 8 hectares per 1000 head of population be applied where it is necessary to provide alternative greenspace as the result of a Habitat Regulations Assessment. It is proposed that the policy wording should be reviewed to allow flexibility in the application of this ratio, as opposed to an arbitrary calculation, and consideration should be given to only applying it strategic scale development for example, over 1,000 dwellings.
- 4.2 On the basis that we would anticipate that an HRA for this particular site (Policy PP24) would be likely to identify an impact on locally sensitive sites, we would suggest that a further consideration should be given as to how the Council anticipate this standard might be delivered, noting that the direct application of this standard to the Site would require an additional area of 3.36 ha of Greenspace to be provided.
- 4.3 Such a requirement in addition to the existing land take to meet open space standards, on site SUDs and on site BNG, would result in a significant reduction in the current housing potential, making the current policy proposal for 175 dwellings unrealistic. This standard may also have a serious impact on the viability on this Site and other similar proposed allocations
- 4.4 Furthermore, sites in Colchester do of course make RAMs contributions to seek to manage recreational disturbance pressures, so again, this is a factor that should be taken into account alongside the Natural England ratio which may not consider local factors such as this and effectively result in double counting in conflict with the CIL Regulations.

Sustainability Appraisal Report (February 2025)

- 4.5 Both the Site and the wider allocation (PP24) have been considered within the evidence base documents to the emerging Local Plan, including the Sustainability Appraisal Report (February 2025) (the SA) which assesses whether the emerging Local Plan will help achieve sustainable development when compared with reasonable alternatives.

- 4.6 The SA confirms that Wivenhoe is a sustainable settlement and has good infrastructure provision and is one of the four largest towns beyond the City of Colchester. However, it also indicates that the proportion of growth directed to Wivenhoe and West Mersea is lower than the other two larger settlements of Marks Tey and Tiptree owing to the internationally important biodiversity designations.
- 4.7 At Table 5.36, a summary of the SA findings in respect of Policy PP24 is provided and expanded upon at Paragraphs 5.323 to 5.329. It is considered that this provides a fair assessment of the Policy based on the existing evidence base. It is noted that the conclusion is that no recommendations are proposed for any changes to the Policy. In respect of the assessment, some of the areas where negligible effects have been recorded, for example in respect of the historic environment (SA Objective 7), Biodiversity and Geodiversity (SA Objective 8) and Landscape (SA Objective 9) a higher score may well be achieved following the completion of the Site specific technical assessments currently being undertaken by the Promoters, which will provide further detail and clarification on the potential positive mitigation which can be delivered.
- 4.8 In conclusion, it is considered that the SA provides a robust assessment of the proposed allocations and polices in the emerging plan. It has considered a comprehensive range of reasonable alternatives, identified suitable and relevant options, and as such, is supported.

Summary of Sites Evidence (October 2025)

- 4.9 As part of the evidence base for the emerging Local Plan, the Council have produced a Summary of Sites Evidence (October 2025) which contains a summary of the sites assessed as part of developing the new Local Plan for housing and employment. These sites were collated via a 'Call for sites' exercise or a desktop review, with sites then assessed using the Strategic Land Availability Assessment (SLAA). The Summary report also confirms that in bringing forward site allocation choices within the Preferred Options Local Plan, other evidence base documents were used to inform the suitability of sites.
- 4.10 The Site is considered under the name 'Land North of the Fire Station' Wivenhoe (Site Ref: 10755) along with the other site submissions for the settlement. As part of the assessment the submitted Site has been extended to include the 'Care Home Land' to the south. This amendment is supported by the Promoters, however as referred to above a further modest increase in the site area as discussed above and identified on the red line plan at Appendix A would also be beneficial.

4.11 While the assessment acknowledges that the proposed allocation encroaches into the coalescence area designated in the Wivenhoe Neighbourhood Plan, it helpfully acknowledges that the encroachment is less than other proposals. It would be useful if the assessment were to highlight that the allocation does not extend any further north along Colchester Road into the coalescence break area than the northern boundary of the existing settlement around Feedhams Close on the west side of Colchester Road when this report is updated next. It will also be necessary for it to reflect the revised red line plan included at Appendix A.

4.12 The assessment also helpfully acknowledges that:

“The site is adjacent to one of the neighbourhood plan allocations and development can be planned to complement that development, including delivering some of the homes allocated on part of the existing allocation set aside for a care home, which is no longer needed owing to the proposal for a care home on an alternative site in Wivenhoe. Access can be made to the allotments to be delivered as part of the existing allocation (currently with outline consent).”

4.13 This clarification is supported and considered helpful.

Emerging Allocations Biodiversity Assessment

4.14 The emerging allocations biodiversity assessment has undertaken a review of the proposed allocation which is set out on page 60 of the report. The harm scoring is noted as:

“Little/no harm – the site has limited natural habitat value”

4.15 This assessment is supported and the general commentary is considered to be a fair reflection of the Sites biodiversity value and potential, having regard to the site-specific ecological, arboricultural, and landscape technical work which has recently been completed by the Site Promoters.

Heritage Impact Assessment Sift (January 2025)

4.16 The Heritage Impact Assessment Sift Methodology (January 2025) was a desk-based assessment of each site to identify any heritage assets with the potential to be affected by their allocation. Following the sift, three levels of further heritage impact assessment are recommended depending on the potential impact of the allocation of a site on the historic environment. These were categorised as:

- No further assessment: (the allocation of the site has been assessed to have no effect on the significance of any heritage assets);
- Proforma Heritage Impact Assessment; and
- Detailed Heritage Impact Assessment.

4.17 The Land North of the Fire Station was assessed to fall within the first category, no further assessment required and this conclusion is supported given the limited proximity of the nearest designated heritage assets.

4.18 It is acknowledged that the site assessment indicates that a heritage statement will be required to inform the layout of the site and scale of development, given the listed buildings in Colchester Road. It is also noted that the assessment indicates that a desk-based archaeological assessment will be required, potentially supported by trial trenching.

Colchester Infrastructure Audit and Delivery Plan, October 2025 (IADP)

4.19 The IADP at Table 2-3 indicates the planned housing growth over the plan period, for Wivenhoe years 1-5 there are 175 houses planned. The opportunity for the Site to come forward early in the plan period is supported and its ability to contribute fully to the Council's ability to demonstrate a five year housing land supply at the point of adoption is welcomed. As referred to elsewhere in this consultation response, the Promoters are actively working towards the submission of an outline application later this year (2026) to ensure that this delivery timetable is not delayed.

4.20 The above further demonstrates the suitability, availability, and deliverability of the Site for residential development.

4.21 Appendix A of the IADP at Project ID 159 Transport, under Active Travel identifies the Wivenhoe Mobility Hub as Phase 2, delivery 2029-2033, at an unfunded cost of £506,880 and continues under the Funding Sources

Funding not secured. Developer funding expected from S106 and/or S278. Potential grant funding routes include BSIP and LuF Proposed Funding Split- 100% contribution from preferred allocations- 0% contribution from reference case developments- 0% contribution from external grants.

- 4.22 Clearly this a project which will not only benefit the future occupants of the Policy PP24 allocation, but also the existing residents of Wivenhoe and the wider area. From the table it is unclear which allocations are expected to contribute to this particular infrastructure upgrade. Having regard to the CIL Tests what the reasonable and propionate financial contribution would be expected from the development allocations, it is assumed that the reference to '*0% contribution from reference case developments*' means this will be pooled contribution and a modest contribution is that would be expected as a from development of the Site (Policy PP24).

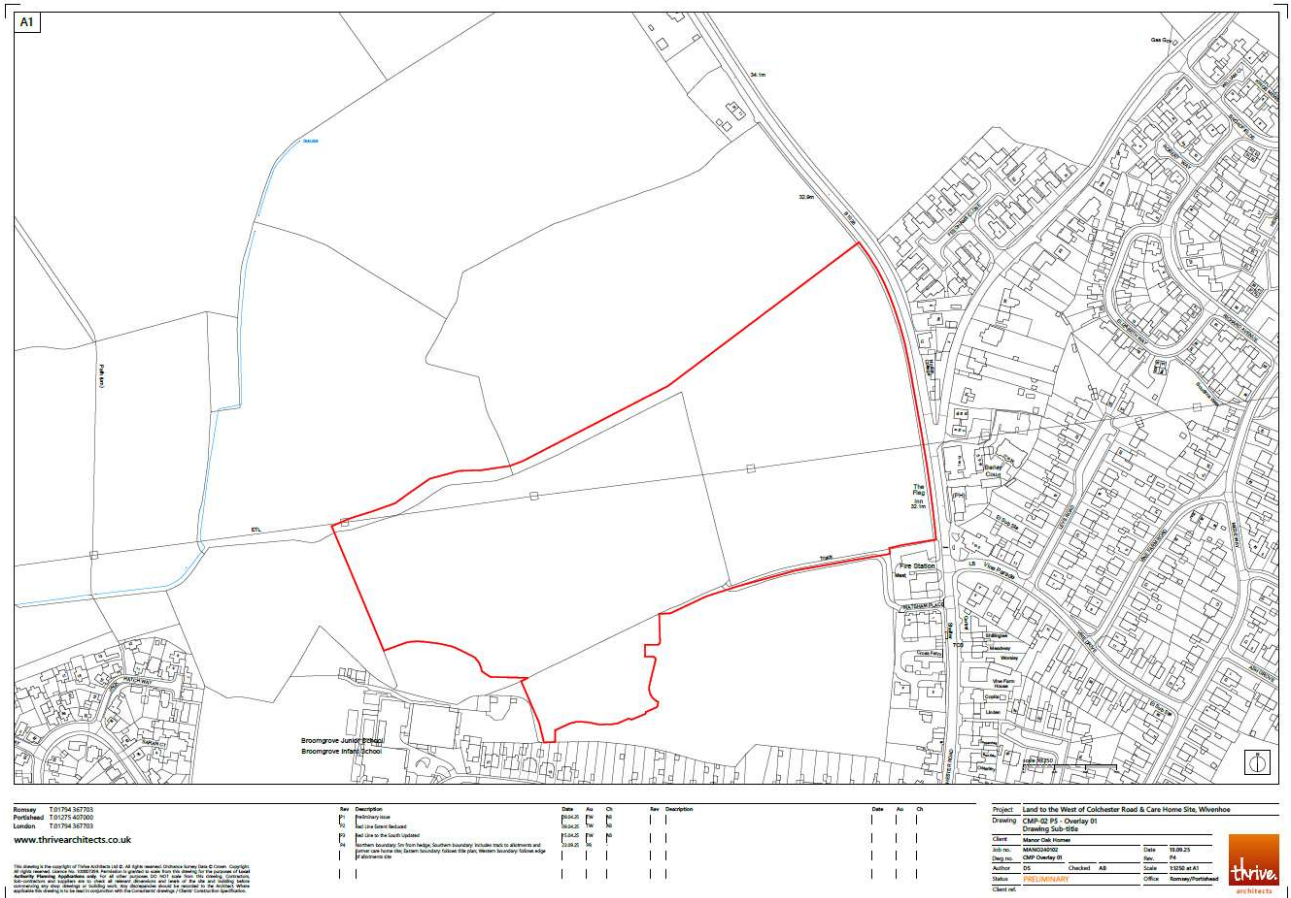
5. CONCLUSION

- 5.1 Manor Oak Homes and Mr Charles Gooch welcome the proposed inclusion of the Land Northwest of the Fire Station as an allocation in the emerging Preferred Options Local Plan and support the inclusion of Policy PP24 in the Plan. They welcome the opportunity to work with Planning Officers to further refine the Policy and ensure that the Site is both a developable and deliverable housing opportunity and can be delivered in the early part of the plan period, helping the Council demonstrate a five year housing land supply upon adoption.
- 5.2 Wivenhoe is a sustainable settlement and is one of the four largest towns beyond the City of Colchester and an appropriate location to direct development in accordance with the Council's proposed development strategy which is supported along with the robust approach adopted by the Sustainability Appraisal.
- 5.3 The draft Plan confirms that Wivenhoe benefits from a good range of infrastructure, including a mainline train station, GP surgery, two primary schools, numerous shops and restaurants, and abundant open space provision. It also benefits from public transport connections to Colchester and a good cycle and footpath network which provide good connections to the University of Essex amongst other destinations. As such, the Town can be acknowledged as a sustainable location, in line with the Plans development strategy for the accommodation of further growth. This is welcomed.
- 5.4 It is the Promoter's intention to work up a formal pre-application submission to help further develop the details of the Site proposals ahead of the potential submission of an outline application later in the year, which will help to confirm that the Site is developable and provide a clearer indication of when housing delivery will be likely to commence.
- 5.5 The Promoters consider that this represents an exciting opportunity for them to deliver a high quality housing scheme which responds to the established environmental character of the settlement edge and provides a range of modern homes in a beautiful, green, and sustainable location, to meet the needs of the growing local community. Delivering a development which will foster a strong sense of community and promote healthy and sustainable life styles, with a lasting legacy and sense of pride, is a key objective.

- 5.6 While this represent includes some relatively detailed commentary in respect of the particular criteria and wording of Policy PP24, these are not intended to be a criticism, but a positive review to assist the Council with the drafting of the forthcoming version of the Policy and supporting text to be included in the Regulation19 submission version of the Plan, to help ensure that the Plan can be found sound on examination with limited modification.
- 5.7 In summary, the Promoters support the Plan and Sustainability Appraisal along with the Council's assessment that the Site is suitable, available, and achievable within the plan period. Its early delivery will also strengthen the Plan's housing trajectory and the future five year housing land supply. This representation supports Policy PP24 subject to the recommended refinements to the wording recommended in Section 3 above and captured in track changes version of the Policy included at Appendix B, as well minor amendment to the Site area (increased to 8.828 hectares) as indicated in the Plan at Appendix A.
- 5.8 Inclusion of these amendments will help to ensure flexibility, clarity, and this representation aims to confirm the deliverability of the Site in the early part of the Plan period.

Appendix A – Revised Site Plan (Red Line) – SLP-01 P4

Proposed Amended Site Area



Revised Site Area Approximately 8.828 hectares

Appendix B – Recommended Amendments to Policy PP24

Policy PP24: Land Northwest of the Fire Station, Wivenhoe

In addition to the infrastructure and mitigation requirements identified in Policy ST 7 and subject to compliance with all other relevant policies, development will be supported on land within the area identified on the policies map which provides:

- a. Approximately **200** new dwellings of a mix and type of housing to meet evidenced needs and be compatible with surrounding development;
- b. Safe and suitable site access to required highway design standards and point(s) of vehicle access ~~to be via the adjoining Neighbourhood Plan allocation~~, to be agreed with the Highway Authority and demonstration that the proposal would not be detrimental to highway capacity or safety;
- c. Provide **a safe pedestrian and active travel** access to ensure connectivity within and throughout the site **and to the settlement and surrounding area. Connections to existing footways and the track to the allotments and where possible recreational access to the countryside should also be considered.** ~~to existing footways and any Public Rights of Way. Ensure provision of green infrastructure connections and recreational access to the countryside, also securing active travel links and connections to the settlement;~~
- d. Contributions towards enhancement of the quality and value of King George V Playing Fields;
- e. Screening comprising locally appropriate tree belts and/or hedgerows will be required along the site boundaries to ensure that development is sensitively integrated into the landscape and to maintain settlement separation;
- f. **Biodiversity enhancement measures should include enhancing hedgerow condition and establishing grassland habitats along road verges;**
- g. Development must conserve, and where appropriate, enhance the significance of heritage assets (including any contribution made by their settings). Designated heritage assets close to the allocated site includes five Grade II Listed Buildings as informed by the stage 1 HIA;
- h. The total number of dwellings will be spread between this site and the area currently set aside for a care home as part of the neighbourhood plan allocation;

- i. ~~A new community space must be included within the site and pedestrian access to the adjacent allotments must be created;~~
- j. Opportunities for undergrounding should be explored;
- k. Development must discharge attenuated surface water to a receiving waterbody and not to the combined sewer network, unless it can be demonstrated that there is no other option.
- l. Demonstrate adequate capacity for managing wastewater including proposed phasing requirements or alternative solutions to the satisfaction of the Council ~~and Anglian Water;~~
- m. ~~A range of measures in addition to prioritising SuDs (Policy EN8) and water efficiency measures to reduce the risk on impact on the WRC capacity as a result of planned growth including:~~
 - i. ~~Removal of unrequired network flows;~~
 - ii. ~~Targeted education to include new residents of the development;~~
 - iii. ~~Reduction in the demand for potable water.~~
- n. ~~Any site specific infrastructure requirements from the IDP (likely to include education provision, highway mitigation, water and wastewater and specific community / open space provision).~~
- o. Before granting planning consent, wintering bird surveys will be undertaken at the appropriate time of year to identify any offsite functional habitat. In the unlikely event that significant numbers are identified, development must firstly avoid impacts. Where this is not possible, development must be phased to deliver habitat creation and management either on or off-site to mitigate any significant impacts. Any such habitat must be provided and fully functional before any development takes place which would affect significant numbers of SPA birds.

All development Proposals within Wivenhoe Neighbourhood Plan Area, will also be determined against the policies in the Wivenhoe Neighbourhood Plan (Adopted May 2019) where they are up to date and relevant.