

23 September 2022

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

Parish Clerk  
Ardleigh Parish Council  
PO Box 12865  
CO7 7EZ

**By email:** [ardleighnp@gmail.com](mailto:ardleighnp@gmail.com)

Dear Parish Clerk,

**RE: ARDLEIGH NEIGHBOURHOOD PLAN PRE-SUBMISSION CONSULTATION  
(REGULATON 14)**

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

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

The response reflects the order of the NP.

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

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

## 1. Planning policy context

ECC as the Minerals and Waste Planning Authority (MWPA) welcome appropriate reference to the [Essex Minerals Local Plan 2014 \(MLP\)](#) and [the Essex and Southend-on-Sea Waste Local Plan 2017 \(WLP\)](#) which together accurately reflect the Development Plan within Tendring District.

Map 1 of this response shows that almost all of the NP area is covered by a Minerals Safeguarding Area (MSA) designation. Proposals for non-mineral development coming forward in land designated as a MSA must demonstrate compliance with Policy S8 of the MLP. Accordingly, the following wording should be an addition to the planning context section.

*“Most areas of the Neighbourhood Plan area are within a Mineral Safeguarding Area due to the presence of sand and gravel deposits beneath the ground. These areas are subject to a minerals safeguarding policy (Policy S8 of the Essex Minerals Local Plan), which seeks to prevent deposits being unnecessarily sterilised by non-mineral development. However, the housing allocations contained in the Neighbourhood Plan fall below the site size threshold at which the provisions of Policy S8 are engaged.”*

There are currently minerals and waste infrastructure existing, allocated or permitted in the NP area. Detailed information around these sites can be found in Appendix 1 of this response.

Policy S8 of the MLP establishes Mineral Consultation Areas (MCA) at a distance of 250m around permitted, allocated and existing mineral infrastructure, including extraction sites. ECC as the MWPA must be consulted on all applications for non-mineral development proposed within these areas.

Policy 2 of the WLP establishes Waste Consultation Areas at a distance of 250m (400m in the case of Water Recycling Centres) around permitted, allocated and existing waste infrastructure. ECC as the MWPA must be consulted on all applications for non-waste development proposed within these areas.

Accordingly, the following wording should be an addition to the planning context section.

*“Within the Neighbourhood Plan Area there are Mineral and/ or Waste Consultation Areas in relation to Crown Quarry, Martells Quarry, Slough Farm and Ardleigh Waste Transfer Station. These areas are subject to Policy S8 of the MLP which establishes Mineral Consultation Areas at a distance of 250m around permitted, allocated and existing mineral infrastructure, and/ or Policy 2 of the Waste Local Plan which establishes Waste Consultation Areas at a distance of 250m (400m in the case of Water Recycling Centres) around permitted, allocated and existing waste infrastructure. Essex County Council as the Minerals and Waste Planning Authority must be consulted on all applications for non-minerals and non-waste development proposed within these areas.”*

## 2. Policy GDP: General Approach to Development

ECC as the MWPA welcome reference to the importance of sustainability throughout the NP, however it is recommended that Policy GPD, which addresses the general approach to development, should support a wider understanding of sustainability by requiring development proposals to make reference to the sustainable use of building materials.

It is recommended that this policy (or perhaps another suitable policy in the NP) includes reference to promoting waste reduction, re-use and recycling, sustainable building design and the use of sustainable materials, including in relation to their procurement, in the construction of new development or redevelopment in line with Policy S4 of the MLP.

## 3. Policy HP: Housing

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

ECC are supportive of Policy HP 3b which states housing applications that include accessibility features will be looked at more favourably than those that do not. To support ageing in place, the needs of adults and children with disabilities and the prevention and maximising independence ambitions, ECC recommend that the NP strengthens its position in part 3b of the policy by making specific reference to both the Building Regulations Part M4 (2) and M4 (3) and the Tendring Local Plan Housing Standards Policy:

*“On housing developments of 10 or more dwellings, 10% of market housing should be to Building Regulations Part M4(2) ‘adaptable and accessible’ standard. For affordable homes, 10% should be to Building Regulations Part M4(2) and 5% should be to Part M4(3) ‘wheelchair-user’ standards (Ref. Tendring District Housing Viability Assessment 12 May 2017).”*

It is also recommended, given the requirements around parking in Policy TP, this policy sets out a requirement that for any Part M4(3) homes parking also needs to be Part M compliant, i.e., 3.3m or capable of being widened. As a minimum, the number of spaces provided to this standard should reflect the number of Part M4(3) dwellings provided at any development.

ECC as the lead authority on education make the following points. Paragraph 11.8 states that the primary school is “unable to withstand any further material expansion of [the] housing stock”. Similarly, paragraph 11.13 describes Ardleigh St Mary’s Primary School as “being at breaking point”. These statements contradict paragraph 10.14 which correctly states that the primary school is “likely to remain at or close to capacity”. The primary school has an excellent record of meeting the needs of the local population in high birth years and, as of May 2022, 47.8% of the pupils on roll lived closer to other schools i.e., the result of new housing would likely be that fewer pupils from outside the

Priority Admission Area would gain a place. ECC recommend that the aforementioned wording is omitted from paragraph 11.8 and 11.13.

ECC as the Lead Local Flood Authority (LLFA) recommends that Policy HP reference the issue of sustainable drainage systems (SuDS). All new developments should incorporate SuDS, including rainwater harvesting, grey-water recycling etc to mitigate surface water flood risk. Further, all minor developments should manage runoff off using porous surfaces or otherwise discharge from the site should be limited to 1-year greenfield rates or 1 l/s, whichever is greater. There should also be the inclusion of SuDS drainage solutions to provide treatment to runoff generation from all new developments. Reference could also be made to relevant policy in the Tendring District Council Section 2 Local Plan.

ECC recommend the promotion of multifunctional space, biodiversity and amenity space with a combination of blue and green features. All new developments should comply with the [Essex SuDS Design Guide](#). The SuDS [Discharge Hierarchy](#) should also be considered where onsite infiltration or hybrid infiltration would be preferred discharge method, for sites where onsite infiltration is not viable first discharge to watercourse and then sewer would be considered. Further, all SuDS design proposals should incorporate source control and conveyance SuDS features prior to large attenuating feature. Sustainable ways of surface water management where above ground storage is preferred option when considering drainage strategies for new developments

**4. Policy EP: Natural, Built and Historic Environment**

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

It is recommended that the NP include reference to the Environment Act (2021) and the requirements for “applicable development” to deliver a biodiversity net gain (BNG). The delivery of BNG is expected to take place on-site where possible, via the protection and retention of existing GI and provision of new features. However, it is recognised that this might not always be conceivable, and that off-site delivery could provide additional benefits and be used to protect areas of land that are of local natural and wildlife value.

It is recommended that the following points (underlined> are included as part of Policy EP.

- 1. *Development that is consistent with all other relevant Neighbourhood Plan policies will be supported provided:*
  - a. *Its design pays due regard to the contents of the Village Design Statement, including by way of its:*
    - i. *Sitting*

- ii. *Layout;*
  - iii. *Form and scale;*
  - iv. *Architectural style;*
  - v. *Materials;*
  - vi. *Relationship to surrounding development;*
  - vii. *Impact on built/landscape features;*
  - viii. *Landscaping and boundary treatments;*
  - ix. *Car parking;*
  - x. *Accessibility; and*
  - xi. *Biodiversity efforts (including tree planting);*
- b. *No urbanising effect is had on a rural lane or street (for example, as a result of resurfacing, hedgerow removals or loss of an open landscape view). There should also be no loss of biodiversity.*
- e. *Appropriate opportunities are incorporated to support local biodiversity wildlife; this includes 10% biodiversity net gain for applicable new developments in line with the Environment Act 2021.*
- i. *Multifunctional green space should be incorporated throughout the area, where appropriate, and be evenly distributed in order to offer maximum benefit to the community.*

## **5. Policy LGP: Local Green Spaces**

The wording of Part 2 of the policy is considered ambiguous and it is recommended for review to ensure it achieves its intended outcome. The explanatory text provides some clarity of what is intended and relevant points should be included in the policy itself, otherwise 'development' could be open to interpretation.

## **6. Policy TP: Transport & Parking**

ECC as the Highway Authority and the Transportation Authority welcome the NP's policy ambitions to support road safety and encourage/provide more active travel measures to mitigate congestion and adapt to climate change. ECC welcomes the NP's strong support to safeguard and enhance pedestrian and cycling connections.

It is noted that the NP makes little/no reference to the promotion of improved bus services and infrastructure. Additionally, the NP makes no reference to electric vehicle charging (EVC) points alongside parking. ECC suggests reference is included regarding the provision of EVC infrastructure. Provision for electric charging points should be provided for all proposed car parking spaces, associated within residential development proposals as set out in the latest government guidance and standards.

ECC welcome that the NP reflects aspects consistent with Essex [Parking Standards](#).

ECC recommends reference is made safe direct walking and cycling routes to Ardleigh St Mary's Primary School since it fronts the A137. Further guidance is provided within the ECC [Local and Neighbourhood Planners' Guide to School Organisation](#) (January 2018), Section 6 (page 12) including establishing and improving walking and cycling routes to schools; reducing school run traffic and dispersing it away from school entrances; enforcing low traffic speeds around schools and the walking routes pupils use; ensuring pavements around schools are clear and wide enough for parents with pushchairs to pass; providing public art, nature areas and local history information boards, in the immediate area, to offer learning opportunities; planting of trees and / or hedges to enhance air quality / reduce exposure to poor air quality; and the use of landscaping and carefully selected street materials to reduce noise

### **Suggested additional policy matters**

ECC provides the following comments in an advisory capacity for consideration by Ardleigh Parish Council as it continues to prepare the NP.

#### Green Infrastructure (GI)

GI is a network of multi-functional high-quality green spaces and other environmental features (such as footpaths, street trees, play parks and village green) which together delivers multiple environmental, social and economic benefits, by:

- contributing to the quality and distinctiveness of the local environment and landscape character,
- ensuring opportunities for community socialisation to promote community cohesion and increase community safety,
- creating a green wedge and buffer,
- providing opportunities for physical activity, improving health and wellbeing and generally adding to quality of life,
- adapting and mitigating against a changing climate and severe weather through the management and enhancement of existing habitats and the creation of new ones to assist with species migration, to provide shade during higher temperatures, reduce air pollution and for flood mitigation, an
- encouraging a modal shift from car to walking and cycling by linking publicly accessible green space wherever possible (including through tree lined streets) to
- form walking and cycling routes,
- Biodiversity net gain should be achieved in line with the Environment Act 2021,
- Street tree planting is also required in line with the most recent updates to the NPPF.

A new policy could be included recognising the value of wider multi-functional GI for both people and wildlife, which can improve connectivity to existing and new green spaces, and which provide new open space.

#### ***Policy X: Green infrastructure and development***

*Proposals will be encouraged that seek to conserve, and where appropriate enhance the green infrastructure of the parish, demonstrating how they:*

- *Conserve and where appropriate enhance designated green spaces and/or create new green/open spaces where appropriate.*

- *Improve the connectivity between wildlife areas and green spaces through green corridors and/or improvements to the Public Rights of Way (PRoW) and cycle and footpath networks.*
- *Enhance the visual characteristics and biodiversity of green spaces in close proximity to the development through biodiversity/environment net gain.*
- *Ensure their landscape schemes, layouts, access and public open space provision and other amenity requirements contribute to the connectivity, maintenance and improvement of the Green Infrastructure Network.*
- *Take into consideration the principles of Sustainable Drainage (SuDS) and natural flood management techniques, which will enhance biodiversity and ecosystems.*
- *Consider the multi-functional use and benefits of local green spaces as part of the Green Infrastructure network.*

### Climate change

The NP does not include a policy on climate change. NPPF (2021), paragraph 153 requires Plans to take a proactive approach to mitigating and adapting to climate change, taking into account the long-term implications for flood risk, coastal change, water supply, biodiversity and landscapes, and the risk of overheating from rising temperatures. NPs provide communities with an opportunity to address climate related issues and improve the local environment.

A policy should include reference to the [Essex Climate Action Commission](#) (ECAC), which is a [formal independent cross-party commission](#) established in October 2019. The ECAC's formal role is to:

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

The Commission published its recommendations in [Net Zero: Making Essex Carbon Neutral](#). The recommended text for inclusion is provide below.

*“In 2019, Tendring District Council declared a climate emergency acknowledging that urgent action is required to limit the environmental impacts produced by the climate crisis. The Council aims to achieve carbon neutrality by 2030. This is supported by ECC who established the Essex Climate Action Commission in 2020 to promote and guide climate action in the county and move Essex to net zero by 2050. It is an independent, voluntary, and cross-party body bringing together groups from the public and private sector, as well as individuals from other organisations. The Commission published its report Net Zero: Making Essex Carbon Neutral in July 2021 and its recommendations are relevant to all Essex local authorities, parish and town councils, as well as Essex businesses, residents, and community groups. The report sets out a comprehensive plan for Essex to: reduce its greenhouse gas emissions to net zero by 2050 in line with UK statutory commitments; and to make Essex more resilient to climate impacts such as flooding, water shortages and overheating. The report covers*

*a wide range of topic areas including land use, energy, waste, transport, plus the built and natural environments. The report's recommendations are now incorporated into a Climate Action Plan and a focused work programme over the coming years to ensure the effects of climate change can be mitigated."*

[The Centre for Sustainable Energy](#) (CSE) have produced guidance to support neighbourhood planning groups in implementing climate change policies within their Neighbourhood Plans. It includes guidance on a range of climate change topics, including renewable energy and sustainable buildings. The guidance may provide further information for the Parish Council when reviewing the NP following this round of consultation.

**Conclusion:**

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

Yours sincerely,

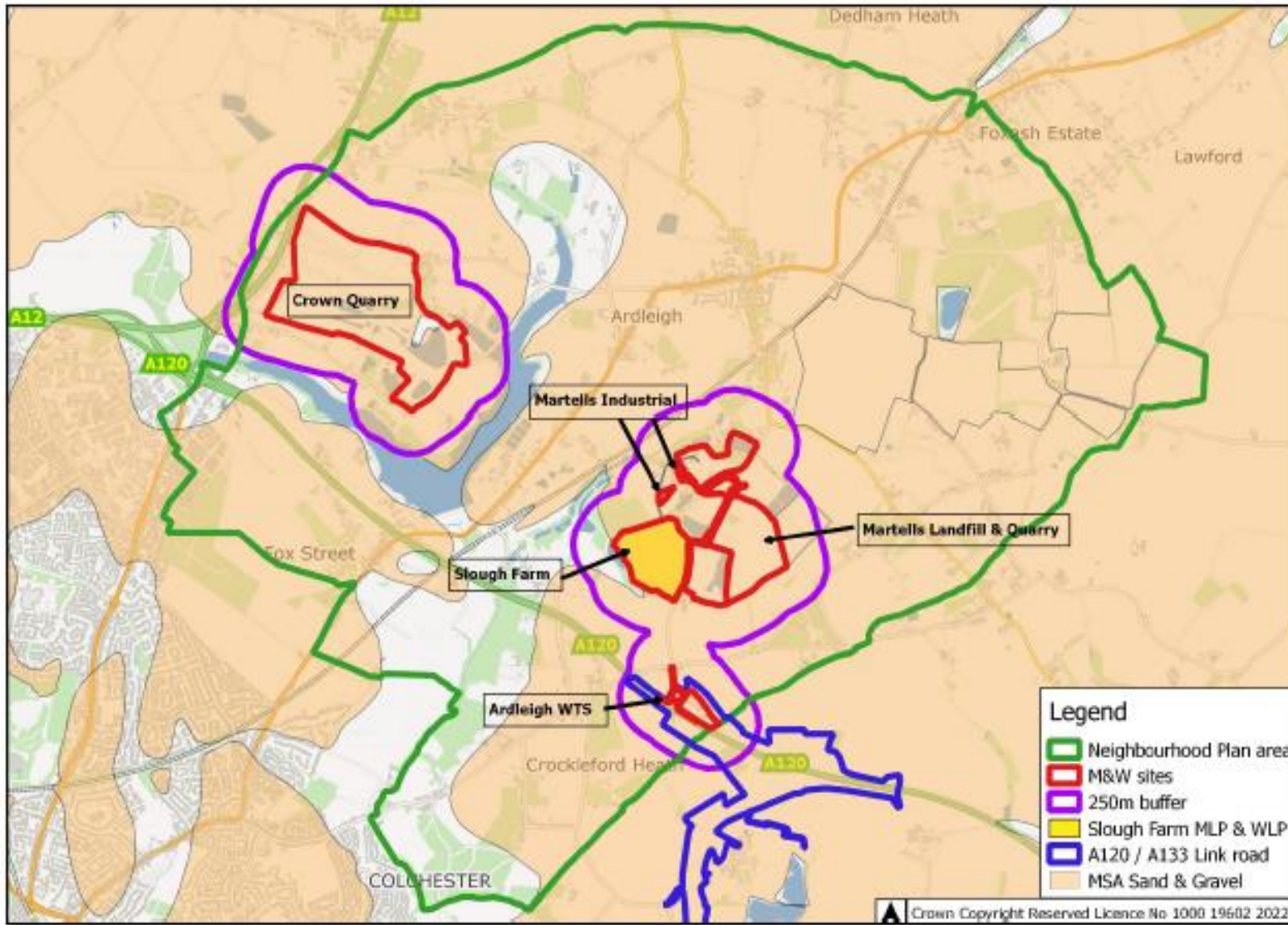
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Map 1 – MSAs, MCAs and WCAs in relation to Ardleigh Neighbourhood Plan Area



## Appendix 1 – Safeguarding Designations and Safeguarded Minerals and Waste Infrastructure relevant to the NP area

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

### Schedule of Mineral Infrastructure and Designations Within the NP area

Site type	Site name	Planning application number	Further Details
Mineral Safeguarding Areas	Sand and Gravel	N/A	Subject to MSA designation – Policy 8 of the Essex Minerals Local Plan 2014 Spatial extent shown in Map 1
Mineral Consultation Area  Subject to MCA designations – Policy 8 of Essex Minerals Local Plan 2014.  Spatial extent shown in Map 1	Crown Quarry	ESS/57/04/TEN – Permission Expiry – 30/12/2026	Winning and working of minerals, removal of surplus soils and erection of a low profile processing plant concrete batching plant and ancillary buildings
	Martells Quarry	ESS/53/17/TEN - Extant Permission - Extraction of minerals shall cease south of Slough Lane by 30 December 2026. Restoration shall be completed by 30 June 2033. Current permission is ESS/61/19/TEN. <b>Pending legal agreement</b> ESS/27/20/TEN - Continuation of permitted developments until 30 September 2040.  ESS/29/20/TEN (MLP Site B1 – Slough Farm) - Proposed western extension to Martells Quarry.	N/A

Schedule of Waste Infrastructure and Designations within the NP area

<b>Site type</b>	<b>Site name</b>	<b>Planning application number</b>	<b>Further details</b>
Waste management infrastructure. Subject to WCA designations – Policy 2 of Essex and Southend-on-Sea Waste Local Plan)	Ardleigh Waste Transfer Station	ESS/16/13/TEN - Proposed development of a new waste management facility, with associated change of use of land.	N/A
	Martells Landfill	ESS/30/16/TEN - Application for the continued restoration of former quarry void by means of landfill - site restored by 31st December 2023. Slough Farm, Ardleigh, Tendring (WLP Site - (L(n)1R)).	N/A
	Martells Industrial Estate	ESS/08/08/TEN - Reception and decontamination of ferrous and non-ferrous metal goods (Mainly Vehicles). Preparation and processing of metal for export. Erection of new buildings associated with the proposed use. Provision of sealed working floor areas, associated drainage. Provision of weighbridge, parking and fencing. ESS/31/14/TEN - Erection of a storage building for mechanical plant and machinery.	N/A