

Our Ref: 50961

Planning Policy Department
Colchester City Council
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Essex
CO3 3WG

14th January 2026

Dear Colchester City Council,

Preferred Options Local Plan: Regulation 18 Consultation 2025

We appreciate the opportunity to provide feedback on the emerging Local Plan and recognise the Council's ambition to create a sustainable, inclusive, and well-designed future for Colchester. While the vision is clear and positive, our review of the draft policies has identified several areas where refinement is necessary to ensure the plan is justified, effective, and deliverable as it progresses toward Regulation 19.

A recurring concern is the duplication and layering of requirements across multiple policies. Mandatory Health Impact Assessments under ST1 largely replicate matters already addressed in Planning Statements and Design and Access Statements; GN4 and EN5 create overlapping tests for tree canopy and tree planting; and the requirement for standalone Green Network and Waterways Plans duplicates landscape and SuDS work. This cumulative approach risks a paperwork-heavy regime that adds cost and delay without clear additional benefit, contrary to national policy on proportionality and focused evidence.

Across the plan, there is a need for greater nuance and contextual flexibility. Policies such as PC7 adopt a prescriptive, one-size-fits-all approach that does not account for site-specific constraints or local character. For example, the requirement for centrally located open space may conflict with coalescence and landscape objectives on certain allocations. A more

context-led approach would deliver better outcomes and avoid unnecessary friction between policies.

We are also concerned about the deliverability of certain policies and the extent to which they represent vulnerable groups within the district. Policy H7 relies heavily on strategic allocations for Gypsy and Traveller provision without securing specific, deliverable sites in the early years of the plan or identifying contingency measures should these allocations slip. This approach risks failing national requirements for a five-year supply and could lead to continued unmet need across the city as with the 2017-2033 Plan. In addition, the Plan does not adequately address the needs of neurodiverse individuals. Policies relating to specialist housing and design, including H5, H6, PC6 and PC7, omit any reference to neuroinclusive principles, missing an opportunity to embed cognitive and sensory accessibility into new development. These omissions are particularly significant given that these groups often have limited socioeconomic capital to engage with consultations, making proactive policy inclusion essential.

In addition, we must urge that the Local Plan actively supports rural workers and their businesses. This means supporting growth and diversity across both allocated and non-allocated rural employment sites, enabling investment in modern, fit-for-purpose buildings, and providing a clear, workable route to secure essential rural workers' dwellings where there is a proven functional need. Policies E2 and H8 should give unambiguous definitions, evidence requirements and timeframes, so genuine rural workers, across agriculture, land-based and related rural industries, can live near their work and sustain viable rural businesses, rather than being held back by ambiguity and unnecessary policy hurdles.

Environmental policies, while well-intentioned, also require careful calibration to avoid unintended consequences. The blanket requirement for a minimum 10% tree canopy cover and tree-lined streets under GN4 is unrealistic on constrained sites and conflicts with highways, heritage, and density objectives. Similarly, the rigid wording on Biodiversity Net Gain, which demands that all opportunities be taken to maximise on-site provision and restricts the strategic significance of offsite measures to a narrow list of Council-preferred sites, risks distorting the emerging BNG market and undermining scheme viability. These policies need flexibility to balance environmental objectives with housing delivery and design quality.

We welcome the Council's intention to adopt a more balanced spatial strategy, but the allocations currently proposed in some areas, such as Peldon and West Bergholt, do not fully

reflect this ambition. Restricting growth to selected villages risks undermining the vitality of smaller communities and their ability to sustain local services. A proportionate level of growth across all villages would better support demographic change and economic resilience, aligning with the principles of sustainable development. It is also important that settlement boundaries genuinely reflect how settlements are experienced and understood on the ground, and that future growth patterns respect the historic form and evolution of each village rather than imposing arbitrary or overly rigid edges.

Finally, the omission of the B1025 as a key transport corridor represents a missed opportunity to support growth in South Colchester. This route plays a vital role in connecting Mersea Island and southern communities to the city centre and underpins access to employment, tourism, and leisure opportunities. Recognising its strategic importance would enable proportionate rural growth and help address the current imbalance in sports and recreation provision, which is concentrated in the north of the city.

Our recommendations are realistic, proportionate, and consistent with national policy. They aim to reduce duplication, embed inclusivity, ensure environmental objectives are balanced with viability, and deliver a spatial strategy that supports all communities while recognising strategic infrastructure. We urge the Council to incorporate these changes before Regulation 19 to ensure the Local Plan is sound, effective, and capable of delivering its vision.

Yours sincerely,

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Head of Planning

For and on behalf of Stanfords

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Stanfords Representations		
Call for Sites/Preferred Allocations		
Call for Sites Reference	Site Address	Regulation 18 Reference
10179	Land northwest of Kemps Farm, Mersea Road, Peldon	13090
10181	Land west of Malting Road, Peldon	13089
10615	Land off Colchester Road, West Bergholt	13444
10233	Land at Oxley House, Abberton	13280
10183	School Road, Messing	13285
Draft Policies		
Section	Draft Policy	Regulation 18 Reference
3	ST1: Health and Wellbeing	13454
3	ST2: Environment and the Green Network and Waterways	13461
3	ST3: Spatial Strategy	13451
3	ST4: Development in the Countryside	13452
4	EN2: Biodiversity Net Gain (BNG) and Environmental Net Gain	13465
4	EN5: New and Existing Trees	13456
4	EN6: Conserving and Enhancing the Historic Environment	13543
4	EN8: Flood Risk and Sustainable Drainage Systems (SuDS)	13480
5	GN1: Open Space and Green Network and Waterways Principles	13482
5	GN4: Tree Canopy Cover	13473
8	H2: Affordable Housing	13445
8	H5: Specialist Housing including Housing for an Aging Population	13446
8	H6: Self and Custom Build	13483
8	H7: Gypsies, Travellers and Travelling Showpeople	13447
8	H8: Rural Workers Dwellings	13448
9	E1: Protection of Employment	13449
9	E2: Economic Development in Rural Areas and the Countryside	13450
10	CS4: Sports Provision	13453
10	PC6: Design and Amenity	13476
11	PC7: Residential Schemes on Greenfield Sites	13478
11	PC8: Private Amenity Space	13479



STANFORDS

ESTABLISHED 1879

Land northwest of Kemps Farm, Mersea Road, Peldon

Regulation 18 Representation on behalf of Mr T Sawdon

Call for Sites Reference: 10179



Revision	Purpose	Originated	Date
A	Draft Representation	MRD	09.01.25
Job number: MRD/50961-002		 STANFORDS ESTABLISHED 1879	

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1.0 Summary and Purpose of Representation

1.1 This representation is submitted on behalf of the landowner for a site presented in the Call for Sites exercise in December 2023 allocated the reference 10179. Moving forward to Regulation 18 stage, this site was considered passed to Stage 2 but discounted on the basis that it is 'detached from the settlement and facilities, when compared against alternatives. A portion of the land is also within Flood Zones 2 and 3.' This representation aims to provide an overarching detailed assessment of Site 10179 to support the Council's decision making toward Regulation 19 stage.

1.2 The purpose of this representation is to:

- Confirm the landowner's position as able to provide a deliverable site in the short-term to support the sustainable development of Peldon;
- Demonstrate how Site 10179 aligns with the draft Plan's objectives including high-quality design, extensions to existing settlements, protection from coalescence, Biodiversity Net Gain and active and sustainable travel;
- Compare and contrast Site 10179 versus the draft allocation Policy PP49 as the only planned growth of the settlement; and
- Recommend the strategic policies aims and objectives are appropriately reflected in the adopted settlement boundaries given the clear shift in approach to settlements over the next Plan period.

1.3 It is requested that with the evidence and assessment discussed within this representation that the Council considers Site 10179 as a natural extension to the settlement of Peldon and includes the site within the settlement boundary as relative growth for the settlement. This representation seeks to ensure that the Regulation 18 draft Local Plan provides a clear, proportionate and deliverable policy framework which is centred around the character and appearance of each individual settlement and what they can provide to secure the sustainable development outcomes the Council is seeking.



2.0 The Site

- 2.1 Site 10179 is located on the northern side of Mersea Road at the southern end of the settlement of Peldon. Covering an area of 0.9ha with the benefit of the southern boundary comprising entirely road frontage, the site forms part of a wider agricultural holding which is an established arable business in southern Colchester.
- 2.2 The site is seen as an infill between detached cottages in a semi-loose ribbon character. The characteristics of this southeastern part of Peldon has undergone drastic changes in the last two years which are material in this instance. Adjacent to the two cottages flanking the eastern boundary of the site is Kemps Farm which both from the public realm and aerial imagery defines the end of the Peldon from one of the three main road tributaries creating the triangular form of Peldon itself. In addition to the agricultural use which still operates from Kemps Farm, barns no longer fit for purpose have been replaced with a building constructed to facilitate four commercial units and an indoor cricket training facility comprising two lanes. The commercial units have a zero-vacancy rate and a waiting list with the cricket facility benefitting from daily bookings since its opening. The diversification of the site has assisted the business in supporting the rural economy whilst bringing new facilities to the residents of Peldon and surrounding settlements south of the city centre.
- 2.3 The section of Mersea Road which adjoins Site 10179 is within the 30mph speed limit zone. The road frontage element is split into two straight sections met centrally by a bend in the road which provides straight clear visibility in both directions in excess of the required minimum 'Y' distance of 70 metres. There is ample opportunity to provide safe means of access point(s). The character of the site is open countryside with well-kept low hedgerow at its southern boundary.
- 2.4 Peldon provides a good level of village facilities including two public houses, a children's nursery, commercial premises and a community hall holding a wide range of services. There are two bus stops located 50m east of Site 10179 on Mersea Road which are served by four bus routes; No. 63, 67, 68 and 68A. These services connect the site to Colchester city centre and railway station, West Mersea, Tesco Highwoods,

Abberton and Colchester General Hospital daily between 6:33am and 11.45pm. It can therefore only be considered that Site 10179 is a highly sustainable location when the settlement's existing facilities and public transport links are coupled with the commercial and sports and leisure facilities offered at Kemps Farm. The sustainability of Site 10179 is therefore reinforced by the frequency and range of bus services operating daily, connecting residents to Colchester city centre, railway station, and key destinations such as hospitals and retail hubs. This accessibility, combined with existing village facilities and the mixed-use development at Kemps Farm, ensures a genuinely sustainable location for growth.

3.0 The Council's Vision, Approach and Draft Policies

- 3.1 When analysing the spatial strategy for the emerging Plan up to 2041, there is a clear shift in the Council's approach to planned growth which is a key material consideration in this instance. Policies ST3 and ST4 aim to supersede Policy SP3 (Spatial Strategy for North Essex 2017-2033). Please find these draft policies appended as Appendix MRD1 and MRD2 respectively. Policy ST3 discusses the need for growth in sustainable and accessible locations where there tends to be a range of employment opportunities, facilities, services and travel choices for future communities. The Justification and Alternatives section of the Draft Local Plan for Policy ST3 states that the alternatives included 1) continuing the existing spatial strategy 2) new Garden Communities and 3) new Garden Suburbs. However, paragraph 3.29 makes clear that:

3.29 The preferred spatial strategy draws together the positives from as many of the spatial options as possible, while ensuring the growth needs of Colchester are met. These include:

- Focus on the existing urban area and intensify where appropriate;*
- Significant scale of growth along transport corridors;*
- Growth in the other settlements, including some of Colchester's smaller villages, to support communities and provide opportunities to sustain and enhance facilities and infrastructure; and*
- Ensure protection and enhancement of the most sensitive environments.*

- 3.2 Other clear changes are to the understanding of the spatial hierarchy which has been reconfigured making it clearer and more detailed, moving away from ambiguous 'other village' and 'sustainable settlement' titles to 'large', 'medium' and 'small' settlements, beneath the Urban Area and Growth and Opportunity Areas listed at the apex of the hierarchy.
- 3.3 Turning to Policy ST4, this aims to create an independent framework for the Council's decision making toward development in the countryside which wasn't previously as overt. The policy states that the spatial strategy will inform the growth in the countryside balanced against any adverse impacts. The policy text then states that:
- Where residential proposals are located outside defined settlement boundaries, there should be consideration of the physical and functional connection to the defined settlement in the first instance. Residential proposals in the countryside should 1) conserve and enhance the character, quality and tranquillity of the landscape, and 2) it must be proved that they will protect and reinforce the rural character of the areas where a development is proposed (emphasis added).
- 3.4 The final element to highlight in the proposed spatial strategy are key transport corridors across Colchester which have been identified for their function and connectivity and potential to support growth most notably for the 'large' settlements.
- 3.5 Peldon has been subject to Stages 1 and 2 of the Settlement Evidence Review. Stage 1 acknowledges the settlement shape and pattern as 'two roughly equivalent areas of housing on either side of two of the three roads' forming Peldon in a triangular formation. The report further states that the community hall 'hosts a wide range of activities throughout the week... since 1833'. The sustainable travel section acknowledges the regular bus services. However, the 'high level constraint' identified is that growth opportunities are limited if they are to prevent further ribbon development away from existing village services and facilities, where character is more rural/or is open countryside. To challenge this statement, it is clear that the core character of Peldon is road frontage residential development along the three main road links, with the only example straying from this being the cul-de-sac at Newpots Close to the south

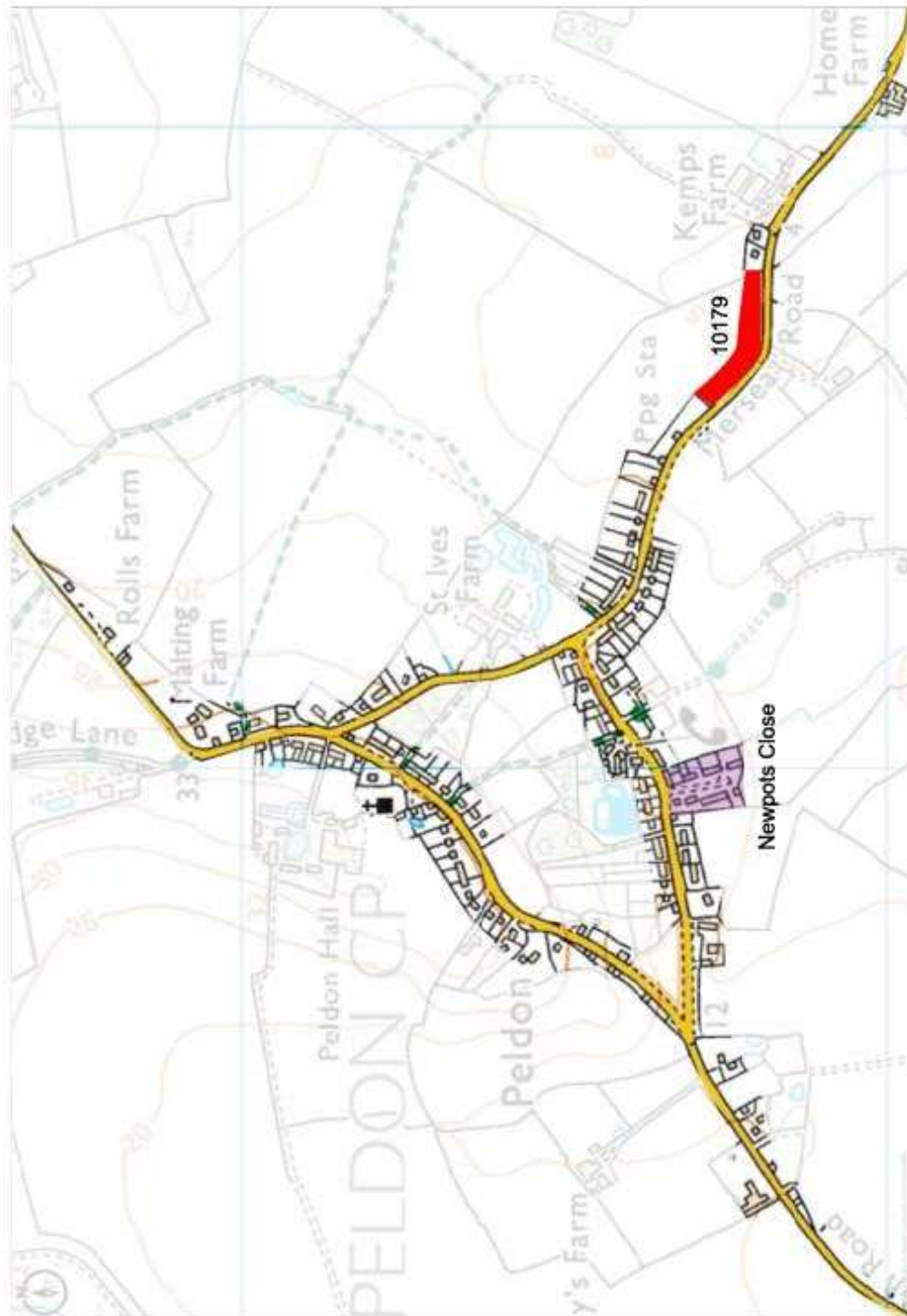
of the village. There are no other residential examples of development in this settlement other than along the road frontage.

- 3.6 Respecting historic settlement patterns is not only a matter of heritage but a key principle in landscape character assessments and draft Policy ST4, which requires development to reinforce rural character. Road frontage development is consistent with the Essex Design Guide, ensuring that growth integrates seamlessly with the existing village form while maintaining rural identity.



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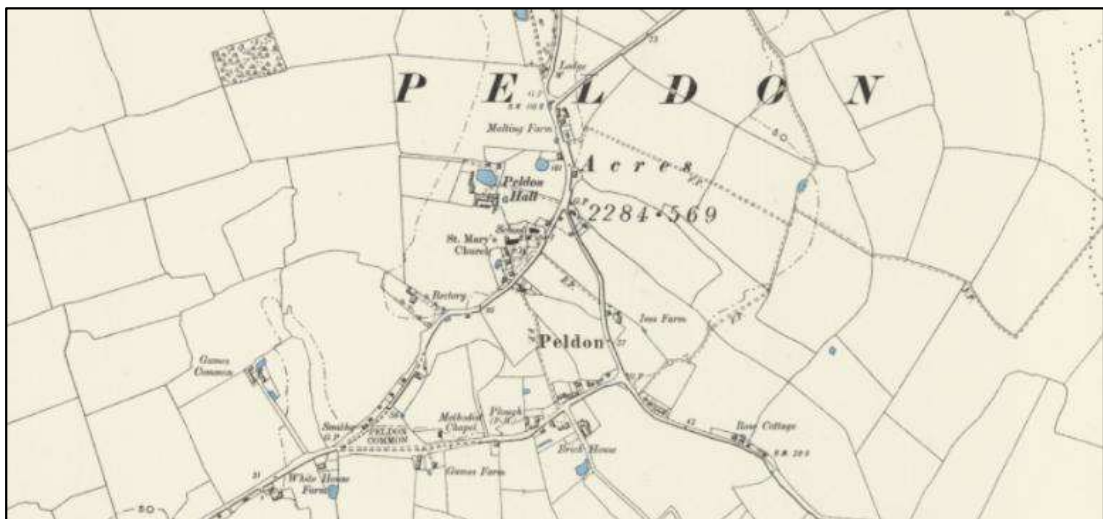
ESTABLISHED 1879



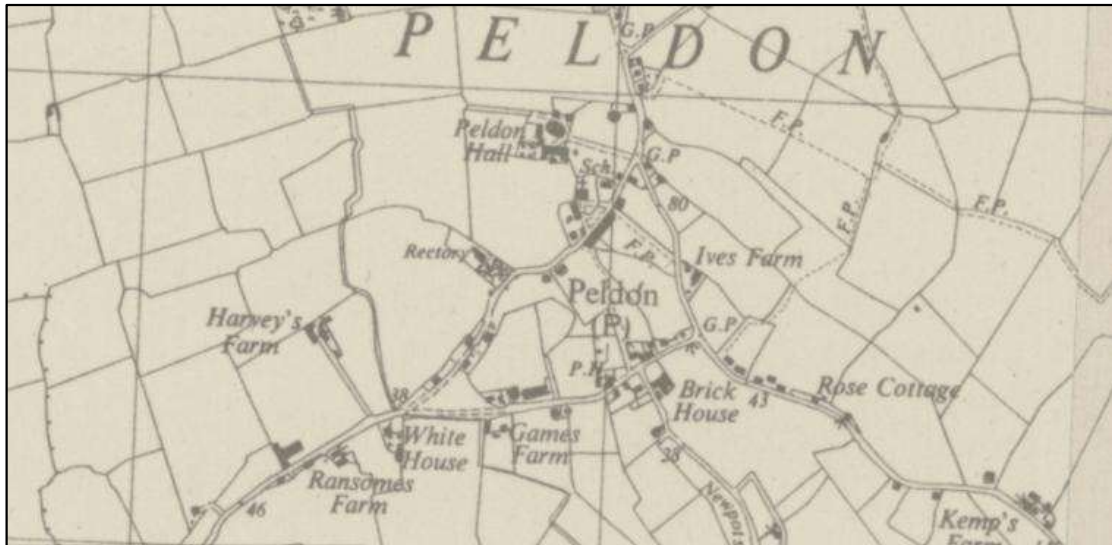
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- 3.7 This 'high level constraint' contradicts draft Policy ST4's objective for the physical and functional connections of sites to settlements as the first test. Further ribbon development in this instance would not be 'away from existing village services and facilities' given its proximity to the mixed-use development at Kemps Farm providing employment and leisure opportunities as well as closer access to the two existing bus stops opposite Kemps Farm. Turning to the Colchester Landscape Character Assessment (November 2024) prepared by LUC, the landscape strategy for Peldon makes clear that 'development should be sensitively integrated into the landscape using appropriate boundary treatments and to maintain the historic settlement pattern. Visually intrusive and incongruous development should be avoided, particularly on more visually open higher ground to the north [Abberton and Langenhoe]' (p.361). An assessment of the historic Ordnance Survey maps shows that the built form of Peldon has always been road frontage ribbon development and that is therefore unequivocally the historic landscape character.



OS Six Inch 1888-1915



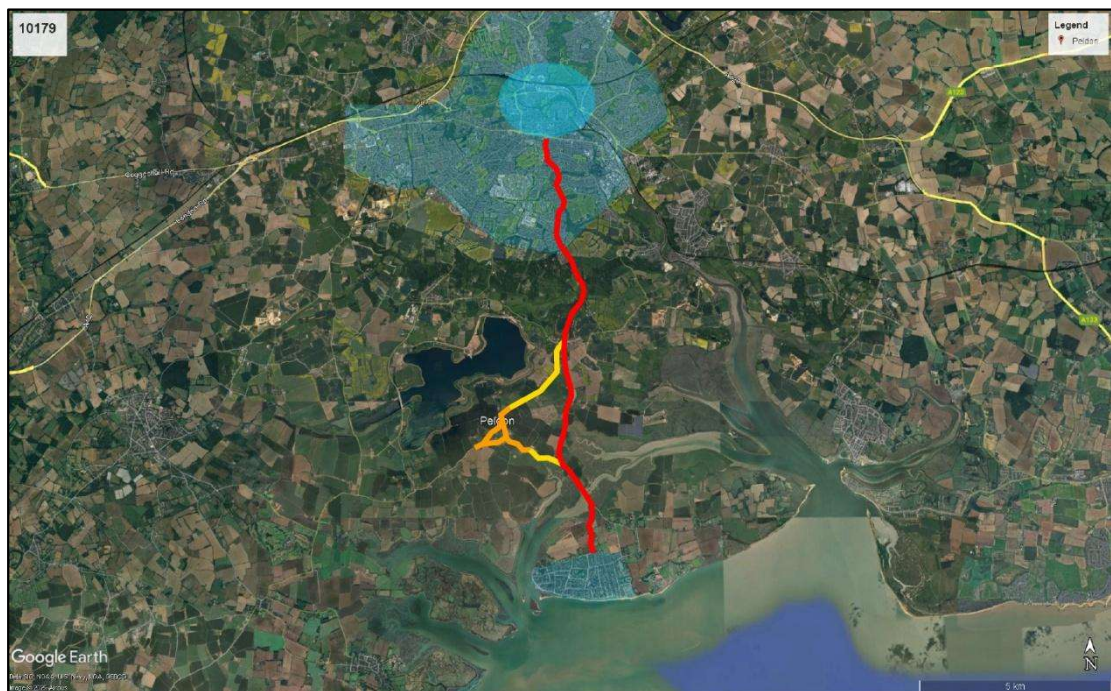
OS 1:25,000 1945-1965



OS 1:10,000 1949-1974

- 3.8 In terms of the settlement hierarchy, Peldon is currently categorised in the adopted Local Plan as an 'Other Village' and the proposed Local Plan has labelled Peldon as a 'Small Settlement'. This shift recognises the role that the smaller settlements have to play in the wider aims of the City's ambitions for development up to 2041 rather than their exclusion from development opportunities. A key characteristic that separates Peldon from the other smaller settlements is its juxtaposition to West Mersea which is categorised as a 'Large Settlement'. This means that West Mersea can provide a full range of services and facilities to its residents and accommodate a higher level of growth. The key characteristic is the B1025 key transport corridor connecting Mersea Island with the city centre, although oddly the Council has not identified this as a key transport corridor in its 'Key Diagram' under draft Policy ST3 (Appendix MRD1). It is undeniable that the B1025 is the main artery to the south of the city, with Peldon's road

network connected at two points; one to the north at Abberton and the other before The Strood to Mersea Island. This creates a direct link to the city centre services just 5 miles north and West Mersea 3 miles south which is a significant material consideration in this instance for the growth of Peldon. It must therefore be considered that there is existing infrastructure in the south of Colchester to support development even if that is not as significant as the A12 and A120 to the north. Residents of rural settlements are instrumental to the success of the rural economy, agriculture, sports, leisure and tourism and its growth should reflect the growing desire to live rurally.



- 3.9 The assessment of the draft policies in this section provides a clear image of the aim of the Council to extend existing settlements rather than provide large garden communities to reach a five-year housing land supply over the Plan period. The evidence also supports the settlement pattern of Peldon to be that of road frontage development historically and thus its extension would naturally include other road frontage sites already read as part of the settlement albeit historically omitted from the defined settlement boundary. Section 4 discusses the planned growth identified over the Plan period for Peldon with an assessment of Policy PP49.

4.0 Planned Growth for Peldon

4.1 The Colchester Local Housing Needs Assessment (September 2024) confirms that using the Standard Methodology for calculating housing need, there is a need for 1,300 new homes per year across the City. This equates to 20,800 new homes over the Plan period to 2041. For Peldon, the Council determined that a growth of up to 25 new dwellings would be appropriate at a site known as 'Land at St Ives Road'. This site is the only proposed extension to the settlement boundary of Peldon.

4.2 In the Summary of Sites Evidence (October 2025) this preferred options site was proposed as a mixed use residential and commercial allocation. It was deemed that the inclusion of this site would 'represent a logical extension to the village and lead to improved connections throughout the village, when compared against the alternatives' (p. 184). The below table summarises the Council's identified strengths and weaknesses of the site:

Strengths	Weaknesses
No contribution to coalescence;	Access constraints but not significant enough to affect the deliverability;
No neighbouring use issues;	Loss of greenfield land;
No known utility issues;	Loss of 3b classified agricultural land;
Site is not located in AONB, SSSI, SAC, SPA, RAMSAR or Ancient Woodlands;	Site is located within a Local Wildlife Site (LoWS), LNR or Coastal Protection belt;
Opportunities to enhance or create green infrastructure;	There is possibility of site contamination, but it can be remediated without affecting development viability;
No potential harm to archaeological or heritage assets;	Development will impact established grassland and likely native hedgerow with trees; and
Development would not result in the loss of public open space, public right of way or a bridleway;	The Biodiversity Protection & BNG Study concluded that development would result in the loss of an established grassland and would likely require some priority habitat hedgerow for access, leading to harm to biodiversity.
Site is wholly located in Flood Zone 1;	
Site is not located within a Critical Drainage Area;	
Site is vacant;	

The site does not rely on another piece of land; and	
Site is not within a Minerals Safeguarding Area or Waste Consultation Area.	

4.3 Site 10179 was ranked by the Council in the Summary of Sites Evidence similarly, with the differences being:

- The site is not located within a Local Wildlife Site (LoWS);
- The assumption that there are no opportunities to enhance or create green infrastructure;
- There are elements of Flood Zones 2 and 3;
- Little to no harm to biodiversity as the land has limited natural habitat value; and
- The development will not impact any established grassland and likely native hedgerow with trees.

4.4 The site at St Ives Road does not contribute to coalescence as it would comprise significantly of backland development behind the dwellings along Church Road and Lower Road. It would also introduce new housing on a side of St Ives Road where there is currently no built form; the only section of road in the settlement without existing established development. It can only therefore be considered that this allocation opposes the historic pattern of the settlement from road frontage ribbon development when compared with Site 10179 before the Council in this representation. Whilst settlement extensions through increasing settlement boundaries are seen as encouraging coalescence, it must be seen in its context and when the Plan is read as a whole. Peldon is over 1.5 miles from its nearest settlement of Great Wigborough and given the 'Small Settlement' category of each place, it is unlikely that this part of the city is at any risk of coalescence.

4.5 There is a road frontage section of approximately 100m of mature hedgerow long St Ives Road which would be lost as part of a development proposal. This has been identified as a biodiversity risk however also forms a risk to landscape character too. The new Local Plan policies aim to increase the protections to existing tree canopy

cover and hedgerow with development designed around existing landscape constraints rather than finding mitigation on or off-site as an automatic response. The necessity to remove significant mature planting at the St Ives Road site would directly conflict with criterion e) of draft Policy PP49 for this planting to be retained which calls into question the deliverability of this preferred option (Appendix MRD3). Site 10179 does not have the same existing planting constraints.

- 4.6 Site 10179 can provide opportunities for extensions to the green network with the inclusion of the area to the south which is inside the Flood Zones 2 and 3 for Biodiversity Net Gain. It has been found in research from the London School of Economics' Grantham Research Institute on Climate Change and the Environment¹ that England's Biodiversity Net Gain legislation can create a nature-based solution with the drive for natural flood risk management on-site by working with the existing natural features of sites to enhance biodiversity. Sherry and Kassian (2024) highlight that guardrails are needed to mitigate against technically permissible, but detrimental, trade-offs or overly simplistic solutions. Innovative solutions will help to avoid such unintended consequences. This flood zone area could be used to tree plant, contributing to the Council's drive for greater tree coverage in this Plan period and woodland is a natural flood management solution to slow down runoff and store floodwater. Beyond flood control and biodiversity, these natural features provide numerous other benefits such as ecosystem services, including improved water quality through natural filtration, carbon sequestration, soil stability, and enhanced habitats for a wide range of wildlife. Therefore, there is evidence that there are opportunities to enhance or create green infrastructure with a Biodiversity Net Gain using the existing flood zones site constraint without convolution. It is clear that the two key losses of established landscaping and rich biodiversity for the preferred options site at St Ives Road as a Local Wildlife Site would not apply to Site 10179.

- 4.7 Policy PP49 states that vehicle access should be gained from the connection with St Ives Road to its eastern boundary. Notwithstanding the mature planting loss to create a new access and facilitate its visibility splays, it would be in close proximity to the triangular junction with Lower Road where there are two bus stops and the sole vehicle

¹ Sherry, M. & Kassian, J. (2024) *Harnessing England's Biodiversity Net Gain legislation to amplify urban flood risk management*. London School of Economics' Grantham Research Institute on Climate Change and the Environment: London.

entrance to St Ives Farm Buildings which are home to at least four commercial businesses. 25 dwellings could accommodate 50 parking spaces and with an average of 4 vehicle movements a day per household, 100 daily movements would intensify the use of this section of St Ives Road when considering the potential conflict with a regular public transport service and the business park opposite the site. Site 10179 could accommodate individual accesses to each dwelling maintaining the existing design cues in Peldon with the benefit of the 30mph speed limit restriction. This section of Mersea Road is straight and visibility in each direction is clear. There are not conflicting uses in the immediate vicinity which would compromise this arrangement.

- 4.8 While biodiversity and access are highlighted as critical factors, Site 10179 also benefits from proximity to existing infrastructure and utilities, reducing delivery risk. This comparative emphasis reflects the most material differences between the two sites, strengthening the case for Site 10179 as the more sustainable and policy-compliant option.
- 4.9 Finally, it is pertinent to spotlight that no allocations were afforded to Peldon for the currently adopted Local Plan over the period 2017 to 2033 nor any non-commercial allocations in the Local Development Framework Site Allocations back in October 2010 for Peldon. Therefore, it is reasonable to expect that there is overdue relative growth for the settlement with its advances in services. However, a key consideration for Peldon should be the diversification of development opportunities. If the preferred options site cannot come forward, the settlement boundary restrictions do not support alternative development.

5.0 Site 10179: Draft Policy Compliance

- 5.1 The below table provides summary of the criteria contained within relevant spatial policies ST3 and ST4 and how Site 10179 is compliant. This framework aims to assist the Council in its consideration moving forward to Regulation 19 to adopt areas read as part of the settlement of Peldon as part of its formal settlement boundary:

Policy	Criteria	Compliance
ST3	Significant scale of growth along transport corridors identified for their function and connectivity and potential to support growth;	B1025 (Mersea Road) is the key transport corridor for the southern half of the city and has two direct access points to Peldon.
	Growth in the other settlements, including some of Colchester's smaller villages, to support communities and provide opportunities to sustain and enhance facilities and infrastructure;	Site 10179 directly supporting commercial and sports and recreation facilities at Kemps Farm.
	Ensure protection and enhancement of the most sensitive environments;	Utilisation of the site's flood risk constraint to its advantage as a natural flood defence management opportunity which will provide new tree planting and Biodiversity Net Gain.
	Avoid harmful coalescence; and	Nearest settlement is over 1.5 miles away; no risk of coalescence.
	Relative growth to the scale of the settlement.	Minor development opportunity for a 'Small Settlement'.
ST4	Where residential proposals are located outside defined settlement boundaries, there should be consideration of the physical and functional connection to the defined settlement in the first instance.	The physical relationship of the site to the settlement is direct: infill road frontage between existing housing. The functional connection is its distance to Kemps Farm as a commercial, agricultural and sports enterprise and the two bus stops opposite whilst the village centre is connected to the north.
	Conserve and enhance the character, quality and tranquillity of the landscape; and	Respecting the historic pattern of development and landscape character by avoiding incongruous built form or uses which may be at odds with its surroundings.
	It must be proved that they will protect and reinforce the rural character of the areas where a development is proposed.	Opportunity for detached cottage-style dwellings which are landscape led and driven by the Essex Design Guide.

6.0 Conclusions

- 6.1 This representation demonstrates that Site 10179 offers a logical, sustainable, and policy-compliant opportunity for modest growth within Peldon. The site's physical and functional connection to the settlement, its proximity to existing facilities and public transport, and its alignment with the historic pattern of road frontage development collectively support its inclusion within the settlement boundary. Unlike the preferred allocation at St Ives Road, Site 10179 avoids significant biodiversity and landscape harm, provides scope for Biodiversity Net Gain through innovative use of flood zone areas, and respects draft policies ST3 and ST4 by reinforcing rural character while contributing to strategic growth objectives.
- 6.2 In the context of the Council's revised spatial strategy, which prioritises extensions to existing settlements and supports relative growth in smaller villages, Site 10179 represents a proportionate and deliverable solution. It supports local economic diversification, enhances connectivity, and responds positively to the Plan's emphasis on sustainable development and environmental stewardship. For these reasons, it is recommended that Site 10179 be reconsidered for inclusion within the settlement boundary, ensuring flexibility and resilience in meeting housing needs while safeguarding the character and development quality of Peldon.



APPENDIX MRD1

The Spatial Strategy

- 3.17 The spatial strategy sets out the place-based approach for how growth will be guided across Colchester to 2041. This provides the framework for how the housing and employment needs will be met through allocations in the Local Plan, taking into account the unique characteristics of areas across the City.
- 3.18 The settlement hierarchy forms part of the spatial strategy. Growth will be allocated in accordance with the spatial strategy and settlement hierarchy. This recognises the relationship between the Urban Area of Colchester, growth and opportunity areas within and outside of the urban area (Marks Tey and TCBGC) and the larger settlements of, Tiptree, West Mersea and Wivenhoe. This also recognises the role that other settlements play in creating diverse places across Colchester, as well as the importance of the countryside that should be protected
- 3.19 In the first instance, development is directed to the City centre and the urban area of Colchester. This will enable greater use of brownfield sites to be realised and developments of a higher density. This approach is reflected in the NPPF.
- 3.20 The next tier in the settlement hierarchy is growth and opportunity areas. A number of sites are allocated for residential, employment / mixed use development within the urban area of the City. The Hythe which has seen significant changes over the years, notably through recently approved and built student accommodation is identified as an opportunity area where there are opportunities here for wider regeneration. This area is an established regeneration area that seeks to deliver sustainable, mixed-use neighbourhoods, identifying the River Colne as a feature and respecting the historic character of the area. Magdalen Street where regeneration could help deliver a new and improved gateway to the City Centre is also identified as an opportunity. There are a number of older commercial buildings suitable for reuse and or redevelopment to enhance this area. This tier in the hierarchy also includes the University of Essex, Knowledge Gateway and north Colchester.
- 3.21 Marks Tey is also identified in this tier as a growth area, recognising its potential opportunities for strategic scale growth and potential for improvements to infrastructure and placemaking. Its strategic location along with the benefits the train station brings, support the potential for expansion. However, there is also recognition that infrastructure improvements will be required in order to support development at the scale promoted. Tendring Colchester Borders Garden Community (TCBGC) is established and defined in a separate Development Planning Document. It continues to form an integral part of how this area of North Essex will develop up to 2041 and beyond. In recognition of the contribution it will make to towards the supply in this plan period for Colchester it is defined as a growth area in the hierarchy.
- 3.22 Key transport corridors across Colchester have also been identified for their function and connectivity and potential to support growth. The role of larger settlements outside of the urban area is also recognised. These larger settlements have the most facilities, services and opportunities. These settlements also have some of the largest populations of Colchester. As such, it is proposed to group, Tiptree, Wivenhoe and West Mersea as the next tier within the hierarchy as large

settlements. Growth in these settlements not only reflects their size but also considers the opportunities and constraints that apply to each location.

- 3.23 Creating a distinction between the large, medium and small settlements enables small scale development, which has been identified as a desire in some of the small settlements through engagement undertaken as part of the Issues and Options. The settlement hierarchy identifies medium and small settlements where growth is allocated appropriate to the size of the settlement and its constraints. Growth is not directed to all of the smaller settlements as appropriate land for growth was not identified for every small settlement.
- 3.24 The spatial strategy also reflects sustainable development principles underpinned by the NPPF which seeks to ensure all development meets the three dimensions of sustainable development; social, economic and environmental sustainability. All development will need to be in accordance with the spatial strategy and should meet the three dimensions of sustainable development.
- 3.25 The key diagram illustrates the spatial strategy for this Plan.

Policy ST3: Spatial Strategy

The Plan makes provision for growth and supporting infrastructure across the Colchester area to 2041. A sufficient number of homes have been provided in the plan to meet the overall housing requirement to 2041 as set out in Policy ST5.

Growth is directed across Colchester starting with the most sustainable and accessible locations in the urban area or close to, transport corridors and existing centres, where there tends to be a range of employment opportunities, facilities, services and travel choices for future communities.

Additionally, an appropriate level of growth is allocated within the large, medium and some small settlements, based on the opportunities and constraints of each settlement and informed by the wider evidence base. This can help support the long-term viability of services and facilities, which may otherwise be lost.

The growth needs of Colchester are balanced against the need to protect and enhance biodiversity, landscape and heritage. The highest areas of sensitivity are receiving the lowest levels of growth in this Local Plan. This approach also ensures that existing settlements maintain their distinctive character and role by avoiding harmful coalescence between them and through conserving their setting. New development will be required to respect the character and appearance of landscapes and the built environment and preserve or enhance the historic environment and biodiversity to safeguard the character of the City.

The Tendring Colchester Borders Garden Community (TCBGC) and other large-scale developments will deliver substantial growth, enabling significant community benefits to be realised. Opportunities for growth along key transport corridors, particularly with access to the rail network are favoured subject to sufficient capacity on the network and/or appropriate mitigation to support any enhancement required.

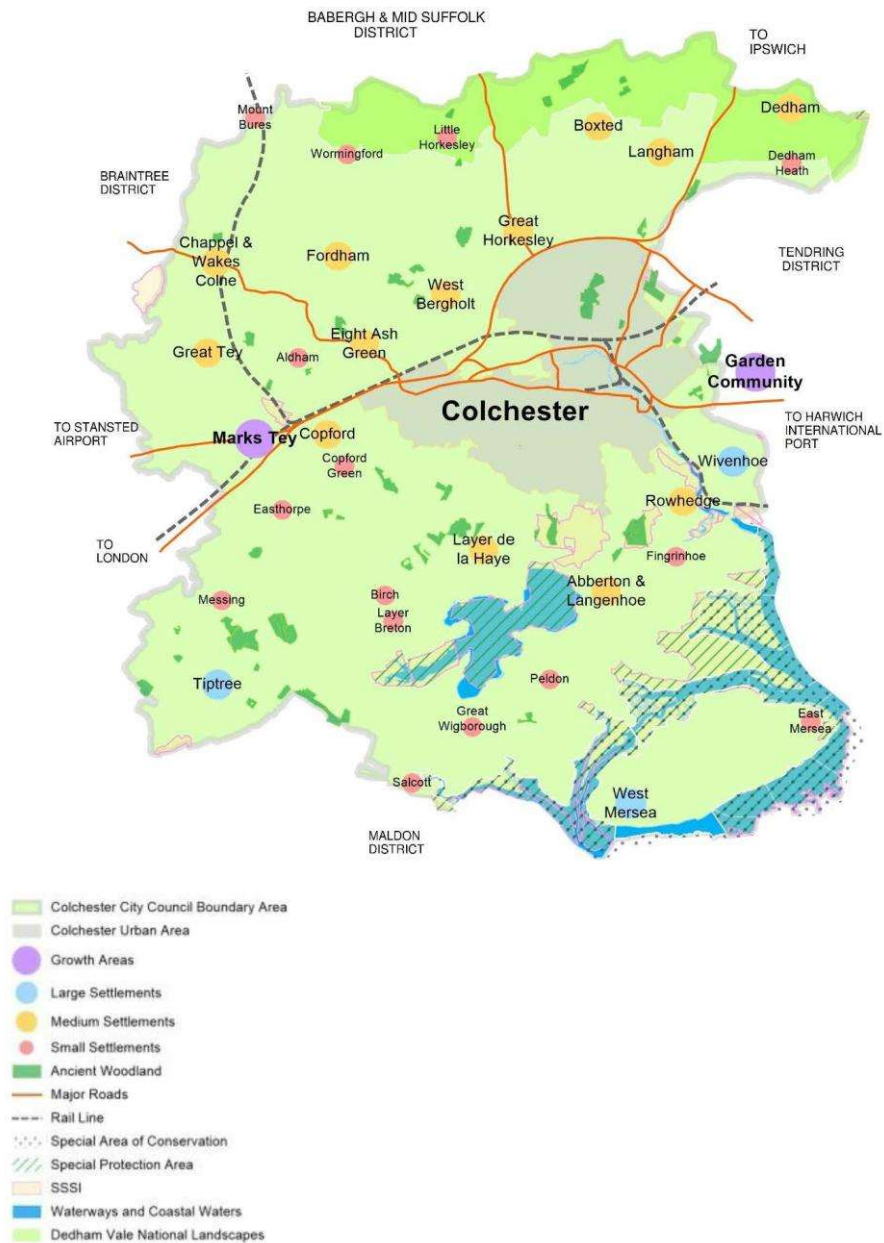
The re-use of previously developed land and developments of higher densities (particularly in the Urban Area of Colchester) will be supported where this enables a more efficient use of land. Opportunity areas are therefore identified at the Hythe and Magdalen Street.

The primary focus for growth is made through the allocations identified in this Local Plan, together with the existing commitments and TCBGC as set out in Policy ST5. Allocations are made in accordance with the settlement hierarchy set out below. The settlement hierarchy groups areas across Colchester based on their sustainability merits, size, function, opportunities and the services provided in each locality.

Settlement Hierarchy

Colchester Urban Area including City Centre
Growth and Opportunity Areas Hythe Opportunity Areas Magdalen Street Opportunity Area Marks Tey Growth Area Tendring Colchester Borders Garden Community Growth Area
Large Settlements Tiptree West Mersea Wivenhoe
Medium Settlements Abberton and Langenhoe Boxted Chappel and Wakes Colne Copford Dedham and Dedham Heath Eight Ash Green Fordham Great Horkesley Great Tey Langham Layer de la Haye Rowhedge West Bergholt
Small Settlements Aldham Birch and Layer Breton Copford Green Easthorpe East Mersea Fingringhoe Great Wigborough Little Horkesley Messing Mount Bures Peldon Salcott Wormingford
Countryside

KEY DIAGRAM



Justification

Purpose of the policy

- 3.26 The NPPF requires Strategic Policies in Local Plans to set out an overall strategy for the pattern, scale and design quality of places. Strategic Policies are required to provide a clear strategy for bringing sufficient land forward to address needs over the plan period, in line with the presumption for sustainable development. The Strategy must provide for social and economic needs, sufficient strategic and local infrastructure, whilst balancing the conservation and enhancement of the natural, built and historic environment, and address climate change, mitigation and adaptation.
- 3.27 The Spatial Strategy sets out the approach for how Colchester will develop to 2041. This informs where sites will be allocated for housing and economic growth, and where areas will be safeguarded and protected in this Preferred Options Local Plan.

Alternative

- 3.28 The alternative spatial options considered were:

- Continuing existing Spatial Strategy
- New Garden Community
- Garden Suburbs
- Intensification in the City Centre
- Transport Corridors
- Hubs and Spokes
- Environment Led

- 3.29 The preferred spatial strategy draws together the positives from as many of the spatial options as possible, while ensuring the growth needs of Colchester are met. These include:

- Focus on the existing urban area and intensification where appropriate largely within growth and opportunity areas;
- Significant scale of growth along transport corridors;
- Growth in the other settlements, including some of Colchester's smaller villages, to support communities and provide opportunities to sustain and enhance facilities and infrastructure;
- Ensure protection and enhancement of the most sensitive environments



APPENDIX MRD2

Policy ST4: Development in the Countryside

The Council will consider the requirement for new development within the countryside to meet identified development needs in accordance with Colchester's spatial strategy while supporting the vitality of rural communities. This will be balanced against ensuring development does not have an adverse impact on the different roles and relationships between settlements and their separate identities, valued landscapes, the intrinsic character and beauty of the countryside and visual amenity.

The intrinsic character and beauty of the countryside will be recognised and assessed, and development will only be permitted where it would not adversely affect the intrinsic character and beauty of the countryside.

Proposals must consider the role the landscape plays as an open buffer between settlements or areas of a settlement, and the resulting sense of separation and distinctive identity.

Within valued landscapes, development will only be permitted where it would not impact adversely and would protect and enhance the factors that contribute to valued landscapes.

Proposals for sustainable rural businesses will be supported if they are of an appropriate scale, meet a local employment need, minimise negative environmental impacts, and harmonise with the local character and surrounding countryside where they are being proposed.

Where residential proposals are located outside defined settlement boundaries, there should be consideration of the physical and functional connection to the defined settlement in the first instance. Residential proposals in the countryside should conserve and enhance the character, quality and tranquillity of the landscape, and it must be proven that they will protect and reinforce the rural character of the areas where a development is proposed. Proposals will need to demonstrate that the scheme respects the character and appearance of landscapes and the built environment and preserves or enhances the historic environment and biodiversity. Opportunities to maximise access to sustainable modes of travel for future residents must be demonstrated.

Justification

Purpose of the policy

- 3.30 The purpose of the planning system is to contribute to the achievement of sustainable development. The NPPF recognises that there are three dimensions to sustainable development: economic, social and environmental. Settlement boundaries are an essential tool for the management of development and contribute to the achievement of sustainable development by preventing the encroachment of development into the countryside, protecting rural character. The spatial strategy (Policy ST3) directs development to the most sustainable locations across Colchester.

- 3.31 Areas outside of settlement boundaries are defined as 'Countryside'. Within the countryside, there are a number of very small villages and hamlets and isolated clusters of dwellings which lack any community facilities or access to services or public transport and rely on nearby larger settlements to meet their daily needs. It is essential that development is restricted in the countryside to protect landscape, character, quality and tranquillity.
- 3.32 Development within the countryside will accordingly be limited to activities that either require a rural location or help sustain a rural community and local economy and which help protect the rural character of the areas where a development is being delivered.
- 3.33 The NPPF includes examples of exceptions whereby proposals for isolated dwellings in the countryside may be acceptable. The Council's interpretation of 'isolated' are sites that are physically isolated relative to existing settlements, and sites that are functionally isolated relative to services and facilities.

Alternative

- 3.34 The alternative is to rely on national policy and guidance or the spatial strategy and housing allocations policies.



APPENDIX MRD3

Peldon

12.46 Housing in Peldon is laid out in a triangular pattern around three roads. The settlement boundary in Peldon currently comprises two roughly equivalent areas of housing on either side of two of the three roads. The triangular residential area is surrounded by arable farms. The village lies within the Coastal Protection Belt.

Policy PP49: Land at St Ives Road, Peldon

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 25 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. The point of vehicular access is to off St Ives Road to be agreed with the Highway Authority and it will need to be demonstrated that the proposal would not be detrimental to highway capacity and safety;
- 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;
- d) 'Enhanced Open Space' as shown on the Policies Map substantively in excess of 10% of the allocation area must be provided as open space. This should include a minimum of 0.6ha of open space within the site;
- e) Mature trees and hedgerows within the site should be retained;
- f) Screening comprising locally appropriate hedgerows and/or woodland will be required along the site boundaries to ensure that development is sensitively integrated into the landscape to reflect and reinforce rural character;
- g) Respect the setting of and conserve the local distinctiveness of the Church of St Mary (Grade I Listed Building) at Peldon which forms a prominent landmark, visible from much of the surrounding landscape due to its location on a localised knoll;
- h) 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 one Grade I, one Grade II* and fifteen Grade II Listed Buildings as informed by the stage 1 HIA;
- i) Applicants must demonstrate they have confirmed with Anglian Water Services that treatment capacity at the Water Recycling Centre is available to serve the development at the point of anticipated connection and where appropriate agree to phasing triggers to support development;

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



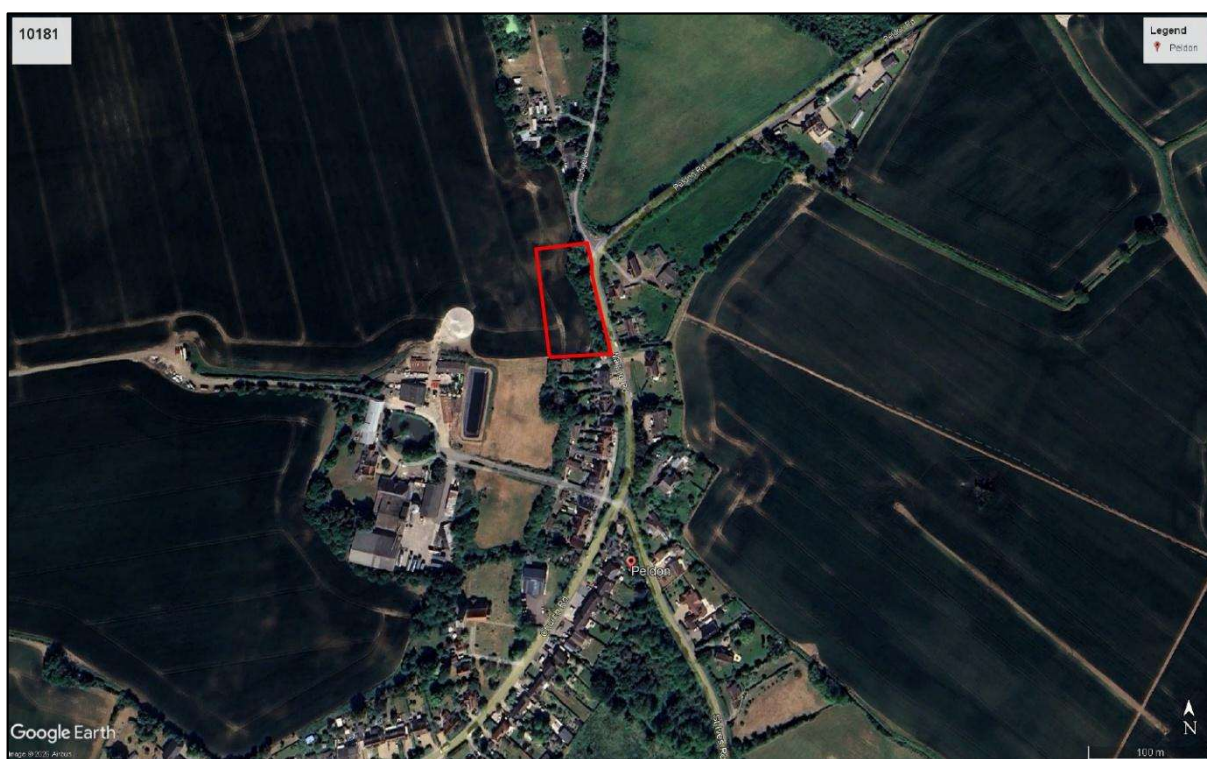
STANFORDS

ESTABLISHED 1879

Land west of Malting Road, Peldon

Regulation 18 Representation on behalf of Mr T Sawdon

Call for Sites Reference: 10181



Revision	Purpose	Originated	Date
A	Draft Representation	MRD	09.01.25
Job number: MRD/50961-003		 STANFORDS ESTABLISHED 1879	

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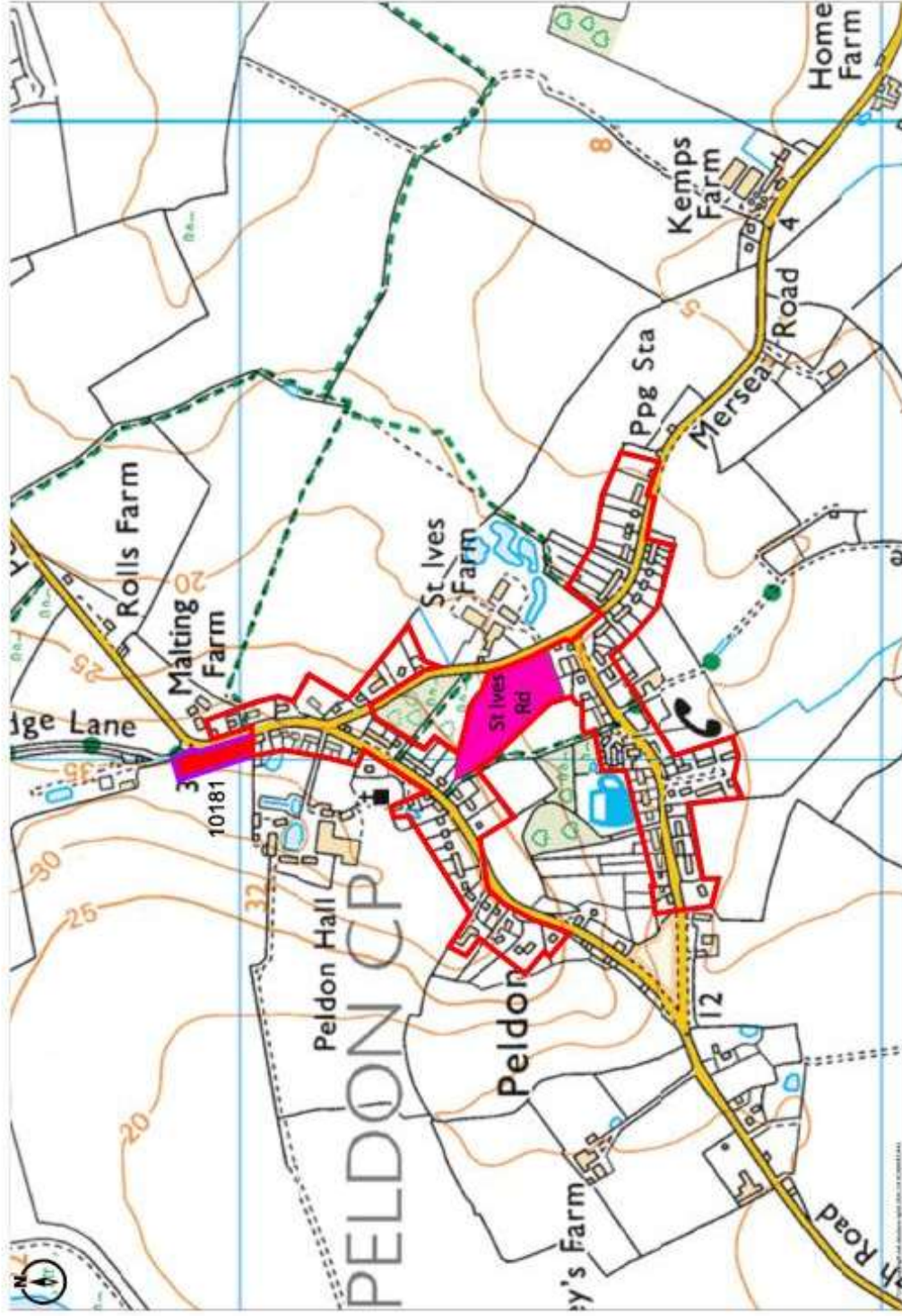
1.0 Summary and Purpose of Representation

1.1 This representation is submitted on behalf of the landowner for a site presented in the Call for Sites exercise in December 2023 allocated the reference 10181. Moving forward to Regulation 18 stage, this site was considered passed to Stage 2 but discounted on the basis that it is 'likely to harm biodiversity as site access is likely to require impact to a Priority habitat woodland strip along Malting Road.' This representation aims to provide an overarching detailed assessment of Site 10181 to support the Council's decision making toward Regulation 19 stage.

1.2 The purpose of this representation is to:

- Confirm the landowner's position as able to provide a deliverable site in the short-term to support the sustainable development of Peldon;
- Demonstrate how Site 10181 aligns with the draft Plan's objectives including high-quality design, extensions to existing settlements, protection from coalescence, BNG and active and sustainable travel;
- Compare and contrast Site 10181 versus the draft allocation Policy PP49 as the only planned growth of the settlement; and
- Recommend the strategic policies aims and objectives are appropriately reflected in the adopted settlement boundaries given the clear shift in approach to settlements over the next Plan period.

1.3 It is requested that with the evidence and assessment discussed within this representation that the Council considers Site 10181 as a natural extension to the settlement of Peldon and includes the site within the settlement boundary as relative growth for the settlement. This representation seeks to ensure that the Regulation 18 draft Local Plan provides a clear, proportionate and deliverable policy framework which is centred around the character and appearance of each individual settlement and what they can provide to secure the sustainable development outcomes the Council is seeking.

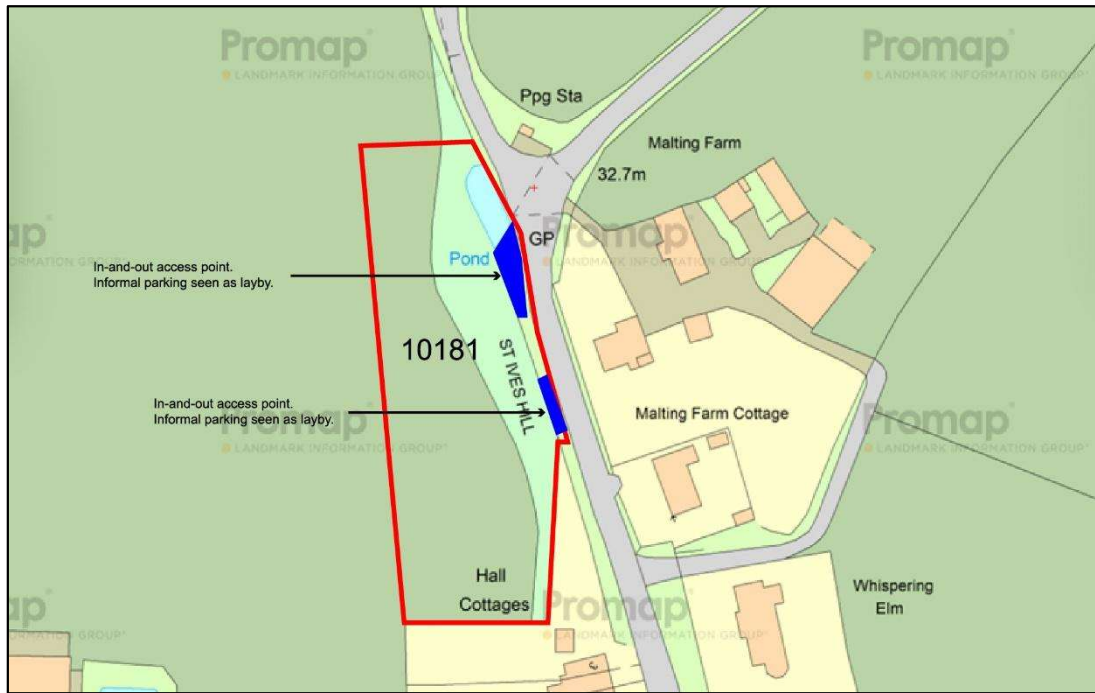


2.0 The Site

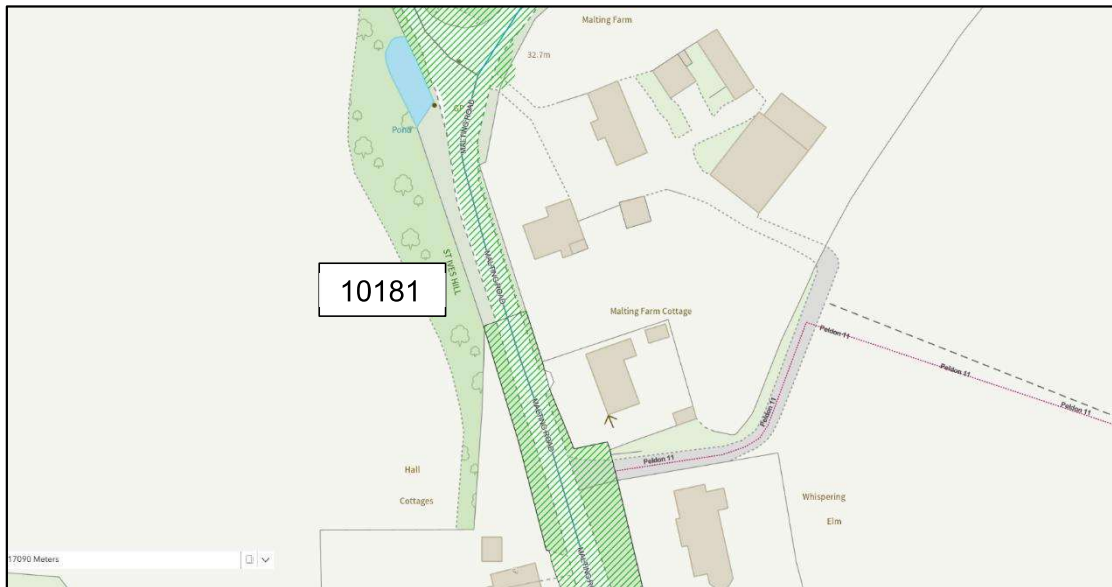
- 2.1 Site 10181 is located on the western side of Malting Road at the northern point of the settlement of Peldon. Covering an area of 0.45ha with the benefit of the eastern boundary comprising entirely road frontage, the site forms part of a wider agricultural holding which is an established arable business in southern Colchester.
- 2.2 The site lies north of, and adjoining to, the linear housing fronting Malting Road. When approaching Peldon from the north along Peldon Road, Site 10181 is, in part, the first visual marker of the village.

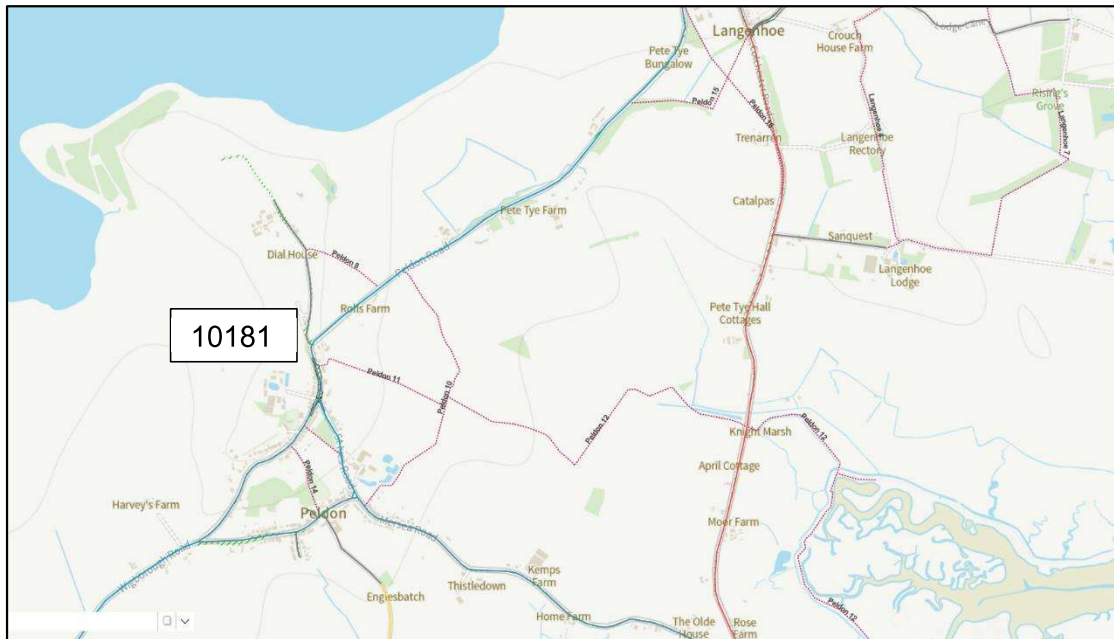


- 2.3 The western part of the site is the corner of an arable field with the eastern part planted with a mix of trees and hardstanding area used informally as parking by visitors. The landowner's father previously obtained planning permission c.1980s for an in-and-out driveway at this site; the two access points were implemented. The informal parking areas which appears as laybys are these access points. The northern point is just beyond the national speed limit zone, whereas all road frontage south of this access point is within the 30mph speed limit.



- 2.4 The topography of the land falls away from west to east, so Site 10181 is at a lower elevation in the landscape; there are no long distance views to the site from surrounding public vantage points. Opposite the site is a connection to the Public Right of Way Peldon 11. This PROW connects the site to a wider series of comprehensive footpaths to surrounding villages of Abberton and Langenhoe and to Mersea Island.





2.5 Peldon provides a good level of village facilities including two public houses (750m and 2.2km away from Site 10181), a café (300m), a children's nursery (1km), commercial premises (500m) and a community hall (220m) holding a wide range of services. In recent years, Kemp's Farm (1.3km) to the south of the village, in addition to the agricultural use which still operates, barns no longer fit for purpose have been replaced with a building constructed to facilitate four commercial units and an indoor cricket training facility comprising two lanes. The commercial units have a zero-vacancy rate and a waiting list with the cricket facility benefitting from daily bookings since its opening. The diversification of the site has assisted the business in supporting the rural economy whilst bringing new facilities to the residents of Peldon and surrounding settlements south of the city centre.

2.6 There are two bus stops located 120m south of Site 10181 on Malting Road which are served by five bus routes; No. 50b, 63, 67, 68 and 68A. These services connect the site to Colchester city centre and railway station, West Mersea, Tesco Highwoods, Abberton, Great Wigborough, Layer-de-la-Haye and Colchester General Hospital daily between 6:33am and 11.45pm. It can therefore only be considered that Site 10181 is a highly sustainable location when assessing the settlement's growing facilities and public transport links reinforced by the frequency and range of bus services operating daily, connecting residents to Colchester city centre, railway station, and key destinations such as hospitals and retail hubs. This accessibility ensures a genuinely sustainable location for growth.

3.0 The Council's Vision, Approach and Draft Policies

- 3.1 When analysing the spatial strategy for the emerging Plan up to 2041, there is a clear shift in the Council's approach to planned growth which is a key material consideration in this instance. Policies ST3 and ST4 aim to supersede Policy SP3 (Spatial Strategy for North Essex 2017-2033). Please find these draft policies appended as Appendix MRD1 and MRD2 respectively. Policy ST3 discusses the need for growth in sustainable and accessible locations where there tends to be a range of employment opportunities, facilities, services and travel choices for future communities. The Justification and Alternatives section of the Draft Local Plan for Policy ST3 states that the alternatives included 1) continuing the existing spatial strategy 2) new Garden Communities and 3) new Garden Suburbs. However, paragraph 3.29 makes clear that:

3.29 The preferred spatial strategy draws together the positives from as many of the spatial options as possible, while ensuring the growth needs of Colchester are met. These include:

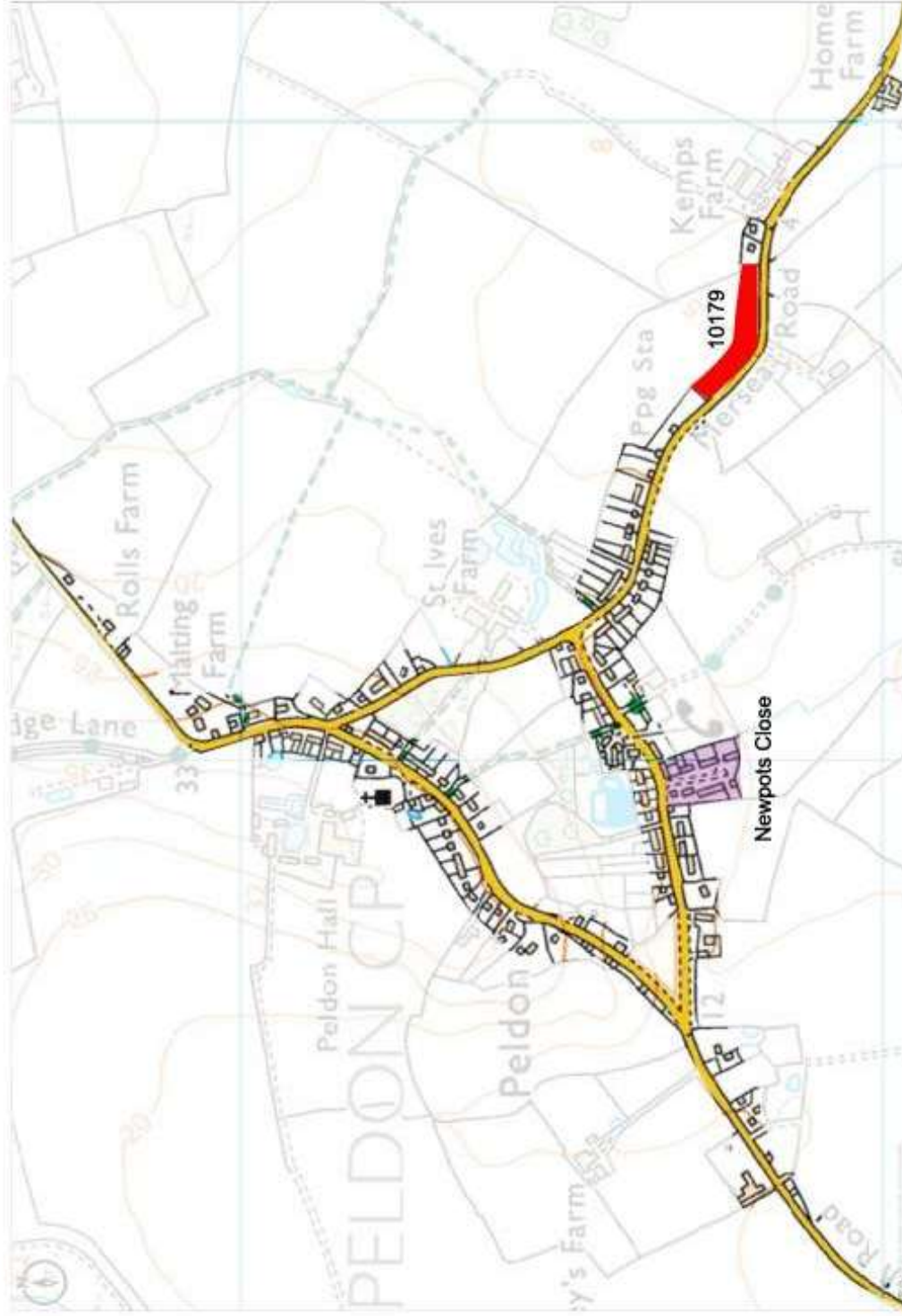
- Focus on the existing urban area and intensify where appropriate;*
- Significant scale of growth along transport corridors;*
- Growth in the other settlements, including some of Colchester's smaller villages, to support communities and provide opportunities to sustain and enhance facilities and infrastructure; and*
- Ensure protection and enhancement of the most sensitive environments.*

- 3.2 Other clear changes are to the understanding of the spatial hierarchy which has been reconfigured making it clearer and more detailed, moving away from ambiguous 'other village' and 'sustainable settlement' titles to 'large', 'medium' and 'small' settlements, beneath the Urban Area and Growth and Opportunity Areas listed at the apex of the hierarchy.
- 3.3 Turning to Policy ST4, this aims to create an independent framework for the Council's decision making toward development in the countryside which wasn't previously as

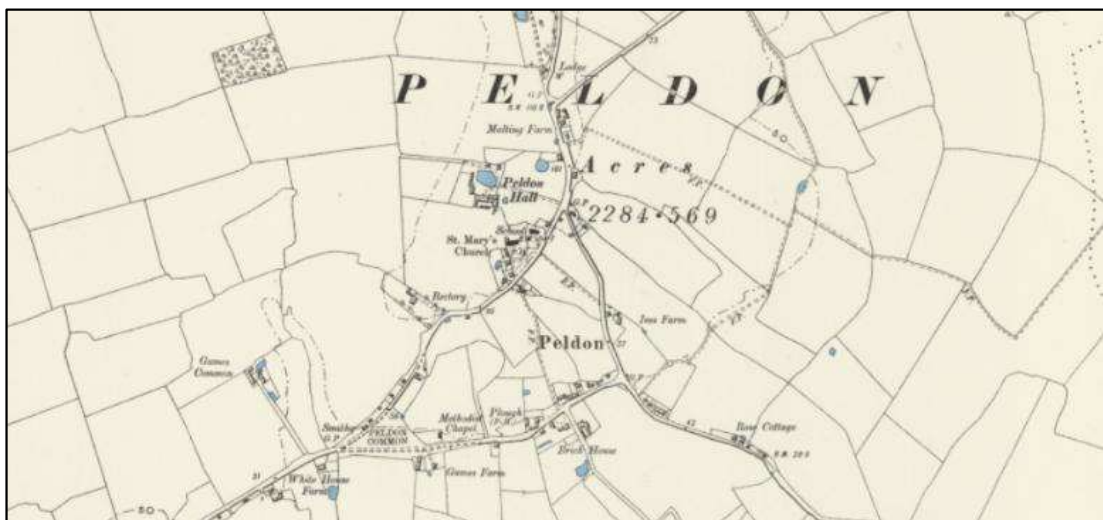
overt. The policy states that the spatial strategy will inform the growth in the countryside balanced against any adverse impacts. The policy text then states that:

Where residential proposals are located outside defined settlement boundaries, there should be consideration of the physical and functional connection to the defined settlement in the first instance. Residential proposals in the countryside should 1) conserve and enhance the character, quality and tranquillity of the landscape, and 2) it must be proved that they will protect and reinforce the rural character of the areas where a development is proposed (emphasis added).

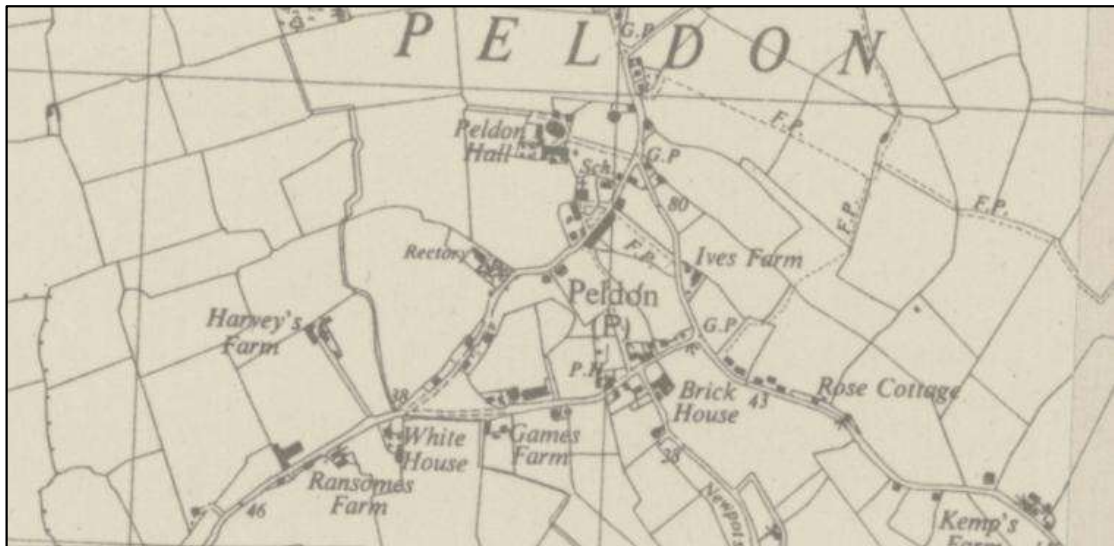
- 3.4 The final element to highlight in the proposed spatial strategy are key transport corridors across Colchester which have been identified for their function and connectivity and potential to support growth most notably for the 'large' settlements.
- 3.5 Peldon has been subject to Stages 1 and 2 of the Settlement Evidence Review. Stage 1 acknowledges the settlement shape and pattern as 'two roughly equivalent areas of housing on either side of two of the three roads' forming Peldon in a triangular formation. The report further states that the community hall 'hosts a wide range of activities throughout the week... since 1833'. The sustainable travel section acknowledges the regular bus services. However, the 'high level constraint' identified is that growth opportunities are limited if they are to prevent further ribbon development away from existing village services and facilities, where character is more rural/or is open countryside. To challenge this statement, it is clear that the core character of Peldon is road frontage residential development along the three main road links, with the only example straying from this being the cul-de-sac at Newpots Close to the south of the village. There are no other residential examples of development in this settlement other than along the road frontage.
- 3.6 Respecting historic settlement patterns is not only a matter of heritage but a key principle in landscape character assessments and draft Policy ST4, which requires development to reinforce rural character. Road frontage development is consistent with the Essex Design Guide, ensuring that growth integrates seamlessly with the existing village form while maintaining rural identity.



- 3.7 This 'high level constraint' contradicts draft Policy ST4's objective for the physical and functional connections of sites to settlements as the first test. Further ribbon development in this instance would not be 'away from existing village services and facilities' given its proximity to the bus stops 120m south, The Glasshouse Café 300m east and the community hall 220m south, with most remaining offerings in Peldon within another kilometre. Turning to the Colchester Landscape Character Assessment (November 2024) prepared by LUC, the landscape strategy for Peldon makes clear that 'development should be sensitively integrated into the landscape using appropriate boundary treatments and to maintain the historic settlement pattern. Visually intrusive and incongruous development should be avoided, particularly on more visually open higher ground to the north [Abberton and Langenhoe]' (p.361). An assessment of the historic Ordnance Survey maps shows that the built form of Peldon has always been road frontage ribbon development and that is therefore unequivocally the historic landscape character.



OS Six Inch 1888-1915



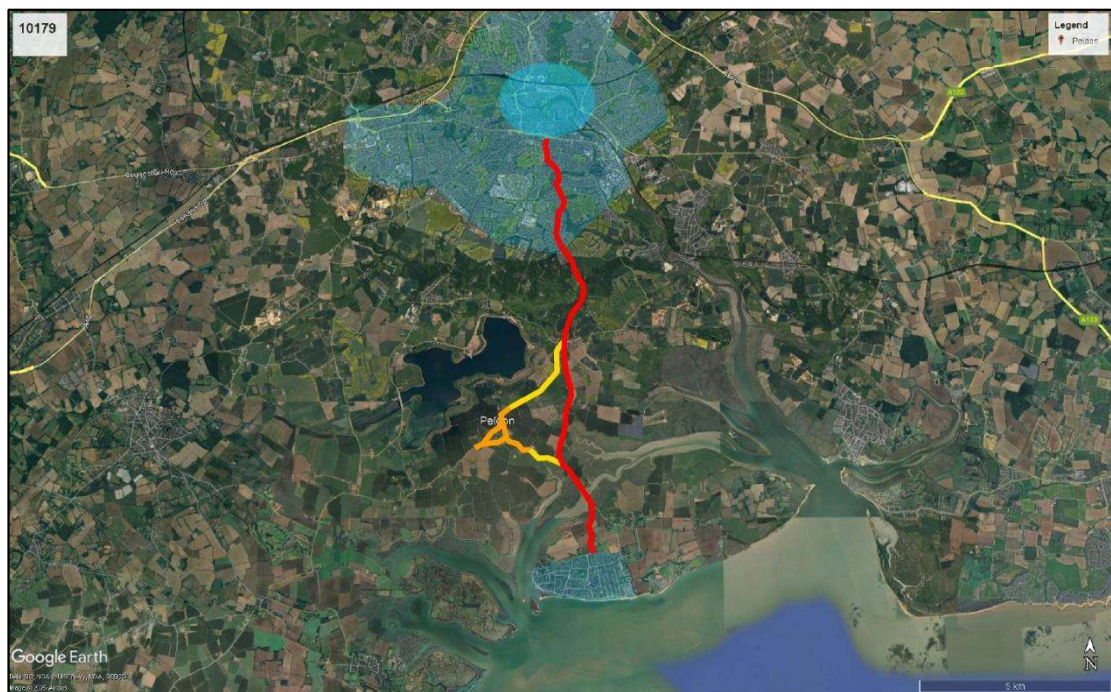
OS 1:25,000 1945-1965



OS 1:10,000 1949-1974

- 3.8 In terms of the settlement hierarchy, Peldon is currently categorised in the adopted Local Plan as an 'Other Village' and the proposed Local Plan has labelled Peldon as a 'Small Settlement'. This shift recognises the role that the smaller settlements have to play in the wider aims of the City's ambitions for development up to 2041 rather than their exclusion from development opportunities. A key characteristic that separates Peldon from the other smaller settlements is its juxtaposition to West Mersea which is categorised as a 'Large Settlement'. This means that West Mersea can provide a full range of services and facilities to its residents and accommodate a higher level of growth. The key characteristic is the B1025 key transport corridor connecting Mersea Island with the city centre, although oddly the Council has not identified this as a key transport corridor in its 'Key Diagram' under draft Policy ST3 (Appendix MRD1). It is undeniable that the B1025 is the main artery to the south of the city, with Peldon's road

network connected at two points; one to the north at Abberton and the other before The Strood to Mersea Island. This creates a direct link to the city centre services just 5 miles north and West Mersea 3 miles south which is a significant material consideration in this instance for the growth of Peldon. It must therefore be considered that there is existing infrastructure in the south of Colchester to support development even if that is not as significant as the A12 and A120 to the north. Residents of rural settlements are instrumental to the success of the rural economy, agriculture, sports, leisure and tourism and its growth should reflect the growing desire to live rurally.



- 3.9 The assessment of the draft policies in this section provides a clear image of the aim of the Council to extend existing settlements rather than provide large garden communities to reach a five-year housing land supply over the Plan period. The evidence also supports the settlement pattern of Peldon to be that of road frontage development historically and thus its extension would naturally include other road frontage sites already read as part of the settlement albeit historically omitted from the defined settlement boundary. Section 4 discusses the planned growth identified over the Plan period for Peldon with an assessment of Policy PP49.

4.0 Planned Growth for Peldon

4.1 The Colchester Local Housing Needs Assessment (September 2024) confirms that using the Standard Methodology for calculating housing need, there is a need for 1,300 new homes per year across the City. This equates to 20,800 new homes over the Plan period to 2041. For Peldon, the Council determined that a growth of up to 25 new dwellings would be appropriate at a site known as 'Land at St Ives Road'. This site is the only proposed extension to the settlement boundary of Peldon.

4.2 In the Summary of Sites Evidence (October 2025) this preferred options site was proposed as a mixed use residential and commercial allocation. It was deemed that the inclusion of this site would 'represent a logical extension to the village and lead to improved connections throughout the village, when compared against the alternatives' (p. 184). The below table summarises the Council's identified strengths and weaknesses of the site:

Strengths	Weaknesses
No contribution to coalescence;	Access constraints but not significant enough to affect the deliverability;
No neighbouring use issues;	Loss of greenfield land;
No known utility issues;	Loss of 3b classified agricultural land;
Site is not located in AONB, SSSI, SAC, SPA, RAMSAR or Ancient Woodlands;	Site is located within a Local Wildlife Site (LoWS), LNR or Coastal Protection belt;
Opportunities to enhance or create green infrastructure;	There is possibility of site contamination, but it can be remediated without affecting development viability;
No potential harm to archaeological or heritage assets;	Development will impact established grassland and likely native hedgerow with trees; and
Development would not result in the loss of public open space, public right of way or a bridleway;	The Biodiversity Protection & BNG Study concluded that development would result in the loss of an established grassland and would likely require some priority habitat hedgerow for access, leading to harm to biodiversity.
Site is wholly located in Flood Zone 1;	
Site is not located within a Critical Drainage Area;	
Site is vacant;	

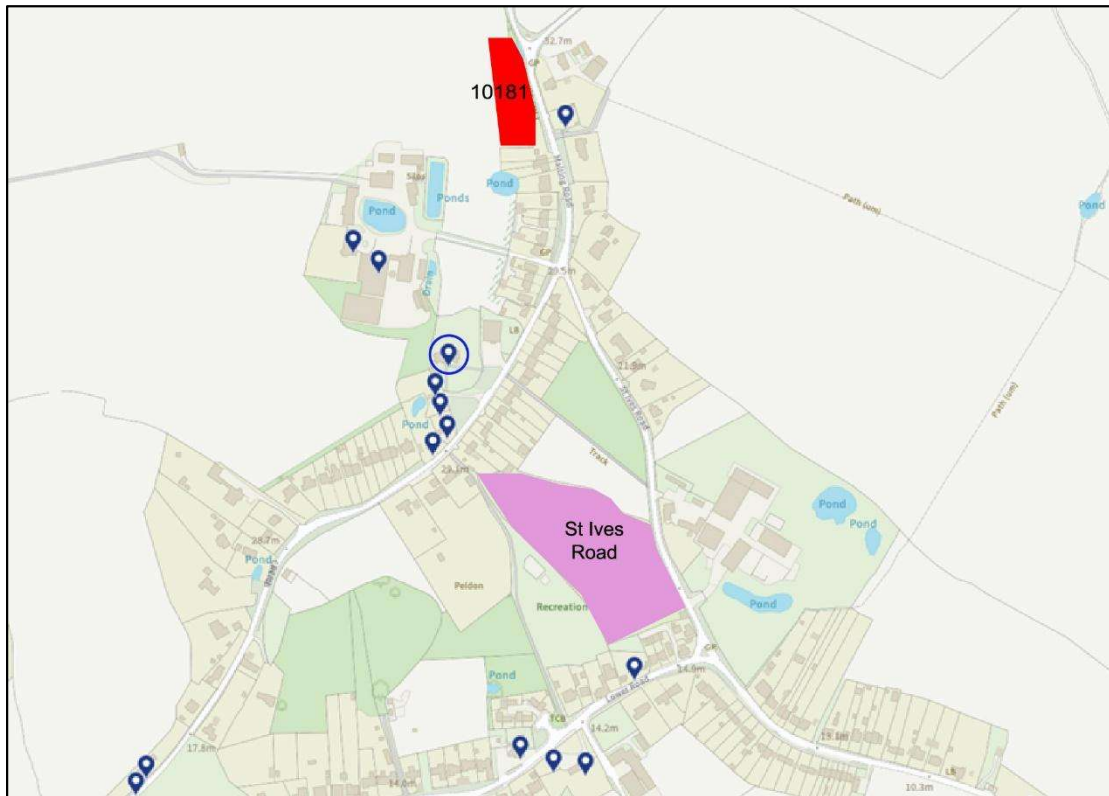
The site does not rely on another piece of land; and	
Site is not within a Minerals Safeguarding Area or Waste Consultation Area.	

4.3 Site 10179 was ranked by the Council in the Summary of Sites Evidence similarly, with the differences being:

- The site is not located within a Local Wildlife Site (LoWS) or Coastal Protection Belt;
- The assumption that there are no opportunities to enhance or create green infrastructure;
- Potential harm to archaeological or heritage assets;
- Moderate harm to woodland; and
- Likely to harm biodiversity as site access is likely to require impact to Priority habitat woodland strip along Malting Road.

4.4 The site at St Ives Road does not contribute to coalescence as it would comprise significantly of backland development behind the dwellings along Church Road and Lower Road. It would also introduce new housing on a side of St Ives Road where there is currently no built form; the only section of road in the settlement without existing established development. It can only therefore be considered that this allocation opposes the historic pattern of the settlement from road frontage ribbon development when compared with Site 10181 before the Council in this representation. Whilst settlement extensions through increasing settlement boundaries are seen as encouraging coalescence, it must be seen in its context and when the Plan is read as a whole. Peldon is over 1.5 miles from its nearest settlement of Great Wigborough and given the 'Small Settlement' category of each place, it is unlikely that this part of the city is at any risk of coalescence.

4.5 The perceived harm to archaeological or heritage assets has not been detailed but one can assume that this references the local historic buildings which are listed, one of which is the Grade 1 listed Church of St Mary the Virgin. Please find the below excerpt from Historic England's map search, each blue point representing a designated heritage asset. The point in a blue circle marks the Church of St Mary.



It is clear that the concentration of designated heritage assets are directly north and south of the St Ives Road preferred option. It is therefore curious that the Council's assessment of this site determined that there was no potential harm to archaeological or heritage assets. Site 10181 cannot be read in context with these heritage assets; Peldon Hall is sat within its own defined curtilage on the knoll of the hill to the west and those further south falling toward the valley are not physically or visually connected to Site 10181.

- 4.6 Maltings Cottage, a Grade II listed building opposite the southeastern part of Site 10181 is detailed by Historic England as:

5214 Matings Cottage TL 91 NE 17/20 II 2. C18 cottage, timber framed and weatherboarded, with red plain tile gambrel roof. One storey and attics. Two window range double hung vertical sliding sashes with glazing bars. Four gabled dormers, with modern casements and vertical sliding sashes. C13 gabled porch with decorative bargeboards – List Entry Number 1224760

This building does form a key characteristic of the immediate vicinity. Both this dwelling and the site form the first visual point of Peldon from the north to visitors which is not currently utilised. The design code of a gatehouse development coupled with the

respect of the heritage asset would call for a sensitive design scheme which respects the historic pattern of development. These criteria are secured under draft policies PC5, PC6 and EN6. It is the landowner's aim to ensure a sensitive scheme which respects the rural vernacular as a lifelong resident of Peldon and generations of their family before them; this will therefore create a high-quality design environment.

- 4.7 The reason to discount Site 10181 was the likely harm to biodiversity as the site access could require the loss of a deemed Priority habitat: a woodland strip along Malting Road. Please find enclosed as Appendix MRD4 an Ecological Walkover Technical Note prepared by Crossland Ecology. This states that there is no Priority Habitat at Site 10181 and the closest area of Priority Habitat is a deciduous woodland 180m south of the site; adjacent to the St Ives Road preferred allocation. The existing planting at Site 10181 has been categorised as Lowland Mixed Deciduous Woodland and all trees were classed as young to semi-mature in age. The report continues that the ground flora is species-poor and dominated by ivy. The young age and partially open canopy alongside the evidence showing it is a secondary woodland are sufficient for the ecologists to assess that this woodland element of the site as a Habitat of Principal Importance (HoPI).
- 4.8 There is a small pond at the south of the site which has a below average suitability for Great Crested Newts habitat. During the walkover, no species of high conservation importance were noted, and no exceptional assemblages of key biotic groups were deemed to be present. Additionally, the pond appeared to have poor water quality due, likely due to its location adjacent to farmland and along a roadside. As such, the pond is not deemed to be of high ecological quality or a pond that is important due to its age, rarity or landscape context. Therefore, it is assessed that there is a reasonably low likelihood that the pond can support any notable or protected species and is a HoPI.
- 4.9 The report concludes that although the woodland on-Site does meet certain criteria across both definitions of Lowland Mixed Deciduous Woodland, the poor species-composition and young age indicate that the Site is not a HoPI. Additionally, due to the woodland having only developed in recent years, there is a reasonably low likelihood that an established NVC ground flora community is present. The woodland on-Site correlates most with UKHabs definition of 'Other broadleaved woodland' and is

therefore, not considered to be a Priority Habitat woodland. The pond present within the southern end of the woodland is of poor quality and assessed to be of 'Below Average' suitability for GCN. It is, therefore, determined that there is a reasonably low likelihood of this pond supporting notable or protected species and therefore meeting the definition of a HoPI.

- 4.10 The ecological findings highlight that there would be little impact for the removal of part of the existing planting at the site in terms of biodiversity. There also proves an opportunity to enhance green infrastructure by incorporating the pond into a development proposal increasing its benefit to local wildlife which it is not currently serving a function of. The improvement will produce a Biodiversity Net Gain and allow for an appropriate native landscaping scheme to support the biodiversity. This site has the benefit of unrestricted boundary to the east with opportunities to introduce further on-site Biodiversity Net Gain enhancements.
- 4.11 Policy PP49 states that vehicle access should be gained from the connection with St Ives Road to its eastern boundary (Appendix MRD3). Notwithstanding the mature planting loss to create a new access and facilitate its visibility splays, it would be in close proximity to the triangular junction with Lower Road where there are two bus stops and the sole vehicle entrance to St Ives Farm Buildings which are home to at least four commercial businesses. 25 dwellings could accommodate 50 parking spaces and with an average of 4 vehicle movements a day per household, 100 daily movements would intensify the use of this section of St Ives Road when considering the potential conflict with a regular public transport service and the business park opposite the site. Site 10181 could accommodate either 1) individual accesses to each dwelling maintaining the existing design cues in Peldon or 2) an in-and-out shared driveway arrangement as a nod to the original form of the site. This section of Malting Road is on the inside of the bend and visibility in each direction is clear. There are not conflicting uses in the immediate vicinity which would compromise this arrangement.
- 4.12 Finally, it is pertinent to spotlight that no allocations were afforded to Peldon for the currently adopted Local Plan over the period 2017 to 2033 nor any non-commercial allocations in the Local Development Framework Site Allocations back in October 2010 for Peldon. Therefore, it is reasonable to expect that there is overdue relative growth

for the settlement with its advances in services. However, a key consideration for Peldon should be the diversification of development opportunities. If the preferred options site cannot come forward, the settlement boundary restrictions do not support alternative development.

5.0 Site 10181: Draft Policy Compliance

5.1 The below table provides summary of the criteria contained within relevant spatial policies ST3 and ST4 and how Site 10179 is compliant. This framework aims to assist the Council in its consideration moving forward to Regulation 19 to adopt areas read as part of the settlement of Peldon as part of its formal settlement boundary:

Policy	Criteria	Compliance
ST3	Significant scale of growth along transport corridors identified for their function and connectivity and potential to support growth;	B1025 (Mersea Road) is the key transport corridor for the southern half of the city and has two direct access points to Peldon.
	Growth in the other settlements, including some of Colchester's smaller villages, to support communities and provide opportunities to sustain and enhance facilities and infrastructure;	Site 10181 directly benefiting from short distance to community facilities, employment generating sites, hospitality and sports and recreation.
	Ensure protection and enhancement of the most sensitive environments;	Utilisation of the site's existing blue and green infrastructure enhance its advantage for Biodiversity Net Gain.
	Avoid harmful coalescence; and	Nearest settlement is over 1.5 miles away; no risk of coalescence.
	Relative growth to the scale of the settlement.	Minor development opportunity for a 'Small Settlement'.
ST4	Where residential proposals are located outside defined settlement boundaries, there should be consideration of the physical and functional connection to the defined settlement in the first instance.	The physical relationship of the site to the settlement is direct: road frontage adjoining existing housing. The functional connection is its distance to the two bus

		stops and the village centre 120-220m south of the site.
	Conserve and enhance the character, quality and tranquillity of the landscape; and	Respecting the historic pattern of development and landscape character by avoiding incongruous built form or uses which may be at odds with its surroundings.
	It must be proved that they will protect and reinforce the rural character of the areas where a development is proposed.	Opportunity for detached cottage-style dwellings which are landscape led and driven by the Essex Design Guide.

6.0 Conclusions

- 6.1 This representation demonstrates that Site 10181 offers a sustainable, deliverable, and policy-compliant opportunity for modest growth in Peldon. The site aligns with the emerging spatial strategy under draft Policies ST3 and ST4, supporting development in accessible locations while respecting rural character and historic settlement patterns. Unlike the preferred allocation at St Ives Road, Site 10181 provides a logical extension to the village through road frontage development, maintaining the established form and avoiding coalescence.
- 6.2 Evidence confirms that biodiversity concerns previously cited are overstated; ecological assessments show no Priority Habitat woodland and identify opportunities for Biodiversity Net Gain through sensitive design and landscaping. The site benefits from strong physical and functional connections to village services and public transport, reinforcing its sustainability credentials. Furthermore, its proximity to the B1025 transport corridor and West Mersea strengthens its strategic role in supporting rural communities and the wider economy.
- 6.3 Given the overdue growth for Peldon and the Council's shift toward proportionate settlement extensions, Site 10181 should be reconsidered for inclusion within the settlement boundary at Regulation 19 stage. This approach ensures a balanced, deliverable framework that meets housing needs while safeguarding landscape character and enhancing local infrastructure.



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APPENDIX MRD1

The Spatial Strategy

- 3.17 The spatial strategy sets out the place-based approach for how growth will be guided across Colchester to 2041. This provides the framework for how the housing and employment needs will be met through allocations in the Local Plan, taking into account the unique characteristics of areas across the City.
- 3.18 The settlement hierarchy forms part of the spatial strategy. Growth will be allocated in accordance with the spatial strategy and settlement hierarchy. This recognises the relationship between the Urban Area of Colchester, growth and opportunity areas within and outside of the urban area (Marks Tey and TCBGC) and the larger settlements of, Tiptree, West Mersea and Wivenhoe. This also recognises the role that other settlements play in creating diverse places across Colchester, as well as the importance of the countryside that should be protected
- 3.19 In the first instance, development is directed to the City centre and the urban area of Colchester. This will enable greater use of brownfield sites to be realised and developments of a higher density. This approach is reflected in the NPPF.
- 3.20 The next tier in the settlement hierarchy is growth and opportunity areas. A number of sites are allocated for residential, employment / mixed use development within the urban area of the City. The Hythe which has seen significant changes over the years, notably through recently approved and built student accommodation is identified as an opportunity area where there are opportunities here for wider regeneration. This area is an established regeneration area that seeks to deliver sustainable, mixed-use neighbourhoods, identifying the River Colne as a feature and respecting the historic character of the area. Magdalen Street where regeneration could help deliver a new and improved gateway to the City Centre is also identified as an opportunity. There are a number of older commercial buildings suitable for reuse and or redevelopment to enhance this area. This tier in the hierarchy also includes the University of Essex, Knowledge Gateway and north Colchester.
- 3.21 Marks Tey is also identified in this tier as a growth area, recognising its potential opportunities for strategic scale growth and potential for improvements to infrastructure and placemaking. Its strategic location along with the benefits the train station brings, support the potential for expansion. However, there is also recognition that infrastructure improvements will be required in order to support development at the scale promoted. Tendring Colchester Borders Garden Community (TCBGC) is established and defined in a separate Development Planning Document. It continues to form an integral part of how this area of North Essex will develop up to 2041 and beyond. In recognition of the contribution it will make to towards the supply in this plan period for Colchester it is defined as a growth area in the hierarchy.
- 3.22 Key transport corridors across Colchester have also been identified for their function and connectivity and potential to support growth. The role of larger settlements outside of the urban area is also recognised. These larger settlements have the most facilities, services and opportunities. These settlements also have some of the largest populations of Colchester. As such, it is proposed to group, Tiptree, Wivenhoe and West Mersea as the next tier within the hierarchy as large

settlements. Growth in these settlements not only reflects their size but also considers the opportunities and constraints that apply to each location.

- 3.23 Creating a distinction between the large, medium and small settlements enables small scale development, which has been identified as a desire in some of the small settlements through engagement undertaken as part of the Issues and Options. The settlement hierarchy identifies medium and small settlements where growth is allocated appropriate to the size of the settlement and its constraints. Growth is not directed to all of the smaller settlements as appropriate land for growth was not identified for every small settlement.
- 3.24 The spatial strategy also reflects sustainable development principles underpinned by the NPPF which seeks to ensure all development meets the three dimensions of sustainable development; social, economic and environmental sustainability. All development will need to be in accordance with the spatial strategy and should meet the three dimensions of sustainable development.
- 3.25 The key diagram illustrates the spatial strategy for this Plan.

Policy ST3: Spatial Strategy

The Plan makes provision for growth and supporting infrastructure across the Colchester area to 2041. A sufficient number of homes have been provided in the plan to meet the overall housing requirement to 2041 as set out in Policy ST5.

Growth is directed across Colchester starting with the most sustainable and accessible locations in the urban area or close to, transport corridors and existing centres, where there tends to be a range of employment opportunities, facilities, services and travel choices for future communities.

Additionally, an appropriate level of growth is allocated within the large, medium and some small settlements, based on the opportunities and constraints of each settlement and informed by the wider evidence base. This can help support the long-term viability of services and facilities, which may otherwise be lost.

The growth needs of Colchester are balanced against the need to protect and enhance biodiversity, landscape and heritage. The highest areas of sensitivity are receiving the lowest levels of growth in this Local Plan. This approach also ensures that existing settlements maintain their distinctive character and role by avoiding harmful coalescence between them and through conserving their setting. New development will be required to respect the character and appearance of landscapes and the built environment and preserve or enhance the historic environment and biodiversity to safeguard the character of the City.

The Tendring Colchester Borders Garden Community (TCBGC) and other large-scale developments will deliver substantial growth, enabling significant community benefits to be realised. Opportunities for growth along key transport corridors, particularly with access to the rail network are favoured subject to sufficient capacity on the network and/or appropriate mitigation to support any enhancement required.

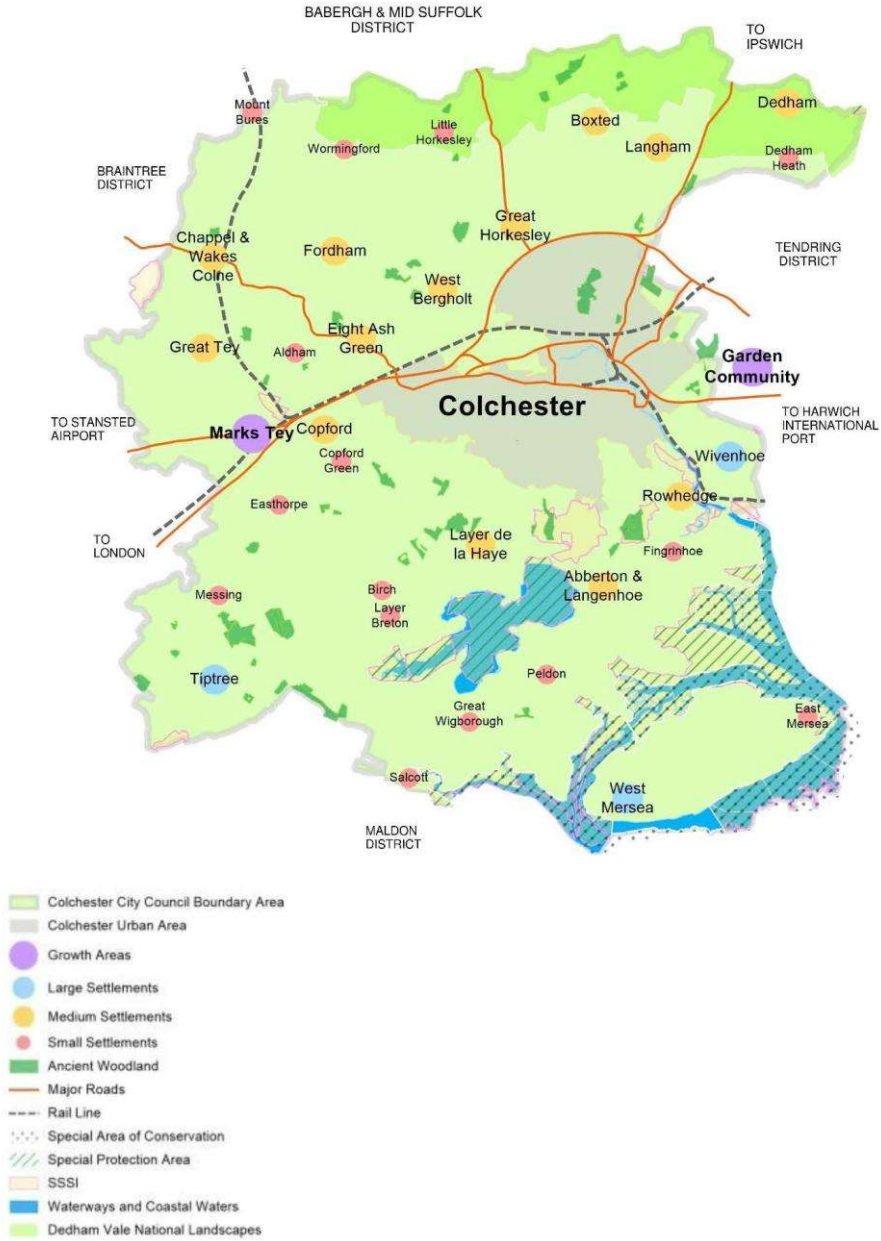
The re-use of previously developed land and developments of higher densities (particularly in the Urban Area of Colchester) will be supported where this enables a more efficient use of land. Opportunity areas are therefore identified at the Hythe and Magdalen Street.

The primary focus for growth is made through the allocations identified in this Local Plan, together with the existing commitments and TCBGC as set out in Policy ST5. Allocations are made in accordance with the settlement hierarchy set out below. The settlement hierarchy groups areas across Colchester based on their sustainability merits, size, function, opportunities and the services provided in each locality.

Settlement Hierarchy

Colchester Urban Area including City Centre
Growth and Opportunity Areas Hythe Opportunity Areas Magdalen Street Opportunity Area Marks Tey Growth Area Tendring Colchester Borders Garden Community Growth Area
Large Settlements Tiptree West Mersea Wivenhoe
Medium Settlements Abberton and Langenhoe Boxted Chappel and Wakes Colne Copford Dedham and Dedham Heath Eight Ash Green Fordham Great Horkesley Great Tey Langham Layer de la Haye Rowhedge West Bergholt
Small Settlements Aldham Birch and Layer Breton Copford Green Easthorpe East Mersea Fingringhoe Great Wigborough Little Horkesley Messing Mount Bures Peldon Salcott Wormingford
Countryside

KEY DIAGRAM



Justification

Purpose of the policy

- 3.26 The NPPF requires Strategic Policies in Local Plans to set out an overall strategy for the pattern, scale and design quality of places. Strategic Policies are required to provide a clear strategy for bringing sufficient land forward to address needs over the plan period, in line with the presumption for sustainable development. The Strategy must provide for social and economic needs, sufficient strategic and local infrastructure, whilst balancing the conservation and enhancement of the natural, built and historic environment, and address climate change, mitigation and adaptation.
- 3.27 The Spatial Strategy sets out the approach for how Colchester will develop to 2041. This informs where sites will be allocated for housing and economic growth, and where areas will be safeguarded and protected in this Preferred Options Local Plan.

Alternative

- 3.28 The alternative spatial options considered were:

- Continuing existing Spatial Strategy
- New Garden Community
- Garden Suburbs
- Intensification in the City Centre
- Transport Corridors
- Hubs and Spokes
- Environment Led

- 3.29 The preferred spatial strategy draws together the positives from as many of the spatial options as possible, while ensuring the growth needs of Colchester are met. These include:

- Focus on the existing urban area and intensification where appropriate largely within growth and opportunity areas;
- Significant scale of growth along transport corridors;
- Growth in the other settlements, including some of Colchester's smaller villages, to support communities and provide opportunities to sustain and enhance facilities and infrastructure;
- Ensure protection and enhancement of the most sensitive environments



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APPENDIX MRD2

Policy ST4: Development in the Countryside

The Council will consider the requirement for new development within the countryside to meet identified development needs in accordance with Colchester's spatial strategy while supporting the vitality of rural communities. This will be balanced against ensuring development does not have an adverse impact on the different roles and relationships between settlements and their separate identities, valued landscapes, the intrinsic character and beauty of the countryside and visual amenity.

The intrinsic character and beauty of the countryside will be recognised and assessed, and development will only be permitted where it would not adversely affect the intrinsic character and beauty of the countryside.

Proposals must consider the role the landscape plays as an open buffer between settlements or areas of a settlement, and the resulting sense of separation and distinctive identity.

Within valued landscapes, development will only be permitted where it would not impact adversely and would protect and enhance the factors that contribute to valued landscapes.

Proposals for sustainable rural businesses will be supported if they are of an appropriate scale, meet a local employment need, minimise negative environmental impacts, and harmonise with the local character and surrounding countryside where they are being proposed.

Where residential proposals are located outside defined settlement boundaries, there should be consideration of the physical and functional connection to the defined settlement in the first instance. Residential proposals in the countryside should conserve and enhance the character, quality and tranquillity of the landscape, and it must be proven that they will protect and reinforce the rural character of the areas where a development is proposed. Proposals will need to demonstrate that the scheme respects the character and appearance of landscapes and the built environment and preserves or enhances the historic environment and biodiversity. Opportunities to maximise access to sustainable modes of travel for future residents must be demonstrated.

Justification

Purpose of the policy

- 3.30 The purpose of the planning system is to contribute to the achievement of sustainable development. The NPPF recognises that there are three dimensions to sustainable development: economic, social and environmental. Settlement boundaries are an essential tool for the management of development and contribute to the achievement of sustainable development by preventing the encroachment of development into the countryside, protecting rural character. The spatial strategy (Policy ST3) directs development to the most sustainable locations across Colchester.

- 3.31 Areas outside of settlement boundaries are defined as 'Countryside'. Within the countryside, there are a number of very small villages and hamlets and isolated clusters of dwellings which lack any community facilities or access to services or public transport and rely on nearby larger settlements to meet their daily needs. It is essential that development is restricted in the countryside to protect landscape, character, quality and tranquillity.
- 3.32 Development within the countryside will accordingly be limited to activities that either require a rural location or help sustain a rural community and local economy and which help protect the rural character of the areas where a development is being delivered.
- 3.33 The NPPF includes examples of exceptions whereby proposals for isolated dwellings in the countryside may be acceptable. The Council's interpretation of 'isolated' are sites that are physically isolated relative to existing settlements, and sites that are functionally isolated relative to services and facilities.

Alternative

- 3.34 The alternative is to rely on national policy and guidance or the spatial strategy and housing allocations policies.



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APPENDIX MRD3

Peldon

12.46 Housing in Peldon is laid out in a triangular pattern around three roads. The settlement boundary in Peldon currently comprises two roughly equivalent areas of housing on either side of two of the three roads. The triangular residential area is surrounded by arable farms. The village lies within the Coastal Protection Belt.

Policy PP49: Land at St Ives Road, Peldon

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 25 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. The point of vehicular access is to off St Ives Road to be agreed with the Highway Authority and it will need to be demonstrated that the proposal would not be detrimental to highway capacity and safety;
- 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;
- d) 'Enhanced Open Space' as shown on the Policies Map substantively in excess of 10% of the allocation area must be provided as open space. This should include a minimum of 0.6ha of open space within the site;
- e) Mature trees and hedgerows within the site should be retained;
- f) Screening comprising locally appropriate hedgerows and/or woodland will be required along the site boundaries to ensure that development is sensitively integrated into the landscape to reflect and reinforce rural character;
- g) Respect the setting of and conserve the local distinctiveness of the Church of St Mary (Grade I Listed Building) at Peldon which forms a prominent landmark, visible from much of the surrounding landscape due to its location on a localised knoll;
- h) 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 one Grade I, one Grade II* and fifteen Grade II Listed Buildings as informed by the stage 1 HIA;
- i) Applicants must demonstrate they have confirmed with Anglian Water Services that treatment capacity at the Water Recycling Centre is available to serve the development at the point of anticipated connection and where appropriate agree to phasing triggers to support development;

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



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APPENDIX MRD4

Title	Ecology Walkover Technical Note
Date	08/01/2025
Revision	A
Client	Stanfords
Site	Peldon Hall Farm, Maltings Road
Author	Maddy Carter

1.0 Introduction

- 1.1** Crossland Ecology Ltd was commissioned by Stanfords to undertake an ecological walkover survey of land at Peldon Hall Farm, Maltings Road (the ‘Site’). The Site is located at central Grid Reference TL 99022 17038 and the Site boundary is shown in Figure 1.
- 1.2** The purpose of this Ecology Walkover Technical Note is to provide an appraisal of the habitats and ecological features present, and to review if these habitats constitute priority woodland status, as per Colchester Borough Council’s previous analysis of the Site (Evidence Summary by Settlement).
- 1.3** The Site was visited on 08/12/2025 by Crossland Ecology Ltd with all accessible areas of the Site walked over.

2.0 Methodology

- 2.1** The Site walkover comprised a UK Habitat Classification (UKHab) Survey. UKHab survey methods are set out in the UK Habitat Classification User Manual – Version 2.0 (UKHab Ltd. 2023). UKHab is a comprehensive habitat classification system designed for the UK and is intended for ecologists to identify and map habitats to provide outputs that are suitable for ecological impact assessment. Habitat mapping was undertaken using the standard classification to indicate habitat types, and the readily identifiable higher plant species identified and recorded.
- 2.2** An online search was undertaken utilising Multi Agency Geographic Information for the Countryside (MAGIC) online spatial data resource

(<https://magic.defra.gov.uk/>) on 17.12.25 for Habitats of Principal Importance (HoPI) listed under the Natural Environment and Rural Communities (NERC) Act 2006 (also referred to as Priority Habitats), and ancient woodland listed on the Ancient Woodland Inventory (AWI).

- 2.3** Both the UKHab and the UK Biodiversity Action Plan (BAP) Priority Habitat Descriptions produced by Joint Nature Conservation Committee (JNCC) have been considered when assessing the woodland habitat type present on-Site.

3.0 Constraints

- 3.1** All the species that occur in a habitat would not necessarily be detectable during survey work carried out at any given time of the year, since different species are apparent at different seasons. The assessment of the Site was undertaken in December 2025, which is considered outside the optimal plant growing season. However, the final conclusions have taken account of the timing of the survey, the results of the desk study and a review of historical aerial imagery and street view. As such, no constraints to the assessment are considered significant.

4.0 Ecological Appraisal

- 4.1** The Site is situated upon slowly permeable seasonally wet slightly acid but base rich loamy (Landis.org) and clayey soils atop clay, silt and sand (geologyviewer.bgs).
- 4.2** A search of Defra's MAGIC database returned no records of HoPIs within the Site. The closest area of Priority Habitat deciduous woodland is located 180 m south of the Site. This pocket of woodland, along with all others in a 2 km radius, are separated from the Site by residential properties and a network of roads.
- 4.3** The Site comprises largely of the woodland which has a small pond present to the southern end. To the west of the woodland is an arable field. A UKHab map of the Site is provided within Figure 2.
- 4.4** The woodland canopy is partially open and dominated by young to semi-mature trees. The species composition is dominated by English oak *Quercus robur* with occasional ash *Fraxinus excelsior* and hawthorn *Crataegus monogyna*, and rare (in frequency) pine *Pinus sp.*, crab apple *Malus sylvestris*, silver birch *Betula pendula* and elm *Ulmus sp.*. The shrub layer includes frequent holly *Ilex aquifolium* and bramble *Rubus fruticosus agg.*, with occasional hawthorn and blackthorn *Prunus spinosa*. The ground flora is limited in extent, being dominated by leaf litter and ivy *Hedera helix*, with occasional herb-Robert *Geranium robertianum*, cleavers *Galium aparine* and

common nettle *Urtica dioica*, and rare stinking iris *Iris foetidissima* also recorded.

- 4.5** All trees, with the exception of a single mature oak, were young to semi-mature in age which coincided with the information gathered in the desk study. No evidence of coppicing was noted.

5.0 Assessment

Woodland

- 5.1** UKHab defines the Lowland Mixed Deciduous Woodland HoPI to include woodland growing on the full range of soil conditions. They occur largely within enclosed landscapes at relatively low altitudes. Woodlands within this habitat type should have a great variety in species composition within the canopy layer and the ground flora.
- 5.2** The UK BAP description categorises Lowland Mixed Deciduous Woodland to fall into National Vegetation Classification (NVC) categories W8, W10 or W16. Due to the location, species composition, soils and geology of the Site, the woodland on-Site is closest to W8a-d or W10c.
- 5.3** W8 occurs on sedimentary rocks with fairly impermeable clay soil. Ash, field maple *Acer campestre* and hazel *Corylus avellan* are the main diagnostic features but are sometimes relegated to a minor role due to the local abundance of other species. Sub-communities A-D of W8 list oak as the most common species. The understorey in these woodlands often includes hazel and lime *Tilia sp.*, or hornbeam *Carpinus betulus*. On base-rich soils, beech *Fagus sylvatica* and yew *Taxus baccata* are also common. Shrub species include hawthorn, elder *Sambucus nigra*, blackthorn, dogwood *Cornus sanguinea*, spindle *Euonymus europaeus* and privet *Ligustrum vulgare*. Ground flora includes mercury *Mercurialis perennis*, bluebell *Hyacinthoides non-scripta*, nightshade *Solanum nigrum*, wood avens *Geum urbanum*, cuckoo-pint *Arum maculatum* and violet *Viola riviniana/reichenbachiana*. Rough meadow grass *Poa trivialis*, ground ivy *Glechoma hederacea*, bugle *Ajuga reptans*, primrose *Primula vulgaris*, bluebell and dog rose *Rosa canina* are associated with base-rich soils. Sub-community W8d is usually indicative of secondary woodland with a simple canopy and dense understorey atop a species-poor ground flora dominated by ivy. W8d has a simple structure, with a dense canopy and shrub layer of ash or oak over hawthorn, hazel and/or field maple. The ground flora is species-poor and dominated by ivy.
- 5.4** W10 is found on base-poor brown earths mainly in the lowlands of southern Britain. Oak is the most common tree, and silver birch is abundant, and ash is rare but can be frequent. Other species that may occur at low levels

include holly, beech, wild cherry *Prunus avium*, wild service *Sorbus torminalis* and crab apple. Hazel is the most abundant shrub, often with hawthorn. Ground flora indicators include dog's mercury, bluebell and wood anemone *Anemone nemorosa*, however, bramble, eagle fern *Pteridium aquilinum* and common honeysuckle *Lonicera periclymenum* are the most common species. Sub-community W10c is most distinguishable by the carpet of ivy that is present. Bramble and honeysuckle are abundant in this sub-community.

- 5.5** A review of historical street view (Google Maps) found that in April 2010 the Site comprised an area of scrub bound by a hedgerow bordering Malting Road, as shown in Figure 3. Since this date, it appears the Site has lacked management which has allowed it to reach its current condition as woodland.
- 5.6** The species composition and general structure does adhere to aspects of W8d and W10c, however, the young age and partially open canopy alongside the evidence showing it is a secondary woodland (historical streetview imagery) are sufficient to assess that this woodland does not classify as a HoPI.

Pond

- 5.7** A small pond, measuring approximately 66.8 m², is present in the southern end of the woodland. It is well shaded by the surrounding woodland and had no identifiable aquatic vegetation present.
- 5.8** A Habitat Suitability Index (HSI) was completed to determine if the pond is suitable for Great Crested Newts (GCN) and provided a score of 'Below Average' (Table 1).

Table 1: HSI scores for the on-Site pond.

HSI Criteria	Pond Scores	HSI Values
Location	Zone A	1
Pond Area	66.8m ²	0.1
Pond Drying	Rarely Dries	1
Water Quality	Poor	0.33
Shade	96 – 100%	0.2
Waterfowl	Absent	1
Fish	Absent	1
Pond Count	7	0.85
Terrestrial Habitat	Moderate	0.67
Macrophytes	26-30%	0.6
Score	Below Average	0.5436

- 5.9** In order to be classified as a HoPI, a pond must meet one or more of the five criteria stated within UKHabs under secondary code 40 – Ponds (Priority Habitat). During the walkover, no species of high conservation importance were noted, and no exceptional assemblages of key biotic groups were

deemed to be present. Additionally, the pond appeared to have poor water quality due, likely due to its location adjacent to farmland and along a roadside. As such, the pond is not deemed to be of high ecological quality or a pond that is important due to its age, rarity or landscape context. Therefore, it is assessed that there is a reasonably low likelihood that the pond can support any notable or protected species and is a HoPI.

6.0 Conclusion

- 6.1** Although the woodland on-Site does meet certain criteria across both definitions of Lowland Mixed Deciduous Woodland, the poor species-composition and young age indicate that the Site is not a HoPI. Additionally, due to the woodland having only developed in recent years, there is a reasonably low likelihood that an established NVC ground flora community is present.
- 6.2** The woodland on-Site correlates most with UKHabs definition of 'Other broadleaved woodland' and is therefore, not considered to be a Priority Habitat woodland.
- 6.3** The pond present within the southern end of the woodland is of poor quality and assessed to be of 'Below Average' suitability for GCN. It is, therefore, determined that there is a reasonably low likelihood of this pond supporting notable or protected species and therefore meeting the definition of a HoPI.

7.0 References

Evidence of Summary by Settlement PDF.

Joint Nature Conservation Committee (JNCC) (2004) National Vegetation Classification: Field guide to woodland. Available at:

<https://data.jncc.gov.uk/data/673dc337-e58f-4f6b-ac7b-717001983c2e/JNCC-NVC-FieldGuideWoodland-2004.pdf>

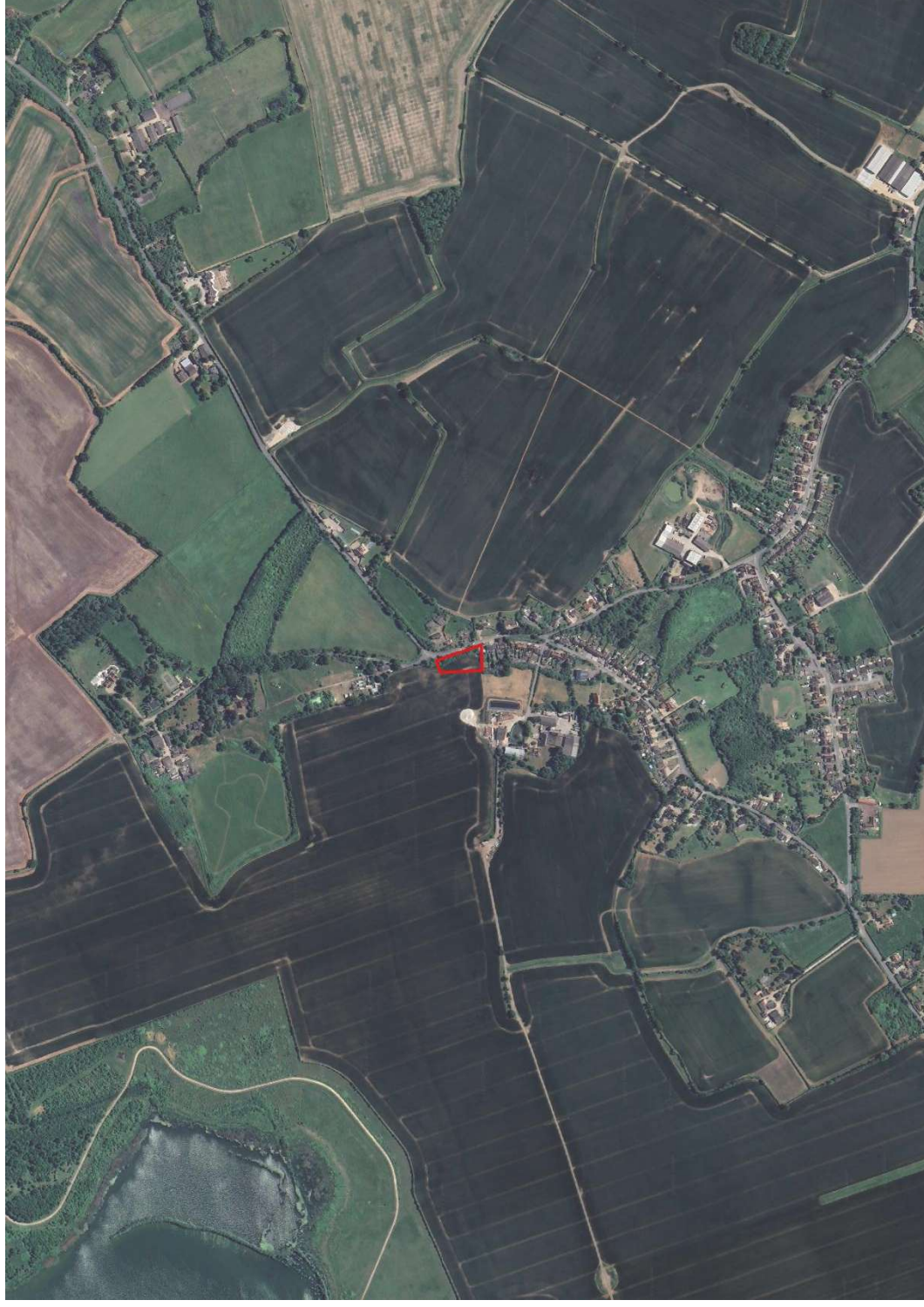
UK BAP (2008) UK Biodiversity Action Plan Priority Habitat Descriptions.

Available at: <https://jncc.defra.gov.uk/our-work/uk-bap-priority-habitats/>

UKHab Ltd. (2023) UK Habitat Classification Version 2.0. Available at:

<https://www.ukhab.org>

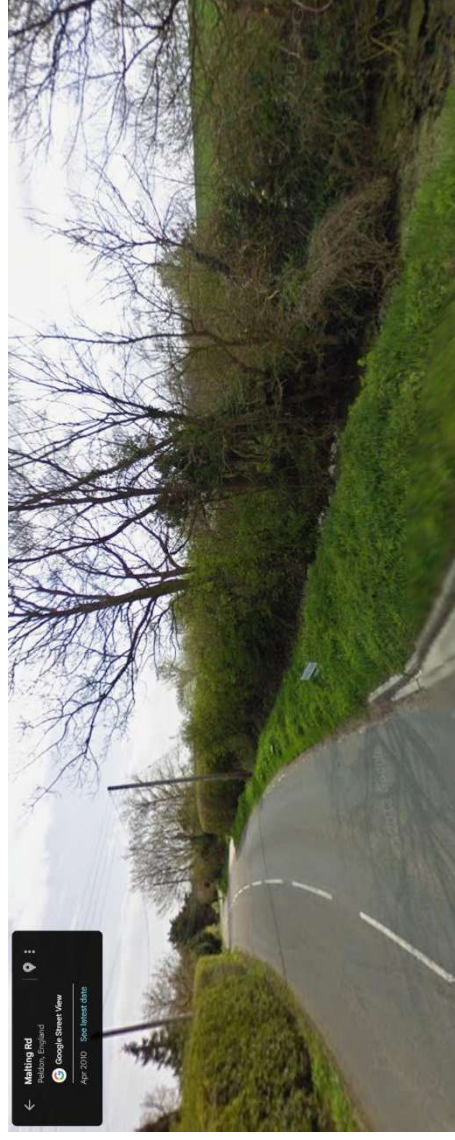
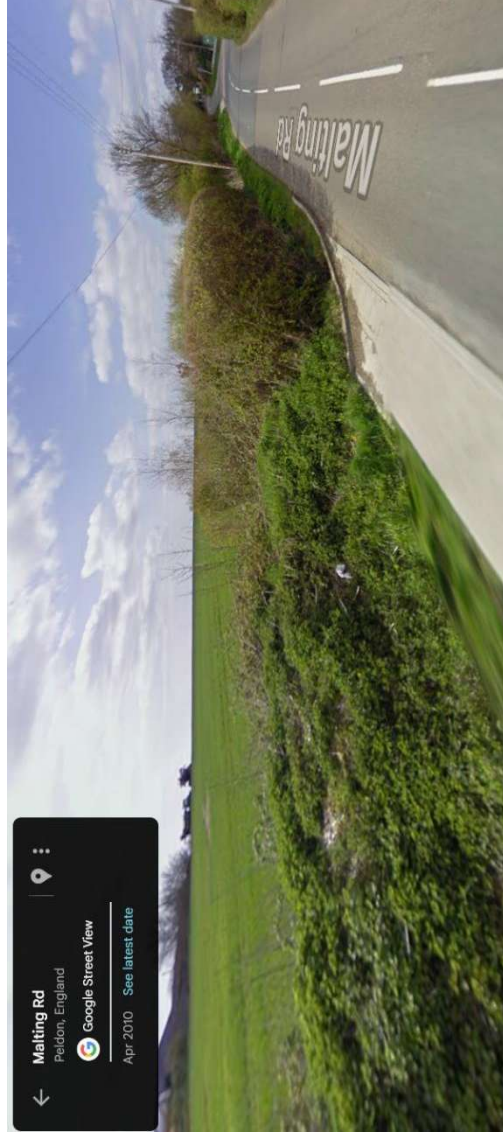
Figure 1: Site Location



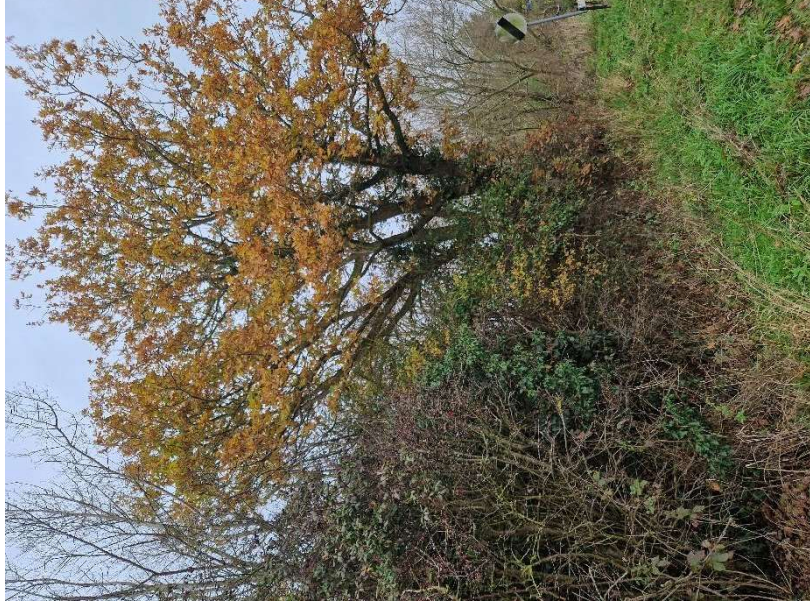
Crossland Ecology Ltd. Office 5945, 321 High Road, Chadwell Heath, Essex, RM6 6AX

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Figure 3: Historical Streetview Imagery of the Site
Reproduced from Google Maps Streetview



Figures 4-8: Photos of the Site





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Land at Colchester Road, West Bergholt

Reg 18 Representations on behalf of Mr S Laver

Call for Sites Reference: 10615



Revision	Purpose	Originated	Date
A	Representation for client	BDB	12.1.26
Job number: 50961-006		 STANFORDS ESTABLISHED 1879	

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Purpose

These representations, prepared by Stanfords Colchester LLP, are submitted on behalf of Mr S Laver in relation to land at Colchester Road, West Bergholt, which forms part of draft allocation PP44 in the Regulation 18 draft Local Plan and has site ID-10615.

The purpose of these representations is to:

- Confirm our client's support in principle for the allocation of PP44 and the delivery of new homes at West Bergholt, including the 25-dwelling scheme on land at Colchester Road;
- Demonstrate how the emerging proposals for the site already align with many of the plan's objectives; including high-quality, landscape-led design, protection of settlement separation, biodiversity net gain, and active and sustainable travel;
- Explain recommended alterations to the draft policy of PP44 to reflect the site's current context and deliverability;
- Highlight where the draft policies, as currently worded, risk placing disproportionate and duplicative technical and procedural burdens on small and medium-sized allocated sites, which could undermine viability, delay delivery and conflict with national policy requirements for proportionality; and
- Recommend targeted modifications to ensure that the plan is positively prepared, justified, effective and consistent with national policy, particularly in respect of:
 - The extent and type of technical reports required;
 - The layering of overlapping standards and assessments; and
 - The way generic policies are applied to specific allocated sites such as PP44.

In summary, these representations seek to ensure that the Regulation 18 draft Local Plan provides a clear, proportionate and deliverable policy framework within which the land at Colchester Road can come forward promptly to deliver much-needed new homes, while still securing the environmental, design and infrastructure outcomes the Council is seeking.

The Site

The site comprises a broadly triangular parcel of land on the south-eastern edge of West Bergholt, fronting Colchester Road (B1508) which was provided the site ID-10615 within the Call for Sites. It sits immediately adjacent to the existing settlement boundary and forms part of the wider allocation PP44, which is identified in the emerging Local Plan for approximately 100 dwellings. The land withing Mr S Laver's control at Colchester Road is intended to deliver up to 25 of those homes as a contained, landscape-led extension to the village.

The land is currently in agricultural use. It falls gently southwards from Colchester Road towards Albany Road, with the lowest point in the southern corner. The vast majority of the boundaries comprise mature trees and hedgerows, giving the site an enclosed, well-screened character that reflects the "woody" identity of West Bergholt described in the Village Design Statement. The north-western boundary has the least established planting and some inter-visibility with adjacent rear gardens.

Built development around the site is mixed. Along Colchester Road, the immediate context includes a range of red-brick buildings, most notably the converted former Truman Brewery (listed) and associated apartments opposite the site, together with Nos. 129 and 131 which flank the existing field access. Along Albany Road to the south, the boundary is formed by a run of predominantly bungalow-scale dwellings. This existing pattern of development encloses the site on three sides and means it reads as part of the village envelope rather than open countryside between West Bergholt and Braiswick.

Vehicular access is via an existing agricultural field entrance between 129 and 131 Colchester Road. Colchester Road benefits from lit footways on both sides at this point, providing direct pedestrian links westwards into the village centre and eastwards towards Braiswick and Colchester. A bus stop is located directly opposite the access, offering regular services to surrounding destinations. There are a wide range of facilities including primary school, GP, pharmacy, post office, convenience stores, takeaways, pub, church, playing fields and community hall within approximately 10–20 minutes' walk of the site, confirming its highly sustainable location.

Site 10615 below:

Policy ST1: Health and Wellbeing

While we support the principle that planning should consider health and wellbeing, the specific requirement in ST1 that:

“A Health Impact Assessment will be required for all residential development in excess of 50 units ... in order to demonstrate that the development would have an acceptable impact on health and wellbeing.”

is unfairly onerous, duplicative and unjustified.

1. Disproportionate and paperwork-heavy: Requiring a standalone Health Impact Assessment for every scheme above 50 dwellings risks becoming yet another piece of “tick-box” paperwork, rather than a meaningful planning tool. For most schemes at, or only modestly above, these thresholds:

- The health and wellbeing implications are already captured within Planning Statements and Design and Access Statements, through consideration of access to services, open space, active travel, noise and other existing requirements.
- Any specific localised issues (e.g. air quality, contamination, noise) are dealt with via the existing suite of technical reports.

ST1 does not explain why these existing mechanisms are insufficient, nor why a further, separate document is needed on top of them. This is directly at odds with national policy guidance that information requirements should be kept to the minimum necessary and be proportionate to the nature and scale of development.

2. No clear “marker” for acceptable impact: The policy requires that an HIA must “demonstrate that the development would have an acceptable impact on health and wellbeing” and must set out how positive health benefits will be maximised and negative impacts avoided or mitigated. However, ST1:

- Provides no clear marker or benchmark as to what constitutes an “acceptable” health impact;
- Does not identify which methodology or assessment framework is to be used; and
- Offers no guidance on how the findings of an HIA would be weighed against other planning considerations, particularly on allocated sites where the principle of development is already established.

Without clear criteria, there is a real risk that HIA becomes a highly subjective exercise, producing lengthy narrative documents whose conclusions are difficult to challenge but add little to the robustness of decision-making. This undermines the effectiveness of the policy, as applicants cannot know in advance what is required to pass the “acceptable impact” test.

3. Risk of delay and double-counting on allocated sites: For allocated sites, including PP44 and its western parcel, many of the health-related issues are already picked up through:

- The spatial strategy and settlement hierarchy;
- Policies on open space, green networks, walking/cycling, design, climate and pollution; and

- The detailed site allocation criteria.

To then impose a mandatory HIA threshold risks double-counting the same issues and introducing another potential reason to delay determination or request further iterations of a document, without any clear added value. This sits uneasily with the plan's reliance on allocations to deliver housing in a timely manner and risks making the plan ineffective in practice.

To be justified and proportionate, we request that ST1 is amended to:

1. Limit mandatory HIAs to strategic-scale development where there is clear potential for significant health impacts (e.g. new settlements, major urban extensions), not all schemes above 50 units / 1,000sqm; and/or
2. Recast the requirement so that: "Health and wellbeing considerations should be addressed in proportion to the scale and nature of the proposal, typically within the Planning Statement and/or Design and Access Statement. A separate Health Impact Assessment will only be required where the development is of a strategic scale or where the Council can demonstrate that significant health impacts are likely and that an HIA is necessary to assess them."; and,
3. Provide supporting text that clearly sets out:
 - The circumstances in which an HIA will be requested;
 - The methodology or framework to be used; and
 - How its conclusions will be taken into account alongside other material considerations.

Without these changes, ST1 introduces an additional, loosely defined document requirement that is likely to increase cost and delay for applicants, without clear evidence that it will improve outcomes over and above what is already achieved through existing policies, planning statements and design documents.

Policy ST2: Environmental and Green Network and Waterways

We support the objective of securing an integrated green network; this is already reflected in the work being undertaken to deliver the western parcel of PP44 through retained and enhanced boundary vegetation, on-site public open space and SuDS that are integrated with landscape and biodiversity functions.

However, the policy appears to assume that separate “green network and waterways” plans will be required for all major schemes. For smaller allocated sites such as PP44, the same outcomes can be secured through a well-structured landscape, ecology and SuDS package, without a further stand-alone “Green Network and Waterways Plan”. Requiring multiple near-duplicate documents risks a tick-box approach, adds cost, and may delay the delivery of housing on an allocation that the Local Plan relies upon.

To be justified and effective, we request that ST2 and its supporting text confirm that:

- The requirement for a specific “plan” will be applied proportionately; and
- For allocated sites, the green network can be demonstrated through existing drawings and reports (landscape strategy, ecology/BNG, coalescence/landscape assessment and DAS), rather than via additional technical documents.

Policy ST3: Spatial Strategy

We support the overall spatial strategy in ST3 which directs growth to sustainable settlements, including West Bergholt, and explicitly aims to balance housing needs with protection of landscape, biodiversity and settlement separation. The western parcel of PP44 sits immediately adjacent to the settlement boundary, within a sustainable village with good access to services, and is already framed by robust boundaries and existing development on three sides, such that it reads as a logical infill extension rather than outward sprawl.

A Coalescence Impact Assessment has already been prepared and can demonstrate that development of the western parcel in the draft allocation PP44 would not erode the perceived or physical gap to Braiswick and would maintain the distinct identity of West Bergholt, aligning the allocation with ST3's stated objectives. We therefore consider the allocation at PP44 to be a sound expression of the spatial strategy, provided that detailed policies do not layer on disproportionate procedural requirements that make timely delivery of the 100 dwellings more difficult than necessary.

Policy ST7: Infrastructure Delivery and Impact Mitigation

We support the principle that development must be supported by appropriate infrastructure and that allocations, including PP44, are to be considered viable at the point of plan adoption. However, as drafted ST7 is highly prescriptive about viability reviews, "full mitigation" and staged re-appraisals. For smaller allocated greenfield schemes such as the anticipated 25 units on the western parcel at PP44, repeated viability review mechanisms and a presumption of "full mitigation" in every case risk undermining deliverability and adding uncertainty for landowners and developers.

To be justified and effective, we recommend that ST7:

- Distinguishes more clearly between large, multi-phase strategic schemes and smaller allocated sites, with viability review clauses reserved for the former; and
- Recognises that where allocations are shown to be viable at plan adoption, additional blanket expectations for re-testing should be the exception, not the norm.

Without this proportionate approach, there is a risk that cumulative obligations (combined with detailed requirements in NZ, EN, GN and PP44) could threaten the timely delivery of housing on PP44, contrary to the plan's housing requirement and the tests of soundness.

Policy ST8: Place Shaping Principles

The western parcel for PP44 can demonstrate many of the place-shaping principles in ST8, including: context-responsive, low-rise built form; tree-lined streets; an emphasis on green infrastructure; walkable access to services; and the potential for a layout that reinforces West Bergholt's "woody" character at the settlement edge. We therefore support the broad aims of ST8 and welcome its focus on quality rather than purely numerical standards.

We do, however, seek reassurance that the requirement for "development frameworks, masterplans, design codes and other design guidance" will be applied proportionately and not routinely imposed on smaller allocated sites such as PP44 where a single, well-structured DAS and parameter plan is sufficient. Requiring bespoke codes and frameworks for modest edge-of-village allocations would be onerous, costly and could delay housing delivery without demonstrable additional benefit. Subject to explicit reference to proportionality in the supporting text, we consider ST8 capable of being found sound.

Policy EN2: Biodiversity Net Gain (BNG) and Environmental Net Gain

Our concerns relate to the rigidity of directing off-site BNG to a short list of preferred sites and restricting ‘high’ strategic significance scores to either those sites or the LNRS strategic opportunities. In practice, for an allocation such as PP44, there may be opportunities to deliver high-value enhancement closer to West Bergholt (for example on associated land holdings or other local sites), which could be more meaningful to local biodiversity and community benefit than directing units to distant locations.

To be justified and effective, we request that EN2:

- Retains flexibility for applicants to propose alternative off-site locations where these can be shown, through proportionate ecological evidence, to deliver equal or greater strategic benefit; and
- Confirms that for smaller allocations where 10% BNG is achievable on-site, the Council will not require additional stand-alone “environmental net gain” strategies beyond what is already contained in the ecological assessment and landscape proposals.

This would support genuine outcomes on the ground, rather than adding more documentary requirements.

Policy EN5: New and Existing Trees

We support the principle of protecting existing trees and securing appropriate new planting. However, EN5 cannot be considered in isolation from the separate policy requiring an increase in tree canopy cover (GN4). As drafted, the two policies appear to impose overlapping and potentially cumulative requirements; EN5 seeks an increase in the number of trees and robust protection/mitigation for existing trees while GN4 requires a quantified increase in tree canopy cover.

Requiring both a numeric increase in trees and a separate percentage increase in canopy cover risks double-counting the same objective and could become unduly onerous, particularly on modest allocated sites such as the western parcel of PP44 where other constraints (coalescence, heritage, density) must also be balanced. If the Council is minded to retain a specific canopy requirement, then EN5 and GN4 should be integrated or rationalised, so that applicants are not faced with two separate tree/cover tests which may in practice conflict with each other.

We welcome the recognition in EN5 that the visual and environmental impacts of trees will be assessed “upon maturity” rather than at the point of planting. This is a realistic acknowledgement of how trees function in townscape and landscape terms, and avoids putting undue weight on the immediate, short-term appearance of new planting.

We also support the explicit recognition that the removal of trees can be acceptable where appropriate replacement planting is secured. This reflects the practical reality that some removals are necessary to facilitate development or address safety/condition issues, and that the planning system should focus on the overall, long-term tree resource.

To make EN5 justified and effective, we therefore request that:

1. The policy and supporting text are read and applied together with GN4, and ideally combined, so that applicants are subject to a single, coherent set of requirements on trees and canopy, rather than overlapping obligations; and
2. It is made clear that compliance will be judged on the overall arboricultural and canopy outcome, taking into account necessary removals, new planting and the canopy at maturity, rather than on separate numerical tests for both tree numbers and canopy percentage

Policy EN8: Flood Risk and Sustainable Drainage Systems (SuDS)

We support directing development away from areas at highest flood risk and agree that SuDS should be central to managing surface water. The draft allocation of PP44 site is not in a high flood risk zone and is well-suited to a SuDS-led approach integrated with public open space and biodiversity, as reflected in the emerging drainage strategy for the western parcel.

Our primary concern is the blanket requirement for groundwater monitoring between October–March wherever sites are deemed at risk of groundwater flooding, coupled with extensive references to multiple guidance documents. For a relatively small, edge-of-settlement greenfield allocation, there should be scope for proportionate assessment based on actual risk and site conditions, rather than a default expectation of 6-month monitoring in every case.

To be justified and effective, EN8 should:

- Make clear that winter groundwater monitoring will only be required where initial evidence indicates a realistic risk that groundwater will constrain SuDS; and
- Confirm that, for lower-risk allocated sites, an FRA and SuDS strategy proportionate to the scale and risk profile of the development will satisfy the policy.

Without such clarification, EN8 risks adding unnecessary cost and delay to allocated housing sites, contrary to the plan's housing delivery objectives.

Policy GN1: Open Space and Green Network and Waterways Principles

We support the principle that new development should provide connected open space and green infrastructure; the western parcel of PP44 should be able to provide on-site public open space and green links that support a wooded, filtered settlement edge.

However, GN1 introduces multiple layers of requirement, specific open space typologies, connection standards and references to the Green Network and Waterways Guiding Principles, which risk being applied in a rigid, one-size-fits-all manner. For modest allocated schemes, open space should be calibrated to the site's character, coalescence and heritage considerations; for PP44 in particular, coalescence and settlement edge character are key drivers of the disposition of open space.

To be effective, GN1 should confirm that:

- Open space standards and typologies will be applied flexibly so as not to conflict with local, landscaping, ecology, coalescence or heritage objectives; and
- Applicants may demonstrate compliance within their DAS and landscape strategy rather than via a separate “Green Network” report.

Policy GN4: Tree Canopy Cover

We support the broad ambition to increase tree cover across the authority area. However, as drafted GN4 is over-prescriptive, internally inconsistent with other policies, and not realistically achievable on all sites. GN4 requires:

- A Tree Canopy Cover Assessment for all major applications;
- Development to “seek, where appropriate, to increase the level of canopy cover on site by a minimum of 10%”; and
- For sites with less than 10% baseline canopy, a mandatory minimum 10% canopy coverage across the site. It also states that “new streets should be tree lined” and that new and existing trees must be incorporated into new developments.

There are several problems with this approach:

1. “Where appropriate” is undefined and unmeasurable; The policy uses the phrase “where appropriate” in relation to increasing canopy cover by at least 10%, but provides no objective guidance on:
 - What constitutes “appropriate” in different contexts (e.g. high-density urban, village infill, constrained sites);
 - How this interacts with other constraints such as heritage setting, coalescence, highways safety, visibility splays, utilities easements and SuDS layouts; or
 - How decision-makers will judge when it is, or is not, appropriate to apply the full 10% uplift.
2. Not always achievable on real-world sites: A blanket requirement to secure at least 10% canopy cover (where baseline is below 10%) will not always be achievable once:
 - Access, visibility splays and highway geometry are factored in;
 - Separation distances and garden standards are applied;
 - Coalescence/landscape and heritage settings are properly respected; and
 - Viable densities are reached to deliver housing numbers and policy-compliant affordable housing.

On a modest allocated site like the western parcel of PP44, which already has to accommodate low-rise built form, generous boundary planting to preserve separation, SuDS, parking and a viable housing quantum, there is limited flexibility left to chase a rigid canopy percentage.

3. Tree-lined streets are not always appropriate: GN4 states that “new streets should be tree lined” in all cases. This fails to recognise that tree-lined streets are:
 - Not always compatible with highway safety (visibility, forward sight lines, junction radii);

- Sometimes in conflict with services corridors, SuDS arrangements and adoptable highway requirements;
- Potentially problematic close to buildings (shading, subsidence risk on shrinkable soils, root conflicts, future pressure for pruning/felling); and
- Not always appropriate in terms of local character which have pockets of estates surrounded by trees rather than tree-lined, or where densities and plot sizes are tighter.

The NPPF itself only expects tree-lined streets “where appropriate”, explicitly recognising that they are not a universal solution; GN4’s wording does not mirror this caveat.

4. Duplication and overlap with EN5 and other policies: EN5 already requires major development to consider opportunities for new tree planting (including street trees) and to weigh trees against highways and built-form constraints, with replacement planting where loss is unavoidable. GN1 and LC1 also address landscape and green infrastructure structure. Layering GN4 on top of EN5 produces overlapping obligations:

- An increase in tree numbers and a minimum canopy percentage;
- A general expectation for new trees and a separate requirement for tree-lined streets; and
- Multiple assessment and management plan requirements.

This is exactly the kind of cumulative, paperwork-heavy policy environment that is likely to add cost and delay to decision-making without clear additional benefit, particularly on allocated sites that are already landscape-led.

5. Compensatory provision mechanism is open-ended: GN4 states that where requirements are “not possible or desirable”, compensatory provision should be

secured through a legal obligation, potentially including additional or larger open space or off-site planting, to be agreed case-by-case. This is:

- Vague as to when compensatory provision is triggered;
- Open-ended as to quantum and location; and
- Potentially onerous for smaller sites, effectively turning a non-achievable on-site standard into an off-site financial or land obligation.

Without clear thresholds, there is a risk that GN4 becomes a de facto tariff applied inconsistently across applications.

GN4 risks being unrealistic, burdensome and counter-productive, particularly for smaller allocations where space, character, coalescence, heritage and viability constraints mean that a blanket 10% canopy and tree-lined street requirement simply cannot sensibly be met.

Policy LC1: Landscape

LC1, as drafted, is unduly onerous, poorly targeted and heavily reliant on subjective terminology, and therefore fails the tests of justification and effectiveness. The opening requirement is that: “A Landscape and Visual Impact Assessment (LVIA) is required for all major applications and must be prepared in accordance with Landscape Institute guidelines.”

Requiring a full LVIA for all major applications, regardless of location, scale or sensitivity, is plainly not proportionate. Major applications include a wide range of proposals (e.g. modest edge-of-settlement housing sites, infill schemes, changes of use, urban redevelopment) where a full GLVIA-compliant LVIA adds little beyond what can be addressed in a proportionate landscape/townscape and visual appraisal, DAS and planning statement.

The NPPF and PPG are explicit that information requirements should be proportionate to the nature and scale of development and its likely impacts, not automatically escalated because a proposal crosses an arbitrary “major” threshold.

For the western parcel at Colchester Road, the key planning question is not a strategic landscape capacity question but a targeted coalescence question – i.e. whether the site’s development would erode the separation between West Bergholt and Braiswick. That would be better addressed through a stand-alone Coalescence Impact Assessment, anchored directly to the Neighbourhood Plan and supported by the Planning Statement and DAS.

Imposing a mandatory LVIA prepared strictly to Landscape Institute guidelines for every major application represents an unnecessary duplication of effort and cost, particularly where site-specific evidence (such as a Coalescence Assessment) can address the relevant landscape/visual questions. This approach risks becoming a tick-box exercise that does not meaningfully improve decision-taking and has not been shown in the Reg 18 evidence to be necessary or viability-neutral for small and medium-sized allocations.

There is no clear evidence that all major proposals across the authority are of such landscape sensitivity that a full LVIA is always warranted.

LC1 then requires development to: “safeguard or strengthen tranquillity, features and patterns that contribute to the landscape character and local distinctiveness of the area, protect rural openness and sense of place...”

Concepts such as “tranquillity”, “sense of place”, “local distinctiveness” and “enhancement of the character of the landscape” are:

- Highly subjective and dependent on individual value judgements;
- Not defined in the policy or its supporting text; and

- Not clearly underpinned by an evidence base that maps where “tranquil areas” exist, how they are measured, or how they are expected to change over time.

This undermines predictability and effectiveness: applicants cannot know upfront what is required to “safeguard tranquillity” or when a perceived loss of tranquillity will be used as a refusal reason.

LC1 introduces a universal LVIA requirement and a suite of subjective tests that are liable to inconsistent application, increased costs and delays, and could frustrate the delivery of allocated sites such as the western parcel of PP44, despite the clear evidence that such sites can be accommodated in a landscape-led way.

Policy NZ1: Net Zero Carbon Development

We support the objective of reducing operational energy demand and support an energy-efficient fabric-first approach; Energy and Sustainability Statements should be able to ensure that this is delivered on schemes.

However, NZ1 introduces detailed quantitative energy performance standards and on-site renewable requirements over and above Building Regulations. It is not clear from the Reg 18 material that the cumulative cost of meeting these standards has been fully tested for small and medium allocated sites such as PP44, especially when combined with affordable housing, BNG, drainage, coalescence, heritage and infrastructure requirements.

To be justified and effective, NZ1 should:

- Explicitly rely on proportionate viability evidence demonstrating that small edge-of-village allocations can absorb the additional cost without threatening deliverability; and

- Allow some flexibility in how net-zero trajectories are met (e.g. fabric-first plus a mix of on-site and, where appropriate, near-site solutions), rather than prescribing a single technical route.

Otherwise there is a real risk that NZ1, in combination with other obligations, undermines the deliverability of PP44 and similar allocations, contrary to the requirement that the plan be effective and positively prepared.

Policy NZ2: Net Zero Carbon Development – Embodied Carbon

We agree that consideration of embodied carbon is good practice and support encouraging low-carbon materials and construction methods. Nevertheless, the expectation of detailed whole-life embodied carbon assessments and potential offsetting mechanisms may be disproportionate and could add consultancy cost without clear decision-making benefit.

To be justified and effective, NZ2 should:

- Make clear that for sites under 50 units, embodied carbon can be addressed through qualitative design statements and specification choices, rather than mandating full quantified whole-life carbon assessments in all cases; and
- Prioritise outcomes (material selection, reuse, efficient construction) over extensive reporting.

This would avoid NZ2 becoming another “tick-box” requirement which risks delaying delivery of homes on PP44 without materially improving carbon performance.

Policy NZ3: Wastewater and Water Supply

We support the principle of ensuring adequate water and wastewater capacity for new development and agree that Anglian Water should be engaged at an early stage.

However, NZ3 and PP44 together contain a long list of measures (confirmation of capacity, phasing triggers, separate demonstration of wastewater capacity, and additional measures such as removal of unrequired flows and targeted education campaigns). This is not proportionate or realistic for the developer to lead on strategic network interventions and resident education programmes; such initiatives are more appropriately led by the statutory undertaker.

To be justified and effective, NZ3 and the associated PP44 criteria should:

- Clarify that early confirmation of capacity and any necessary local network improvements are sufficient for developments that are not strategic allocations; and
- Reserve wider strategic measures (such as removal of historic flows) for plan-level or utility-led projects, not as a condition precedent to individual planning permissions.

Without this clarification, there is a risk that the detail of NZ3/PP44 becomes a barrier to the timely delivery of the 100-home allocation.

Policy H1: Housing Mix

We support the aim of providing a mix of housing types to meet identified needs and note that the western parcel of PP44 can provide a range of dwelling types and sizes, including smaller units and accessible homes, subject to detailed design at reserved matters stage.

To be effective, however, H1 must operate with sufficient flexibility so that the specified mix is applied at the settlement or borough level, rather than rigidly to every small or medium-sized scheme. We welcome that the policy does include the possibility of alternative mixes, but it remains unclear what type of evidence would be suitable for the Council to be satisfied at a departure from the mix.

Policy H2: Affordable Housing

We support the principle of securing affordable housing and note that at least 30% affordable housing is envisaged as achievable for PP44, subject to detailed tenure and mix discussions at reserved matters/S106 stage.

However, H2 should acknowledge the cumulative impact of other policy requirements (NZ1–3, EN2, EN8, GN1, GN4, PP44 infrastructure criteria) on viability, particularly for smaller edge-of-village allocations. The blanket expectation that allocations are viable for full policy-compliant affordable housing and all other obligations may not hold in every case, especially later in the plan period or in changing market conditions.

To be justified and effective, H2 should:

- Retain flexibility for site-specific viability evidence to inform the precise quantum and tenure mix on allocations; and
- Confirm that the Council will balance affordable housing expectations against the need to ensure that allocated housing sites are actually delivered.

This is important to ensure that PP44 can deliver 100 homes, including affordable provision, rather than risk stalling because of cumulative cost burdens.

Policy PC2: Active and Sustainable Travel

We support PC2's aim of encouraging active and sustainable travel and note that the western parcel of PP44 is exceptionally well-located for this: it benefits from lit footways along Colchester Road, direct pedestrian links into the village, and a bus stop directly opposite providing regular services.

Our request is that travel-related documentation and mitigation are proportionate to the scale of the scheme. For a 25-unit phase, a concise Transport Statement and simple Residential Travel Plan are likely to be sufficient; more complex modelling or extensive travel planning requirements would not be justified.

To be effective and justified, PC2's supporting text should confirm that the scale of transport assessment and travel planning will be calibrated to the size and impact of development, especially on allocated sites where sustainable transport credentials are already clearly established.

Policy PC4: Development Density

We support the principle of making efficient use of land but have concerns that PC4 could be interpreted as requiring densities at the upper end of the suggested ranges in locations such as West Bergholt, regardless of local character and coalescence context. For PP44, the western parcel of PP44 is currently envisioned as being a deliberately low-rise and landscape-led, reflecting settlement edge sensitivities, heritage setting and coalescence considerations; this inevitably limits the achievable density while still delivering an efficient pattern of development.

To be justified and effective, PC4 should:

- Make explicit that density expectations are indicative at a settlement-wide level and will be moderated by site-specific constraints and design/heritage/coalescence objectives; and

- Confirm that for allocated sites such as PP44, achieving the allocation's dwelling range in a form that respects local character is more important than meeting a rigid numerical density target.

This will ensure that density policy supports, rather than conflicts with, the delivery of well-designed homes on sensitive edges.

Policy PC6: Design and Amenity

We agree that good design and amenity are essential considerations in decision-making. However, as drafted, PC6 is overly subjective, repetitive of existing national and local policy, and insufficiently clear to be applied consistently.

The opening paragraph requires all development to be designed to a “high standard”, to “positively respond to its context”, to “reflect the local distinctiveness of Colchester”, to “contribute to placemaking” and to support a “low-carbon, inclusive and climate resilient future”. Great weight will be given to “outstanding or innovative designs” and “poor design will be refused”.

Most of the subsequent bullets then require development to:

- “Promote visually attractive, functional, coherent and distinctive environments”;
- Provide “attractive, well connected and legible streets and public spaces”;
- Create a “safe, resilient and secure environment” that supports “pride of place”; and
- Deliver “functional, robust and adaptable designs” that contribute to “the long-term quality of the area”.

These phrases are highly value-laden and inherently subjective. The policy does not explain:

- How “attractive”, “distinctive”, “coherent” or “high standard” will be assessed in practice;
- What objective benchmarks, beyond existing Building Regulations, NDSS and adopted design guidance, the Council intends to use; or
- How decision-makers, applicants and Inspectors will distinguish between schemes that are merely “good” and those that qualify as “outstanding or innovative” for the purpose of “great weight”.

Without clear criteria or cross-reference to a defined design code or SPD, there is a real risk that PC6 will simply re-state broad design aspirations already contained in the NPPF (e.g. section 12) and in adopted Section 2 policies, but in looser language, creating scope for inconsistent and potentially arbitrary application. This undermines the effectiveness of the policy and makes it difficult to see how the Council could robustly substantiate a refusal solely on the basis that a proposal is not “visually attractive” or “distinctive enough”, particularly on allocated sites where the principle and broad parameters are already established.

In addition, PC6 seeks to operate at multiple levels simultaneously:

- As a strategic design vision (placemaking, low-carbon, pride of place);
- As a detailed development management policy (privacy, daylight, NDSS, security); and
- As a process policy (promoting design codes, masterplans, design briefs).

This creates substantial overlap with other policies (ST8, LC1, GN1, EN2, EN8, PC7, PC8) and risks turning PC6 into a catch-all “beauty” test that can be deployed to either support or resist almost any proposal, without clear evidential thresholds.

Policy PC7: Residential Schemes on Greenfield Sites

We recognise that PC7 is particularly relevant to PP44 and support the focus on landscape-led design, green infrastructure, and integration with existing settlement patterns. However we do not welcome this policy as it risks layering further generic requirements (for example, additional assessments or statements) over those already present in LC1, GN1, EN2, EN8 and PP44. For allocated greenfield sites, many of these considerations are already baked into the allocation and supporting evidence (including the Stage 1 HIA for PP44).

To be justified and effective, PC7 should:

- Make explicit that for allocated greenfield sites, the policy expectations are already captured in the allocation policy and that further bespoke assessments will only be sought where specific local issues warrant them; and
- Avoid creating a perception that every greenfield proposal must provide a new set of freestanding reports in addition to the baseline package.

This would ensure that PC7 adds clarity rather than duplication, and supports the timely delivery of housing on PP44.

Policy PC8: Private Amenity Space

We recognise the importance of providing appropriate private amenity space for new homes. However, we have significant concerns about the absolutist and subjective wording of key parts of Policy PC8, particularly: “Private amenity space must be designed to a high standard to optimise its use and meet the recreational needs and promote health and wellbeing of residents”; and “All private amenity spaces must be designed to avoid significant overlooking.”

Taken literally, these clauses are neither justified nor effective. The requirement to “optimise” the use of every private amenity space, and to “meet the recreational needs

and promote health and wellbeing of residents”, is vague and subjective. There is no clear, evidence-based benchmark against which officers, applicants or Inspectors could reasonably judge whether an individual garden, balcony or terrace has “optimised” its use or sufficiently “promotes health and wellbeing”.

Health and wellbeing outcomes arise from the overall living environment (including access to public open space, walkable streets, daylight, noise environment, etc.), not solely from private garden design. These wider issues are already addressed through other policies (e.g. ST1, ST8, GN1, EN2). PC8 therefore risks duplication and adds an ambiguous additional test that could be applied inconsistently.

The wording implies that every private amenity space, in all contexts, must provide for an unspecified level of “recreational” use. In many sustainable locations and higher-density formats, some homes will appropriately have smaller private spaces supplemented by shared amenity, play areas and public open space.

PC8, as drafted, could be used to resist otherwise well-designed, policy-compliant schemes which make efficient use of land in accordance with Policy PC4, simply because individual gardens or balconies are not considered to have “optimised” their recreational function.

This risks undermining the effectiveness of the plan in delivering housing on allocated sites, including PP44, where a balance must be struck between private gardens, landscape, coalescence, heritage setting and overall density.

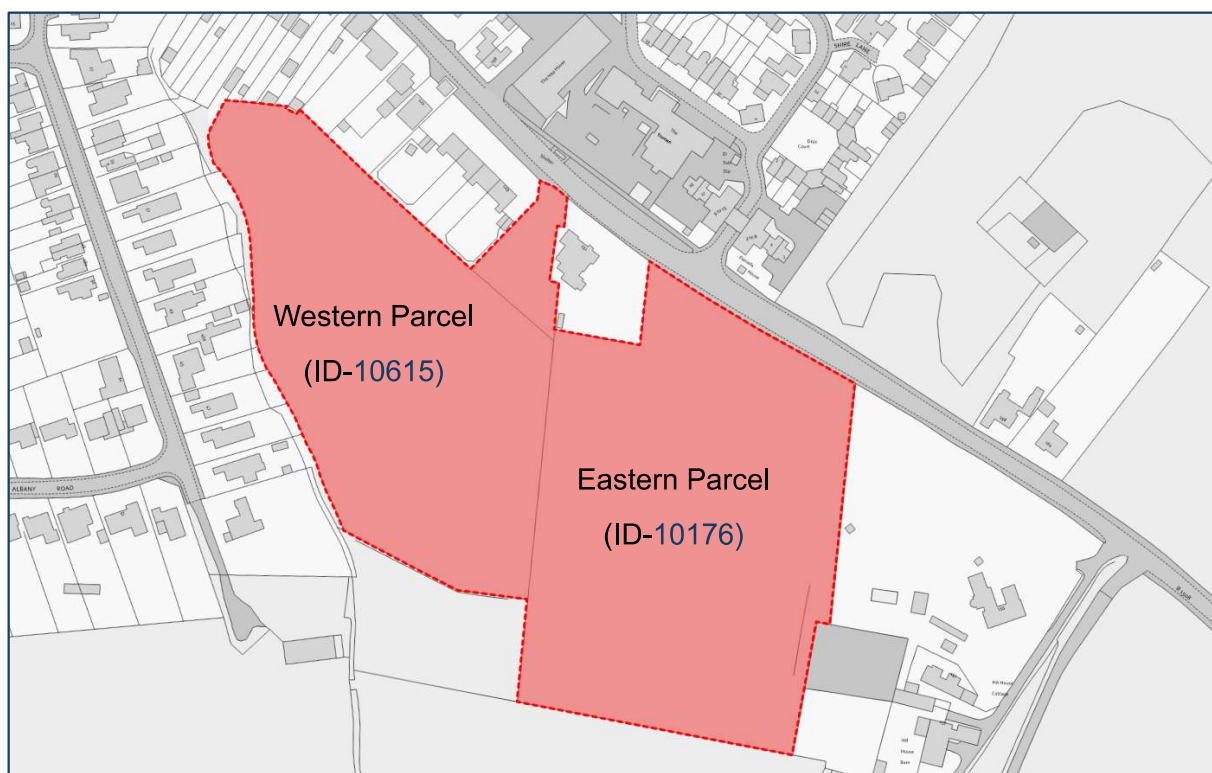
The requirement that “all private amenity spaces must be designed to avoid significant overlooking” is an unrealistic and absolute standard. In almost all residential environments, particularly compact, walkable layouts, some degree of mutual overlooking is inherent and desirable, contributing to natural surveillance and safer streets. The usual planning test is whether there would be unacceptable harm to

privacy or an unreasonable degree of overlooking, having regard to context and separation distances, not the complete “avoidance” of any significant overlooking for every private space.

As drafted, this clause could be read as requiring rigid separation distances and layouts that conflict with other policy objectives (e.g. active frontages, perimeter blocks, efficient land use), thereby making the policy ineffective and internally inconsistent with the wider design strategy.

Policy PP44: Land off Colchester Road, West Bergholt

We support in principle the allocation of PP44 new dwellings at West Bergholt, recognising that the settlement is identified as a Sustainable Settlement capable of accommodating appropriate growth. However, we have significant concerns about the detailed wording of PP44, particularly in terms of flexibility, proportionality and clarity, and how it will operate in practice for the two parcels of the allocation. Below is an extract from the draft policy map with the separate parcels.



Deliverability and Sustainability of the Western Parcel

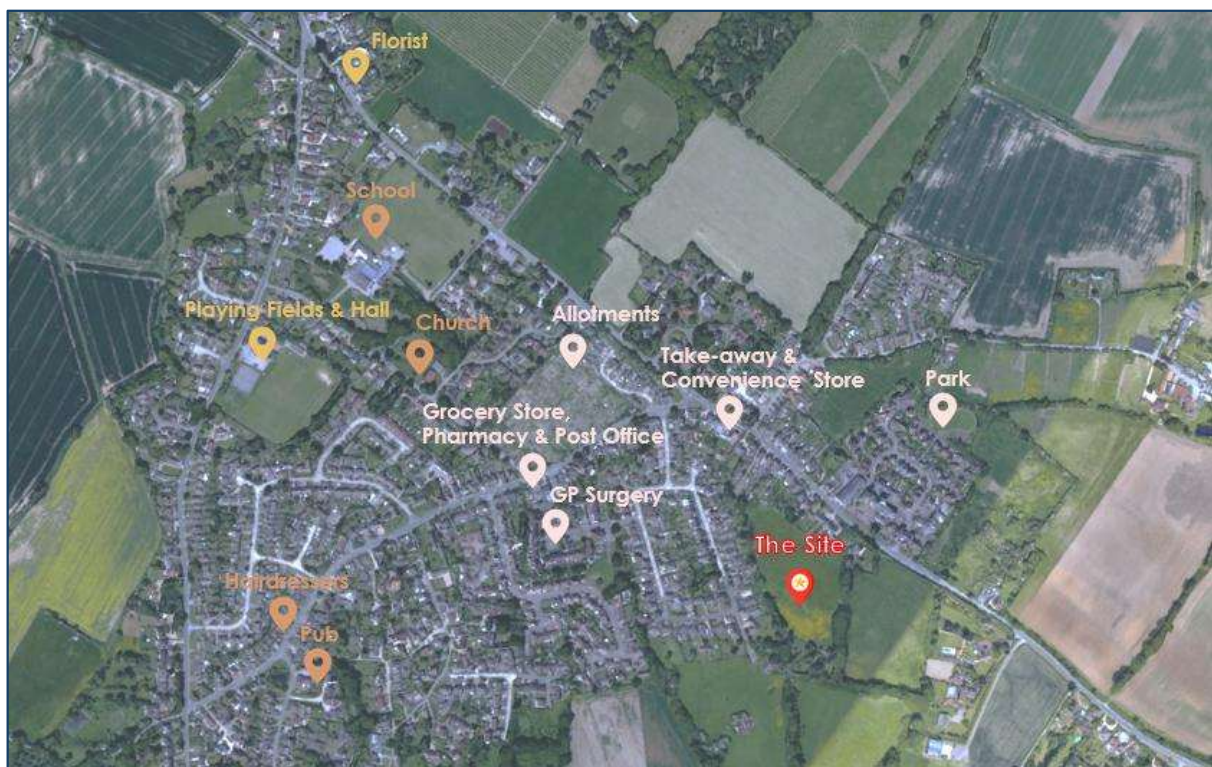
The western parcel is ready to come forward now for residential development and begin addressing the need for new dwellings in West Bergholt. The site is located on the south-east side of West Bergholt with direct access onto Colchester Road. West Bergholt is classified as a sustainable settlement in Colchester's Local Plan and the site sits directly adjacent to the settlement boundary.

The map the below highlights some of the key services and facilities available via paved footpaths, many of which are lit;

Light pink = within 10 minute walk,

Orange = within 15 minute walk, and

Yellow = within 20 minute walk.



Parcel independence and non-prejudice

The western parcel is a self-contained, broadly triangular site fronting Colchester Road, enclosed by existing village development and mature boundary vegetation, identified as Site with ID-10615. The extract of a feasibility plan, below, demonstrates

that it is capable of delivering around 25 bungalows and 2-storey chalet-style homes in a manner that respects local character, preserves settlement separation and accords with the West Bergholt Neighbourhood Plan's coalescence policy, as evidenced in a prepared Coalescence Impact Assessment submitted alongside these comments.



Crucially, the western parcel has an existing, suitable access onto Colchester Road between Nos. 129 and 131, with achievable visibility splays and lit footways linking to the village centre and to Braiswick/Colchester. A bus stop is located directly opposite,

with regular services. In views along Colchester Road, this established access already reads as part of the village street scene. As the Coalescence Impact Assessment finds, developing the western parcel would therefore be experienced as a natural deepening of the existing built form, not a new projection into open countryside.

By contrast, the eastern land within PP44 would extend beyond the current eastern limit of the village's built envelope and has a greater potential to push development out into the open land between West Bergholt and Braiswick, particularly given its location in the Colne River Valley Slopes character area.

There is no technical or policy reason why the western parcel should be functionally or temporally tied to this more sensitive eastern land. It is a standalone, deliverable parcel and PP44 must therefore be worded so that each land parcel within the allocation can come forward independently, on its own merits, provided it satisfies the overarching parameters of not contributing to the coalescence, which is likely to be difficult for the eastern side to demonstrate. The western parcel should not be prejudiced, delayed or constrained by the more complex landscape and coalescence issues arising on the eastern parcel.

Landscape contexts

PP44, as drafted, treats the allocation as a single, homogenous block of land. In reality, the western and eastern parcels fall into different landscape character areas with very different sensitivities and roles.

The western parcel lies within the *Great Horkesley Farmland Plateau (LCA B6)*. This is a gently undulating plateau landscape forming a watershed between the Stour and Colne, with predominantly arable fields, low hedgerows, scattered tree belts and a pattern of settlement concentrated on the higher plateau – including the expanding settlement of West Bergholt. The character area is confirmed as being influence by modern development of the village.

Importantly, landscape management guidance for this character area is not applicable to this site, reflecting that the parcel is effectively read as part of the existing village fabric rather than open plateau farmland.

The eastern parcel, by contrast, lies within the more sensitive *Colne River Valley Slopes (LCA A5)*. This area is characterised by valley slopes, a strong pre-18th century field pattern, scattered woodlands and farmsteads along the slopes, and open cross-valley views. The Development Management guidance for this character area explicitly states that:

- “Any large scale or visually intrusive development would be detrimental to the semi-enclosed rural character of the landscape”; and
- The Council should “resist development that would erode the rural character of the valley.”

PP44 does not acknowledge these fundamentally different landscape contexts. A single set of bullets and a single “approximate” capacity is applied across both parcels, even though:

- The western parcel already sits within the perceived envelope of West Bergholt and makes a limited contribution to the wider LCA B6 landscape; whereas
- The eastern parcel is more closely related to the A5 valley slopes and to the rural land that helps maintain separation from Braiswick/Colchester.

Any policy framework for PP44 that fails to distinguish between these parcels risks being unjustified and ineffective, because it ignores the evidence base’s own recognition of differing sensitivities.

Separate delivery, early housing and settlement pattern

Requiring the two parcels within PP44 to come forward as a single, comprehensive scheme would be unnecessary and counter-productive. The western and eastern parcels are in separate ownership/promotional control and are at very different stages of readiness. Insisting on a joint planning application or tightly bound phasing strategy would risk delaying the delivery of new homes on land that is demonstrably available and suitable now, the western parcel, simply because the eastern land is more complex and less advanced. There is no need for such an approach. The western parcel can:

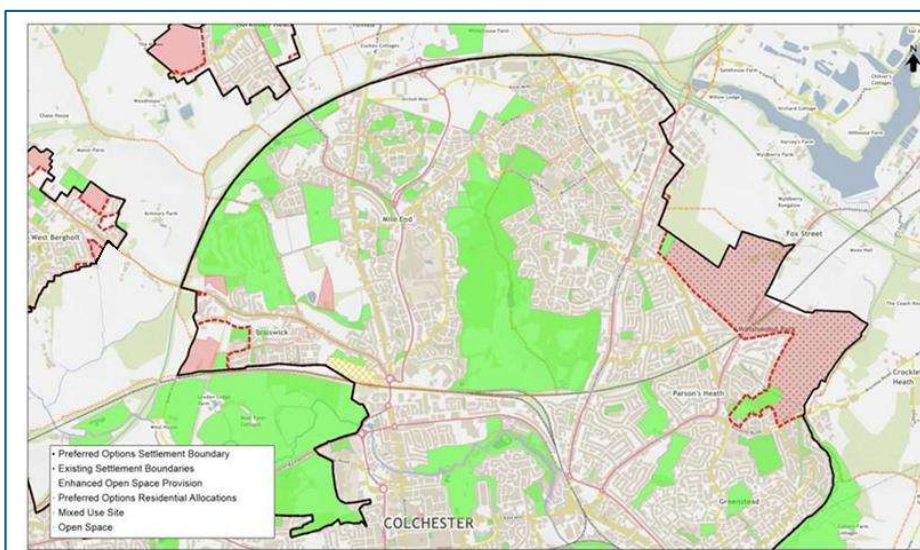
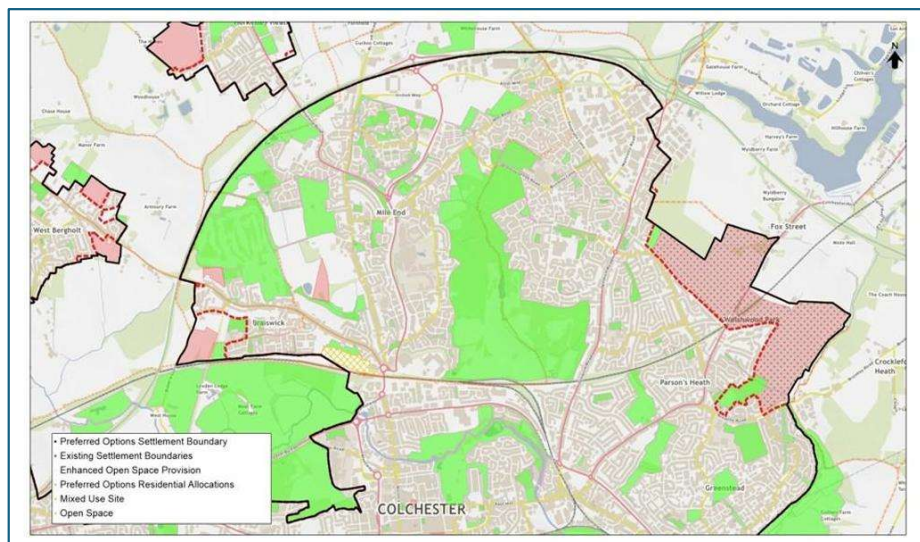
- Deliver around 25 dwellings as an immediately developable, self-contained scheme;
- Provide on-site open space, BNG, landscape mitigation and SuDS; and
- Make appropriate financial contributions towards local infrastructure through the normal Section 106 process, in exactly the same way as any other standalone allocation.

The eastern parcel, if and when it comes forward, would be capable of making its own proportionate S106 contributions and mitigation, having regard to its separate landscape and coalescence context. There is no planning reason why contributions and mitigation cannot be secured on a parcel-by-parcel basis, provided the overall package remains policy-compliant.

Moreover, bringing the two parcels forward separately is consistent with the established settlement pattern of West Bergholt as described in the Neighbourhood Plan and supporting documents. The village is characterised by distinct pockets of development contained by tree belts and hedgerows, rather than a single, undifferentiated urban edge. Allowing the western and eastern parcels to come forward as two distinct but related clusters, each contained and filtered by existing and enhanced vegetation, would reflect this pattern far more closely than a single, amalgamated scheme.

In this context, it would be entirely appropriate, and beneficial, for any future scheme on the eastern parcel to provide a pedestrian-only connection to the western parcel via a sensitively designed footpath through the tree line that currently separates the two sites. This would:

- Maintain a sense of two separate but connected communities, in keeping with the village's "pocketed" form;
- Promote permeability and walkability without forcing unnecessary vehicular integration; and
- Retain the important structural role of trees and hedgerows as the dominant visual and physical separators.



To demonstrate how the two parcels are different and that potentially the eastern side could delay the western side coming forward, the two parcels have been re-assessed against the questions in the SLAA and put into a table form below;

Question in SLAA	West parcel	Eastern parcel
Is the site within or adjacent to the existing settlement boundary?	Green – Surrounded by settlement boundary	Amber – adjacent to or within close proximity an existing settlement boundary
Would development of the site lead to coalescence between settlements?	Green – no contribution to coalescence	Red – significant risk to coalescence
What is the main access point/s to the site? Is the access safe and suitable? Are there any highway constraints?	Green – Existing access on site capable of being enhanced with new 2m wide footpath	Amber – some constraints identified but not significant enough to affect the site's deliverability
Is there any evidence that it would not be possible to deliver the necessary utilities?	Green – no known issues with utility provision	Green – no known issues with utility provision
Are there any issues that would prevent/limit the developable area of the site?	Green – no known site specific issues or evidence has been provided which demonstrates that site constraints can be adequately addressed	Amber – some site specific issues which could be addressed
Is the site brownfield or greenfield?	Red – greenfield (approx. 75% plus)	Red – greenfield (approx. 75% plus)
What is the agricultural land classification?	Red – Grades 1, 2 and/or 3a (50% or more)	Red – Grades 1, 2 and/or 3a (50% or more)
Impact of neighbouring uses	Green – there are no neighbouring use issues	Green – there are no neighbouring use issues
Is the site partially located within any of the following designations? Area of Outstanding Natural Beauty (AONB), Site of Special Scientific Interest (SSSI), Special Area of Conservation (SAC), Special Protection Area (SPA), Ancient Woodlands, RAMSAR	Green – site is not located within any designations listed.	Green – site is not located within any designations listed.

Is the site located within any of the following local designations? Local Wildlife Site (LoWS), Local Nature Reserve (LNR), Coastal Protection Belt	Green – site is not located within any designations listed.	Green – site is not located within any designations listed.
Could development of the site enhance or create green infrastructure e.g Open Space, Park, Sport and/or recreation grounds, Country Park, Allotments?	Green – yes, there are opportunities to enhance or create green infrastructure.	Green – yes, there are opportunities to enhance or create green infrastructure.
Would development of the site be likely to cause harm to any archaeological or heritage assets or their setting? Grade 1, Grade 2, Grade 2* Listed Building, Scheduled Ancient Monument (SAM), Registered Parks and Gardens, Conservation Areas, Locally Listed Heritage Asset, archaeological assets	Green – no potential harm.	Amber – there is a possibility of harm arising from new development.
Would development of the site result in the loss of, or partial loss of, public open space, a Public Right of Way (PRoW), or a bridleway?	Green – development would not result in the loss of public open space, public right of way or a bridleway.	Green – development would not result in the loss of public open space, public right of way or a bridleway.
What flood zone is the site located in?	Green – Site is wholly located in Flood Zone 1	Green – Site is wholly located in Flood Zone 1
Is the site within a Critical Drainage Area?	Green – site is not located within a Critical Drainage Area	Green – site is not located within a Critical Drainage Area
Has the site been submitted for development through the Call for Sites for the Local Plan Review?	Green – Yes, the site has been submitted through the Call for Sites for the Local Plan Review by a site owner or developer.	Green – Yes, the site has been submitted through the Call for Sites for the Local Plan Review by a site owner or developer.
What is the site ownership situation?	Green – Single ownership	Amber – unknown.
Is the land owner open to working in partnership and bringing the site forward in combination with others to enable a comprehensive approach to development?	Green – Single ownership.	Amber – unknown.
Is the site currently in use and is it likely to continue to be used for the foreseeable future /	Green – site is vacant or its current use can cease at short notice.	Green – site is vacant or its current use can cease at short notice.

would that use prevent development on the site from coming forward?		
Does the site have a history of unimplemented permissions?	Green – No unimplemented permissions	Green – No unimplemented permissions
Is development of the site in line with existing policies requiring a contribution, i.e., affordable housing, is development of the site economically viable? Are there any factors which could limit its viability.	Green – development is likely viable.	Green – development is likely viable.
Does the development of, or access to, the site rely on another piece of land, and has that land been put forward for development?	Green – the site does not rely on another piece of land.	Amber – will rely on the western parcel.
Is the site within a Minerals Safeguarding Area and/or Minerals and Waste Consultation Area?	Amber – Site is within a Minerals Consultation Area and/or a Waste Consultation Area.	Amber – Site is within a Minerals Consultation Area and/or a Waste Consultation Area.
Is the land currently protected for an alternative use within the Colchester Local Plan or a Neighbourhood Plan?	Green – the site is not protected for any alternative use.	Amber – the site is protected for an alternative use but there is evidence to suggest that the site could or should be released for an alternative use
Is the site contaminated or partially contaminated?	Green – contamination study shows no contamination expected to be found on site.	Amber – there is possibility of contamination, but it can be remediated without affecting development viability.

The brewery gateway and settlement form

The listed converted Brewery on Colchester Road acts as a key building marking the entrance to West Bergholt, as identified in the Neighbourhood Plan. In townscape terms it functions as a clear gateway landmark; passing the brewery, one reads oneself as entering the village.

Currently, the scattering of dwellings along Colchester Road *beyond* the brewery, towards Braiswick, which fall outside the settlement boundary, are perceived as part of the countryside fringe, not as part of the village.

The existing access serving the western parcel, between Nos. 129 and 131, sits on the *village side* of this gateway and has been recognised in appeal decisions as reading as part of the established village street scene.

Development on the western parcel, served from this existing access, would therefore be perceived as a deepening of the existing village form behind the gateway, not as an extension of the built edge towards Braiswick. It remains visually contained by existing development and mature boundary vegetation and does not project the settlement toward the valley or across the coalescence gap.

By contrast, the eastern land comes *forward* of the brewery and would visually link the village to the currently “countryside” dwellings along Colchester Road to the east. There is a real risk that those outlying dwellings would start to be read as part of the continuous settlement; and the perceived gap between West Bergholt and Braiswick would be narrowed, thereby increasing coalescence.

PP44 does not acknowledge this distinction. It must be explicit that:

- The gateway role of the Brewery and the current settlement limit at that point should be enhanced; and
- Any built form *forward of the brewery* has significantly greater coalescence and landscape implications than development behind it on the western parcel.

Coalescence and Landscaping

The coalescence bullet in PP44 is particularly problematic. The draft requires development to:

“ensure it does not harm the coalescence break... and ensure appropriate mitigation and enhancement is provided as evidence through appropriate landscape character evidence to be agreed with the Council”.

This is unclear, duplicative and unjustified because the West Bergholt already has a specific coalescence policy (PP12) and a mapped Coalescence Zone in the Neighbourhood Plan; and the Coalescence Impact Assessment is the appropriate, targeted tool to assess whether development would erode physical or perceived separation, not a vague requirement for “landscape character evidence to be agreed with the Council”.

The prepared Coalescence Impact Assessment shows that the western parcel, although within the mapped zone, is visually contained, does not project the settlement edge toward Braiswick, is not visible from the Parish-identified “distinctive gateway” or “distinctive approach”, and reads as part of the village rather than the open gap. It concludes that development of this parcel would not increase coalescence, individually or cumulatively.

Requiring unspecified “landscape character evidence” over and above such a focused assessment is not justified by the evidence base and risks becoming an open-ended hurdle to the delivery of homes on an allocated site – particularly given that the eastern parcel, not the western, is the part of the allocation with the greater potential to erode the perceived gap.

BNG and screening: over-prescription

The biodiversity and screening bullets are also overly prescriptive. While we recognise that hedgerows, mature trees and the “woody” settlement edge are fundamental to West Bergholt’s character, the policy’s direction that on-site BNG:

- “should focus on enhancing hedgerows and enhancing the condition and distinctiveness of grassland”; and
- that screening “will be required” along all site boundaries,

reads as an attempt to pre-determine the ecological strategy and detailed landscaping at plan stage. BNG design should be ecologist-led and site-specific, guided by the statutory BNG regime and Policy EN2, not restricted to a short list of habitat types and a blanket screening requirement in one allocation policy. On the western parcel, a more nuanced approach may be required to balance BNG, views, character and surveillance.

Water and wastewater

We are particularly concerned by the water and wastewater bullets, which go beyond demonstrating capacity into prescriptive operational territory. PP44 requires, amongst other things:

- Confirmation of treatment capacity and phasing triggers;
- Demonstration of adequate wastewater capacity and proposed phasing requirements/alternative solutions; and
- A “range of measures” including removal of unrequired network flows, targeted education for new residents, and reduction in demand for potable water.

For the western parcel, Anglian Water has already confirmed that the existing network and WRC can accommodate the around a 25-unit scheme. In that context:

- Requiring development-specific “targeted education campaigns” and network-wide flow removal is disproportionate and strays into the operational remit of the statutory undertaker; and
- The necessary planning test is that applicants demonstrate, through liaison with Anglian Water and appropriate drainage/FRA work, that capacity exists or that any local network improvements needed to serve the development can be secured.

The current drafting risks making the allocation ineffective by introducing open-ended and poorly defined obligations that could be used to delay or frustrate otherwise acceptable proposals, even where utility providers are content. It is neither justified (no clear evidence of need at the scale of the western parcel) nor consistent with national policy on proportionality of information requirements.

Capacity and deliverability

Finally, we question whether the indicative capacity of “approximately 100 dwellings” across PP44 is realistic once all of the other policy requirements are factored in.

The client’s western parcel comprises around half of the allocation land but is realistically capable of delivering, as per the feasibility plan, c.25 dwellings if it is to provide:

- On-site open space of meaningful quality;
- On-site BNG in accordance with EN2;
- Landscape and structural planting sufficient to address coalescence and settlement edge character; and
- Space for SuDS and necessary drainage infrastructure.

On that basis, it is doubtful whether the combined allocation can genuinely accommodate 100 dwellings and the required open space, BNG, landscape mitigation and drainage across both parcels, especially given the higher landscape and coalescence sensitivities of the eastern land (LCA A5). If the eastern parcel must, as the LCA guidance suggests, avoid large-scale or visually intrusive development and avoid erosion of the valley’s rural character, then its developable capacity may be substantially constrained.

The plan has not clearly demonstrated how the 100-unit figure has been derived in the light of these constraints. There is therefore a risk that the headline capacity is over-optimistic, which in turn could undermine the robustness of the housing trajectory. At the very least, it should be made clear that 100 units is an upper, indicative figure, subject to detailed design and environmental constraints, and should not be used to resist smaller, well-designed schemes on either parcel.

Requested modifications to PP44

To make PP44 positively prepared, justified and effective, we request that the Council:

1. Clarify parcel independence and non-prejudice
 - Amend PP44 to confirm that different land parcels within the allocation may come forward independently, with their own vehicular access arrangements, provided they accord with the allocation parameters and relevant policies.
 - Avoid any wording that implies a single comprehensive application or inter-dependency between the western and eastern land, and make clear that the western parcel will not be prejudiced by the form or timing of development on the eastern parcel.
 - Secure S106 contributions separately, in line with their respective impacts; and
 - Maintain a landscape-led relationship between them, potentially including a future shared footpath, rather than being forced into a single, comprehensive scheme that would be harder to deliver and less reflective of local character.
2. Acknowledge differing landscape character areas
 - Explicitly recognise that the western parcel lies within *Great Horkesley Farmland Plateau (LCA B6)* and already reads as part of the expanded settlement, whereas the eastern parcel lies within the more sensitive *Colne River Valley Slopes (LCA A5)*.

- Recognise that the Neighbourhood Plan and Village Design Statement of West Bergholt, prepared by the Parish Council, states that the Valley Slopes character area is highly sensitive.
3. Protect the brewery gateway and settlement limit
- Acknowledge the converted Brewery as a key gateway building marking the entrance to West Bergholt.
 - Make clear that any new access and built form should come within the existing perceived settlement limit (i.e. using the western parcel access) rather than projecting forward of the brewery in a way that risks visually merging the village with countryside dwellings and increasing coalescence with Braiswick.
4. Replace the vague “landscape character evidence” requirement
- Delete or redraft the phrase “ensure appropriate mitigation and enhancement is provided as evidence through appropriate landscape character evidence to be agreed with the Council”.
 - Replace with a reference to proportionate Coalescence Impact Assessment (or equivalent) in the West Bergholt Coalescence Zone, explicitly recognising that the western parcel can meet PP12 where it preserves separation as demonstrated by the existing assessment.
5. Loosen the BNG prescription
- Amend the BNG bullet to allow the precise mix of habitats and measures to be ecologist-led, rather than constraining BNG to hedgerows and grassland only, while still acknowledging the importance of hedgerows and trees to the village’s character.
6. Rationalise water and wastewater obligations
- Limit the requirements on applicants to demonstrating, through liaison with Anglian Water, that there is sufficient capacity at the point of connection or that identified local improvements can be delivered.
 - Remove or recast the references to “removal of unrequired flows” and “targeted education to include new residents” as aspirations for the utility

provider/council, not as project-specific obligations or pre-conditions for permission.

7. Clarify the indicative capacity

- Re-assess whether the “approximately 100 dwellings” is achievable on site when also requesting enhanced landscaping, BNG, open space and drainage constraints, tree coverage and other requirements that the draft Local Plan will impose.

With these modifications, PP44 would still secure the Council’s objectives on character, coalescence and infrastructure, but would do so in a way that is proportionate, evidence-led and capable of implementation on the ground, allowing the western parcel to make a timely and effective contribution to housing delivery at West Bergholt without being unfairly constrained by the more sensitive eastern land.

Land at Oxley House, Abberton

Reg 18 Representations on behalf of Mr F Mussi

Call for Sites Reference: 10233



Revision	Purpose	Originated	Date
A	Draft Representation	BDB	12.1.26
Job number: 50961-005		 STANFORDS ESTABLISHED 1879	

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1. Summary of representation and requested change

1.1. This representation is submitted on behalf of the landowner of Land at Oxley House, Mersea Road, Abberton (c.3.5ha), promoted for a landscape-led scheme of up to 49 dwellings with associated green infrastructure, SuDS, biodiversity enhancements, equipped play area and community orchards.

1.2. We request that the Council:

1. Allocates Land at Oxley House as an alternative or additional housing allocation for Abberton/Langenhoe within the Regulation 19 Plan (either as a new policy site, or as an additional allocation alongside PP25); and/or
2. Revises Policy PP25 to ensure the Plan is justified and effective by enabling the preferred growth option(s) for Abberton/Langenhoe to come forward on the most sustainable and deliverable site(s), including those with safe pedestrian connectivity and safe highway access, and the least harmful landscape/heritage outcomes.

1.3. This request is made within the plan-led approach expressly recommended by the Council's Development Management officers at pre-application stage, copy within the appendices.

1.4. It is requested that with the evidence and assessment discussed within this representation that the Council considers Site 10233 as a natural extension to the settlement of Abberton and includes the site within the settlement boundary as relative growth for the settlement. This representation seeks to ensure that the Regulation 18 draft Local Plan provides a clear, proportionate and deliverable policy framework which is centred around the character and appearance of each individual settlement and what they can provide to secure the sustainable development outcomes the Council is seeking.

2. Land at Oxley House - site context and proposal

2.1. The site promoted comprises approximately 3.5ha immediately adjoining the defined settlement boundary of Abberton, with access onto Mersea Road. The promoter's proposal is for a landscape-led residential development of approximately 50 dwellings and associated infrastructure (open space, SuDS, BNG area, play provision and community orchard elements).

2.2. Current Use of the site is former agricultural (former orchard) and the residential curtilage of Oxley House as amenity garden, as per planning permission with reference 091226.

2.3. Boundaries:

- East – Existing residential along Layer Road;
- South – Residential, Abberton settlement;
- West – Residential and Farm;
- North – Farmland.

2.4. The land sits within the transition between the village and open countryside yet is well screened and not visible from any public vantage point. The existing orchard habitat and hedgerow boundaries provide visual containment and opportunities for green infrastructure that will be complimentary to promoting healthy living.

2.5. A key deliverability advantage is that a suitable access arrangement has already been secured and is being built out under planning permission with reference 222355 (5 self-build dwellings), including agreed visibility and an appropriate junction arrangement, which the promoted scheme would utilise / intensify subject to technical assessment. This newly enhanced junction arrangement onto Mersea Road is capable of providing access for up to 400 dwellings as it has been designed to that level of capacity to future-proof any growth in this area.

3. The Council's Vision and Approach

3.1. The Council's approach highlights (i) a plan-led strategy with clear spatial choices and (ii) delivery of places that are healthy, inclusive, sustainable and well connected. Oxley House site is well placed to help deliver those objectives in a way that is specific to Abberton/Langenhoe.

Healthy, vibrant and diverse places

3.2. The emerging Plan emphasises creating places that support health and wellbeing and better everyday environments. Oxley House is being promoted explicitly as a landscape-led scheme incorporating generous public open space, nature trails, equipped play provision and community orchards, which directly support healthier lifestyles and access to nature.

Sustainable patterns of growth and best use of infrastructure

3.3. Oxley House adjoins the settlement edge and is promoted as a logical extension to Abberton. The supporting material explains that the site is served by footways to village services and is well served. The Council's pre-application response also acknowledges that there is potential for a scheme here, subject to further work on the identified matters (heritage / landscape / drainage etc.), and expressly advises the promoter to bring the site forward through the Reg 18 process.

Welcoming, inclusive communities and good design

3.4. The Vision's direction on inclusive communities and good quality environments is capable of being met through a framework/masterplan-led outline approach with secured green infrastructure, strong edges, and integrated open space – matters the Council has already signposted as important at outline stage.

Well-connected places

3.5. The Vision includes “well-connected” communities and reduced congestion through active travel. Oxley House is being promoted on the basis of existing connectivity to village facilities, the ability to prioritise walking/cycling within the layout, and the use of an existing access arrangement.

4. Why the Oxley House site should be allocated

4.1. In its pre-application response, the Council acknowledges the current housing land supply position is marginal and that it is “very likely” the supply will fall into deficit in the next monitoring update, such that boosting supply would attract significant weight as a material consideration.

4.2. Against that backdrop, the Plan should allocate sites that are deliverable, accessible and capable of early delivery. The Oxley House site benefits from:

- a deliverable access solution already established via permission 222355;
- adjacency to the settlement edge and existing services (village facilities and bus services along the B1025 corridor), with the Council also recognising this location as sustainable / not functionally isolated by reference to appeal findings in the locality.

4.3. Policy PP25 (View Park) requires (amongst other matters) provision of safe and suitable access and safe pedestrian access to connect to existing footways and/or PRow, plus green infrastructure connections and access to the countryside.

4.4. In selecting a preferred allocation for Abberton/Langenhoe, the Plan should demonstrably prefer sites that:

- already have (or can most realistically deliver) safe pedestrian connectivity to existing footways and village services; and

- have an access arrangement that can meet highway design standards with acceptable visibility and safety, without disproportionate off-site works.

4.5. The Oxley House site performs strongly on these criteria because it sits at the village edge, and its access strategy is anchored by an already-consented and implemented junction solution.

4.6. The promoter's scheme is expressly framed as a landscape-led village-edge extension capable of delivering new homes alongside enhanced green infrastructure, SuDS and biodiversity gains. This aligns with the objective of delivering growth in a way that supports sustainable settlement patterns, healthy communities and net environmental benefits.

5. Comparative planning merits versus the current preferred allocation at View Park (PP25)

5.1. We understand the Council has identified a preferred allocation at View Park for approximately 50 dwellings.

5.2. However, the policy wording itself highlights that pedestrian connectivity and access solutions must be secured (safe pedestrian access to existing footways/PRoW; safe and suitable site access to highway standards). In practice, where a site does not already have these characteristics, delivery can become more complex, slower, and more contentious at application stage.

5.3. By contrast, the Oxley House site offers a more robust and deliverable route to:

- safe access, leveraging an access arrangement already approved and being implemented;
- walkable connectivity and public transport opportunities typical of a site directly adjoining the settlement edge;

- reduced landscape harm through containment, given the established vegetation structure and the scope for a landscape-led framework (subject to LVIA and agreed viewpoints); and,
- potential to create new community orchard and public open spaces to support healthy lifestyles for new and existing residents.

SLAA Stage 2 comparison: Site 10233 (Oxley House) vs Site 10618 (View Park)

5.4. The Council's Stage 2 SLAA scoring shows that both sites perform similarly on several high-level metrics, including adjacency to the settlement boundary (Amber), no coalescence impacts (Green), highways (Amber), utilities (Green), flood risk (Green) and drainage (Green), and viability (Green). On that basis, there is no clear "show-stopper" differentiator which would justify treating Oxley House as materially less suitable in principle than View Park. For ease of reference, please find in the appendix a comparison table of the two sites' performance in the SLAA.

5.5. However, the SLAA also identifies several areas where Oxley House performs better (or is capable of performing better) than View Park, the most vital being that of Agricultural Land Classification. View Park has been highlighted as being the most versatile land in the SLAA whereas Oxley House is Grade 3b. We should be seeking to protect the best areas of farmland, especially when there are alternative sites in the same area available.

5.6. Overall the SLAA does capture Land at Oxley House well but there are specific appraisal conclusions within the SLAA which appear factually incorrect or unsupported, and which materially affect the relative performance of Site 10233 when compared to Site 10618 (Land at View Park, Abberton Road, Langenhoe).

5.7. The SLAA records Oxley House as having "no opportunities to enhance or create green infrastructure" but this conclusion is not consistent with what is demonstrably capable of being delivered on a site of this nature and scale, nor

with the promoter's intentions for a landscape-led scheme. The proposed development can include, as part of its masterplanning and mitigation strategy:

- community orchards (reflective of the site's historic association with orchards / Oxley House);
- a substantial area of public open space / parkland (capable of functioning as a "country park"-type greenspace at village scale); and
- integrated blue-green infrastructure, including SuDS and water features (noting that land management/landscape works of this nature have already begun on site).

5.8. Both sites are scored Red on the basis that more than 50% lies within a local designation such as the Coastal Protection Belt. That may be a correct *mapping* exercise, but it is not, by itself, a sound basis for preferring one site over another. What matters at plan-making stage is how each site contributes to the character and key sensitivities of the Coastal Farmland / coastal setting, and the degree of harm arising from development.

5.9. The Oxley House land is capable of being planned as a contained, landscape-led edge with limited effects on wider perceptual qualities where the site does not form part of the valued open views/expansive rural skyline that define more exposed locations. Conversely, View Park's more open relationship with the surrounding countryside and longer-ranging views means development is more likely to change the experience of the landscape character area.

5.10. The only "Red" that is clearly common to both sites is greenfield status, Oxley House outweighs on everything else.

5.11. The table on the following page sets out the clear strengths and weaknesses of each of the two sites;

Oxley House – 10233	
Strengths	Weaknesses
No contribution to coalescence;	Loss of greenfield land;
No neighbouring use issues;	Loss of 3b classified agricultural land;
No known utility issues;	Site is located within a Local Wildlife Site (LoWS), LNR or Coastal Protection belt.
The land is owned by one land owner and is willing to work in partnership to bring the site forward in combination with others	
Site is not located in AONB, SSSI, SAC, SPA, RAMSAR or Ancient Woodlands;	
Opportunities to enhance or create green infrastructure;	
No potential harm to archaeological or heritage assets;	
Development would not result in the loss of public open space, public right of way or a bridleway;	
Site is wholly located in Flood Zone 1;	
Site is not located within a Critical Drainage Area;	
Site is vacant and ready to come forward.	
The site does not rely on another piece of land;	
Suitable access arrangement already in place;	
No known site contamination.	
View Park - 10618	
Strengths	Weaknesses
No neighbouring use issues;	Site would risk increasing coalescence with Fingringhoe;
No known utility issues;	Access constraints but not significant enough to affect the deliverability;
Site is not located in AONB, SSSI, SAC, SPA, RAMSAR or Ancient Woodlands;	Loss of Grades 1, 2 and/or 3a (classified agricultural land);
Possible opportunities to enhance or create green infrastructure;	Loss of greenfield land;
No potential harm to archaeological or heritage assets;	Site is located within a Local Wildlife Site (LoWS), LNR or Coastal Protection belt;
Development would not result in the loss of public open space, public right of way or a bridleway;	There is possibility of site contamination, but it can be remediated without affecting development viability;
Site is not located within a Critical Drainage Area;	Unknown if land owner open to working in partnership and bringing the site forward in combination with others to enable a comprehensive approach to development
Site is vacant;	
The site does not rely on another piece of land;	

6. Addressing constraints

6.1. The Council's pre-application response identifies a clear list of technical matters that should inform any future application and masterplanning, including LVIA, arboricultural evidence (BS5837 survey, canopy cover), BNG baseline, drainage evidence, and a Heritage Impact Assessment.

6.2. We agree these are necessary and, importantly, they are the sorts of matters that are routinely managed through:

- an allocation policy that fixes key parameters (retained green infrastructure, density/edge strategy, and heritage buffers), and
- a proportionate evidence package at application stage.

6.3. That is precisely why plan-making is the right stage to allocate with clear, enforceable parameters, for example:

- requiring a heritage-led framework that preserves the ability to appreciate The Maltings and the listed group in a peri-rural context;
- requiring the layout to deliver a sensitive edge and avoid a perception of total enclosure through the retention of meaningful green infrastructure and an appropriate spatial strategy; and
- requiring design, landscape and lighting strategies that protect setting effects beyond mere visibility (noise, activity, and character), consistent with the Council's own pre-app advice.

6.4. The Council's pre-app advice is clear that existing vegetation is a major component of site character and that canopy cover expectations and BNG will need to be addressed early. Allocation can sensibly require:

- retention of principal boundary belts and strategic internal green structure (where supported by BS5837 constraints mapping); and
- a landscape-led capacity approach (i.e., "up to" quantum), so the final dwelling number responds to evidenced constraints and avoids over-suburbanising the edge.

6.5. However, it is also vital to point out now during these representations the site does not actually align with the Landscape Character Area of Coastal Farmland (E3) which is characterised as open rolling predominantly arable landscape which slopes gently down towards the coastal edge.

6.6. The Key Characteristics as set out in the Colchester Landscape Character Assessment 2024 of Coastal Farmland E3 are as follows;

- *Gently rolling arable landscape that slopes gently down towards adjacent drained estuarine marshes to the south, south-east and east; locally prominent knolls are distinctive features in the north.*
- *Predominantly open landscape with a large-scale field pattern defined by low gappy hedgerows, unvegetated drainage ditches or low berms.*
- *scattered woodlands and individual mature trees punctuate the open farmland, with more dense woodland cover to the east around Fingringhoe Ranges and former gravel extraction pits.*
- *Good levels of access via a network of footpaths and narrow lanes, and the King Charles III England Coast Path National Trail provides access to the edge of Salcott Channel in the south.*
- *Settlement pattern of small nucleated villages in the north and scattered farmsteads and halls elsewhere.*
- *Peldon and Abberton/Langenhoe occupy a slightly elevated location upon prominent knolls; Church of St Mary at Peldon is a prominent landmark visible from much of the surrounding landscape.*
- *A largely open landscape with long range views across farmland towards the adjacent marshes, particularly from higher ground in the north.*
- *An overriding rural character with a stronger sense of remoteness in the west and east away from larger settlements and the busy B1025.*

6.7. The site does not share any of these key characteristics. The image below highlights the site area in red and shows how distinctly different the site is compared to the wider arable fields and the typical coastal farmland described above.



6.8. The site also does not hold any of the key sensitivities and does not contribute to the values of the character area. These are listed as;

- *Strong sense of visual openness across much of the landscape, with long-range views across farmland towards adjacent estuarine marshes particularly from higher ground.*
- *Locally distinctive knolls of higher ground rising above the surrounding rolling farmland, occupied by the settlements of Peldon and Abberton/Langenhoe.*
- *Visual interest provided by scattered woodland and occasional mature trees (within hedgerows or isolated within fields).*
- *The Church of St Mary (Grade I Listed Building) at Peldon forms prominent landmark which is also visible from much of the surrounding landscape due to its location on a localised knoll.*
- *Ecological value and landscape diversity is provided by Ancient Woodland at Copthall Grove and by the mix of habitats at Fingringhoe Wick Nature Discovery Park, Brickhouse Farm Pits LWS, Pete Tye Common LWS and Fingringhoe Ranges LWS.*
- *Sense of time-depth and landscape interest provided by historic settlement pattern.*
- *The recreational value provided by the network of PRow, including the King Charles III England Coast Path, and rural lanes which connect dispersed*

areas of settlement and provide green infrastructure connections and recreational access to the landscape.

- *The rural character of the landscape which provides a setting for the settlements of Peldon, Langenhoe/Abberton and Fingringhoe.*

6.9. The image below is taken from Oxley Hill and looks towards the direction of the site. Part of the site is visible, but this is the part of the site that would be utilised for BNG and possibly public open space to increase accessibility to the open countryside.



6.10. Notably, the part of the site that is being proposed for residential development is completely screened by the land form and the mature vegetation on the boundaries which will be retained and enhanced.

6.11. The image below is taken from Mersea Road on the approach towards Abberton with the site towards the right of the image behind the mature tree belt at the far end of the field. The site is not visible.



6.12. The Landscape Management Plan within the Colchester Landscape Character Assessment sets out the guidance for managing development and the land within the E3 character area. The proposal seeks to meet these key points in the plan;

- *Prevent further loss of remaining boundary hedgerows – the proposals seek to enhance the retained boundary hedgerows.*
- *Further enhance opportunities for access and enjoyment – the proposals include a variety of new public open spaces.*
- *Visually intrusive and incongruous development should be avoided – the proposals are visually contained.*
- *Ensure that new development responds to historic settlement pattern and uses materials which are appropriate to local landscape character – the proposals are a natural growth of Abberton, making use of an existing access and shall be contained by residential development on three sides.*
- *The individual identity of Peldon and Abberton/Langenhoe should be maintained, by resisting further development between these settlements along Peldon Road. – the proposals ensure that the individuality of Abberton remains by building within a naturally contained site directly adjacent to the village.*
- *Encourage the integration of development into the landscape through the use of locally appropriate tree belts, hedgerows and woodlands to reflect and reinforce rural character. – the proposal is a landscape led scheme that seeks to fully integrate native trees and hedges.*

6.13. In summary, the site does not conflict with the character of the landscape area and would be a compatible growth opportunity for the village of Abberton.

7. Deliverability and next steps

7.1. The promoter has already engaged in pre-application discussions and has received officer advice that:

- there is potential for a scheme here (subject to the investigations outlined); and
- the correct route is to make representations through Regulation 18 rather than submit a premature application.

7.2. We therefore request the policy team now undertakes a comparative assessment of reasonable alternatives for Abberton/Langenhoe, including the Oxley House site, giving full weight to:

- deliverable access,
- pedestrian connectivity and sustainable travel potential,
- natural growth pattern to the village that reduces risk of coalescence with other villages,
- potential for new community orchard and public open spaces to be delivered through a policy-led framework,
- the ability to manage landscape and heritage effects through a policy-led framework.

Appendices

Copy of Pre-Application Advice – ref: 252472

 Colchester	Colchester City Council PO Box 889, Rowan House, 33 Sheepen Road, Colchester, CO3 3WG
	Planning Services
Mrs Beth Deacon-Bates The Livestock Market Wyncolls Road Colchester CO4 9HU	Contact: Mr Daniel Cooper Phone: 01206 282422 E-mail: planning.services@colchester.gov.uk Your ref: Our ref: 252472 Date: 2 December 2025
Dear Mrs Deacon-Bates	
Preliminary Enquiry Application	
Proposal: Outline application for up to 49 units and associated infrastructure including equipped play park and community orchards Location: Land at, Oxley House, Mersea Road, Abberton, Colchester, CO5 7NR	
I am writing in response to your Preliminary Enquiry referenced above and received on 12 November 2025. I have now considered the information that you provided and have set out my conclusions below:	
Identified Site Constraints and Opportunities	
Landfill Site SSSI Consultation Zone Mineral Resources UAD Monument Bradwell Safeguarding Zone SSSI Impact Risk Zone	
Relevant Planning History	
222355 – 5 new self build dwellings – Approved	
091226 - Alterations and extensions to existing dwelling house to include creation of natural wildlife conservation water feature - Approved	
Relevant Policy Information	
The following national policies are relevant to this application:	
• The National Planning Policy Framework (NPPF)	
In addition to the above national policies, the following policies from the adopted Local Plan (2017-2033) are relevant:	
<u>Section 1 (adopted February 2021)</u>	
• SP1 Presumption in Favour of Sustainable Development • SP2 Recreational disturbance Avoidance and Mitigation Strategy (RAMS) • SP3 Spatial Strategy for North Essex • SP4 Meeting Housing Needs • SP7 Place Shaping Principles	
PEReplLetter	

Section 2 (adopted July 2022)

- SG1 Colchester's Spatial Strategy
- SG2 Housing Delivery
- ENV1 Environment
- ENV2 Coastal Areas
- SS1 Abberton and Langenhoe
- OV1 Development in Other Villages
- OV2 Countryside
- DM8 Affordable Housing
- DM9 Development Density
- DM10 Housing Diversity
- DM12 Housing Standards
- DM15 Design and Amenity
- DM16 Historic Environment
- DM19 Private Amenity Space
- DM21 Sustainable Access to development
- DM22 Parking
- DM23 Flood Risk and Water Management
- DM24 Sustainable Urban Drainage Systems
- DM25 Renewable Energy, Water Waste and Recycling

Regard should also be given to the following Supplementary Planning Guidance/Documents:

- Vehicle Parking Standards
- The Essex Design Guide
- External Materials in New Developments

LPA Case Officer Opinion on the Proposal

The site has been analysed solely through a desk top exercise considering the information submitted, the available planning records, mapping and aerial photography.

5 Year Housing Land Supply

The Council can currently demonstrate a 5-year housing land supply. The latest published position in 2025 shows a 5.05 year supply. Although this position supports an adequate supply currently, it is acknowledged it is marginal. Furthermore, the housing requirement for the purposes of 5 Year Housing Land Supply will need to be set against the latest housing need based on the Standard Methodology in future updates (from February 2026). It is very likely that the housing supply will go into deficit next year so the housing supply challenge and the benefit of boosting supply in these circumstances is a material consideration which should be afforded significant weight.

Alongside the Housing Land Supply considerations, the Council is preparing a new Local Plan.

Principle of the Development

The site is located close to but outside of the settlement limits and is therefore regarded as being located within the countryside. As such, policies SP1, SP3, OV1 and OV2 are relevant here. Policy OV2 Countryside states that residential development in the countryside, outside of settlement boundaries, will need to demonstrate that the scheme respects the character and appearance of landscapes and the built environment and preserves or enhances the historic environment and biodiversity.

Policy ENV1 Environment states under section E that the local planning authority will carefully balance the requirement for new development within the countryside to meet identified development needs and to ensure development does not have an adverse impact on the intrinsic character and beauty of the countryside and visual amenity and complies with other relevant policies.

Regarding sustainability, the recent appeal outcome on the adjacent land (Manwood Tye) considered this location to be sustainable and not functionally isolated. As such, the site is considered to be within a sustainable location.

In addition, it is also noted that the adopted Local Plan identifies Copford as a Sustainable Settlement. The plan states that such settlements are considered to have the potential to accommodate further proportionate growth. It is however, noted that the site is not part of the preferred options sites or in an area identified for further growth.

Following the decision to proceed with the regulation 18 draft local plan committee recently, it is now at consultation. It is therefore my strong suggestion that you put a package of information together that forms your representation for this site and the proposal. This is the correct approach within a plan led system and the policy team will therefore be able to consider your representation and determine whether or not the site can be included in the allocations when preparing the Reg 19 draft plan. I would advise you against submitting a planning application at this stage as that would clearly be premature and would undermine the plan led system.

Design, Layout and Landscaping

As noted above, Policies SP7 and DM15 state that all development respond positively to local character and context and respect and, wherever possible, enhance the character of the site.

With regards to the proposed design and materials of the dwellings, it is not possible for me to comment directly as this has been presented as an outline application with all matters reserved except for access. Notwithstanding this, it is considered that the semi-open nature of the site as well as the tree and/or shrub heavy elements contribute positively to the landscape character of the locality and there is concern that the construction of houses at this location with associated hard standing, roads, paths, lighting and domestic paraphernalia could result in a negative and harmful impact on the area. That being said, it is noted that the proposal includes significant BNG provision on site that could result in habitat creation however, this would need to be balanced and considered against the significant loss of existing shrub/tree coverage.

In terms of the existing trees/hedges present on site, Policy CC1 Climate Change under section (iv) states that a *Canopy Cover Assessment will be required for all major applications*². *Development proposals should seek where appropriate to increase the level of canopy cover on site by a minimum of 10%. In circumstances, where this is not possible or desirable, compensatory provision should be identified and secured through a legal obligation.* It should be noted that the 10% gain is required above the current level on site. Given the significant loss on site, any future full application will need to address this matter.

In addition to the above, the following comments are provided by the Council's Urban Design Officer for your consideration:

The application site measures approximately 3.5ha and has a broadly rectangular shape, with a strip cut out from the northern edge. Giving the site a shape akin to a jigsaw piece and creating an awkward and detached slither of the site in the north-western corner. The site sits north of the settlement of Abberton and beyond its settlement boundary. The site contains a single dwelling

with associated curtilage and swimming pool, but consists primarily of a former orchard. To the east and south the site sits adjacent to residential land uses with key arterial vehicular routes beyond. To the west of the site residential uses are more sporadic within the rural hinterland beyond the settlement, beyond which lies the reservoir. To the north of the site open countryside, featuring areas of woodland, drops down into the river valley and back up the other side, where the urban area of Colchester can be found almost 2km away. Thus the site has a verdant character, consistent with its rural context.

Given the sites location beyond the settlement boundary and the existing policy context, the below comments are offered without prejudice to the acceptability of the principle of the proposed development.

The submission proposes 49 new dwellings within the site, at a gross density of approximately 15dph. This density should be capable of accommodating a rural spatial strategy that is consistent with the site's rural context, however this is not evident within the submitted layout. Given the site's adjacency to the settlement, it has the potential to form an extension to the village. In this context, any development would need to be mindful of achieving an appropriate transition between the settlement and the open countryside beyond. Such a transition should be facilitated by a variance in density and character across the site. 15dph would be appropriate at the lower end of the spectrum, however higher density areas would be expected closer to the settlement. As such the proposed density is not consider particularly optimal.

That said, any proposals for the site should be informed by technical analysis of the site and its context. In this regard, the site's position at the top of the river valley, the high proportion of existing vegetation and proximity to heritage assets are likely to have a significant impact on the potential capacity of the site. As such, a BNG baseline study, Arb. Impact Assessment, Heritage Impact Assessment and Landscape Visual Impact Assessment (viewpoints would need to be agreed, based on a ZTV) should be conducted in order to inform design decisions (including quantum and spatial strategy in the first instance). In the absence of this information it is not possible to comment on the proposed quantum in detail, however is considered likely that the development of the site may be heavily constrained by some of the variables identified. Similarly, early engagement with the Highway Authority is recommended, given that the existing site access likely requires upgrading to accommodate the quantum currently proposed.

The submission suggests an Outline route is to be pursued, in this vein any submission would need to demonstrate that the desired quantum could be achieved in an appropriate manner. The above assessments would contribute to this, however the use of an 'up to' quantum may also prove beneficial, in allowing flexibility at a more detailed design stage. In its current form, the submitted layout appears overly suburban and engineered, lacking in incidental space and POS to balance it's increased net density. The below 'General Advice' is relevant in this regard. As a result, it is not considered that the submitted layout evidences the quantum can be achieved appropriately.

Were the outline route to be pursued, the content of any control documents should be proportionate to the evidence and detail available at that stage and should be focused on the design variables that are considered critical to the vision for the site and desired placemaking outcomes. It is anticipated an outline submission might include a framework plan that seeks to establish key parameters, such as:

- green infrastructure to be retained;*
- strategic green infrastructure connections to be made;*

- principle means of vehicular access, onward connections and indicative main distributor road network;
- walking and cycling gateways, onward connections and indicative strategic routes;
- broad locations of areas of strategic open space;
- broad locations of non-residential land uses;
- key edges/frontages; and,
- the approach to density across the site.

An approach that is less concerned about defining developable area and is more focused on defining key features to be retained, connections to be made and establishing the proposals identity, is likely to be considered more successful. If not secured at outline these matters would be secured by condition. Generally we would seek to agree said control documents as part of Pre-App or PPA discussions prior to the submission of any relevant application. Similarly, we would expect Pre-App discussions regarding matters of detail prior to any Full or Reserved Matters submission.

General Advice

The following concepts should also be considered as part of progressing the design of the proposal:

- Residential areas should include areas of informal/incidental green/open space. This should include both green and blue infrastructure, which should consist of a network of integrated features.
- The updated NPPF specifically acknowledges the important contribution that trees make to the character and quality of urban environments and that trees can also help mitigate and adapt to climate change. The framework requires that new streets are tree-lined and that opportunities are taken to incorporate trees elsewhere in developments. It is important to ensure that the right trees are planted in the right places and that appropriate measures are in place to secure the long-term maintenance of newly planted trees and that existing trees are retained wherever possible.
- Built form should establish a site wide positive and coherent identity that residents and local communities can identify with. This identity should respond to the sites context and reinforce/enhance the local vernacular. This can be achieved through a historic/traditional approach or through the adoption of a contemporary design solution; both options are valid, but whichever approach is adopted, the detailing must be of a high quality.
- The layout of the development and positioning of elements of landscape/built form should create a series of distinct spaces and take the opportunity to create character areas within the development. Character areas can be established through the hierarchy of streets, the grain of the development, the spatial enclosure of the street, the definition (boundary treatment) between the public and private domain as well as through landscaping, materials, and the design of the buildings. Distinct and legible character areas within the site should contribute to an overall distinct sense of place for the wider site.
- Areas of public open space should be fronted by units in order to ensure good levels of activity and natural surveillance. Similarly, units should front boundaries with existing adjacent roads and countryside edges to avoid domination of the streetscape and wider landscape views by rear boundary treatments. The layout should also avoid these sensitive edges being dominated by parking and vehicular movements.
- A variety of parking treatments should be adopted across the site. The National Design Guide requires car parking to be well-designed, landscaped and sensitively integrated into the built form so that it does not dominate the development or the street scene. The Guidance states that car parking should incorporate green infrastructure, including trees, to soften the visual impact of cars,

help improve air quality and contribute to biodiversity and that they should be secure and overlooked.

- A clear road hierarchy should be established and reinforced by adopting a varied surface material for shared surfaces and utilising a variety of frontage treatments for plots.

- Back to back distances should comply with the Essex Design Guide (15-25m dependent on relationship between units).

- Focal/nodal buildings should be included to enhance legibility within the site.

- Brick walls should be used to enclose boundaries that address public/semi-public realm, this includes parking courts.

- Proposals should be mindful of policy requirements regarding tree canopy cover and biodiversity net gain at an early stage in order that they can be considered opportunities rather than constraints within the design evolution.

- Proposals should be mindful of policy requirements to appear tenure blind with affordable units 'pepper-potted' throughout the site, with a mix that matches the sites market housing.

- Window design should be consistent across all elevations in order to ensure a consistently high standard of design. The frame of fixed panes should reflect that of opening casements.

- Consideration should be given to meter housing and service intakes, these should be located out of public view or should be purposefully designed into the treatment of the buildings façade, so as to not cause detriment to the standard of design achieved.

- Consideration should be given to the proposals carbon footprint, for both the long and short term. This should include consideration of energy consumption and energy generation (i.e. construction methods, materials, building orientation and openings, utilities, renewables, etc).

Ecology and Biodiversity Net Gain

Should this scheme or a similar proposal progress to full application, biodiversity net gain must be considered as well as a biodiversity baseline matrix submitted. In addition, Natural England advises that the biodiversity gain condition has its own separate statutory basis, as a planning condition under paragraph 13 of Schedule 7A of the Town and Country Planning Act 1990. The condition is deemed to apply to every planning permission granted for the development of land in England (unless exemptions or transitional provisions apply), and there are separate provisions governing the Biodiversity Gain Plan. The condition requires that development may not begin unless:

- (a) Biodiversity Gain Plan has been submitted to the planning authority, and
- (b) the planning authority has approved the plan.

As such, this should be taken into account within any forthcoming application with the inclusion of a BNG Plan recommended.

While it is noted that a Phase 1 Ecology Survey has been submitted as part of this enquiry, given the significant loss of existing potential habitat, we will consult Place Services Ecology during any future full application for this proposal.

Impact on the Surrounding Area

The overall character of the area the site is located in is of a semi-rural, edge of countryside and fairly low density character. As noted above, the application site currently contributes very positively to this character. This open character is an attractive feature, integral to that character. Its loss in favour of up to 49 dwellings could harm that character, contributing to an urbanisation of the area. As such, I would strongly advise that you commission a steer from Place Services Landscape via a dedicated topic based pre-app prior to the submission of any full application for this scheme.

Impact on Neighbour Amenities

As this is a proposal for outline, the proposed location of the dwellings (as highlighted in Illustrative Master Plan drawing) are subject to change. That being said, parts of the site are close to existing dwellings such as the East, South and West sections, therefore, impacts on these existing dwellings must be carefully considered and represented should a full application follow this enquiry.

Highway Matters

Current parking standards require dwellings with two or more bedrooms to provide a minimum of two off road parking spaces. It is noted that the site is fairly large and should be capable to providing more than sufficient parking spaces for each dwelling. That being said, any full application should clearly demonstrate that policy compliant parking provision has been provided.

While it is clear that the proposal will utilise the existing approved access to the East, a full application should be accompanied by a Transport Assessment to demonstrate that the access can accommodate the resulting intensification.

Whilst I have not consulted the Highway Authority at this stage, their comments on any potential impacts the proposal may have on highway safety, as a result of the increase in vehicle movements to and from the site would be sought during any forthcoming scheme. You are advised to utilise the pre-app services of Essex Highways prior to submission of a full application.

Flood Risk and Drainage

Local Plan Policies CC1 (Climate Change) and DM23 (Flood Risk and Water Management) state that development will be directed to locations with the least impact on flooding or water resources. Major development proposals required to reduce post development runoff rate back to the greenfield 1 in 1 year rate, with an allowance for climate change. On brownfield sites where this is not achievable, then a minimum betterment of 50% should be demonstrated for all flood events.

The proposed development site is shown to be in a flood zone 1 where the risk of flooding is low however a flood risk assessment must be submitted on full application to meet policy requirements. In addition, the SuDS team will be consulted on any forthcoming application with their comments given weight I considerations. Prior to submission of a full application, it would be beneficial to use the pre-app services of the LLFA for SuDS matters.

Heritage

While there are no Listed Buildings within the site, one does lie to the East just South of the main access point and in terms of its character and setting, there are some concerns with this proposal. Below are the comments provided by the Council's Historic Buildings and Areas Officer who will be consulted again should a full application follow this enquiry:

The application site is situated to the north of Abberton, a parish approximately 4 miles to the south of Colchester. Historically, the settlement was highly dispersed, comprising isolated manors, farms and cottages, often spaced out around the edges of the greens and heaths between Abberton and Langenhoe. The construction of the Abberton Reservoir in the 1930s transformed the landscape character of the area and the post WWII War infilling of The Green at Abberton and the ribbon development along the road to Fingringhoe largely defined the settlement boundary.

The site is located to the west of Mersea Road, north of the settlement. To the east of the site, The Maltings is listed at Grade II (NHLE 1110921) for its special historic and architectural interest and its list description is as follows: "Late C16 house, timber framed and plastered. Two storeys. Red plain tile roof. South gable end is weatherboarded. Gabled extension at south end of front elevation, and C19 red and painted brick lean-to. Remainder has parapet wall and moulded string course. One, 5 window range C18 double hung vertical sliding sashes with glazing bars. Original main chimney stack in red brick. C18, pedimented door case, 3 bays and chimney bay plan. Adjoining stable range, now garages in red brick with red pantile roof."

A group of listed buildings is located to the south of The Maltings, comprising Malting Cottage (NHLE 1337389), Forge Cottage (NHLE 1110920), a "Weatherboarded outbuilding to Forge Cottage" (NHLE 1169941) and The Post House (1169932).

In accordance with paragraph 207 of the NPPF (2024), all heritage assets potentially affected by the proposed development, their significance and the contribution their setting makes to their significance should be assessed in more detail with a Heritage Impact Assessment that will accompany a formal application. The report should also assess the contribution of the application site to their setting and significance, as well as the anticipated impact of the proposed development to this contribution and significance.

It is recommended that study is carried out using the following Historic England guidance documents:

- Historic Environment Good Practice Advice in Planning 2: Managing Significance in Decision-Taking in the Historic Environment (2015).
- Historic Environment Good Practice Advice in Planning Note 3: The Setting of Heritage Assets (Second Edition, 2017).
- Historic England Advice Note 12: Statement of Heritage Significance: Analysing Significance in Heritage Assets (2019).

The application site forms part of the setting of the heritage assets to the east. Of these, The Maltings has the most direct relationship with the site, while Malting Cottage also shares its western boundary. The land use and open aspect of the site that makes a significant contribution to the landscape character of the area that enables the appreciation of these listed buildings within a peri-rural context at the edge of the settlement boundary.

The assessment of the impact on the setting of these heritage assets should not be limited to considerations of invisibility. Historic England's "Historic Environment Good Practice Advice in Planning Note 3 (Second Edition): The Setting of Heritage Assets" notes that "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 we experience an asset in its setting is also influenced by other environmental factors such as noise, dust and vibration from other land uses in the vicinity, and by our understanding of the historic relationship between places."

The guidance document also advises that where the significance of a heritage asset has been compromised in the past by unsympathetic development affecting its setting, consideration still needs to be given to whether additional change will further detract from, or can enhance, the significance of the asset. Negative change could include severing the last link between an asset and its original setting. In this instance, the proposed development would have cumulative effect with the development erected by permission 222355 which would result in fully enclosing The Maltings within development and severing its remaining link to the countryside.

Therefore, as scheme of this scope would alter significantly the character of the area and change the manner in which the nearby heritage assets are experienced. Without prejudice to the conclusions of the Heritage Impact Assessment, it is regarded that the residential development of the site would result in inherent harm to the significance of the nearby heritage assets through the urbanisation of land that forms their setting and provides their context, at present and historically. While the precise intensity of this harm remains to be assessed with the HIA, this impact will be a material consideration for the decision of a formal application, in accordance with the Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act (1990) which requires that the decision to grant planning permission for development which affects a listed building or its setting shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

The National Planning Policy Framework (2024) will be an additional consideration. The Framework instructs that great weight should be given to the conservation of designated heritage assets when considering the impact of a proposed development on their significance; this is irrespective of the level of harm (Paragraph 212). Paragraph 213 states that any harm to, or loss of, the significance of a designated heritage asset (from development within its setting), should require clear and convincing justification. While Paragraph 214 deals with substantial harm, Paragraph 215 instructs that the harm should be weighed against the public benefits of the proposal, where this harm is identified in the spectrum of less than substantial. The Framework also stipulates that the effect of an application on the significance of non-designated heritage assets should be taken into account in determining the application, with a balanced judgement having regard to the scale of any harm or loss and the significance of the heritage asset.

The above legislation and national planning policies are reflected in Colchester Local Plan 2017-2033-Section 2 Policies ENV1 and DM 16. Policy ENV1 sets out that the Local Planning Authority will conserve and enhance Colchester's historic environment. Policy DM16 clarifies that the conservation of the historic environment will also be ensured by preserving and enhancing Listed Buildings and buildings of local importance. The Policy also states that development affecting the historic environment should seek to conserve and enhance the significance of the heritage asset and any features of specific historic, archaeological, architectural or artistic interest. Additionally, the Policy prescribes the same planning balance that is prescribed in the NPPF's Paragraph 215, noting that where development will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.

Public Consultation

With a proposed application of this size outside of the settlement boundary, genuine public consultation is critical. It would be very helpful if this was to occur after the Council's Regulation 18 consultation has concluded. Simultaneous consultations would be very confusing for the public. The consultation should take into consideration the feedback from the public and should react to the public suggestions and concerns. We would expect this to be demonstrated clearly in your statement of community involvement. In our experience communities do not appreciate consultation that does not result in tangible change so please make sure this occurs at an early enough stage to facilitate that.

Other Potential Issues (e.g. Conservation, Arboricultural etc) Including Other Consultee Comments

Environmental Protection

Should full planning permission be applied for Environmental Protection wish to make the following comments:-

ZPD - Limits to Hours of Work

No demolition or construction work shall take outside of the following times;

Weekdays: 08:00-18:00

Saturdays: 08:00-13:00

Sundays and Bank Holidays: No working.

Reason: *To ensure that the construction phase of the development hereby permitted is not detrimental to the amenity of the area and/or nearby residents by reason of undue noise at unreasonable hours.*

ZPE - Limits to Hours of Construction Deliveries/Worker Traffic

No construction deliveries to or from the site, worker vehicle movements, or construction work shall take place outside of the following times;

Weekdays: 08:00-18:00 (worker vehicle movements: 07:30-18:30)

Saturdays: 08:00-13:00 (worker vehicle movements: 07:30-18:30)

Sundays and Bank Holidays: No deliveries or traffic.

Reason: *To ensure that the construction phase of the development hereby permitted is not detrimental to the amenity of the area and/or nearby residents by reason of undue noise at unreasonable hours.*

ZPA – Construction Method Statement

No works shall take place, including any demolition, until a Construction Method Statement has been submitted to and approved, in writing, by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period and shall provide details for:

the parking of vehicles of site operatives and visitors;

hours of deliveries and hours of work;

loading and unloading of plant and materials;

storage of plant and materials used in constructing the development;

the erection and maintenance of security hoarding including decorative displays and

facilities for public viewing, where appropriate;

wheel washing facilities;

measures to control noise and vibration;

measures to control the emission of dust and dirt (for developments above 50 units a specific Dust Management Plan is required);

a scheme for recycling/disposing of waste resulting from demolition and construction works (no waste materials should be burnt on the site);

the appointment of a public liaison person to update residents on the development and deal with complaints, including dust and noise, contact details to be displayed at the site entrance (for developments above 50 units).

Reason: *In order to ensure that the construction takes place in a suitable manner and to ensure that amenities of existing residents are protected as far as reasonable.*

Noise

Prior to construction of the development above ground level, a detailed acoustic assessment and mitigation report, produced by a competent person, which provides

details of the noise exposure at the facade of residential dwellings, internal noise levels in habitable rooms and noise levels in all associated amenity spaces shall be submitted to and approved, in writing, by the Local Planning Authority. Where the internal noise levels exceed those stated in the current version of BS8233 with windows open, enhanced passive ventilation with appropriate sound insulating properties shall be provided to ensure compliance with the current version of BS8233 with windows closed and that maximum internal noise levels at night do not exceed 45dBA on more than 10 occasions a night. Where exposure exceeds the noise levels of 60dBLAeq 16 hours (daytime, 07:00-23:00, outside), 55dBLAeq 8 hours (night, 23:00-07:00, outside) significantly enhanced ventilation will be required, with any reliance upon building envelope insulation with closed windows should be justified in supporting documents that cross reference the mitigation measures used. In addition, noise levels in external amenity spaces shall not exceed 55dBLAeq 16 hours, daytime. The development shall thereafter be carried out in accordance with any details approved, and shall be retained in accordance with these details thereafter.

Reason: To ensure that the development hereby permitted is not detrimental to the amenity of the future residents by reason of undue external noise where there is insufficient information within the submitted application.

ZGR - Light Pollution for Minor Development

Any lighting of the development (including resultant sky glow, light trespass, source intensity and building luminance) shall fully comply with the figures and advice specified in the current ILP Guidance Note For The Reduction of Obtrusive Light for zone E2 RURAL (low district brightness – sparsely inhabited rural areas, village or relatively dark outer suburban locations)

Reason: In order to safeguard the amenity of the surrounding area by preventing the undesirable, disruptive and disturbing effects of light pollution.

EV Charging points

Residential development should provide EV charging point infrastructure to encourage the use of ultra-low emission vehicles at the rate of 1 charging point per unit (for a dwelling with dedicated off road parking) and/or 1 charging point per 10 spaces (where off road parking is unallocated).

Arboricultural Officer

A review of the preliminary enquiry documents, including the PE statement, illustrative layout, the earlier Oxley House landscape scheme, OS base mapping and recent aerial imagery, indicates that the site contains substantial boundary vegetation, internal tree groups and former orchard areas, many of which appear to remain densely vegetated despite historic permissions allowing partial orchard removal. The PE statement confirms historic orchard use and long-established tree belts enclosing the site, with the aerial photography clearly showing mature vegetation on all external boundaries and across internal compartments.

Existing Trees and Hedgerows (from aerials, plans and indicative layout)

- **Western boundary:** A continuous mixed broadleaf belt, likely comprising species such as oak, ash, sycamore, hawthorn and field maple. Density and height suggest mature trees (possibly 12–18m tall) offering high screening and strong ecological corridor value.

- *Northern boundary: A well-established line of trees and hedgerow vegetation forming a mature landscape enclosure. This vegetation appears structurally important and likely contains multi-stem field edge trees of moderate-to-high collective amenity value.*
- *Eastern boundary (towards Mersea Road): Individual trees and garden vegetation associated with adjacent residential properties, contributing to local character and providing intervisibility screening.*

• *Internal vegetation:*

- *Blocks of semi-mature to mature vegetation corresponding with the former orchard and unmanaged regrowth areas.*
- *Scattered trees near Oxley House itself, including ornamental species and possible apple or pear remnants.*

These internal tree groups appear to provide meaningful canopy cover, ecological connectivity and landscape structure within the development parcel.

Likely Significance

Without BS5837 survey data, category grading cannot be confirmed. However, based on canopy structure, maturity and visual function:

- *Boundary belts are likely B-category collectively and may contain A-category individuals.*
- *Internal orchard remnants and secondary woodland are likely a mix of C- and B-category trees.*
- *Screening value is high, with vegetation forming the primary landscape containment described in the applicant's documents.*
- *Ecological value is likely moderate-to-high, given the connectivity between hedgerows, woodland blocks, and wider farmland.*

Likely Constraints

Based on visible canopy spreads and expected root protection areas (RPAs):

- *RPAs will extend significantly into developable areas shown on the concept plan, particularly:*
 - *The north-western residential parcels.*
 - *Road infrastructure and turning heads close to boundary belts.*
 - *The proposed attenuation basin and biodiversity area, which appear to overlap or closely approach existing tree groups.*
 - *Shading constraints are expected along the western and northern boundaries, potentially affecting garden usability and building orientation.*
 - *Any removal of boundary vegetation that forms the site's visual enclosure is likely to have landscape and policy implications (ENV1 and ENV3).*

No BS5837:2012-compliant tree survey, AIA, AMS, TPP or canopy cover assessment has been provided at PE stage. Without these documents:

- *True tree dimensions, conditions, life expectancy and categorisation cannot be assessed.*
- *RPAs, shading arcs and below-ground/above-ground constraints cannot be confirmed.*
- *The feasibility of the layout relative to tree retention cannot be determined.*
- *Potential conflicts between proposed infrastructure, drainage, POS areas, driveways and RPAs cannot be evaluated.*

A meaningful arboricultural assessment is therefore not currently possible, and it cannot be determined whether the indicative layout is compatible with appropriate tree retention and protection.

2.0 Conclusion

The site contains substantial tree cover, both on boundaries and internally, which is likely to be of significant arboricultural, landscape and ecological importance. This vegetation forms a fundamental part of the site's character and contributes heavily to the visual containment relied upon in the PE submission.

However, without BS5837:2012-compliant baseline data, the Local Planning Authority cannot determine:

- *Which trees are suitable/unsuitable for retention.*
- *Whether the indicative layout can be reasonably delivered without unacceptable arboricultural harm.*
- *The extent of RPA conflicts posed by housing, roads, attenuation features and POS.*
- *Whether high-value trees (A or B category) require redesign of the masterplan.*

In accordance with BS5837:2012, NPPF 2024 paragraphs 187–201, and Local Plan Policies DM15, ENV1, ENV3 and CC1 (major schemes), arboricultural information is presently insufficient to provide meaningful advice on layout feasibility or impacts.

3.0 Recommendation

To progress to a planning application, the following must be submitted:

1. *BS5837:2012 Tree Survey of all trees on and adjacent to the site.*
2. *Tree Constraints Plan (TCP) showing RPAs and shading arcs.*
3. *Arboricultural Impact Assessment (AIA) detailing:*
 - *RPA incursions*
 - *Removals and justification*
 - *Special engineering, no-dig requirements*
 - *Utilities and drainage routing impacts*
4. *Tree Protection Plan (TPP).*
5. *Arboricultural Method Statement (AMS) covering sequencing, supervision and protective measures.*
6. *Canopy Cover Assessment (Policy CC1) (as this is a major development of up to 49 units).*

Once this information is provided the Council can offer a definitive arboricultural position on the suitability of the proposed layout.

Archaeological Officer

The footprint of the proposed development is primarily currently woodland, with the areas of open ground at the periphery of the site being earmarked for BNG rather than development. As such, the amount of the proposed development which will be occurring on previously undisturbed ground is relatively minimal. Having examined the relevant HER records and the results of nearby archaeological fieldwork, I conclude that the proposed development will not result in material harm to the significance of below-ground archaeological remains. Therefore, there will be no requirement for any archaeological investigation in this case.

Planning Obligations (based upon the layout options submitted as part of this enquiry):

The following was requested at the Development Team meeting regarding this proposal:
Highway Authority-The planning application should be accompanied by a Transport Statement, the scope of which should be agreed with the Highway Authority as soon as Possible.

Affordable Housing The tenure mix should be no less than 80% affordable rent and no more than 20% affordable homeownership.

A minimum of 12 of the 15 Affordable units to be for Affordable Rent. Which would see an increase of one unit currently proposed to be policy compliant.

An evenly apportioned mix over the bedroom sizes The current need for this area is for three-bedroom family homes. All AR units should be capped at LHA.

The developer should have a Registered Provider engaged from an early state. If the developer does not have a Registered Provider engaged, please provide a copy of the attached RP contact list or put them in touch with CCC enabling officer who can provide relevant contact details.

Requests

5% of the Affordable requested to be wheelchair M4 Cat3 specification

We would request that the affordable housing should meet the enhanced accessibility standard of Part M4 cat 2 (Building Regulations 2015 edition incorporating 2016 amendments for use in England) in lieu of lifetime homes, in accordance with the requirements in Policy DM8 (Local Plan 2022)."

Community Facilities £140,768.67

Projects: Abberton and Langenhoe Village Hall

And/Or/Either

Peldon & Wigborough Village Hall

And/Or/Either

Fingringhoe Village Hall

And/Or/Either

Layer Village Hall

This contribution would go towards the benefit of the community and shall be agreed with the local planning authority. This list is not comprehensive or final and is subject to change once a full application is received.

Parks & Recreation Total: £224,733.60

Offset: £294,450.93

- Open Space: 0.35ha x £506,318 = £179,894.80
- Leap (Recommended) = £97,764.50
- Orchard = £16,791.63

Total Remaining (After Offsets) = £0

Open Space, Orchard & Playground go to Management Group or Parish Council.

Total Maintenance for 25 years:

- 0.35ha x £83,244.55 = £29,576.81
- Leap = £84,024.40
- Orchard = £10,039.79

ECC

Based on total of 49 Units 2+ Bed Houses.

Library contributions would be based on £77.80 per dwelling so a contribution of £3,812.20 may be requested.

Early Years and Child Care Based on 49 Qualifying Units would equate to 4.41 EY&C places @ £19,989.00 per place so a contribution of £88,151.00 + Indexation may be requested.

Primary Education Based on 49 Qualifying Units would equate to 14.70 Primary Places @ £19,989.00 per place so a contribution of £293,838.00 + Indexation may be requested.

Secondary Education Based on 49 Qualifying Units would equate to 9.80 Secondary Places @ £27,492.00 per place so a contribution of £269,422.00 + Indexation may be requested.

RAMS

A financial contribution would be required in line with the Recreational Disturbance Avoidance and Mitigation Strategy (RAMS) for the Essex Coast at £169.45 per new dwelling (as of April 2025) and agreement to this would also feed into the Council AA. It is noted that this contribution is likely to rise in the new year.

Further Information That May Be Required

In addition to statutory requirements, the following would also be required as part of a planning application:

Biodiversity Enhancement Strategy

Biodiversity Net Gain assessment and metric

Contamination Reports

Design and Access Statement

Ecological Appraisal (updated one likely to be required following any changes or length of time passed)

Flood Risk Assessment and Surface Water Drainage Scheme

LVIA (with verified views)

Noise Assessment

Odour Assessment

Water Cycle Assessment (regarding Foul water outputs and capacity).

Planning Statement

Transport Statement

Tree Canopy Cover Assessment

Tree Survey and Arboricultural Impact Assessment (including Tree Protection Plan)

The Planning Officers Advice

It is my opinion that there is potential for a scheme of new dwellings on this site however, there are issues and matters for further investigation outlined above. In addition, you are strongly advised to bring this site forward as part of the Reg 18 consultation plan demonstrating your justification for the proposed site allocation.

I must point out that this is the advice of the case officer as well as senior members of the Planning Team and internal consultees however, should a planning application be submitted, the views of any consultees, including neighbours, will be considered during the determination process. These comments therefore do not prejudice the formal consideration of this matter.

I hope that the above is useful to you. Should you wish to refer to any of the policies or documents mentioned then these can be accessed via our website at www.colchester.gov.uk

Yours sincerely

Mr Daniel Cooper

Mr Daniel Cooper
Senior Planning Officer

PLEASE NOTE: The opinions expressed herein are not binding on Colchester City Council although being provided by a professional Officer with relevant expertise within the Development Management Team. The opinion provided above is based exclusively on the information that has been provided to the author at the time of writing unless otherwise stated above. Thus, any views expressed should not be interpreted as fact, nor should they be passed on to third parties on such a basis. All communications are meant for the intended recipients only. Please check that there is no private and confidential information enclosed and seek the author's permission before sharing this communication with others where there is any doubt.

Textphone users dial 18001 followed by the full number that you wish to call.

SLAA comparison table

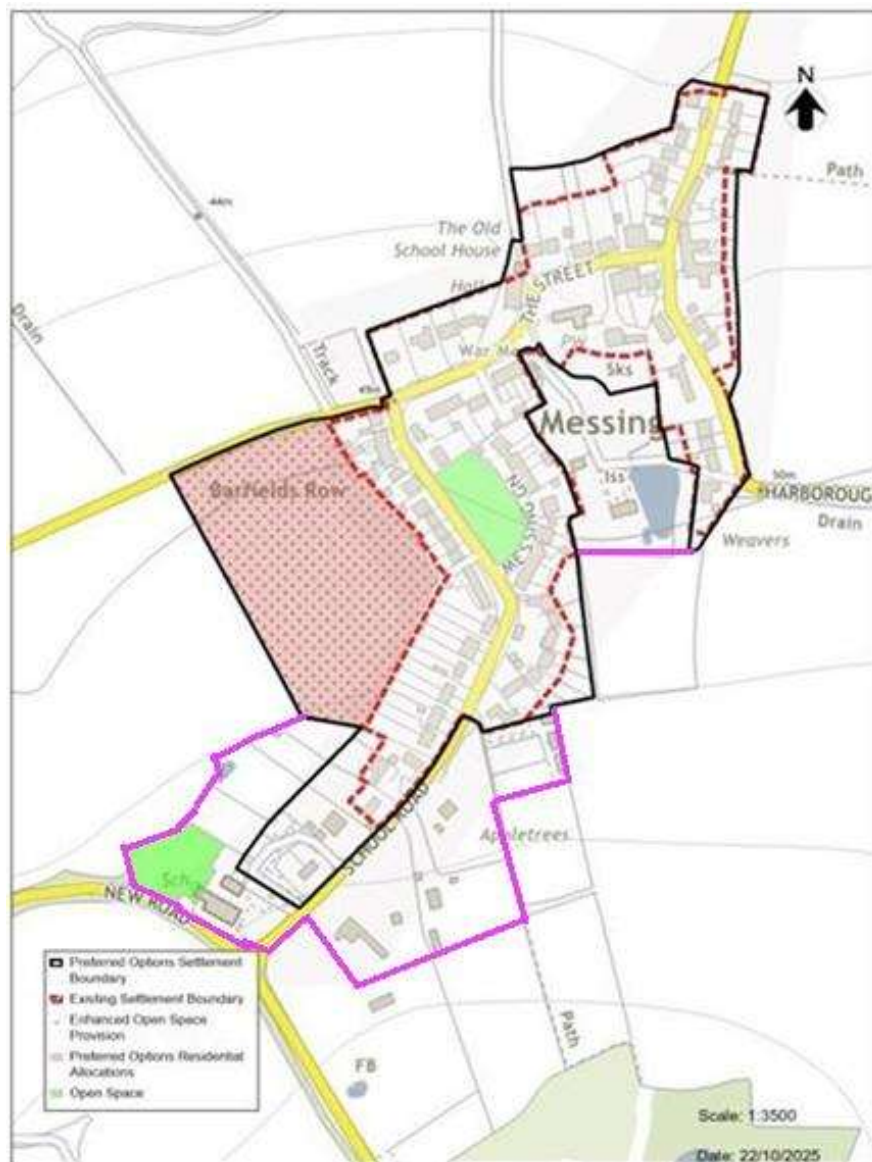
Question in SLAA	Land at Oxley House	View Park
Is the site within or adjacent to the existing settlement boundary?	Amber – adjacent to or within close proximity an existing settlement boundary	Amber – adjacent to or within close proximity an existing settlement boundary
Would development of the site lead to coalescence between settlements?	Green – no contribution to coalescence	Green – no contribution to coalescence
What is the main access point/s to the site? Is the access safe and suitable? Are there any highway constraints?	Amber – some constraints identified but not significant enough to affect the site's deliverability	Amber – some constraints identified but not significant enough to affect the site's deliverability
Is there any evidence that it would not be possible to deliver the necessary utilities?	Green – no known issues with utility provision	Green – no known issues with utility provision
Are there any issues that would prevent/limit the developable area of the site?	Amber – some site specific issues which could be addressed	Green – no known site specific issues or evidence has been provided which demonstrates that site constraints can be adequately addressed
Is the site brownfield or greenfield?	Red – greenfield (approx. 75% plus)	Red – greenfield (approx. 75% plus)
What is the agricultural land classification?	Amber – Grades 3b (50% or more) or a mix of categories	Red – Grades 1, 2 and/or 3a (50% or more)
Impact of neighbouring uses	Green – there are no neighbouring use issues	Green – there are no neighbouring use issues
Is the site partially located within any of the following designations? Area of Outstanding Natural Beauty (AONB), Site of Special Scientific Interest (SSSI), Special Area of Conservation (SAC), Special Protection Area (SPA), Ancient Woodlands, RAMSAR	Green – site is not located within any designations listed.	Green – site is not located within any designations listed.
Is the site located within any of the following local designations? Local Wildlife Site (LoWS), Local Nature Reserve (LNR), Coastal Protection Belt	Red – more than 50% of the site is located within a designation.	Red – more than 50% of the site is located within a designation.
Could development of the site enhance or create green	Red – no, there are no opportunities to enhance	Amber – possibility of opportunities to enhance

infrastructure e.g Open Space, Park, Sport and/or recreation grounds, Country Park, Allotments?	or create green infrastructure.	or create green infrastructure.
Would development of the site be likely to cause harm to any archaeological or heritage assets or their setting? Grade 1, Grade 2, Grade 2* Listed Building, Scheduled Ancient Monument (SAM), Registered Parks and Gardens, Conservation Areas, Locally Listed Heritage Asset, archaeological assets	Amber – there is a possibility of harm arising from new development.	Green – no potential harm.
Would development of the site result in the loss of, or partial loss of, public open space, a Public Right of Way (PRoW), or a bridleway?	Green – development would not result in the loss of public open space, public right of way or a bridleway.	Green – development would not result in the loss of public open space, public right of way or a bridleway.
What flood zone is the site located in?	Green – Site is wholly located in Flood Zone 1	Green – Site is wholly located in Flood Zone 1
Is the site within a Critical Drainage Area?	Green – site is not located within a Critical Drainage Area	Green – site is not located within a Critical Drainage Area
Has the site been submitted for development through the Call for Sites for the Local Plan Review?	Green – Yes, the site has been submitted through the Call for Sites for the Local Plan Review by a site owner or developer.	Green – Yes, the site has been submitted through the Call for Sites for the Local Plan Review by a site owner or developer.
What is the site ownership situation?	Amber – site owned by 2 or more different parties	Green – Single ownership
Is the land owner open to working in partnership and bringing the site forward in combination with others to enable a comprehensive approach to development?	Green – Yes, the land owner is willing to work in partnership to bring the site forward in combination with others.	Amber – unknown
Is the site currently in use and is it likely to continue to be used for the foreseeable future / would that use prevent development on the site from coming forward?	Green – site is vacant or its current use can cease at short notice.	Green – site is vacant or its current use can cease at short notice.
Does the site have a history of unimplemented permissions?	Green – No unimplemented permissions	Green – No unimplemented permissions
Is development of the site in line with existing policies requiring a	Green – development is likely viable.	Green – development is likely viable.

contribution, i.e., affordable housing, is development of the site economically viable? Are there any factors which could limit its viability.		
Does the development of, or access to, the site rely on another piece of land, and has that land been put forward for development?	Green the site does not rely on another piece of land.	Green the site does not rely on another piece of land.
Is the site within a Minerals Safeguarding Area and/or Minerals and Waste Consultation Area?	Amber – Site is within a Minerals Consultation Area and/or a Waste Consultation Area.	Green – Not within a Minerals Safeguarding Area, Minerals Consultation Area or Waste Consultation Area
Is the land currently protected for an alternative use within the Colchester Local Plan or a Neighbourhood Plan?	Green – the site is not protected for any alternative use.	Green – the site is not protected for any alternative use.
Is the site contaminated or partially contaminated?	Amber – there is possibility of contamination, but it can be remediated without affecting development viability.	Amber – there is possibility of contamination, but it can be remediated without affecting development viability.

Messing Village Settlement Boundary

Reg 18 Representations on behalf of Mr & Mrs Sutton



Revision	Purpose	Originated	Date
A	Representation for client	BDB	12.1.26
Job number: 50961-008		 STANFORDS ESTABLISHED 1879	

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Summary of representation and requested change

This representation is submitted on behalf of Mr & Mrs Sutton who reside in the village of Messing. We request that the Council:

1. Amends the proposed settlement boundary to include all the built form areas that are experienced as being part of the village.
2. Revises *Policy ST4: Development in the Countryside* to ensure the Plan is justified and effective by creating defensible settlement boundaries and a clear assessment as to whether a site is to be read as open countryside or as part of the adjacent settlement.

Messing - village context

The village of Messing is identified in the Council's settlement hierarchy as a small settlement, approximately 1.2km north of Tiptree and 6.9km south-west of Colchester. The village is modest with a population of around 300. Well maintained public rights of way lead from the village through to Tiptree.

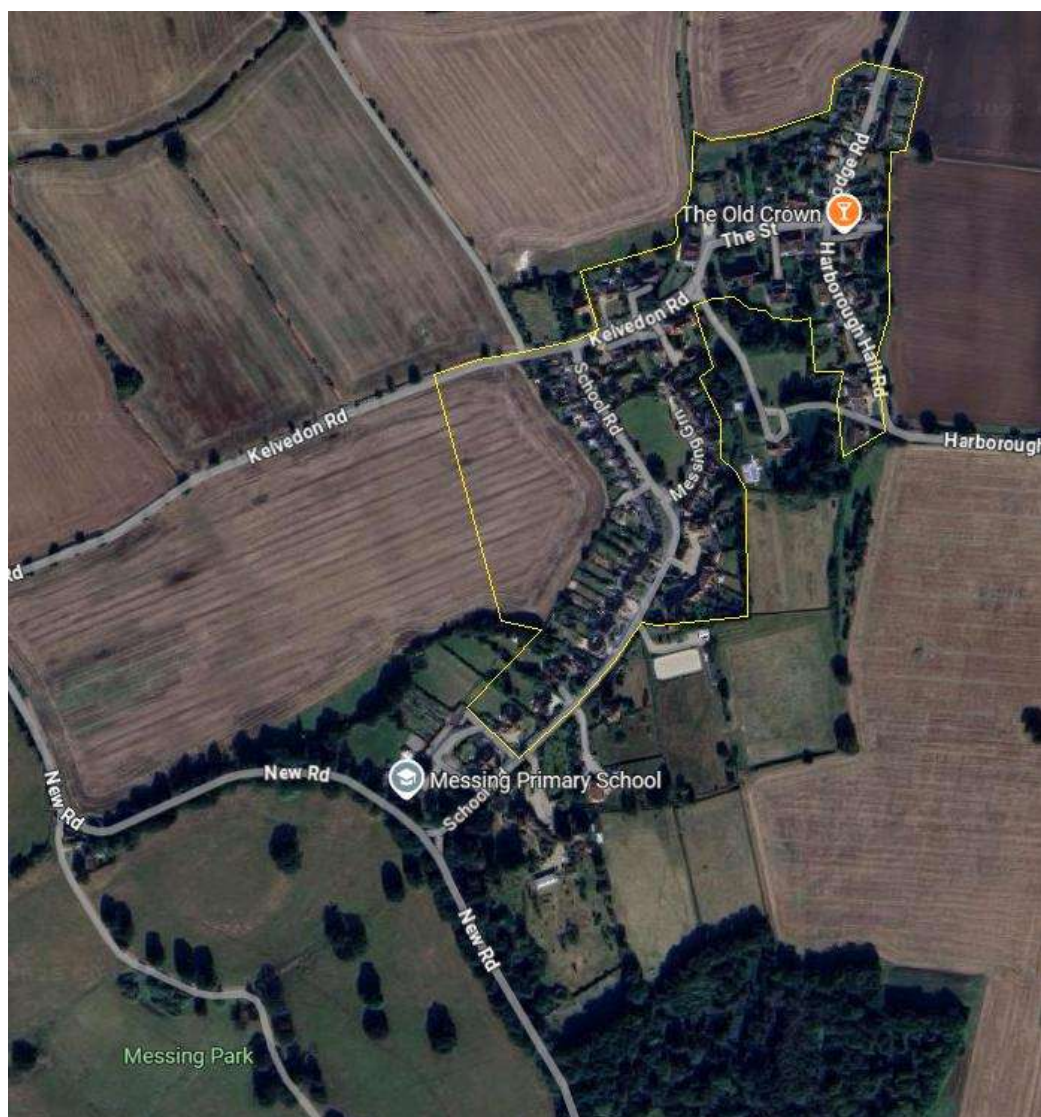
Messing has a primary school, village hall, church, pub, playing fields and allotments as well as a bus link which is why Colchester City Council has identified the village as a small settlement rather than a hamlet.

The built form is predominantly residential dwellings that historically have been focused as ribbon development that follows the curves of the roads School Road, Kelvedon Road, The Street, Lodge Road and Harborough Road. More recent development have created cul-de-sac roads that offshoot from School Road.

The northern end of the village hosts the most amount of facilities and is closer knit, enclosing the listed building of Bouchiers Hall that dates back to the 15th Century. To

the south of the village lies the primary school which sits on a T-junction and acts as a gateway into the village from New Road.

The image below is taken from Google Earth with the proposed settlement boundary provided in yellow. This image demonstrates how the village of Messing is surrounded by expansive agricultural fields and Messing Park and that parts of the village that would clearly be understood as being part of that settlement are being excluded from the boundary.



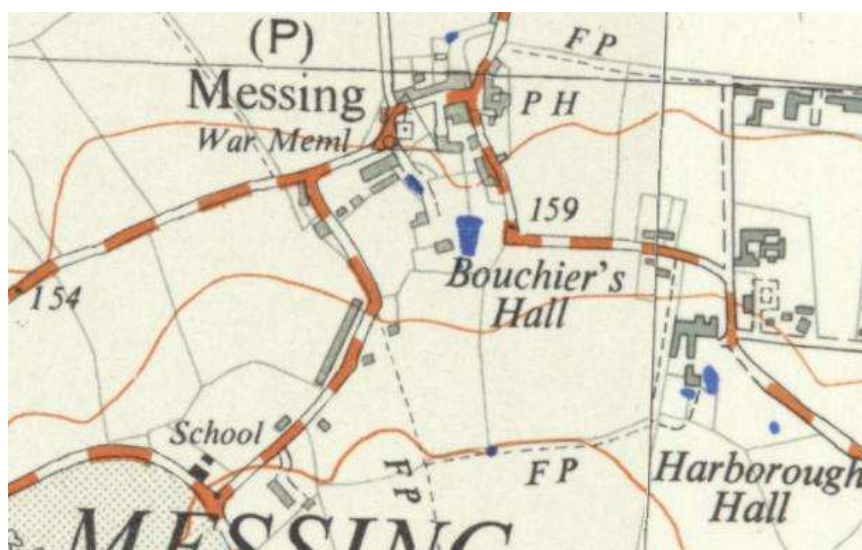
The historic maps below show how the village has built up over time through ribbon development and around the listed building Bouchiers Hall.



OS Six Inch Map 1830-1880



OS One Inch Map 1885-1890



OS 1:125000 1937-61

How expanding Messing's boundaries aligns with the Council's Vision and approach

The Council's Vision for the Local Plan is to embrace growth in a way that improves quality of life, creates a better environment, and supports healthy lifestyles and well-connected green networks, while also preserving Colchester's identity and valuing what is unique about Colchester – including the rural communities and villages that surround the city.

A modest adjustment to include the school and the established, visually connected dwellings on School Road aligns with that Vision and the Plan's approach in several direct ways.

Firstly, The Vision includes improving existing facilities and sustainable infrastructure including "roads and schools," and creating communities that reduce the need to travel (particularly by car) for daily needs. Ringing the school and the immediately related built form within the boundary better reflects that they are part of the village's day-to-day "walkable" community.

Secondly, Policy ST4 recognises settlement boundaries as an essential tool to protect rural character, and defines land outside boundaries as countryside. A boundary that excludes obviously connected built form weakens the credibility of that distinction. A boundary that is drawn tightly *around* the built form (and not across open fields) is more defensible and better supports countryside protection.

Thirdly, the Council's evidence recognises that allocating an appropriate level of growth in settlements (including smaller settlements) can help support the long-term viability of services and facilities. Ensuring the settlement boundary reflects the true extent of the village's built-up area complements that objective.

Why Messing settlement boundary should be extended

The Settlement Evidence (Stage 2) sets out specific principles for settlement boundary reviews, including that:

- School buildings that are effectively enclosed by built development should be included; and
- Where schools are on the edge of the settlement and the buildings adjoin the main built-up part of the village, those buildings should be included (with playing fields generally excluded where they extend beyond).

On that basis, excluding the Messing school (and the immediately connected built form) is difficult to reconcile with the Council's own methodology, particularly where the school and nearby dwellings relate physically and functionally to the village.

Policy ST4 states that where residential proposals are outside defined settlement boundaries, consideration should be given to the physical and functional connection to the defined settlement "in the first instance."

That same logic should inform where the boundary is drawn: the school and the homes on the south-eastern side of School Road are *not* functionally or physically separate from Messing; they are part of it. Treating them as countryside is an artificial classification that does not reflect how the village works.

The purpose of settlement boundaries is not to exclude development *for its own sake*, but to prevent sprawl and protect rural character by drawing a clear, defensible line. small extension to include the school and the established built form:

- would be contained to existing development (not "projecting" into open countryside);
- would create a more logical and legible edge to the settlement; and
- would avoid the current anomaly where long-established village properties are treated as countryside despite being part of the village's built-up character.

The image below, taken from Google Street View, shows the junction of School Road with New Road looking towards the village. As it currently stands, despite how this is experienced as the entrance to the village with the Red House being on the right and



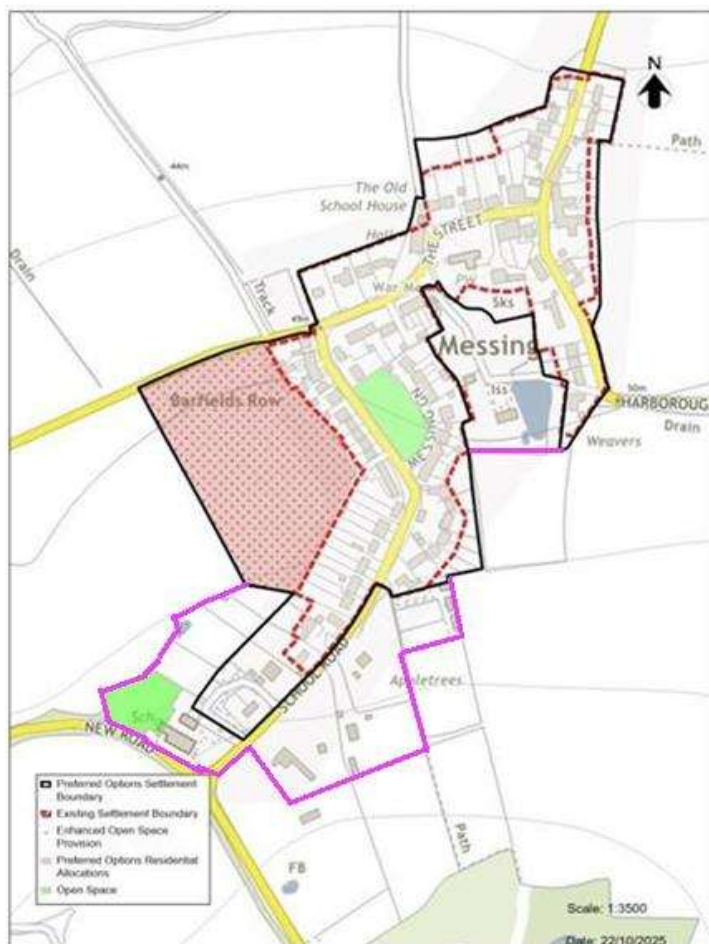
the primary school on the left, the settlement boundary is not visible at this location.

The images below demonstrate how one side of the road is marked as being within the settlement boundary yet the other side is not despite both being clearly residential and read as being part of the same village; without using the settlement boundary map it would not be possible to work out which side is which.



In practice, how a village is read and experienced on the ground matters to whether a boundary is coherent and “defensible”. In Messing, the school and the dwellings on the south-eastern side of School Road are physically and functionally experienced as part of the village. They are part of the built form and daily patterns of movement (walking, school drop-off, visiting neighbours, etc.), and they relate directly to the main built-up area rather than representing sporadic or isolated countryside development.

Excluding this built form produces an illogical and inconsistent edge to the settlement: it draws the boundary in a way that does not reflect the village as it exists, and it results in established homes (including older properties) being treated as “countryside” despite their obvious relationship to the village. Below is the extract from the Settlement Boundary Evidence Part Two which shows Messing with the existing Settlement Boundary in red-dash and the proposed boundary in black. Overlaid in purple, is the line for the settlement boundary that is being sought under these reps.



Conclusion

We support the Council's approach of using settlement boundaries to protect countryside character and direct growth to the most appropriate locations. However, in Messing the current proposed boundary excludes built form that is clearly experienced as part of the village, specifically the school and the established dwellings on the south-eastern side of School Road, resulting in an illogical and less defensible settlement edge.

We therefore request that the Council extends the Messing settlement boundary to include:

- the school buildings (with any associated open land treated consistently with the Council's principles), and
- the cluster/row of dwellings on the south-eastern side of School Road that are physically and functionally part of the village.

This change would align with the Council's own settlement boundary review principles for schools, improve the defensibility and legibility of the boundary, and support the Local Plan's Vision for sustainable, inclusive communities while maintaining robust protection of the surrounding countryside.



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Colchester City Council Preferred Options Local Plan Regulation 18 Consultation 2025

Draft Planning Policy Comments For and on Behalf of Stanfords Colchester LLP

Section: 3

Policy ST1: Health and Wellbeing

While we support the principle that planning should consider health and wellbeing, the specific requirement in ST1 that:

“A Health Impact Assessment will be required for all residential development in excess of 50 units ... in order to demonstrate that the development would have an acceptable impact on health and wellbeing” is unfairly onerous, duplicative and unjustified.

1. Disproportionate and paperwork-heavy: Requiring a standalone Health Impact Assessment for every scheme above 50 dwellings risks becoming another piece of “tick-box” paperwork, rather than a meaningful planning tool. For most schemes at, or only modestly above, these thresholds:
 - The health and wellbeing implications are already captured within Planning Statements and Design and Access Statements, through consideration of access to services, open space, active travel, noise and other existing requirements.
 - Any specific localised issues (e.g. air quality, contamination, noise) are dealt with via the existing suite of technical reports.

ST1 does not explain why these existing mechanisms are insufficient, nor why a further, separate document is needed on top of them. This is directly at odds with national policy guidance that information requirements should be kept to the minimum necessary and be proportionate to the nature and scale of development.

2. No clear “marker” for acceptable impact: The policy requires that an HIA must “demonstrate that the development would have an acceptable impact on health

and wellbeing” and must set out how positive health benefits will be maximised and negative impacts avoided or mitigated. However, ST1:

- Provides no clear marker or benchmark as to what constitutes an “acceptable” health impact;
- Does not identify which methodology or assessment framework is to be used; and
- Offers no guidance on how the findings of an HIA would be weighed against other planning considerations, particularly on allocated sites where the principle of development is already established.

Without clear criteria, there is a real risk that HIA becomes a highly subjective exercise, producing lengthy narrative documents whose conclusions are difficult to challenge but add little to the robustness of decision-making. This undermines the effectiveness of the policy, as applicants cannot know in advance what is required to pass the “acceptable impact” test.

3. Risk of delay and double-counting on allocated sites: For allocated sites, including PP44 and its western parcel, many of the health-related issues are already picked up through:
- The spatial strategy and settlement hierarchy;
 - Policies on open space, green networks, walking/cycling, design, climate and pollution; and
 - The detailed site allocation criteria.

To then impose a mandatory HIA threshold risks double-counting the same issues and introducing another potential reason to delay determination or request further iterations of a document, without any clear added value. This sits uneasily with the plan’s reliance on allocations to deliver housing in a timely manner and risks making the plan ineffective in practice.

To be justified and proportionate, we request that ST1 is amended to:

- Limit mandatory HIAs to strategic-scale development where there is clear potential for significant health impacts (e.g. new settlements, major urban extensions), not all schemes above 50 units / 1,000sqm; and/or
- Recast the requirement so that: “Health and wellbeing considerations should be addressed in proportion to the scale and nature of the proposal, typically

within the Planning Statement and/or Design and Access Statement. A separate Health Impact Assessment will only be required where the development is of a strategic scale or where the Council can demonstrate that significant health impacts are likely and that an HIA is necessary to assess them.”; and

- Provide supporting text that clearly sets out:
 - The circumstances in which an HIA will be requested;
 - The methodology or framework to be used; and
 - How its conclusions will be taken into account alongside other material considerations.

Without these changes, ST1 introduces an additional, loosely defined document requirement that is likely to increase cost and delay for applicants, without clear evidence that it will improve outcomes over and above what is already achieved through existing policies, planning statements and design documents.



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Section: 3

Policy ST2: Environment and the Green Network and Waterways

We support the objective of securing an integrated green network, with open space, SuDS and biodiversity designed as a coordinated system rather than in isolation. That outcome is already routinely achieved on major schemes through a combination of landscape strategies, ecology/BNG reports, SuDS strategies and Design and Access Statements.

However, the draft policy appears to assume that a separate “Green Network and Waterways Plan” will always be required for all major residential developments. For many sites, particularly smaller or less complex major schemes, this is unnecessary duplication which risks creating a tick-box exercise, adding cost and delay without improving environmental outcomes.

To be justified and effective, we consider ST2 should:

- Make clear that any requirement for a stand-alone Green Network and Waterways Plan will be applied proportionately, having regard to site scale and complexity; and
- Confirm that, where equivalent information is already provided in existing drawings and reports (landscape, ecology/BNG, SuDS, DAS etc.), a separate plan will not be required.



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Section: 3

Policy ST3: Spatial Strategy

1. Growth in All Villages

Policy ST3 currently limits growth to large, medium, and 'some' small settlements. We believe this approach risks undermining the long-term viability of smaller communities. All villages should be allowed a proportionate level of growth to:

- Sustain local services and facilities;
- Support natural demographic changes; and
- Maintain social and economic resilience.

Restricting growth to selected villages could lead to service decline and increased reliance on larger settlements, contrary to the principles of sustainable development.

2. Settlement Boundaries

The policy appears to treat settlement boundaries as rigid cut-off points for development. While boundaries are useful for guiding growth, they should not act as absolute limits. Flexibility is essential to allow logical extensions where:

- Infrastructure capacity exists; and
- Development respects local character and environmental constraints.

This approach would better reflect natural growth patterns and avoid artificial constraints on community evolution.

3. Recognition of Natural Growth Patterns

Communities evolve organically, and planning should accommodate this. Incremental growth across all settlements rather than concentrating development

in urban areas and strategic sites will help maintain balanced growth and reduce pressure on infrastructure in larger locations.

4. Balancing Protection and Growth

We agree with the need to protect sensitive landscapes and heritage. However, this should not preclude modest, well-designed growth in rural areas. A nuanced approach where environmental sensitivity informs scale and design rather than outright exclusion will better balance conservation with community viability.

5. Inclusion of the B1025 as a Key Transport Corridor

The draft Policy ST3 fails to identify the B1025 as a key transport corridor, despite its undeniable role as the primary arterial route connecting Mersea Island and South Colchester to the city centre. This omission overlooks the strategic importance of the B1025 in facilitating access to services, employment, and leisure opportunities for communities in the southern part of the city. The corridor provides a direct link to the urban core, supporting economic activity and tourism, and its function as a critical connector should be recognised alongside other major routes. Excluding the B1025 from the spatial strategy risks underestimating the infrastructure capacity and growth potential of South Colchester, which is essential for balanced development across the wider area.

Summary of Recommendations

- Allow proportionate growth in all villages to sustain services and reflect natural growth patterns;
- Treat settlement boundaries as flexible guides, not rigid barriers;
- Retain the hierarchy concept but rename categories for clarity and strategic emphasis;
- Include the B1025 as a key transport corridor; and
- Ensure environmental protection is balanced with the need for inclusive, sustainable growth.



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Section: 3

Policy ST4: Development in the Countryside

Policy ST4 seeks to manage development in the countryside by prioritising the protection of rural character, valued landscapes, and settlement identity. It states that “where residential proposals are located outside defined settlement boundaries, there should be consideration of the physical and functional connection to the defined settlement in the first instance.” This principle is supported as it promotes logical extensions and avoids isolated development.

Issues identified:

1. Restrictive Settlement Boundaries and Rural Growth

While the policy aims to prevent encroachment into the countryside, rigid settlement boundaries risk constraining the relative growth of rural communities. Development in rural areas can deliver significant benefits, including sustaining local services, supporting rural economies, and providing housing for younger populations. Overly restrictive boundaries may lead to stagnation and undermine the vitality of smaller settlements.

2. Lack of Definition for “Sustainable Rural Business”

The policy supports sustainable rural businesses but does not define what constitutes “sustainable” in this context. This creates uncertainty for applicants and decision-makers, potentially leading to inconsistent interpretations. Clear criteria would assist in preparing robust planning submissions and ensure alignment with environmental, social, and economic objectives.

3. Transport and Connectivity Considerations

The policy correctly emphasises physical and functional connections to settlements for residential proposals outside boundaries. However, in line with the NPPF, it should acknowledge that sustainable modes of transport are not as readily available in rural locations. While promoting active travel and shared transport initiatives is important, policies should adopt a pragmatic stance recognising higher car dependency in these areas, while encouraging measures such as improved digital connectivity to reduce the need to travel.

Recommendations for Improvement:

- **Introduce flexibility for rural growth**

Amend the policy to allow proportionate development that supports the vitality and sustainability of rural communities, particularly where it addresses local housing and employment needs.

- **Define “Sustainable Rural Business”**

Provide clear criteria, such as:

- Environmental performance (energy efficiency, low-carbon operations).
- Contribution to local employment and community resilience.
- Compatibility with rural character and landscape.

- **Acknowledge transport limitations**

Include wording that recognises the practical challenges of delivering sustainable transport in rural areas, while encouraging innovative solutions such as community transport schemes, active travel routes, and digital infrastructure improvements.



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Section: 4

Policy EN2: Biodiversity Net Gain (BNG)

We support the principle of delivering biodiversity net gain (BNG) in line with legislation however, the wording of this policy risks undermining the legislation, causing confusion and potentially being over-prescriptive.

The opening requirement that “All development proposals must deliver a minimum of 10% biodiversity net gain (BNG) in accordance with legislation...” is problematic for two reasons:

Conflict with the statutory exemption framework

BNG legislation expressly provides for specific exemptions (and possible further exemptions with the upcoming changes), yet this policy asserts that *all* development proposals must deliver 10% BNG.

The phrase “in accordance with legislation” implicitly acknowledges that some forms of development will be excepted, but the unqualified “all development proposals” wording is inconsistent and could cause confusion.

If the intention is simply to restate the legal position, then the policy should say so clearly and not attempt to extend BNG duties to development types that are not caught by the legislation.

Unnecessary duplication of legislation

Stating that development “must deliver a minimum of 10% BNG in accordance with legislation” adds little beyond what the statutory regime already requires. Local plans

do not need to repeat primary legislation; they should add locally specific clarity, not simply restate legal obligations.

If this policy is intended merely to point to the legal requirement, it is questionable whether it is needed at all in its current form. Its real purpose appears to be the treatment of offsite BNG and “preferred sites”, and that is where the policy should focus.

The second paragraph states that:

“All opportunities must be taken to maximise the delivery of onsite BNG. Alternative measures... should only be considered appropriate where it can be demonstrated that the required level of BNG cannot be achieved within the site.”

While encouraging on-site BNG is sensible, this wording is overly rigid as it suggests that *every* theoretical “opportunity” must be exploited, regardless of design, heritage, amenity or viability constraints. In practice, BNG must be balanced with other policy objectives; landscape character, coalescence, heritage settings, tree constraints, SuDS, open space and delivery of housing on allocated sites.

The statutory BNG framework already provides a clear hierarchy (avoidance, on-site, then off-site), and the Metric ensures that habitat choices are ecologist-led. Imposing an extra local test that “all opportunities” must be taken risks creating a higher local bar that may be difficult to interpret and apply consistently, particularly on constrained sites such as PP44.

The most problematic part of the policy is the treatment of offsite BNG and “strategic significance”:

“The sites listed in this policy and shown on the policies maps are the Council's preferred offsite BNG sites... Where offsite BNG units are required... the Council recommends that applicants purchase units from the following strategic offsite BNG sites...”

...

“Only the LNRS strategic opportunities and the BNG sites listed in this policy can be assigned a score of ‘high’ in the strategic significance category in the Biodiversity Metric.”

This approach raises several serious concerns:

Market restriction and value for money

By effectively channelling developers towards a short list of Council-preferred offsite providers, and preventing any other offsite location from being treated as “high” strategic significance, the policy risks distorting the emerging BNG market.

There is no guarantee that these sites will always offer value for money, sufficient capacity, or habitat types that best address the ecological impacts of particular developments (for example, sites on the western edge of Colchester being pushed to purchase units many miles away).

Applicants may be forced into buying units from a narrow set of suppliers at whatever price is offered, rather than being allowed to identify and deliver equally or more beneficial offsite schemes (e.g. on their own landholdings or nearer to the impacted site).

Conflict with the Biodiversity Metric framework

The statutory Metric allows strategic significance to be assessed based on alignment with local strategies, notably the Local Nature Recovery Strategy (LNRS), but does not limit “high” significance exclusively to a handful of named sites.

Restricting “high” strategic significance to the LNRS opportunity maps plus four specific Council-chosen sites creates a closed list which may not reflect future ecological priorities or opportunities. New, genuinely high-value sites could emerge during the plan period but would be artificially limited to a “medium” score under this wording, regardless of their real strategic importance.

Lack of flexibility and local ecological judgement

BNG is intended to be ecologist-led, allowing habitat creation and enhancement to follow the evidence of what is most beneficial in a given context. A rigid policy that pre-determines which offsite locations are “strategic” restricts professional judgement and local innovation. For some schemes, there may be scope to deliver locally significant offsite enhancements close to the community.

Effectiveness and deliverability

The policy assumes that the listed offsite sites will always be available, deliverable and sufficient to meet demand over the whole plan period. There is no evidence that their capacity, long-term management and pricing have been robustly tested against the Council's projected BNG requirement. If these sites become capacity-limited or uneconomic, the restriction on high strategic significance elsewhere could undermine the ability of applicants to achieve compliant BNG outcomes within a reasonable cost envelope, threatening scheme viability and delivery.

Requested modifications

To make this policy justified, effective and consistent with the statutory BNG framework, we request that the Council:

Align the scope with legislation

Replace "all development proposals" with wording that clearly reflects the legislative scope and exemptions and confirm in supporting text that exempt development types will not be required to provide 10% BNG via this policy.

Focus on principle, not duplication

Rewrite the first part of the policy to reference and support the statutory BNG framework.

Soften the "all opportunities" wording

Amend the second paragraph to ensure BNG is balanced with other legitimate considerations (design, heritage, coalescence, viability).

Reframe the role of preferred offsite sites

Redraft the offsite section to identify the named sites as examples of strategic opportunities rather than an exclusive list; and allow other offsite locations to achieve a "high" strategic significance score where they demonstrably align with the LNRS or other robust ecological evidence.

Without these changes, the policy risks:

- Extending BNG obligations beyond the scope of national legislation;
- Over-constraining the emerging BNG market; and

- Making it harder, rather than easier, for developments to achieve compliant, ecologist-led BNG in a proportionate and deliverable way.



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**Colchester City Council Preferred Options Local Plan
Regulation 18 Consultation 2025**

Draft Planning Policy Comments For and on Behalf of Stanfords Colchester LLP

Section: EN5

Policy EN5: New and Existing Trees

We support the principle of protecting existing trees and securing appropriate new planting. However, EN5 cannot be considered in isolation from the separate policy requiring an increase in tree canopy cover (GN4). As drafted, the two policies appear to impose overlapping and potentially cumulative requirements; EN5 seeks an increase in the number of trees and robust protection/mitigation for existing trees while GN4 requires a quantified increase in tree canopy cover.

Requiring both a numeric increase in trees and a separate percentage increase in canopy cover risks double-counting the same objective and could become unduly onerous, particularly on modest allocated sites such as the western parcel of PP44 where other constraints (coalescence, heritage, density) must also be balanced. If the Council is minded to retain a specific canopy requirement, then EN5 and GN4 should be integrated or rationalised, so that applicants are not faced with two separate tree/cover tests which may in practice conflict with each other.

We welcome the recognition in EN5 that the visual and environmental impacts of trees will be assessed “upon maturity” rather than at the point of planting. This is a realistic acknowledgement of how trees function in townscape and landscape terms, and avoids putting undue weight on the immediate, short-term appearance of new planting.

We also support the explicit recognition that the removal of trees can be acceptable where appropriate replacement planting is secured. This reflects the practical reality that some removals are necessary to facilitate development or address safety/condition issues, and that the planning system should focus on the overall, long-term tree resource.

To make EN5 justified and effective, we therefore request that:

1. The policy and supporting text are read and applied together with GN4, and ideally combined, so that applicants are subject to a single, coherent set of requirements on trees and canopy, rather than overlapping obligations; and
2. It is made clear that compliance will be judged on the overall arboricultural and canopy outcome, taking into account necessary removals, new planting and the canopy at maturity, rather than on separate numerical tests for both tree numbers and canopy percentage.



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Colchester City Council Preferred Options Local Plan Regulation 18 Consultation 2025

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Section: 4

Policy EN6: Conserving and Enhancing the Historic Environment

1. Proportionality and Practicality

The requirement for all proposals within Conservation Areas to engage with local communities is disproportionate, particularly for householder applications. The National Planning Policy Framework (NPPF, Paragraph 40) encourages early engagement for significant proposals but does not mandate it for minor works. Imposing this requirement universally creates unnecessary delays and costs for applicants and goes beyond national policy, which advocates a proportionate approach.

Recommendation: Limit mandatory engagement to major or complex proposals with significant heritage impact, aligning with NPPF guidance on proportionality.

2. Lack of Heritage Expertise in Community Consultation

Historic England's guidance on Statements of Heritage Significance emphasises that significance should be assessed by qualified professionals, not through informal consultation. Community members can lack technical heritage knowledge, which can lead to unproductive or misinformed feedback and increased administrative burden without tangible benefits.

Recommendation: Community engagement should focus on design quality and amenity issues, while heritage significance remains the responsibility of professionals using evidence-based assessments.

3. Risk of Overcomplication and Delay

Mandating engagement for all proposals could slow down decision-making and increase costs for applicants. This approach is inconsistent with NPPF Paragraph

195, which requires local planning authorities to weigh harm against public benefits not to require universal consultation.

Recommendation: Introduce a tiered approach, mandatory engagement for major schemes or those involving demolition or substantial alteration, and optional engagement for minor works.

4. Alignment with National Policy and Best Practice

The NPPF (Section 16) and Historic England advocate understanding significance through proportionate assessment and balancing heritage protection with sustainable development. Policy EN6 should reflect these principles by supporting heritage-led regeneration, avoiding unnecessary procedural burdens, and promoting collaboration without making it a blanket requirement.

Summary of Recommendations

- Apply the engagement requirement only to major or complex proposals, not routine householder applications.
- Ensure heritage significance is assessed by qualified professionals, not solely through community input.
- Adopt a tiered engagement approach to avoid unnecessary delays and costs.
- Align with NPPF and Historic England guidance by emphasising proportionality and evidence-based decision-making.



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Section: 4

Policy EN8: Flood Risk and Sustainable Drainage Systems (SuDS)

To be justified and effective, EN8 should:

- Make clear that winter groundwater monitoring will only be required where initial evidence indicates a realistic risk that groundwater will constrain SuDS; and
- Confirm that, for lower-risk allocated sites, an FRA and SuDS strategy proportionate to the scale and risk profile of the development will satisfy the policy.

Without such clarification, EN8 risks adding unnecessary cost and delay to allocated housing sites, contrary to the plan's housing delivery objectives.



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Section: 5

Policy GN1: Open Space and Green Network and Waterways Principles

GN1 introduces multiple layers of requirement, specific open space typologies, connection standards and references to the Green Network and Waterways Guiding Principles, which risk being applied in a rigid, one-size-fits-all manner. For modest allocated schemes, open space should be calibrated to the site's character, coalescence and heritage considerations; for PP44 in particular, coalescence and settlement edge character are key drivers of the disposition of open space.

To be effective, GN1 should confirm that:

- Open space standards and typologies will be applied flexibly so as not to conflict with local, landscaping, ecology, coalescence or heritage objectives; and
- Applicants may demonstrate compliance within their DAS and landscape strategy rather than via a separate "Green Network" report.



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Section: 5

Policy GN4: Tree Canopy Cover

GN4 is over-prescriptive, internally inconsistent with other policies, and not realistically achievable on all sites. GN4 requires:

- A Tree Canopy Cover Assessment for all major applications;
- Development to “seek, where appropriate, to increase the level of canopy cover on site by a minimum of 10%”; and
- For sites with less than 10% baseline canopy, a mandatory minimum 10% canopy coverage across the site. It also states that “new streets should be tree lined” and that new and existing trees must be incorporated into new developments.

There are several problems with this approach:

1. “Where appropriate” is undefined and unmeasurable; The policy uses the phrase “where appropriate” in relation to increasing canopy cover by at least 10%, but provides no objective guidance on:
 - What constitutes “appropriate” in different contexts (e.g. high-density urban, village infill, constrained sites);
 - How this interacts with other constraints such as heritage setting, coalescence, highways safety, visibility splays, utilities easements and SuDS layouts; or
 - How decision-makers will judge when it is, or is not, appropriate to apply the full 10% uplift.
2. Not always achievable on real-world sites: A blanket requirement to secure at least 10% canopy cover (where baseline is below 10%) will not always be achievable once:
 - Access, visibility splays and highway geometry are factored in;

- Separation distances and garden standards are applied;
- Coalescence/landscape and heritage settings are properly respected; and
- Viable densities are reached to deliver housing numbers and policy-compliant affordable housing.

On a modest allocated sites, which already has to accommodate low-rise built form, generous boundary planting to preserve separation, SuDS, parking and a viable housing quantum, there is limited flexibility left to chase a rigid canopy percentage.

3. Tree-lined streets are not always appropriate: GN4 states that “new streets should be tree lined” in all cases. This fails to recognise that tree-lined streets are:

- Not always compatible with highway safety (visibility, forward sight lines, junction radii);
- Sometimes in conflict with services corridors, SuDS arrangements and adoptable highway requirements;
- Potentially problematic close to buildings (shading, subsidence risk on shrinkable soils, root conflicts, future pressure for pruning/felling); and
- Not always appropriate in terms of local character which have pockets of estates surrounded by trees rather than tree-lined, or where densities and plot sizes are tighter.

The NPPF itself only expects tree-lined streets “where appropriate”, explicitly recognising that they are not a universal solution; GN4’s wording does not mirror this caveat.

4. Duplication and overlap with EN5 and other policies: EN5 already requires major development to consider opportunities for new tree planting (including street trees) and to weigh trees against highways and built-form constraints, with replacement planting where loss is unavoidable. GN1 and LC1 also address landscape and green infrastructure structure. Layering GN4 on top of EN5 produces overlapping obligations:

- An increase in tree numbers and a minimum canopy percentage;
- A general expectation for new trees and a separate requirement for tree-lined streets; and

- Multiple assessment and management plan requirements.

This is exactly the kind of cumulative, paperwork-heavy policy environment that is likely to add cost and delay to decision-making without clear additional benefit, particularly on allocated sites that are already landscape-led.

5. Compensatory provision mechanism is open-ended: GN4 states that where requirements are “not possible or desirable”, compensatory provision should be secured through a legal obligation, potentially including additional or larger open space or off-site planting, to be agreed case-by-case. This is:
- Vague as to when compensatory provision is triggered;
 - Open-ended as to quantum and location; and
 - Potentially onerous for smaller sites, effectively turning a non-achievable on-site standard into an off-site financial or land obligation.

Without clear thresholds, there is a risk that GN4 becomes a de facto tariff applied inconsistently across applications.

GN4 risks being unrealistic, burdensome and counter-productive, particularly for smaller allocations where space, character, coalescence, heritage and viability constraints mean that a blanket 10% canopy and tree-lined street requirement simply cannot sensibly be met.



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Section: 8

Policy H2: Affordable Housing

Policy Position

Policy H2 requires 30% affordable housing on developments of 10 or more dwellings in urban areas and 5 or more dwellings in designated rural areas. While the intention to address housing need is supported, the approach for rural areas raises significant concerns regarding viability, proportionality, and clarity.

Issues Identified

1. Threshold of 5 Dwellings in Designated Rural Areas – Viability Concerns

The requirement for affordable housing contributions on developments of 5 dwellings or more in designated rural areas is likely to undermine viability for small-scale schemes. Rural sites often involve higher land values, lower densities, and landscape-led layout designs, which increase per-unit costs and reduce flexibility for developers. Imposing this threshold risks making schemes financially unfeasible, discouraging applications and ultimately reducing housing delivery in rural areas.

2. Impact on Rural Community Growth

The policy does not adequately support the relative growth of rural communities. Smaller settlements rely on incremental development to sustain local services and maintain vitality. A rigid threshold approach prioritises affordable housing over enabling proportionate growth. This risks creating a policy environment where rural housing delivery stagnates, contrary to the NPPF's objective of supporting thriving rural communities.

3. Lack of Definition for “Designated Rural Area”

The policy refers to “designated rural areas” without providing a clear definition or cross-reference to a map or statutory designation. This ambiguity creates uncertainty for applicants and decision-makers, potentially leading to inconsistent interpretation. Clear identification of these areas within the Local Plan or supporting documents is essential for transparency and effective implementation.

Recommendations for Improvement

- **Review the Rural Threshold**

Consider increasing the threshold for affordable housing contributions in rural areas or adopting a more flexible approach based on site-specific viability and local need. This would encourage small-scale developments that support rural vitality.

- **Introduce Proportionality Criteria**

Amend the policy to allow proportionate growth in rural settlements, ensuring that affordable housing requirements do not act as a barrier to delivering housing at a scale appropriate to the community.

- **Define “Designated Rural Area”**

Provide a clear definition and mapping of designated rural areas within the Local Plan or supporting documents to ensure transparency and consistency in decision-making.

- **Viability Safeguards**

Include explicit reference to viability testing for rural schemes, recognizing the unique cost implications of landscape-led layouts and lower densities.



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Section: 8

Policy H5: Specialist Housing including Housing for an Aging Population

Policy H5 demonstrates a strong commitment to meeting the needs of older people, individuals with physical disabilities, and those requiring care or supported living. However, it fails to explicitly recognise neurodiversity as a distinct and important consideration within specialist housing provision. Neurodivergent individuals such as those with autism, ADHD, or sensory processing differences often require environments that address cognitive and sensory needs, not just physical accessibility. The policy's emphasis on "adequate amenity space" and "integration with the existing community" is positive, but without guidance on sensory-friendly design, clear wayfinding, quiet zones, and adaptable spaces, developments risk excluding a significant population group. This omission undermines the goal of creating inclusive communities and does not align with emerging best practice in inclusive design.

Recommendations

1. Explicit Inclusion of Neurodiversity

Amend the policy to recognise neurodiversity as a key consideration in specialist and supported housing. This should include individuals with autism, ADHD, and other cognitive or sensory differences who may require tailored environments.

2. Design Principles for Cognitive and Sensory Accessibility

Incorporate requirements for sensory-friendly design features such as:

- Controlled lighting and acoustics to reduce sensory overload.
- Clear and intuitive wayfinding systems.
- Quiet zones and adaptable communal spaces.
- Predictable layouts to support comfort and reduce anxiety.

3. Reference to Inclusive Design Standards

Cross-reference national guidance such as:

- BS 8300 (Design of buildings for accessibility and inclusion).
- Equality Act 2010 obligations for non-discrimination.
- Emerging best practice on neurodiversity-friendly environments (e.g., guidance from the Design Council and Autism Design Guide).

4. Evidence-Based Need Assessment

- Require housing needs assessments to include data on neurodivergent populations and their specific requirements, ensuring provision aligns with local demographics.
- Work with Essex County Council to improve data collection for neurodiverse needs for the Supported and Specialist Housing and Accommodation Needs Assessment



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Section: 8

Policy H6: Self and Custom Build

H6 promotes self-build housing as a way to diversify housing options and empower individuals to create homes that meet their needs. While this is commendable, the policy does not reference neurodiversity or encourage design approaches that support cognitive and sensory accessibility. Self-build projects present an opportunity for neurodivergent individuals to tailor environments to their specific needs such as minimising sensory overload or creating predictable layouts but the policy does not provide any framework or incentives to ensure these considerations are addressed. By omitting neurodiversity, Policy H6 misses a chance to advance equality and inclusion through flexible housing solutions.



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Section: 8

Policy H7: Gypsies, Travellers and Travelling Showpeople

Executive Summary

- Severalls Lane expansion has not been progressed to planning application or delivery since the site opened, despite being a Council-controlled asset, creating a clear early-years deliverability risk.
- The Tendring–Colchester Borders Garden Community (TCBGC) allocation relies on long-term, phased infrastructure and spans two authorities; delivery of 9 pitches on the Colchester side within the plan period is uncertain.
- NPPF/PPTS require specific, deliverable sites in years 0–5 and developable supply thereafter; the current H7 portfolio over-relies on strategic allocations without robust implementation detail and contingencies.

Severalls Lane: Undelivered Expansion and Implementation Gap

Policy H7 indicates that the existing Severalls Lane public site is a sustainable location for a small-scale expansion of 6 pitches. However, there is no published planning permission or implementation timetable for the expansion since the site opened, despite the authority's landlord role. The Essex County Council site list confirms Severalls Lane as an operational local-authority site, and public material on the site's inception (12 pitches) is available, but no extension has been brought forward. This raises deliverability concerns in the early years of the plan.

Garden Community Provision: Jurisdiction, Phasing and Practical Integration

Policy H7 assumes that the Tendring–Colchester Borders Garden Community (TCBGC) will deliver 18 pitches split equally between the authorities (9 each). The

Garden Community is now governed by a jointly adopted DPD and is a large, phased new settlement with significant infrastructure dependencies (e.g., Rapid Transit System and the A1331 link). Given the cross-boundary nature of the site and the sequencing of infrastructure and housing, there is a material risk that the near-term delivery of 9 pitches specifically on the Colchester side may not be achievable without clearer, jurisdiction-anchored phasing, serviced land identification, and delivery triggers. Integrating Traveller pitches into new-build neighbourhoods is feasible but sensitive, requiring design standards that reflect cultural needs (plot size, amenity buildings, safe access, privacy buffers) and management frameworks to support good community relations.

Evidence Base and Identified Need

The Colchester Gypsy and Traveller Accommodation Assessment (GTAA, Nov 2024) identify pitch needs through to 2041, including 6 pitches for households meeting the PPTS planning definition and 9 pitches for undetermined households (as reflected in Policy H7), plus additional households that do not meet the planning definition which are addressed through different policy routes. While the need evidence is clear, H7 currently relies heavily on two strategic allocations without securing specific, deliverable early-years supply and contingencies should these allocations slip.

Applicability of NPPF and PPTS Requirements

The updated Planning Policy for Traveller Sites (PPTS) must be read alongside the NPPF and requires authorities to plan positively, assess need, and identify land for sites over a reasonable timescale; seeking to increase the number of sites in appropriate locations. The NPPF expects strategic policies to identify a five-year supply of specific, deliverable sites and specific, developable sites or broad locations thereafter. Without a credible early-years supply and realistic phasing, Policy H7 risks failing these expectations and shifting decision-taking towards approvals on appeal when need is unmet.

Practical Risks: Undeliverable Allocations and Soundness

- Five-year supply risk: In the absence of specific, deliverable sites, authorities are expected to approve proposals that come forward unless land is protected—reducing control over location and quality.

- Soundness risk at examination: Over-reliance on strategic sites without clear early delivery and contingencies raises issues of effectiveness and consistency with national policy.

Recommendations

- 1) Severalls Lane implementation plan: Bring forward a time-bound plan (scope, funding, procurement, application submission, and start date) for the 6-pitch expansion to demonstrate deliverability in years 0–5.
- 2) TCBGC: phasing & serviced land: Identify specific parcels on the Colchester side with clear phasing triggers and servicing commitments to make early pitches deliverable.
- 3) TCBGC: practical design & management standards: Publish guidance on plot sizes and amenity buildings, privacy/buffers, safe access and manoeuvring, on-site parking for work vehicles, and utility/drainage capacity.
- 4) Contingency and criteria-based policy: Allocate one or more reserve/contingency sites and strengthen criteria-based policy for windfall Traveller sites to maintain supply if strategic allocations slip.
- 5) Prioritise a pipeline of smaller sites: Develop a portfolio of small, well-dispersed public or private sites (e.g., 5–10 pitches) that can be delivered quickly and better reflect family/kin networks.
- 6) Diversify locations across the settlement hierarchy: Identify proportionate opportunities in and around existing settlements (including edge-of-settlement sites) where services/utilities exist, assessed via clear criteria.
- 7) Consider access to transport corridors and employment nodes: Weight site selection to safe access to the strategic/local road network (e.g., A12/A120), public transport (including RTS), and proximity to jobs, consistent with nomadic work-travel patterns.
- 8) Embed practical design for smaller/corridor-adjacent sites: Provide standards for safe highways access, turning space, privacy, amenity, and utilities to ensure consistent, high-quality delivery.
- 9) Monitoring and five-year supply statement: Publish an annual traveller five-year supply statement tracking permissions, delivery, and phasing against H7 targets, aligned to the GTAA evidence base.



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Section: 8

Policy H8: Rural Workers Dwellings

Policy H8 sets out criteria for granting planning permission for permanent and temporary rural workers' dwellings and for removing agricultural occupancy conditions. While the principle of supporting rural businesses is welcomed, the policy lacks clarity in several key areas, which could lead to inconsistent interpretation and unnecessary barriers for applicants.

Issues Identified

1. Insufficient Detail on Business Plan Requirements for Temporary Dwellings

The policy requires a "business plan of at least 3 years duration" for temporary rural workers' dwellings but does not specify what this plan should include. Without clear guidance, applicants face uncertainty, and decision-makers risk inconsistency.

2. Lack of Definition for "Rural Worker"

The term "rural worker" is not defined. This creates ambiguity about eligibility; does it apply only to agricultural and forestry workers, or does it include equestrian businesses, tourism and leisure and other rural enterprises? A clear definition would ensure transparency.

3. Criterion (e) for Permanent Dwellings – Ambiguity Around "Available" Accommodation

The requirement that "the functional need cannot be met by another suitable and available dwelling" lacks specificity. The policy should clarify:

- What constitutes "available" (e.g., actively marketed for sale or rent within a defined timeframe).

- The acceptable distance from the business (e.g., within a 2-mile radius or reasonable commuting distance).
- The type of accommodation considered suitable (e.g., size, tenure, and condition).

4. Removal of Agricultural Tie – Lack of Clarity on Timeline

The policy states that removal of an occupancy condition requires evidence that an “essential functional need no longer exists for the property and is unlikely to in the foreseeable future.” However, “foreseeable future” is vague. The policy should specify a timeframe (e.g., 10 years) or require supporting evidence such as long-term business trends or market analysis.

Recommendations for Improvement

Specify Business Plan Contents

- Include minimum requirements such as:
- Projected income and expenditure.
- Staffing requirements.
- Operational milestones.
- Contingency measures for financial resilience.

Define “Rural Worker”

Provide a clear definition, for example:

“A rural worker is an individual employed full-time in an agricultural, forestry, horticultural, or other rural-based enterprise where the nature of the work creates an essential need to live near the place of employment.”

Alternatively, provision of a non-exhaustive list of rural occupations applicable

Clarify “Available” Accommodation Criteria

Define:

- Marketing period (e.g., 12 months).
- Distance threshold (e.g., within 2 miles or 10 minutes travel).
- Suitability factors (size, tenure, condition).

Set a Timeline for Agricultural Tie Removal

Specify that evidence should demonstrate no essential need for at least the next for example 10 years, supported by market testing and consultation with local rural businesses.



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Section: 9

Policy E1: Employment

Misuse of “Class E(g)” in Policy Wording

The repeated reference to “Class E(g)” within the policy criteria is problematic because it defeats the purpose of the government’s introduction of the broader Class E use class, which was designed to provide flexibility between commercial, business, and service uses. By isolating E(g) (offices, research and development, and light industrial) from the wider Class E, the policy effectively excludes other uses within Class E ((such as retail, cafés, and health services(that could contribute to economic vitality and employment generation. This approach is inconsistent with the intent of the 2020 Use Class Order reforms, which aimed to simplify planning and encourage adaptability in response to changing market conditions.

Furthermore, the policy context does not justify this selective restriction. If the goal is to safeguard employment land, excluding other Class E uses that also generate jobs and economic activity undermines flexibility and could lead to underutilisation of sites.

The wording should either:

- Refer to Class E in its entirety, or
- Clearly explain why only E(g) uses are acceptable and how this aligns with strategic objectives.



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Section: 9

Policy E2: Economic Development in the Countryside

Policy E2 seeks to safeguard allocated rural Employment Areas and support economic activity in rural Colchester, including conversion, extension, and replacement of rural employment buildings. While the principle of promoting rural enterprise is supported, the policy lacks clarity in several areas and could be strengthened to encourage sustainable growth.

Issues Identified

1. Recognition of Non-Designated Employment Sites

The policy appropriately acknowledges allocated rural Employment Areas but only briefly references other rural locations that provide a similar economic function. This recognition is positive but should be more explicit and proactive to ensure these sites are safeguarded and supported in decision-making.

2. Criterion (c) on Replacement Rural Employment Buildings – Restrictive Wording

The current wording states that replacement buildings will only be supported where the existing development is “visually intrusive or otherwise inappropriate.” This is overly restrictive and may discourage investment in upgrading outdated facilities. A more positive approach would encourage proposals that enhance rural character and reduce landscape impact.

3. Vagueness Around Evidence for New Rural Employment Buildings

The requirement to “adequately demonstrate meeting local employment and business need” and to show that “there are no appropriate existing buildings or employment land available in the locality” is vague. Without clear guidance, applicants face uncertainty, and decision-makers risk inconsistency.

Recommendations for Improvement

- **Strengthen Support for Non-Designated Sites**

Amend wording to actively safeguard and encourage employment-generating uses on rural sites that provide a similar function to allocated Employment Areas, ensuring flexibility for rural economic resilience.

- **Positive Wording for Replacement Buildings**

Revise criterion (c) to:

“Replacement buildings will be supported where the proposal enhances the character of the area and reduces visual landscape impact.”

This encourages high-quality design and environmental improvements rather than limiting replacement to cases of harm.

- **Clarify Evidence Requirements for New Rural Employment Buildings**

Specify what applicants must provide, including:

- **Demonstrating Local Employment and Business Need:**
 - A business case or economic statement showing job creation, skills alignment, and contribution to rural economic resilience.
 - Letters of support or expressions of interest from local businesses.
- **Evidence of Lack of Suitable Existing Buildings or Employment Land:**
 - A marketing report showing active search for suitable premises within a defined radius (e.g., 5 miles)
 - A site availability assessment listing existing employment sites considered and reasons for rejection.
- **Geographic Scope and Timeframe:**
 - Define “locality” clearly (e.g., within 5 miles or nearest rural service centre).
 - Require evidence to be current (within the last 12 months).



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Section: 10

Policy CS4: Sports Provision

Policy CS4 seeks to protect existing outdoor sports facilities and ensure new provision where required, guided by the Playing Pitch Strategy. While the principle of safeguarding facilities is supported, the policy lacks ambition in addressing emerging trends and spatial gaps in provision.

Issues Identified

1. Evidence Base Does Not Reflect Emerging Sports and Fitness Trends

The Playing Pitch Strategy focuses on traditional sports such as football and cricket but does not account for the growing popularity of activities like padel, yoga, Pilates, and CrossFit, which are increasingly important for promoting active lifestyles. This omission risks failing to meet evolving community needs and identify other spaces which provide these sports creating a false image of the sporting geography of Colchester. The evidence base is also clear that there is no consideration in the data collection about the housing land which is to come forward in this Plan period and the impact of this level of resident increase on sports provision which is clearly flawed to inform the emerging Local Plan.

2. Policy Focuses on Protection Rather Than Proactive Delivery

CS4 emphasises avoiding the loss of existing facilities but does not sufficiently encourage new sites to come forward in a positive and proactive manner. The language is largely protective rather than aspirational, which may result in stagnation rather than growth.

3. Geographic Imbalance – Lack of Provision in South Colchester

The policy does not address the need to improve sports facilities in southern Colchester, where provision is limited. The closest major assets are the University of Essex and the Northern Gateway development, both of which are not easily accessible for all residents in the south. The former is expected to support the 7,500 houses proposed adjacent to and the latter over 3,000 homes in north Colchester. This creates a spatial imbalance and risks excluding communities from opportunities for physical activity and oversubscribing existing provision.

Recommendations for Improvement

- **Update Evidence Base**

Expand the Playing Pitch Strategy or supporting documents to include emerging sports and fitness trends such as padel, yoga, Pilates, and CrossFit, ensuring provision reflects modern participation patterns and make sure increasing housing numbers are included in the metric of unmet need.

- **Proactively Encourage New Facilities**

Include policy wording that actively supports the identification and delivery of new sports and leisure sites, particularly where there is evidence of unmet demand or geographic gaps.

- **Targeted Provision in South Colchester**

Commit to addressing the spatial imbalance by identifying potential sites for new facilities in southern Colchester. Suggested locations could include:

- Expansion of community hubs or schools to incorporate multi-use sports spaces.
- Partnerships with private operators to deliver padel courts or fitness studios.
- Utilisation of underused green spaces for outdoor gyms or flexible activity areas.
- Integration with housing growth areas south of the town to ensure sports provision is embedded in new development.



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Section: 11

Policy PC6: Design and Amenity

The opening paragraph requires all development to be designed to a “high standard”, to “positively respond to its context”, to “reflect the local distinctiveness of Colchester”, to “contribute to placemaking” and to support a “low-carbon, inclusive and climate resilient future”. Great weight will be given to “outstanding or innovative designs” and “poor design will be refused”.

Most of the subsequent bullets then require development to:

- “Promote visually attractive, functional, coherent and distinctive environments”;
- Provide “attractive, well connected and legible streets and public spaces”;
- Create a “safe, resilient and secure environment” that supports “pride of place”; and
- Deliver “functional, robust and adaptable designs” that contribute to “the long-term quality of the area”.

These phrases are highly value-laden and inherently subjective. The policy does not explain:

- How “attractive”, “distinctive”, “coherent” or “high standard” will be assessed in practice;
- What objective benchmarks, beyond existing Building Regulations, NDSS and adopted design guidance, the Council intends to use; or
- How decision-makers, applicants and Inspectors will distinguish between schemes that are merely “good” and those that qualify as “outstanding or innovative” for the purpose of “great weight”.

Without clear criteria or cross-reference to a defined design code or SPD, there is a real risk that PC6 will simply re-state broad design aspirations already contained in

the NPPF (e.g. section 12) and in adopted Section 2 policies, but in looser language, creating scope for inconsistent and potentially arbitrary application. This undermines the effectiveness of the policy and makes it difficult to see how the Council could robustly substantiate a refusal solely on the basis that a proposal is not “visually attractive” or “distinctive enough”, particularly on allocated sites where the principle and broad parameters are already established.

In addition, PC6 seeks to operate at multiple levels simultaneously:

- As a strategic design vision (placemaking, low-carbon, pride of place);
- As a detailed development management policy (privacy, daylight, NDSS, security); and
- As a process policy (promoting design codes, masterplans, design briefs).

This creates substantial overlap with other policies (ST8, LC1, GN1, EN2, EN8, PC7, PC8) and risks turning PC6 into a catch-all “beauty” test that can be deployed to either support or resist almost any proposal, without clear evidential thresholds.

The policy does not acknowledge the importance of designing for neurodiversity, which is a critical aspect of creating truly inclusive environments. Inclusive design should extend beyond physical accessibility to address cognitive and sensory diversity, ensuring spaces are welcoming and functional for individuals with conditions such as autism, ADHD, and other neurological differences. This involves considering factors like sensory sensitivities (e.g., lighting, acoustics), clear and intuitive wayfinding, quiet zones, and adaptable spaces that reduce stress and promote comfort. By omitting these considerations, the policy risks overlooking a significant portion of the population and failing to meet modern best practice standards for equality and inclusion in the built environment.



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Section: 11

Policy PC7: Residential Schemes on Greenfield Sites

We agree that major greenfield schemes should be landscape-led and well designed. However, as drafted, PC7 reads less like a strategic policy and more like a mini design code, with a long, prescriptive checklist that is not properly calibrated to:

- Different site sizes and roles;
- Landscape and coalescence sensitivities;
- The different character areas of each settlement; or
- The need for proportionate requirements on modest sites.

Taken together with PC6, ST8, EN2, GN1, GN4 and PP44, PC7 risks becoming another layer of detailed design control that duplicates existing guidance (including the Essex Design Guide) and creates scope for inconsistent, subjective decision-making.

Over-prescription and conflict with local context

As drafted, the policy reads as a one-size-fits-all checklist rather than a flexible framework that can respond to the very different contexts of major greenfield sites. By way of example, the blanket requirement that primary open space be “located centrally within the site” may not always be appropriate where:

- The key planning issue is coalescence and settlement edge treatment where open space at the outer edge may be preferable to maintain separation;
- The site will be providing new open space areas for the existing residents and so the open space would benefit more people by being located between the new and existing dwellings; or
- The site is modest in scale and already well connected to existing village parks and recreation land.

PC7 does not acknowledge that, on some greenfield allocations, edge-located or linear open space may better meet both landscape and health objectives than a forced “central” feature.

Duplication

Many of the PC7 criteria are already covered, by:

- PC6 (design and amenity);
- ST8 (place-shaping principles);
- GN1 (green/blue infrastructure); and
- The Essex Design Guide and parking standards.

The effect of PC7 is to restate these themes in highly detailed, mandatory language, effectively creating a “design by checklist” approach. PC7 reads as over-engineered and creates unnecessary friction between other policies and design guides.

Neurodiversity and inclusive design opportunity

PC7 also misses an opportunity to address inclusive design for neurodivergent residents in a constructive way. Given that green infrastructure and nature immersion has been proven to have significant benefits to the neuro-divergent population, major developments that seek to erode greenfield could play a part in ensuring their design is neuroinclusive. The policy is currently focused on visual composition (character areas, nodal buildings, brick walls, materials), but does not acknowledge:

- The importance of clear, legible layouts and wayfinding for people with autism, ADHD and other neurodevelopmental conditions;
- The value of providing a variety of spaces, including quieter, less visually and acoustically busy pockets of open space, rather than only highly activated, overlooked central spaces; and
- The need to consider sensory impacts of street design, traffic, lighting and proximity to noisy routes when deciding where to place the most active areas versus calmer residential streets.

As drafted, some of the PC7 “musts” could in fact work against neuro-inclusive environments by reducing opportunities for quieter corners, predictable routes and softer edges.

Requested modifications to PC7

To make PC7 justified, proportionate and effective, and to align it with both the local evidence base and modern inclusive design principles, we request that the Council:

Calibrate the policy to site size and sensitivity

Replace blanket “must” language with wording that acknowledges site scale, context and constraints and make clear that smaller allocations will not be expected to provide the same level of internal character area complexity and variety as larger sites.

Relax the central open space requirement

Amend the requirement for “primary public open space [to] be located centrally” to recognise that, on some allocations, open space at the edges or in linear form may better deliver coalescence, landscape and amenity outcomes.

Avoid design-code level detail in the Local Plan policy

Strip out or simplify the most detailed elements (brick wall requirement, detailed parking treatment prescriptions, exact handling of meter boxes etc.) and instead cross-refer to the Essex Design Guide, any future site-specific design codes or SPDs; and perhaps reconsider if this policy is actually needed or if it is at risk of merely duplicating.

Explicitly reference Neuroinclusive design

If this policy remains, it could seek to be used to include Neuroinclusive design by adding a criterion acknowledging that layouts should support inclusive design, including for neurodivergent residents. Make clear in the supporting text that inclusive design is about how spaces are arranged and experienced, not about additional stand-alone assessments.



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Section: 11

Policy PC8: Private Amenity Space

We agree that residential development should provide appropriate amenity space and that factors such as sunlight, noise and drainage must be considered. However, the detailed wording of this policy is overly subjective, absolute in parts and insufficiently flexible to respond to different locations and typologies. There are several problems with this approach:

1. Vague, subjective tests

Phrases such as:

- “easy access”;
- “informed by the needs of residents”;
- “designed to a high standard”;
- “optimise its use”;
- “meet the recreational needs and promote health and wellbeing”; and
- “inviting appearance”

are all value-laden and undefined. The policy offers no objective benchmarks or cross-references to explain: what level of provision would be considered to “optimise” use; how officers are to determine whether recreational needs and health have been “met”; or how one distinguishes between an “inviting” appearance and one that is merely acceptable.

This creates scope for inconsistent, subjective decision-making and makes it extremely difficult for applicants to know, ex ante, what is required. It risks becoming a generic “beauty” test for gardens and communal space, rather than a clear, measurable policy.

2. Overlaps with other policies and guidance

Most of the matters referred to are already addressed through:

- General design policies;
- Amenity policies;
- SuDS/flood policies; and
- The Essex Design Guide.

Re-stating them all here, and adding additional subjective language (“optimise its use”, “inviting appearance”), turns this policy into a repetitive catch-all rather than adding locally specific clarity. That is not consistent with the requirement that local plan policies be succinct and focused.

3. Unworkable privacy standard

The sentence, “All private amenity spaces must be designed to avoid significant overlooking” requires further clarity and definition. In almost all residential environments, particularly compact, walkable layouts and higher-density forms, some degree of mutual overlooking is inherent and often desirable (for natural surveillance and safety). The usual planning test is whether a development would cause unacceptable harm to privacy, having regard to separation distances, window positions and character of area, not that *all* overlooking must be “avoided”. Read literally, this could be used to resist otherwise good, efficient schemes simply because some gardens or balconies have a degree of overlooking that in practice is normal and acceptable in urban and village contexts. There needs to be a clear definition of what would be considered as “significant”.