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Please ask for :

17th October 2022

Our Ref : ARDNP/REG14

For the attention of Ardleigh Parish Council,

Ardleigh Neighbourhood Development Plan (Regulation 14) Consultation

Thank you for consulting Tendring District Council on the above mentioned Neighbourhood Development Plan (NDP).

General Comments

The Neighbourhood Planning Regulations require that Neighbourhood Plans meet a number of 'Basic Conditions'. One of these is that the NDP is in general conformity with the strategic policies contained within the Adopted Development Plan. For Tendring the Development Plan includes the Tendring District Local Plan 2013 – 2033 and Beyond: Section 2 (adopted January 2022) as well as the Tendring District Local Plan 2013 – 2033 and beyond: North East Authorities' Shared Strategic Section 1 (adopted January 2021).

The District Council continues to raise concerns that the emerging Ardleigh NDP would not be in general conformity with Strategic Policies contained within the adopted Development Plan. In particular policies SP6 and SP9 of the Section 1 Local Plan in relation to the Tendring Colchester Borders Garden Community.

Prior to Regulation 16 stage, the District Council would need assurance that the emerging policies within the NDP would not conflict with the Strategic Policies contained within the adopted Development Plan.

Other Comments

We are pleased to see a clear understanding of the progression of the work on the Garden Community as well as the associated Development Plan Document (DPD). Paragraphs 4.2 – 4.6 detail this relationship when they state:

4.2. Section 1 of the 2013-2033 Local Plan was jointly prepared by Braintree, Colchester, Essex and Tendring Councils (known collectively as the North Essex Authorities) and covers broad strategic matters. It was adopted on 26/01/2021.

4.3. Section 1 of the Local Plan takes bold steps to provide for the housing, employment and social needs of existing and future residents up to and beyond the plan period. A key focus of this part of the Plan is the creation of a new garden community.

4.4. This is the Tendring/Colchester Borders Garden Community which is intended to deliver 2,500 homes and 7 hectares of employment land over the plan period (and 7,000 - 9,000 homes and 25 hectares of employment land in total). The new community is proposed to be sited on the Tendring/Colchester border, extending into the southernmost portion of Ardleigh Parish where the small historic hamlet of Crockleford Heath is located.

4.5. The design of the Tendring/Colchester Borders Garden Community - including its nature, form, boundaries and exact housing numbers - will be the subject of a Strategic Growth Development Plan Document (DPD), prepared jointly by Colchester and Tendring Councils. This DPD, currently in draft form, was subject to public consultation between March and April of 2022. At the time of writing, the partner councils were in the process of reviewing the consultation responses and evidence base and making amendments to the draft plan, with a final version anticipated for further public consultation in late 2022 - early 2023. Formal adoption of the DPD is on track to take place in 2023.

4.6. Ardleigh Parish Council intends to work closely and proactively with the partner councils to progress the design and development of the Garden Community. However, this major project is still in its earliest phases and is not anticipated to start delivering new homes in Ardleigh Parish until after the current Local and Neighbourhood Plan period (to 2033) has expired.

This section would benefit from additional clarity on the remit of the neighbourhood Plan where it intersects with the DPD. A paragraph explaining that the Policies within this Neighbourhood Plan do not relate to development within the DPD would suffice.

Policy GDP (General Approach to Development) and Policy HP (Housing) could be interpreted as not allowing any development outside of defined settlement boundaries in the Neighbourhood Plan Area – notwithstanding the fact that the Garden Community will be developed partly in the Neighbourhood Plan Area, albeit in accordance with parameters to be set by the Development Plan Document (DPD) being prepared by Tendring, Colchester and Essex Councils. The emerging Neighbourhood Plan should be in general conformity with the Development Plan, it needs to clearly and explicitly acknowledge the Garden Community development. The NDP must also explain that a separate policy document (i.e. the DPD) will apply to that development, the emerging Plan is close to achieving this in the above mentioned text. The current wording of the emerging Policies are ambiguous at best and could be read as restrictive at worse; and therefore would not, on a strict reading, be in conformity with the adopted Development Plan. These emerging Policies should be amended to address the above concerns.

Similarly with Policies EP (Natural, Built and Historic Environment) and LGP (Local Green Spaces), whilst it is not clear, these Policies should not aim to prejudice or run counter to the adopted Development Plan and Emerging DPD. The preparation of the DPD is an evolving process working at some speed. We would recommend that the Parish Council fully engage with the joint Councils during this preparation process before the Neighbourhood Plan proceeds to the next stage.

It is also unclear if Policy TP (Transport and Parking) is intended to apply to development within the Garden Community. If this is the case, it is considered that this policy would not accord with the adopted Development Plan and will need clarification.

The Council has started work on defining a character area for Crockleford Heath. This work will feed into the next iteration of the DPD. The Parish Council is encouraged to engage in this work and help with the shaping of this unique area.

There is a presentation issue on page 32 where the list of green spaces is split over two pages. Throughout a number of Policies it is required that new development accord with all Policies in the Neighbourhood Plan. As we have mentioned before, this is an unreasonable request and should be amended.

I trust that this helps in the progression of the emerging Neighbourhood Development Plan. If you require any clarification from us, please do not hesitate to contact me.

With kind regards,

William Fuller BA (Hons) MSc (He/Him)
Planning Officer