

# ELMSTEAD NEIGHBOURHOOD PLAN

2013 – 2033  
**Pre-Submission Plan**

PUBLISHED BY

Elmstead Parish Council for Pre-Submission consultation under the  
Neighbourhood Planning (General) Regulations 2012 (as amended).

1<sup>ST</sup> AUGUST 2022



ELMSTEAD  
PARISH  
MEMORIAL  
IS  
GRATEFUL MEMORY  
OF THOSE PEOPLE  
WHO LOST THEIR LIVES  
IN ALL CONFLICTS  
FOR THE CAUSE OF FREEDOM  
WE WILL REMEMBER THEM

# GUIDE TO READING THIS PLAN

Of necessity, this Neighbourhood Plan is a detailed technical document. The purpose of this page is to explain the structure and help you find your way around the plan.

## 1. INTRODUCTION & BACKGROUND

---

This section explains the background to this Neighbourhood Plan and how you can take part in and respond to the consultation.

## 2. THE NEIGHBOURHOOD AREA

---

This section details many of the features of the designated area.

## 3. PLANNING POLICY CONTEXT

---

This rather technical section relates this Plan to the National Planning Policy Framework and the planning policies of Tendring District Council.

## 4. COMMUNITY VIEWS ON PLANNING ISSUES

---

This section explains the community involvement that has taken place.

## 5. VISION, OBJECTIVES & LAND USE POLICIES

---

This key section firstly provides a statement on the Neighbourhood Plan Vision and Objectives. It then details Policies which are proposed to address the issues outlined in the Foreword and in Section 4. These Policies are listed in Table 1. There are also Policy Maps at the back of the plan.

## 6. IMPLEMENTATION

---

This section explains how the Plan will be implemented and future development guided and managed. It suggests projects which might be supported by the Community Infrastructure Levy which the Parish Council will have some influence over. Finally, it deals with a number of issues which although relevant are outside the scope of a Neighbourhood Plan.

# CONTENTS

## FOREWORD

## LIST OF POLICIES

1.	introduction & Background	5
	The levelling up White Paper	5
	The Pre-Submission Plan	6
	Strategic Environmental Assessment & the Habitats Regulations	6
	The Next Steps	7
	This Consultation	7
2.	The Neighbourhood Area	9
3.	Planning Policy Context	18
	National Planning Policy	18
	Strategic Planning Policy	18
	Neighbourhood Planning Policy	25
4.	Community Views on Planning Issues	26
5.	Vision, Objectives & Land Use Policies	27
	Introduction to the land use policies	28
	The Land Use Policies and supporting text	28
		-
6.	Implementation	64
	Development Management	64
	Local Infrastructure Improvements	64
	Other Non-Planning Matters	65
	Policies Maps & Insets	66
	APPENDIX A – ZERO CARBON BUILDINGS	68
	APPENDIX B – POST OCCUPANCY EVALUATION guidance note	72
	APPENDIX D – TRAFFIC MANAGEMENT ASPIRATIONS	74

## FOREWORD

Elmstead is a small but thriving parish centred on the historic village of Elmstead Market, now a growing rural services centre, integrated into the surrounding agricultural and natural landscape setting.

This setting contains over a thousand hectares of prime arable land, a number of areas of woodland - both ancient and managed, multiple reservoirs, ponds, streams and brooks and through ancient byelaws extends south to encompass access to the river Colne. There is a wide variety of habitats supporting significant eco-systems of native wildlife.

Elmstead Market currently consists of over 900 dwellings – a slow but increasing rate of growth from its first recorded history in the Domesday book when in 1086 it comprised 50 households. A number of heritage buildings survive from throughout this period, including the parish church of St Anne and St Laurence that dates back to at least 1310. Several thatched farm cottages around the parish are at least 300 years old, while more farm cottages around the village are brick built in a distinct local style. The village centre holds a number of heritage dwellings in contemporary styles for their time. The majority of homes are however post-war, with waves of development from the 1960s onward.

Over the last decade, the parish has seen many developments, which raised concerns in the local community that current planning practices were lacking a local process to ensure future development was sustainable, integrated, and beneficial to the wider community. Certain recurring issues were raised with the parish council regarding infrastructure.

In 2020 it was decided by the parish council that a neighbourhood plan would be in the parish's best interests. A working party was established which was formalised as a steering group. Over the past 2 years we have held over 20 public meetings, and many more working party and tasks groups. Two public consultations were held in the neighbourhood area alongside a variety of other outreach and feedback methods to communicate with local stakeholders.

Challenges did arise due to the covid-19 pandemic, facilitating a greater reliance on virtual meetings and digital working, but great care has been taken to ensure maximum participation in a safe and accessible manner to all.

The emerging masterplan for the Tendring Colchester Border Garden Community has emphasised a widespread sentiment amongst Elmstead's community that the neighbourhood plan works to protect Elmstead's identity and to be efficient in minimising coalescence.

The plan must consider and compromise to support the best outcomes for community stakeholders, ranging from local residents, small businesses, landowners, 2 schools and many more varied interested parties.

Elmstead's community has proven to be passionate in both protecting its heritage as a neighbourhood and acknowledging the parish needs to adapt and change in a controlled manner to continue to thrive – it is anticipated this plan forms a part of the community's control to ensure that change is positive and sustainable.

I thank the residents and stakeholders who have contributed their opinions to the plan, and especially the volunteers who have worked so hard in its creation.

*Cllr Adam Gladwin, Chair, Elmstead Parish Council Neighbourhood Plan Steering Committee*

# LIST OF POLICIES

POLICY ELM1: SETTLEMENT DEVELOPMENT BOUNDARIES	30
POLICY ELM2: PROTECTING THE SETTING OF ELMSTEAD MARKET	31
POLICY ELM3: GAPS BETWEEN SETTLEMENTS	33
POLICY ELM4: THE FORMER ELMSTEAD COMMUNITY CENTRE	36
POLICY ELM5: AFFORDABLE HOUSING	37
POLICY ELM6: FIRST HOMES	40
POLICY ELM7: HOUSING MIX	41
POLICY ELM8: ZERO CARBON BUILDINGS	42
POLICY ELM9: DESIGN CODES	46
POLICY ELM10: IMPORTANT VIEWS	47
POLICY ELM11: THE VILLAGE CORE	50
POLICY ELM12: MOVEMENT AND CONNECTIVITY	52
POLICY ELM13: MANAGING TRAFFIC	54
POLICY ELM14: LOCAL GREEN SPACES	56
POLICY ELM15: GREEN RING	57
POLICY ELM16: NATURE RECOVERY	60
POLICY ELM17: HEALTH AND WELLBEING SERVICE PROVISION	61
POLICY ELM18: LOCAL COMMUNITY USES	63

## 1. INTRODUCTION & BACKGROUND

1.1. Elmstead Parish Council is preparing a Neighbourhood Plan for the area designated by the local planning authority, Tendring District Council (TDC), on 30 November 2020. The area coincides with the parish boundary (see Plan A on page 4). The plan is being prepared in accordance with the Neighbourhood Planning (General) Regulations of 2012 (as amended).

1.2. The purpose of the Neighbourhood Plan is to set out a series of planning policies that will be used to determine planning applications in the area in the period to March 2033. The Plan will form part of the development plan for Tendring, alongside the adopted Tendring District Local Plan 2013-2033 and Beyond: North Essex Authorities' Shared Strategic Section 1 Plan and the emerging Tendring District Local Plan 2013-2033 and Beyond Section 2, which has the same end of the plan period.

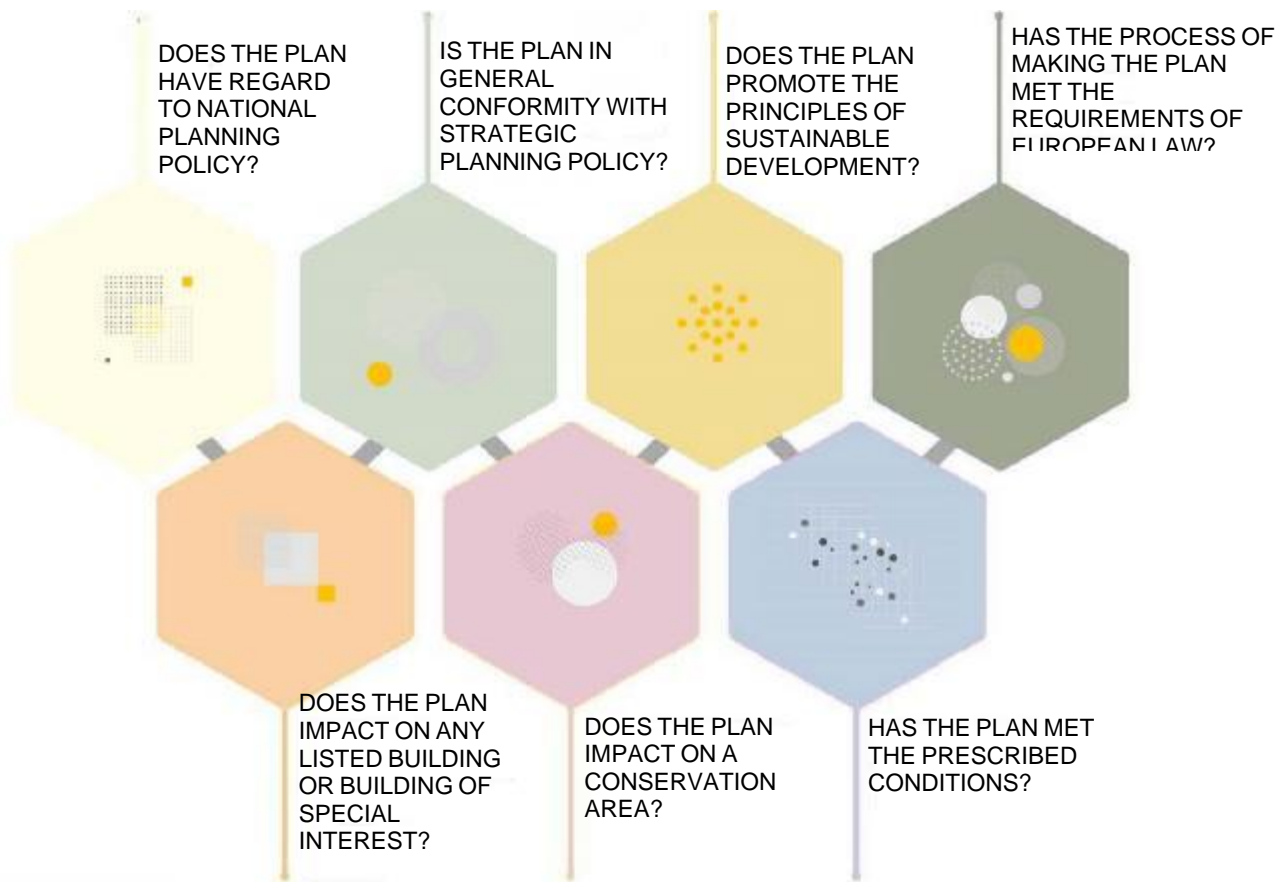
1.3. Neighbourhood Plans provide local communities with the chance to manage the quality of development of their areas. Once approved at a referendum, the Plan becomes part of the Council's statutory development plan and will carry significant weight in how planning applications are decided in the neighbourhood area. Plans must therefore contain only land use planning policies that can be used for this purpose. This often means that there are important issues of interest to the local community that cannot be addressed in a Plan if they are not directly related to planning. Although there is scope for the local community to decide on its planning policies, Neighbourhood Plans must meet all of the relevant basic conditions (see Figure 2 overleaf).

1.4. In addition, the Parish Council will need to demonstrate to an independent examiner that it has successfully engaged with the local community and stakeholders in preparing the Plan. If the examiner is satisfied that it has, and considers the Plan meets the above conditions, then the Plan will go to a referendum of the local electorate. If a simple majority (over 50%) of the turnout votes in favour of the Plan, then it becomes adopted as formal planning policy for the neighbourhood area.

### THE LEVELLING UP WHITE PAPER

---

1.5. In February 2022 the Government published for consultation its White Paper, '[Levelling Up the United Kingdom](#)', which proposes to make changes to planning system. It indicates that there is still a future for neighbourhood planning in that system. It remains unknown when any proposed changes will be implemented.



#### THE PRE-SUBMISSION PLAN

---

1.6. This is the opportunity for the Parish Council to formally consult on the proposed vision, objectives and policies of the Draft Neighbourhood Plan (the Pre-Submission Plan). The Parish Council has reviewed the relevant national and local planning policies and assessed how they affect this area. It has also gathered its own evidence and its reports are published separately in the evidence base.

#### STRATEGIC ENVIRONMENTAL ASSESSMENT & THE HABITATS REGULATIONS

---

1.7. A Strategic Environmental Assessment (SEA) assesses the environmental implications of a proposed policy or plan. It allows for the cumulative effects of development and policies to be assessed and addresses any identified issues at an early stage alongside economic and social considerations. In January 2022, TDC undertook a screening assessment to establish whether the scope of this Neighbourhood Plan is likely to lead to any significant environmental effects. The screening opinion confirms that the Neighbourhood Plan is not required to prepare an SEA in accordance with the Environmental Assessment of Plans & Programmes Regulations 2004 (as amended).

1.8. The screening opinion also confirms that, subject to Natural England's review, this Neighbourhood Plan is not predicted to have likely significant effects on any Natura 2000 sites and so no habitats regulations assessment would be required as per the Conservation of Habitats and Species Regulations 2017 (as amended). In February 2022, Natural England confirmed its agreement with TDC's opinion on this matter.

#### THE NEXT STEPS

---

1.9. Once the consultation is complete, the Parish Council will review the comments made, assess where amendments are required, and prepare a final version of the Plan. This will be submitted to TDC for a further consultation and to arrange for its examination by an independent examiner and subsequent referendum, if TDC is satisfied that the draft plan meets the basic conditions following the examiner's recommendations.

#### THIS CONSULTATION

---

1.10. If you have comments to make on this plan, please do so by midnight on the 25<sup>th</sup> September 2022 at the latest in the following ways:

**By post:**

Elmstead Parish Council

Community Centre

School Road

CO7 7ET

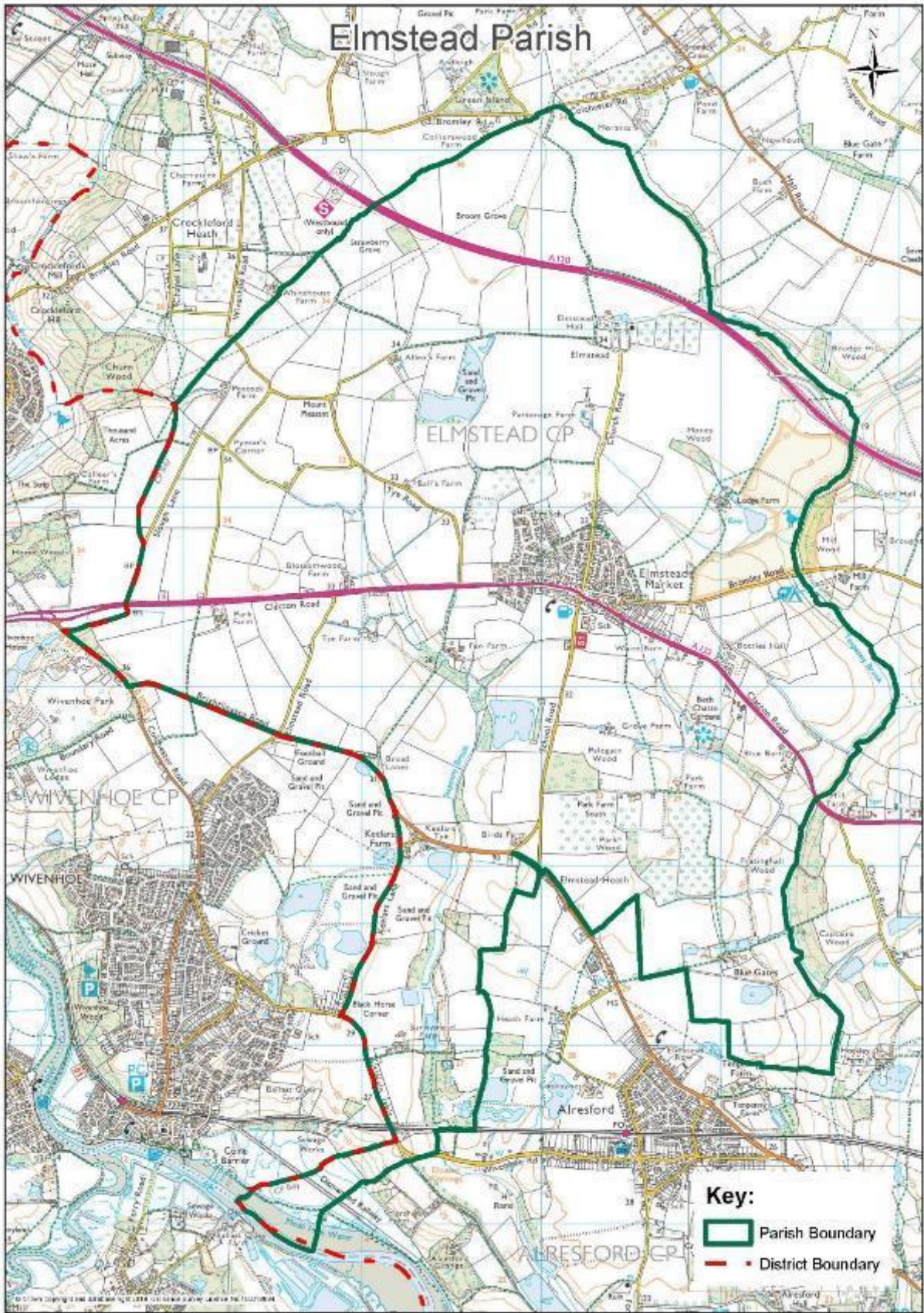
**By email:**

[elmsteadparish@gmail.com](mailto:elmsteadparish@gmail.com)

1.11. Further information on the Plan and its evidence base can be found on the project **website at:**

<https://www.elmsteadparishcouncil.org.uk/neighbourhood-plan>





Plan A: Designated Neighbourhood Area

## 2. THE NEIGHBOURHOOD AREA

2.1 Elmstead is a small rural village located in the Tendring District, with the nearest villages being Frating and Bromley, but also bordering the village of Alresford and the small town of Wivenhoe. The original name for the village was Almesteda and it existed in the time of the Saxon King Edward the Confessor. It is mentioned in the Domesday Book of 1086 and by the 13th Century it had become Elmstead. Elmstead was, and is still to some extent, a farming community with much of its history, landscaping and housing derived from its agricultural roots. The landscape surrounding the village is attractive and undulating with arable farmlands interspersed with small woodlands.

2.2 The nearest large town is Colchester 2.6 miles to the West and the seaside resort of Clacton is 11.5 miles away. There is access to a limited number of shops and there are a variety of small businesses throughout the parish including a petrol station. Elmstead is also unique in having ancient access rights to the River Colne approximately 3 miles away. There is a Grade I listed church which is Saxon in origin, and one Grade II\* building within the parish boundary and this is Elmstead Hall, Church Road. There are 19 Grade II listed buildings within the parish boundary which are mainly on Colchester Road with the rest spread over The Green, Church Road, Old School Lane, School Road, Tye Road and Keelers Lane.

**Diamond Jubilee Flag and Bunting, North Green, June 2022 (Holly Ward)**





**Beth Chatto's Water Gardens, 2021 (Sara White)**

2.3 It has a primary school and a special needs school which covers a large catchment area beyond Elmstead and Tendring. There is also a part time GP service. Historically there were two Anglican churches in the village with the Methodist Chapel in Bromley Road having recently closed. In 1908 St Paul's Mission Church opposite the Market Field School in School Road was dedicated and services were held there up until 1976 when it was declared redundant. It has since been turned into a private dwelling.

2.4 By far the most important place of worship is The Church of St Anne and St Laurence, Church Road next to Elmstead Hall which originates from Saxon times and is a Grade I listed building. The walk from the village centre to the church is much appreciated by villagers as it is one of the most pleasant walks available in the village.

2.5 Elmstead has evolved into its current form through circumstances to meet local needs and demands. Historical development has resulted in the broad shape of the village in terms of houses and amenities provided to meet the needs of residents, and this has

largely determined the shape of the settlement boundary which has remained unaltered for many years.

- 2.6 Elmstead has a population of 1,855 and comprises of 813 dwellings which is a mixture of bungalows and houses (figures according to 2011 Census). However, there have been a number of approved planning applications for approximately a further 400 dwellings. There is predominantly an ageing population, however the demographics are slowly changing due to the increased development of large family sized properties. Elmstead is an affluent village where the average house cost has risen from 2011 to 2020 by 56.7% which is above the national average. However, the provision of 1- and 2-bedroom dwellings falls well below the national average showing a lack of provision for second generation residents.
- 2.7 In all age groups the numbers are fairly stable with the largest age group being 45-64, accounting for nearly a third of the population of the village. Over the last few years there has been a slight decline in the 25-44 age group and a slightly higher increase in the 65-84 age group in comparison to England as a whole. Elmstead has fewer one person households than the national average but for over 65s the figure is higher than the national average. Elmstead Market has 20% less High and Intermediate and Intermediate managerial, administrative or professional households than the national average. The Housing Needs Assessment recently carried out to inform the preparation of the Elmstead Neighbourhood Plan, published in the evidence base, has more on the incomes of those living in the village.
- 2.8 The parish's northern boundary runs along historic field edge hedgerows bordering the neighbouring parish of Ardleigh. It converges with Bromley's parish boundary where Bromley Brook underflows Colchester Road, before running southeast along the centre of Bromley Brook's historic watercourse.
- 2.9 At a number of points along this course agricultural ditches and ponds have been constructed alongside the brook, causing the boundary to run adjacent from the northeast bank. Where Spring Brook meets Bromley Brook to form Tenpenny Brook the boundary turns south, across the A120, following the centre of Tenpenny Brook through Lodge Farm nature reserve and across Bromley Road.
- 2.10 Further southeast it converges with the Bromley/Frating boundary at the previous location of Moreham's stream, and for the next half mile in a southwest direction the boundary is approximately 30 feet east of the stream's contemporary location, due to the waterway meandering over time.
- 2.11 Crossing Clacton Road, the boundary with Frating continues to follow the historic waterway south, at times straying a small distance to either side of the stream's current path. Due to an offset convergence of 4 boundaries, Elmstead's limits border that of Thorrington for less than a hundred metres, before veering west along the banks of Heath Brook, bordering the parish of Alresford – the village of which is close to the south.

For around half a kilometre the boundary follows ancient hedgerows and field boundaries northwest, before running parallel to the northern edge of the B1027 to Elmstead Heath.



**Elmstead Brook, (Sara White)**

2.12 From here the boundary crosses the B1027 south, following a historic cattle path right of way, crossing railway tracks and Wivenhoe Road, before angling southwest crossing the Colne marshes and sea wall and entering the river Colne.

2.13 For around 300m the boundary runs along the centre of the river – as defined by half the width of the river at chart datum tide, during which it borders Fingringhoe on the river's south bank. Where this boundary meets Wivenhoe (and is therefore the border between Tendring and Colchester) it veers northeast, running almost parallel to the other

boundary forming a spur of the parish historically protected by byelaws to retain river rights.

- 2.14 The parish and district boundary returns across both a disused and functional railway to meet Wivenhoe Road, running along the northern edge of the road to Black Horse Corner, to turn north and proceeds along the centre of Keelars Lane, to Brightlingsea road, where it further runs along the northern roadside for nearly a mile northwest. Shortly before reaching the junction with the A133 the boundary veers east, following historic district limits along an unnamed water way associated with Wivenhoe House.
- 2.15 Crossing the A133 north, for a distance it follows Slough Lane's western curb, before diverging further west, following historic field boundaries that have since been deleted until it reaches Peacocks Stream, where the district boundary turns west, but Elmstead's parish boundary commences northeast now bordering Ardleigh and the hamlet of Crockleford. The border follows ancient hedgerows along field boundaries northeast until it crosses the A120 having encircled the village.
- 2.16 Lying on the A133 road between Colchester and Clacton and close to the A120 trunk road between the A12 and the major port of Harwich, the village is well connected to a number of larger centres of population. Originally a thriving farming community with associated agricultural businesses Elmstead today has changed more into a dormitory village with residents travelling to work in neighbouring large towns. Some even commute as far as London. However, with this natural decline in agricultural employment, commercial and employment areas have evolved over time.
- 2.17 On the east of the village there is a large commercial/residential development, Lanswood/Chattowood, which houses small independent business units and a mixture of residential dwellings. Next to this is the internationally renowned Beth Chatto's Plants and Gardens spread over 7.5 acres. It is known for its specialisation of dry gardens and outstanding beauty and is part of Historic Gardens.
- 2.18 Some day-to-day convenience shopping is provided for in the village plus some specialised services, but the community is able to access a wider range of retailers in Colchester and Wivenhoe some 2-3 miles away. Throughout the whole parish of Elmstead there are a variety of small and medium size commercial developments plus many small businesses which operate from people's homes. These all provide local employment whilst harmonising with village life.



**South Green, Elmstead (Holly Ward)**

2.19 There is a primary school whose catchment area currently relies on attracting children from a wider area, but this may change with the increase in the now approved residential development. There is also Market Field School which is a special needs school serving a wider area for children aged 5-19 with approximately 350 on roll and is the largest building in the parish. The nearest secondary school is in Colchester, but the feeder school is in Brightlingsea 6 miles away.

2.20 There is currently a small GP part time surgery operating in the village which is part of a bigger GP Trust with 2 full time surgeries in Colchester. The community centre on School Road is small and unable to meet the needs of a larger population but there is a planned replacement going to be constructed on the Charity Field site opposite. New allotments, public open spaces and play areas will be provided on Charity Field, School Road, Church Road and Tye Road housing development sites.

2.21 The NPPF contains housing delivery and housing supply tests for Local Planning Authorities. There are penalties when these tests are not being met. These penalties applied in the Tendring district for some time and as a result the village has seen a number of speculative housing schemes consented across the village leading to approximately a 20% population growth. The result of this is that it has been difficult to

co-ordinate housing delivery to improve local infrastructure as the cumulative effects have not been measured. It is recognised that services and facilities are operating at capacity with traffic issues throughout the village and that developer interest in the village remains high with a number of speculative applications awaiting appeal outcomes.

- 2.22 The recent development of Market Field School into a larger premises has increased the traffic substantially at the beginning and the end of the school day with a pinch point at the junction of School Road and Church Road. The majority of the students are from out of area so necessitate being transported to and from the school.
- 2.23 The development of the various residential developments has impacted on the demand for local services e.g., the GP practice and the primary school. Traffic throughout the village has increased dramatically with the increased dwellings but without traffic calming measures being put into place. It should also be noted that there is a cross border Garden Community planned on the borders of Tendring District Council and Colchester Borough Council, which will be to the West of Elmstead Market. This will incorporate up to 9,000 predominately high-density dwellings, businesses, a rapid transport system and a travellers' camp. The construction of this will commence after the completion of a new link road between the A133 and the A120 to the west and north of the village. Completion is due in 2023 (this could be subject to change as an application for an extension is yet to be decided at the time of writing).
- 2.24 Whilst there are currently no conservation areas within the parish of Elmstead, the Woodland Trust has 103 acres of rejuvenating ancient woodland on Bromley Road which is classed as a woodland refuge. The last report for this area showed there is a population of buzzards, barn owls and water voles.
- 2.25 Historically there were three distinct areas of the village. Elmstead, Elmstead Market and Elmstead Heath. In 1900 the Parish Boundary was 16 miles. Elmstead Heath, at the southern end of school Road, was ceded to Alresford in the 1940s. Elmstead was the area by the Church and Elmstead Hall and Elmstead Market was the area by the crossroads, which is now considered to be the centre of the village.
- 2.26 The centre of the village would be considered to be what is termed as the 'North Green' where the flagpole is situated. The 'South Green' is a strip on the southern side of the road where the village sign is erected.
- 2.27 This crossroads is the site of the original Market. In 1253 Sir Richard de Tany as Lord of the Manor, obtained a weekly market and an annual fair about a mile south of his Manor House (Elmstead Hall). This encouraged the building of houses and cottages around the village green (which was much larger in those days). It is this area of housing which depicts much of the village character.



- 2.28 The A133 running west to east divides the village with the majority of housing being to the north of the A133. Ribbon development has recently taken place along the A133 which runs west to east through the centre of the village.
- 2.29 Turnip Lodge Lane in Elmstead is one of 9 protected lanes within the Tendring District Council area. These lanes are an important feature in the landscape providing insights into past communities and their activities. They have the archaeological potential to give evidence about past human activities and to prove an insight into the development of a landscape and the relationship of features within it over time. They also have considerable ecological value as habitats for plants and animals, servicing as corridors for movement and dispersal for some species and acting as vital connections between other habitats.
- 2.30 The Agricultural Revolution in the 18<sup>th</sup> century would have had an impact on Elmstead with new farming techniques and improved livestock breeding leading to better food production, which meant the population grew and health improved. Following on from this was the Enclosure Movement where land that had formerly been owned in common by all the members of a village to graze animals and grow food, was changed to privately owned land surrounded by walls, fences or hedges. Although this was very practical in organizing the land, many small farmers were forced to give up farming and either moved to cities to look for work or became tenant farmers. Today in Elmstead the majority of the agricultural land is still owned by only a few landowners.
- 2.31 The area has an extensive arable landscape of large productive fields divided by low, hedgerows with intermittent gaps, interspersed with oaks which stand out against the skyline. Areas of former heath have been converted to smallholdings or areas of regenerated woodland. A network of narrow lanes connects the scattered farms and small holdings.
- 2.32 Elmstead Hall would have been built as a rural manorial hall with surrounding settlement and agricultural outbuildings. Elmstead Market is the modern rural village settlement located around the village green, away from the hall and church. The heath has been lost with infill altering the character of the settlement although its rural character has remained. The church is the oldest building in the village with the manorial hall being an elegant building of a grand design.
- 2.33 There are no designated sites of extraction within the parish however the Wivenhoe Gravel Pit is situated on the border of the parish. There are also various areas of ancient woodlands within Elmstead. Arleigh reservoir, Salary Brook and Fingringhoe reserve are all within a mile of the boundary of Elmstead. The Beth Chatto Gardens to the east of the village on the A133 is an internationally renowned Registered Park and Garden developed over many years by Beth Chatto. The Woodland Trust has developed woods and green spaces to the northeast of the village. Regrettably there is no nearby parking which means this is an underused feature of the village.

2.34 The construction of the A133 connecting Colchester to Clacton-on-Sea divides the village of Elmstead. The original road was built in 1933 as the A12 to bypass Colchester town centre. It was later renumbered as the A604 then in the 1990s it became the road we know today, the A133. The A12 now bypasses Colchester and joins the A120 at the Ardleigh roundabout. The traffic using the A133 through the village has grown over the years as more residential and commercial development has taken place. The impact to the village has been huge as the road goes from 60 mph to 30mph as it crosses the village boundary but there are no the traffic calming measures in place to allow the residents to navigate the road safely. The approved plans for the new A133/A120 Link Road to the west of the village will too impact on the village especially during the construction process as mentioned in paragraph 2.23.

### 3. PLANNING POLICY CONTEXT

3.1 The Parish lies within the Tendring District situated in the county of Essex. TDC is the local planning authority for the area.

#### NATIONAL PLANNING POLICY

---

3.2 The National Planning Policy Framework (NPPF) published by the Government is an important guide in the preparation of local plans and neighbourhood plans. The following paragraphs of the latest NPPF version published in July 2021 are considered especially relevant:

- Neighbourhood planning (§28 - §30)
- Housing Type and Tenure (§62)
- Affordable Housing (§64)
- Small and Medium-sized Sites (§70)
- Healthy and Safe Communities (§92)
- Community facilities (§93)
- Open Space and Recreation (§98)
- Local Green Spaces (§101 - §103)
- High quality design (§128)
- The Natural Environment (§174)
- Biodiversity (§179)
- The Historic Environment (§190)

3.3 The Government has also set out a requirement for the provision of First Homes in a Written Ministerial Statement on 24 May 2021. These requirements were subsequently incorporated into National Planning Practice Guidance. As the Parish is a 'designated rural area', First Homes Rural Exception Sites are unable to come forward in The Parish. However, this does not preclude First Homes forming part of the affordable housing contributions through infill or Rural Exception Sites allowed for by the development plan and the Neighbourhood Plan seeks to include policies on First Homes.

#### STRATEGIC PLANNING POLICY

---

3.4 The Neighbourhood Plan must be in general conformity with the strategic policies of the development plan which primarily comprises the adopted *Tendring District Local Plan 2013-2033 and Beyond: North Essex Authorities' Shared Strategic Section 1 Plan* and *Tendring District Local Plan 2013-2033 and Beyond Section 2*.

3.5 The *Tendring District Local Plan 2013-2033 and Beyond: North Essex Authorities' Shared Strategic Section 1 Plan* was adopted in January 2021 and contains a proposal for a Tendring/Colchester Borders Garden Community of eventually up to 9,000 homes, the majority of which lies within the Parish to the west of the village (Policies SP8 and SP9). The

proposal also includes new employment land, schools and services and a new link road between the A120 and A133.

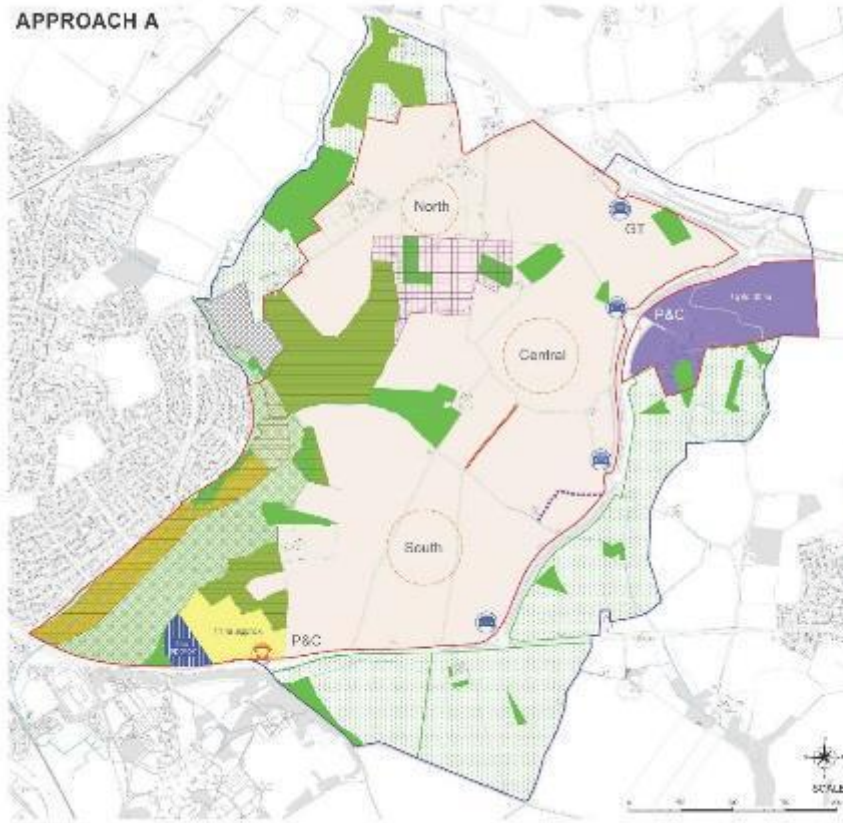
3.6 Policy SP8 requires that the allocation is planned for through a development plan document (DPD) prepared by the planning authorities, which will provide the basis for the submission of planning applications, and which must have robust community engagement. The Parish Council continues to engage separately with the development of the DPD but have used the Neighbourhood Plan to put markers down for how the DPD should accommodate the village interests.

3.7 A consultation on the draft DPD for the Tendring Colchester Garden Community recently ended. The draft DPD sought an opinion on two approaches, Approach A and Approach B (see Plan B). An extract from the Spring 2022 Draft Plan detailing the differences between the 2 approaches is shown below:

- *“University Expansion Land is shown north of the A133 close to the University of Essex in Approach A. As an alternative, Approach B proposes University Expansion Land south of the A133 and east of Colchester Rd (B1028). Both approaches propose 11 ha for University uses. Under Approach B land to the north of the A133 not to be allocated for University Expansion could be used for other purposes related to the Garden Community.*
- *Both approaches include a minimum of 3.5ha land for Knowledge Based Employment located to the north of the A133 close to the University of Essex. Approach B has an additional 4ha of land extended westwards to be located closer to the existing Knowledge Gateway and the A133/Clingoe Hill junction with the University Campus.”*

3.8 The village has seen a number of speculative housing schemes consented in and around the Parish, as shown on Plan C. All but one of the schemes are on site and the other is likely to commence within the next couple of years. As a result, it has been more difficult to coordinate housing delivery to improve local infrastructure as the cumulative effects have not been measured.

**APPROACH A**



**TENDRING COLCHESTER BORDERS DRAFT PLAN KEY DIAGRAM**

**PROPOSED LAND USE**

- Settlement Development Boundary
- Neighbourhoods
- Strategic Green Cap
- Coodenford Heath Area of Special Character
- Salisbury Brook Country Park
- University Expansion Land
- Knowledge Based Employment
- A100 Industrial Business Park
- Provision of Gypsy and Traveller Site
- Park & Chase Facility

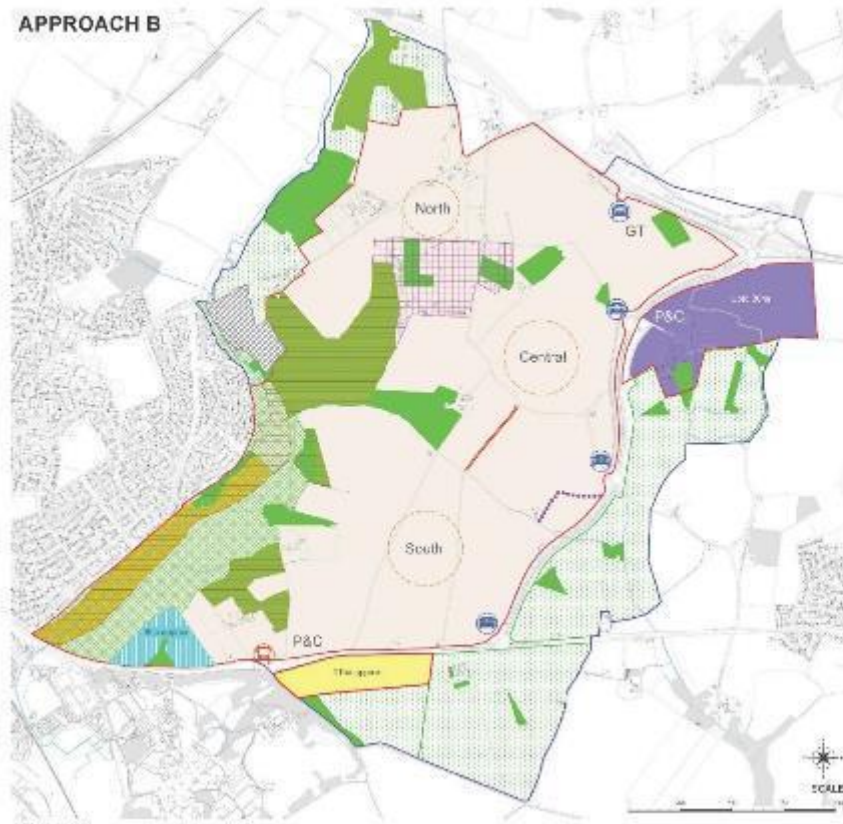
**DRAFT PLAN POLICY 1**

- Part A
- Part B
- Part C
- Part D
- Part E
- Part F
- Part G
- Part H
- Part I
- Part J

**OTHER FEATURES**

- Area of Search Boundary (from the adopted Section 1 Local Plan)
- Vehicle Site Access Points (All Modes)
- Vehicle Site Access Points (RTS/ Public Transport Only)
- Ancient Woodland
- Other Woodland
- Local Wildlife Sites
- Local Nature Reserve
- Protected Lane
- Committed Development (scheme under construction of Bentley Road by Salisbury Homes)

**APPROACH B**



**TENDRING COLCHESTER BORDERS DRAFT PLAN KEY DIAGRAM**

**PROPOSED LAND USE**

- Settlement Development Boundary
- Neighbourhoods
- Strategic Green Cap
- Coodenford Heath Area of Special Character
- Salisbury Brook Country Park
- University Expansion Land
- Knowledge Gateway Extension
- A100 Industrial Business Park
- Provision of Gypsy and Traveller Site
- Park & Chase Facility

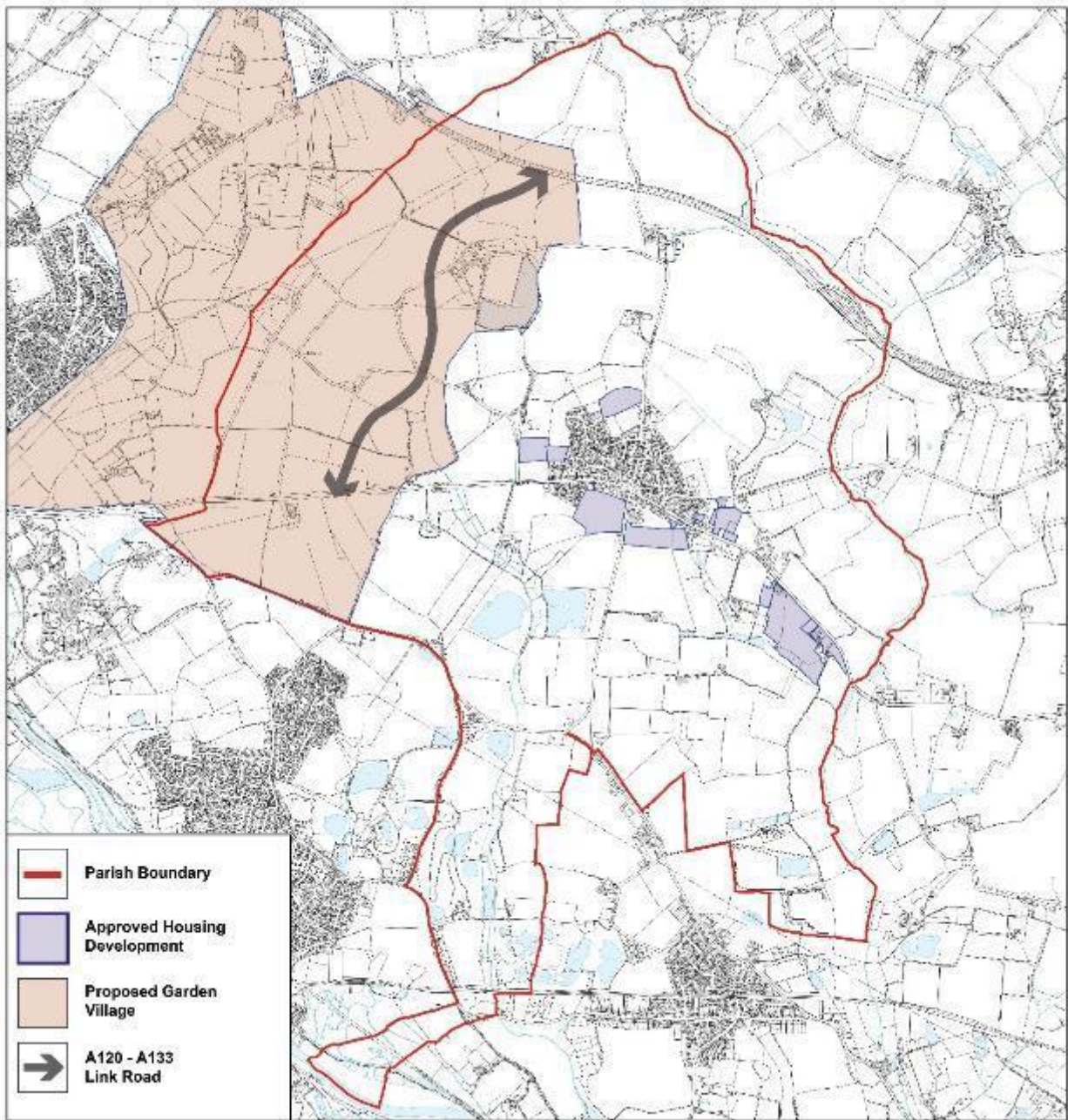
**DRAFT PLAN POLICY 1**

- Part A
- Part B
- Part C
- Part D
- Part E
- Part F
- Part G
- Part H
- Part I
- Part J

**OTHER FEATURES**

- Area of Search Boundary (from the adopted Section 1 Local Plan)
- Vehicle Site Access Points (All Modes)
- Vehicle Site Access Points (RTS/ Public Transport Only)
- Ancient Woodland
- Other Woodland
- Local Wildlife Sites
- Local Nature Reserve
- Protected Lane
- Committed Development (scheme under construction of Bentley Road by Salisbury Homes)

**Plan B: Tendring/Colchester Garden Community Key Diagram – Approach A and Approach B**



Ordnance Survey, (c) Crown Copyright 2021. All rights reserved. Licence number 100022432

### Plan C: Development locations in the Parish

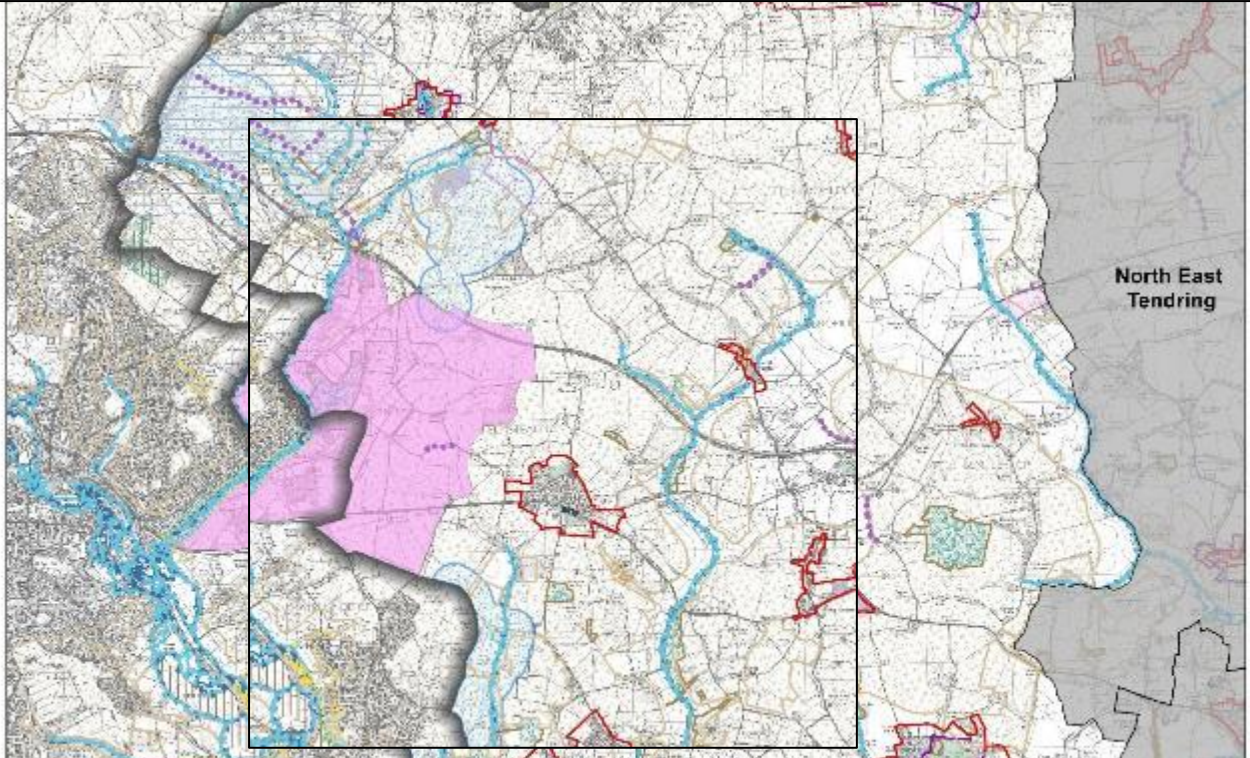
3.9 The *Tendring District Local Plan 2013-2033 and Beyond Section 2* was adopted 25 January 2022. As a result of recent housing schemes, the new Local Plan Section 2 does not allocate housing sites in the village. In this respect, TDC has confirmed that the Neighbourhood Plan's housing requirement figure for the plan period is zero, as per §66 of the NPPF and Policy LP1 of the new Local Plan Section 2. This Neighbourhood Plan does not

make any housing allocations but has supported a 100% affordable housing scheme coming forward as a Neighbourhood Development Order being prepared by the Parish Council, and has focussed its attention on preparing other development management policies. The Parish Council has also confirmed that it will consider a review of the Neighbourhood Plan should this position change.

3.10 Policy SPL1 classifies Elmstead Market as a Rural Service Centre in the settlement hierarchy and Policy SPL2 establishes a settlement boundary for Elmstead Market as a planning policy tool to direct development (see Plans D and E). Other policies that may be relevant are listed below:

- SPL3 Sustainable Design – setting out general design criteria for new development
- HP2 Community Facilities – retaining, improving and supporting new community facilities
- HP3 Green Infrastructure – protecting and enhancing green infrastructure assets
- HP4 Safeguarded Local Greenspace – protecting existing green spaces (not the same as NPPF Local Green Space designation)
- LP2 and LP5 Housing Choice and Affordable Housing – requiring a mix of dwelling types, sizes and tenures and affordable housing threshold of 30% from 11 or more dwellings, but no reference to First Homes or lowering the affordable housing thresholds for its 'designated rural areas'.
- LP6 Rural Exception Sites – permitting such schemes on sites adjoining the settlement development boundaries of 'Rural Service Centres'.
- LP3, LP4 and LP8 Housing Density & Layout and 'Backland' Residential Development – securing appropriate densities, layouts and protecting amenity
- PP3 Village Centres – identifying a village centre at Elmstead Market
- PP6 Employment sites – protecting employment land at Lanswood Park
- PPL3 Rural Landscape – safeguarding the character and appearance of the rural landscape and non-designated heritage assets
- PPL6 Strategic Green Gaps – protecting the identities of settlements
- PPL9 Listed Buildings – protecting designated heritage assets
- CP2 Transport Network – requiring the new strategic link road between the A120 and A133 and a Rapid Transit System to serve the Tendring/Colchester Borders Garden Community

3.11 There are other development plans – *The Essex and Southend-on-Sea Waste Local Plan 2017 and the Essex Minerals Local Plan* for example – that apply in the Parish, but none are considered relevant in the preparation of this Neighbourhood Plan. Essex County Council is currently undertaking a Minerals Local Plan Review. As mineral and waste matters are 'excluded development' for the purposes of neighbourhood planning, the Parish Council will continue to engage in this matter separately.



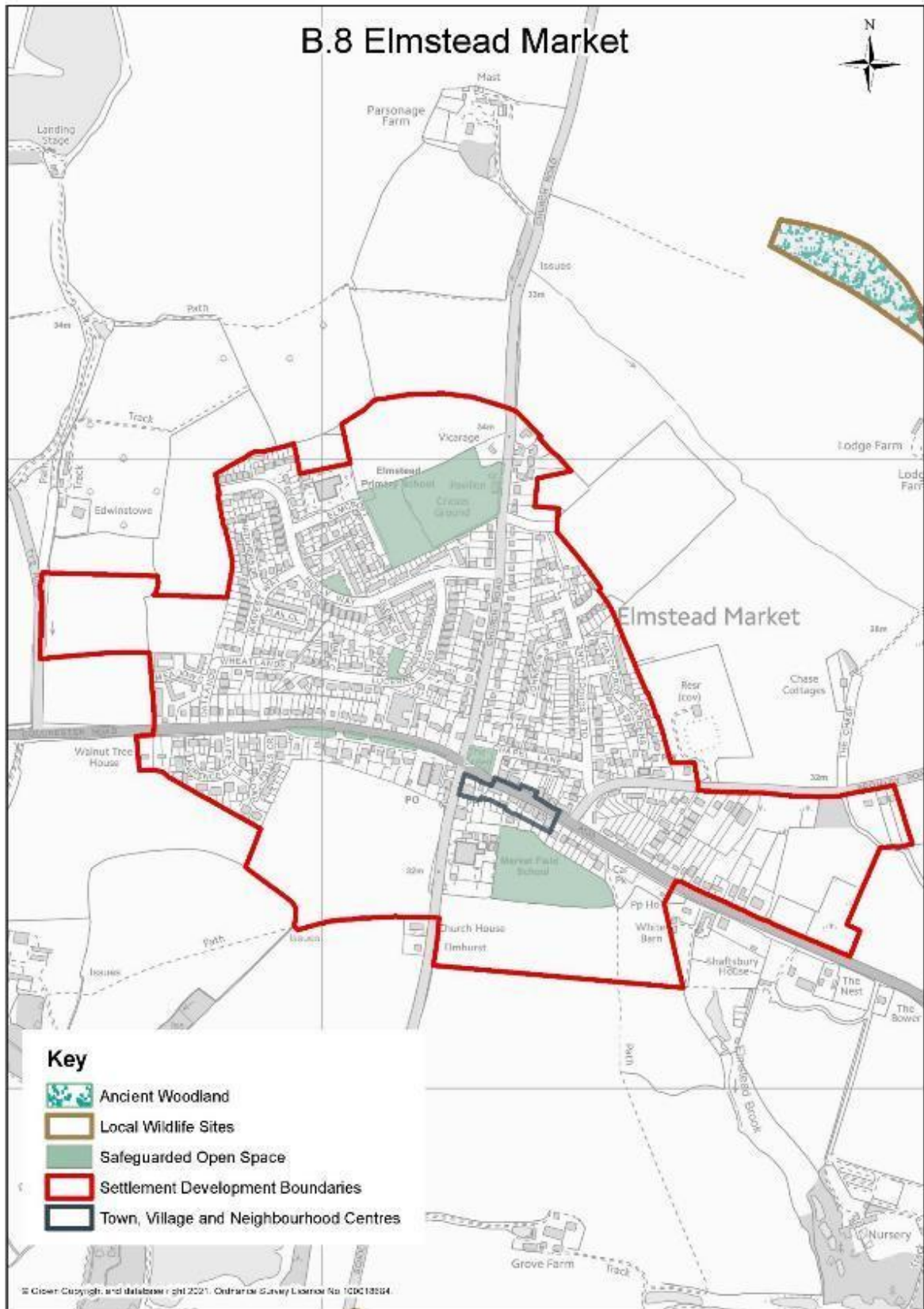
**The Tendring District Local Plan  
2013 - 2033 and Beyond  
Map Key**

- |                                       |                                |   |   |
|---------------------------------------|--------------------------------|---|---|
| Local Plan District Boundary          | Areas of Special Interest      | Former Landfill Schemes                     | Areas of Conservation (AOA)                   |
| Employment Allocation                 | Article 1 Direction            | Historic Towns                              | Special Protection Areas (SPA)                |
| Employment Site                       | Conservation Area              | Flood Zone 1                                | Allocated Areas - Green Belt                  |
| Housing Allocation                    | Cemetery & Crematorium         | Flood Zone 2                                | Safeguarding Burial Ground Areas              |
| Mixed Use Allocations                 | Eco-Node Bay                   | Suffolk Coast & Heaths AONB                 | Tendring at 2033 - Vision of District in 2033 |
| Primary Shopping Area                 | International Safeguarded Area | Safeguarding OIA Technical Sites            |   |
| Partnership Development Boundary      | Hawick International Plot      | Sui Generis Green Space                     |   |
| Town, Village & Estate Centre         | Safeguarded Historic Parks     | Local Nature Reserves                       |   |
| Priority Areas for Regeneration       | Safeguarded Open Space         | Local Wildlife Sites (LWS)                  |   |
| Proposed Lines                        | Wildlife Woodland              | International Sites                         |   |
| Potential Windmills                   | Coastal Protection Belt        | Former Site                                 |   |
| Strategic Business Qualification Area | East Angles - AONB             | Sites of Special Scientific Interest (SSSI) |   |

The flood zones shown on the map should only be used as a guide. The Environment Agency flood risk maps are a change by land for the latest flow risk information and for further information visit [www.environment-agency.gov.uk](http://www.environment-agency.gov.uk)

It is important that the Maps and Keys are used in conjunction with the Written Statement.





**Plan E: Adopted Tendring District Local Plan 2013-2033 and Beyond Section 2 Policies Map  
Elmstead Market Inset**

3.12 The neighbouring parish to the south of Elmstead, Alresford, has a made Neighbourhood Plan. The majority of the plan focuses on expressing local identity. Its policies also include enhancing walking and cycling to neighbouring villages, such as Elmstead Market.

3.13 The parish of Wivenhoe in the adjacent Colchester Borough also has a 'made' neighbourhood plan. The plan makes a number of housing allocations and includes policies to enhance walking, cycling and safeguards green spaces. Elmstead is able to access a wider range of retailers in Colchester and Wivenhoe and the made Wivenhoe Neighbourhood Plan supports more 'small' retail businesses.

3.14 To its north, the parish of Ardleigh is also currently preparing a Neighbourhood Plan but it has not yet been made.

## 4. COMMUNITY VIEWS ON PLANNING ISSUES

4.1 There have been two neighbourhood plan surveys carried out during 2021, looking at a number of topics, including the size and types of property residents thought were needed in Elmstead Market. In addition, there were various traffic volume surveys completed on all roads within the village. One rationale for these pieces of work was to gauge the village residents' housing needs for now and the future.

4.2 Concern was raised by residents that Elmstead could lose its village identity due to excessive large-scale developments that are approved and currently being completed, but also those planned for the future. Whereas some small-scale infill developments were deemed to be more acceptable.

4.3 It was evident from the survey that there were insufficient smaller affordable 1,2- and 3-bedroom properties being built to allow younger generation residents to stay in the village. It was also suggested that all new build properties have sufficient parking. Those that responded to the surveys also suggested all future developments should have green spaces incorporated into design / plans which included recreation areas. It was suggested that the old community centre site be developed to provide smaller affordable properties for local people.

4.4 A major concern is that due to the increase in traffic both within and through the village it was felt that road junctions needed to be improved, with traffic calming measures to be installed and additional pedestrian crossings to be added.

4.5 It was recommended that green gaps such as country parks and/or public access land should be maintained on eastern and western approaches to the village, which would enable the community to maintain its identity as a village and avoid coalescence with neighbouring communities.

4.6 Of importance it was recognised that GP facilities should be improved with the increase in resident numbers. Other facilities were also requested such as a village pub, post office and a cafe. This suggests that there is a general lack of opportunities for villagers to meet and socialise.

4.7 In line with encouraging and maintaining a healthy lifestyle, it was suggested that additional footpaths continued through the housing estates without having to navigate the main road, particularly if walking with children. It was also suggested for footpaths to be created within the village boundaries providing an increased number of areas for people to walk. Shared walk and cycleways could be created linked to the proposed Garden Village to encourage residents to walk or cycle and help the county meet its zero carbon aims.

## VISION

“Elmstead will have grown successfully as a community through the completions of approved housing developments and sustainable infill within the existing fabric of the village settlement. The village core provides a centre bringing the old and new communities together. Although change in the wider parish has been significant, it has provided the opportunity for access to new community facilities and services and improved connectivity of the wider green infrastructure network from the village into the countryside.”

## OBJECTIVES

To manage incremental growth of the village through sensitive infill and to protect the surrounding countryside from harmful development

To conserve the special heritage character of the village and its landscape setting

To protect and improve the ecological value and connectivity of the green infrastructure assets of the village and wider parish

To sustain community facilities and services that are essential to community life

5.1 The following policies relate to the development and use of land in the designated Neighbourhood Area of Elmstead Parish. They focus on specific planning matters that are of greatest interest to the local community.

5.2 There are parts of the Parish that are not affected by these policies, and there are many other policy matters that have been left to the adopted Tendring Local Plans to cover. This has avoided unnecessary repetition of policies between this Neighbourhood Plan and the adopted Local Plans, though they have a mutual, helpful inter-dependence.

5.3 Each policy is numbered and titled, and it is shown in bold. Where necessary, the area to which it will apply is shown on the Policies Map attached to the document. After each policy is some supporting text that explains the purpose of the policy, how it will be applied and, where helpful, how it relates to other development plan policies.



**Elmcroft, Elmstead (Parish Council)**

---

**POLICY ELM1: SETTLEMENT DEVELOPMENT BOUNDARIES**

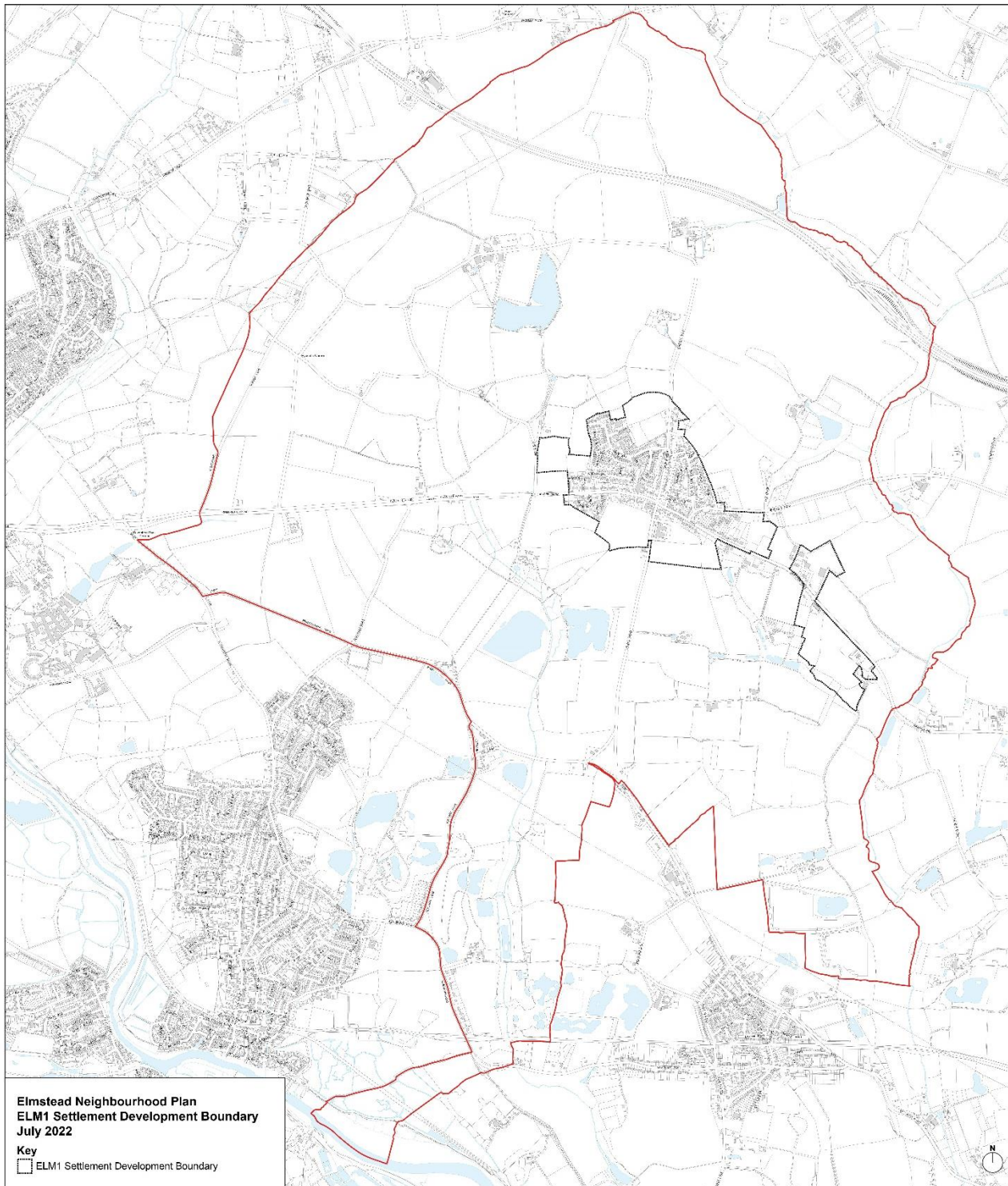
- A. The Neighbourhood Plan defines settlement boundaries at Elmstead Market and Lanswood, as shown on the Policies Map.**
- B. Proposals for development within the settlement boundaries will be supported provided they accord with the policies of the development plan.**
- C. Proposals for development outside the settlement boundaries will only be supported if they accord with development plan policies managing development in the countryside.**

5.4 The policy is intended to distinguish between the built-up areas of each of the two main settlements in the parish and their surrounding countryside in order to manage development proposals accordingly.

5.5 Lanswood has not previously had a settlement boundary, but the quantum of the approved development at this location has effectively established an additional settlement in the Parish which relies on Elmstead Market for day-to-day services and facilities. The Parish Council also considers it appropriate to guide new development at this location given the prominent brownfield site on Clacton Road which may become available for development during the plan period. The policy therefore establishes a new settlement boundary at Lanswood following the observed settlement edge from buildings which have a clear functional relationship with the Lanswood settlement or have been given planning permission, and it includes the prominent brownfield site on Clacton Road but excludes buildings which are not fully integrated with the Lanswood settlement. This has allowed flexibility to accommodate residential 'infill' development provided it accords with other policies of the development plan in line with Tendring's Local Plan Part 2 approach to settlement development boundaries. The policy also updates the boundary of Elmstead Market, as shown on the Policies Map, to accommodate the approved development in the parish.

5.6 The definition of settlement boundaries remains an important feature of Tendring's Local Plan Part 2 in distinguishing how planning applications are considered if they relate to land inside or outside a boundary. The policy is consistent with Local Plan Part 2 Policies SPL1 Managing Growth and SPL2 Settlement Development Boundaries in only supporting housing development within the newly defined boundaries, as Elmstead Market is defined as a Rural Service Centre where new development will occur through the completion of existing planning permissions, unidentified 'windfall' sites within settlement development boundaries or through Rural Exception Sites where a need has been identified.

5.7 The policy also refines Policy SPL2 Settlement Development Boundaries to make it clear that outside of these defined settlement boundaries development will only be supported if they accord with policies managing development in the open countryside to provide certainty to applicants and the community and to recognise the valued function of the countryside in shaping the rural character of Elmstead.



## **POLICY ELM2: PROTECTING THE SETTING OF ELMSTEAD MARKET**

- A. The Neighbourhood Plan defines a Green Landscape Buffer, as shown on the Policies Map, for the spatial purpose of protecting a high quality landscape on the urban fringe of the Tendring/Colchester Garden Community providing access to the countryside; avoiding coalescence; and retaining the separate identities of the Tendring/Colchester Garden Community and Elmstead Market.**
  
- B. Proposals for development within the Green Landscape Buffer will only be supported where they:**
  - i. represent the provision of appropriate development for a countryside location in accordance with Policy ELM1 Settlement Boundaries;**
  
  - ii. improve access to, and the enjoyment of, the countryside in accordance with Policies ELM10 Important Views and ELM12 Movement and Access;**
  
  - iii. would not diminish the physical and/or visual separation of the Tendring/Colchester Garden Community development and Elmstead Market or harm its landscape setting; and**
  
  - iv. protect and reinforce the identified positive features of the landscape in the Green Landscape Buffer.**

5.8 The draft Tendring/Colchester Garden Community DPD defines the extent of land needed to accommodate the development. For each proposed approach the draft DPD defines a Strategic Green Gap to avoid sprawl or coalescence with Elmstead Market. However, Draft Policy 1: Land Uses and Spatial Approach Part C of the draft DPD permits not only development suited to the countryside, but also development for outdoors sport or recreation, cemeteries and burial grounds or allotments. Additionally, Part H proposes the siting of an A120 Industrial Business Park immediately south of the A120 and east of the new A120-A133 Link Road (as shown on Plan B). There is therefore a particular local concern that the rural landscape setting of Elmstead Market will be lost through the delivery of the Tendring/Colchester Garden Community in accordance with the draft DPD.

5.9 The policy therefore anticipates development pressures that may arise from the development of the Tendring/Colchester Garden Community by defining a Green Landscape Buffer that encompasses the area between Elmstead Market and the proposed area of the Tendring/Colchester Garden Community which will become all the more important as the Tendring/Colchester Garden Community progresses to completion.



The Landscape Setting of Elmstead Market Report, informed by the Local Plan Part 2 evidence base, included in the evidence base provides a comprehensive assessment of the area to justify this designation.

5.10 The majority of the Parish lies within the Bromley Heaths Landscape Character Area (The Landscape Character Assessment, 2001). This is a visually sensitive area as a result of its open and rural character and the Assessment notes the importance of maintaining the identity of individual villages. It also highlights isolated halls and churches located separately from villages as a special feature in the landscape, which includes Elmstead's Parish Church, St Anne and St Laurence, which should not be integrated with extensions of adjacent settlements. All of the land identified for the Green Landscape Buffer which makes a particular contribution to the local character and distinctiveness; an important contribution to the landscape setting of Elmstead Market; and is considered will be required to serve as a clear visual and physical break in the built environment has been defined on the Policies Map.

5.11 The policy gives local effect to Local Plan Part 2 Policy PPL3 which seeks to protect and reinforce the positive landscape qualities of the rural landscape. It requires that appropriate development, which is only that which is suited to a countryside location, by way of its height, scale and massing for example, avoids the physical and/or visual separation of the settlements either side of the Green Landscape Buffer. The policy also seeks to encourage positive landscape change in accordance with Policy PPL3.

5.12 It is acknowledged that draft Policy 2: Requirements for all new development Part A requires the design of boundary treatments to reflect the function and character of the development and its surroundings, which in this location will be to define the settlement edge of the Garden Community to distinguish it from the Green Landscape Buffer as open countryside beyond.

---

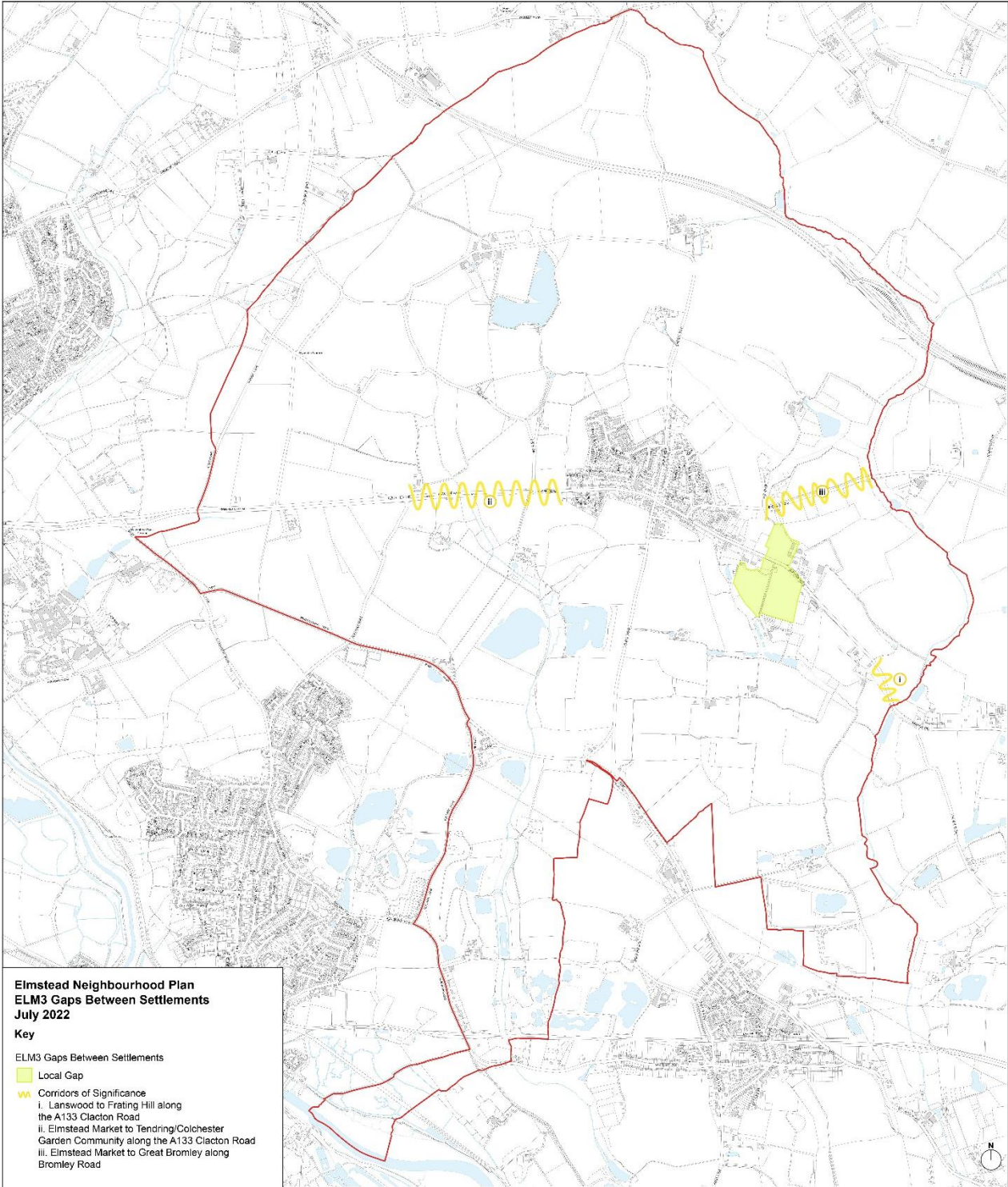
## **POLICY ELM3: GAPS BETWEEN SETTLEMENTS**

- A. The Neighbourhood Plan defines the Elmstead Market to Lanswood Local Gap on the Policies Maps for the spatial purpose of preventing the visual coalescence of these settlements in the Parish.**
  
- B. Development proposals that lie within the Local Gap must be located and designed in such a way as to prevent the visual coalescence of these settlements and should reinforce the separation of the two settlements by**
  - i. Ensuring that all of the land outside of the settlement development boundaries is laid out as open countryside; and**
  
  - ii. Schemes provide defensible boundaries on the defined settlement development boundaries to create a definitive settlement edge.**
  
- C. The Neighbourhood Plan defines the following Corridors of Significance on the Policies Maps for the spatial purpose of preventing harmful ribbon development along these corridors:**
  - i. Lanswood to Frating Hill along the A133 Clacton Road**
  - ii. Elmstead Market to the Tendring/Colchester Garden Community along the A133 Clacton Road**
  
- D. Development proposals that lie within a defined Corridor should avoid an unacceptable impression of ribbon development or suburbanisation by themselves or through cumulative impacts with other developments.**

5.13 The policy seeks to protect the essential countryside character of key gap between the settlements of Elmstead Market and Lanswood as well as the eastern and western approaches to the main village settlements of Elmstead Market and Lanswood. The purpose of maintaining and enhancing this gap and/or corridors, which either serve as a rural buffer or visual break between settlements, or which protect the character and rural setting of settlements, is to provide additional protection to open land that may be subject to development pressures. The designation helps to maintain a clear separation between settlements in order to retain their individual identity.

5.14 The Local Gap and Corridors of Significance are shown on the Policies Map. The Local Gap makes a significant contribution to maintaining the individual and rural character of its adjoining settlements. Each Corridor of Significance has been identified to prevent harmful ribbon development. Coalescence is a process and whilst some development in these corridors may not result in coalescence it may contribute to the coalescence of separate and distinct communities and the rural character of the area and is therefore a vital consideration. This policy has been informed by the Local Gap and Corridors of Significance report which forms part of the evidence base. The assessment describes the Local Gap and each Corridor of Significance in greater detail and the particular contribution that it makes or is expected to make.

5.15 Clause B of the policy seeks to ensure that the separation of Elmstead Market and Lanswood is assured within the Plan period. The gap between the two settlements will become the more important in the event the prominent brownfield site on Clacton Road becomes available for development in the plan period and the policy therefore guides its redevelopment to ensure that the part of the site which contains buildings which are not fully integrated with the Lanswood settlement is returned to open countryside and any residential 'infill' redevelopment scheme provides a defensible boundary creating a definitive settlement edge at this location.



---

## POLICY ELM4: THE FORMER ELMSTEAD COMMUNITY CENTRE

**Proposals for the redevelopment of the Former Elmstead Community Centre, as shown on the Policies Map, to residential use for the purpose of delivering an affordable housing scheme to meet local needs will be supported provided that the New Elmstead Community Centre has been delivered and is operational.**

5.16 A New Elmstead Community Centre (NECC) will be provided as part of the approved development on land opposite the Former Elmstead Community Centre (FECC). The FECC will cease to operate as soon as the NECC facility is operational. The policy is therefore intended to support redevelopment of the FECC site and the extent of the site has been defined on the Policies Map.

5.17 There is a need to relocate this type of facility to address the weaknesses of the current location and buildings, but to retain its provisions as an essential community facility serving the Parish. The NECC is anticipated to meet this need. The provision of this NECC is therefore a replacement facility within the vicinity of the FECC and will not lead to a shortfall in provision in line with the requirements of Policy HP2 Community Facilities. The policy therefore establishes the principle for residential use on this site to deliver an affordable housing scheme to meet local needs once the NECC has become operational.

5.18 The Elmstead Housing Needs Assessment (HNA) establishes that there is a current estimated backlog of affordable rented housing in the neighbourhood area and a need to provide affordable routes to home ownership. The Parish Council, as landowner, has therefore investigated whether the site could be redeveloped to provide much needed affordable homes to meet this local need. A commissioned feasibility study has shown that the site has no fundamental technical constraints preventing its development for an affordable residential scheme, subject to further technical investigations, and has capacity for 6 to 9 dwellings. The Neighbourhood Plan therefore supports the provision of an affordable housing scheme to meet local need at this location. It is proposed that planning permission is granted by a Neighbourhood Development Order for such a scheme alongside this Neighbourhood Plan.

- A. Development proposals outside of the Tendring Colchester Borders Garden Community, involving the creation of 6 or more (net) homes, will be required to provide 30% of the new dwellings as affordable housing on-site unless it can be demonstrated that it is more appropriate to make a financial contribution towards the provision of affordable housing elsewhere in the village within the plan period.**
  
- B. The starting point for affordable housing provision in Elmstead should be 25% First Homes, with the balance of the affordable housing being split as 70% affordable homes for rent and 5% shared ownership at 25% equity. The precise tenure mix of affordable housing will be determined on a site-by-site basis.**
  
- C. The starting point for residential development comprising only affordable housing provision on land outside of the settlement development boundaries should be 45% affordable homes for rent with the balance of affordable housing for sale being split as 25% First Homes and 30% shared ownership at 25% equity. The precise tenure mix of affordable housing will be determined on a site-by-site basis.**

5.19 In the first instance, the policy lowers the minimum threshold at which affordable housing must be delivered by residential schemes from the 11 or more (net) homes outside of the Tendring Colchester Borders Garden Community of Policy LP5 Affordable Housing of Tendring's Local Plan Part 2 to 6 or more (net) homes given that Elmstead has been designated as 'rural' under Section 157 of the Housing Act 1985 (SI 2005/1995). This is provided for by §64 of the current NPPF which was originally introduced in 2018 (which post-dates the 2012 NPPF under which the Tendring Local Plan Part 2 was examined and therefore makes no provision for this).

5.20 Whilst the majority of sites that have come forward in the Parish are for 11+ dwellings, this was as a result of a particular set of circumstances, which the Neighbourhood Plan and Tendring's adopted Local Plan Part 1 and Part 2, seeks to avoid. Historically there have been infill sites which may have delivered affordable housing contributions if this lower threshold was in force. This has resulted in a shortfall, and continued need, for rented affordable housing and a continued need for affordable housing for sale in Elmstead. The HNA, included in the evidence base, demonstrates that there is robust evidence of need for affordable housing in the neighbourhood area.

5.21 The Neighbourhood Plan or Tendring's Local Plan Part 1 and Part 2 does not make any housing site allocations in the Parish, apart from the Tendring Colchester Borders Garden Community, as it has met the housing requirement for the plan period. There is therefore no potential for this local affordable housing need to be met in the plan period,

other than through infill sites (inside the Settlement Development Boundaries) where land available is limited and Rural Exception Sites. First Homes Exception Sites cannot come forward in designated rural areas. Lowering the affordable housing threshold for infill sites and supporting Rural Exception Sites (as per Tendring Local Plan Part 2 Policy LP6) will be the only way that Elmstead can begin to meet its affordable housing needs (other than through the proactive approach as landowners the Parish Council is taking in utilising its assets as provided for by Policy ELM3).

5.22 Policy ELM4 only applies to development coming forward in Elmstead outside of the Tendring Colchester Borders Garden Community and therefore, by definition, is non-strategic (NPPF §28) nor is it considered to undermine Policy LP5 (NPPF §29). The NPPF confirms that “policies may set out a lower threshold of 5 units or fewer” (NPPF §64) and the lower threshold of 6 or more is to avoid missing vital opportunities to secure affordable homes on small sites within the settlement development boundaries. The policy has both ‘regard to’ the NPPF, while also supporting and upholding the general principle that Tendring’s Policy Part 2 Policy LP5 Affordable Housing is concerned with, while providing “a distinct local approach” (PPG ID:41-074). It supports the Local Plan ‘as a whole’ including its vision and objectives which require a sufficient variety in terms of sites, size, types, tenure and affordability to the needs of a growing and ageing population.

5.23 The Inspector’s report on Tendring’s Local Plan Part 2, issued 24 November 2021, recognises in paragraph 116 that “*At the hearing sessions we heard evidence as to the historically weak rate of delivery of affordable housing and the high level of need in the district*” and recommended modifications to the Local Plan which seek to maximise the delivery of affordable housing on site. The policy therefore also requires that the affordable homes should be delivered on site, which accords with the approach of Policy LP5 Affordable Housing of Tendring’s Local Plan Part 2. However, it may be agreed that a preferable delivery strategy to optimise the value of affordable homes to the village is to consolidate them on one site. If that is the case, then a scheme may make a financial contribution to that other scheme. If an applicant considers there is a need for an element of market housing to deliver a viable scheme, then this will be addressed through the existing provisions of Policy LP5 Affordable Housing of Tendring’s Local Plan Part 2.

5.24 Elmstead falls within the Manningtree and Rural North Value Area in Tendring’s Economic Viability Study June 2017. The area contains a network of predominantly rural settlements more closely related to the property and employment markets around Colchester resulting in an upward effect on property values. The study also demonstrates a surplus in excess of between £0.015m/ha and £1.6m/ha above the benchmark land value in the Manningtree and Rural North Value Area for notional 1 Ha; 3-unit; 7-unit; 10-unit (including a 10-unit starter home scheme); 11-unit; 15-unit; 50-unit; and larger schemes.

5.25 The difficulties in securing affordable housing in rural areas, including Elmstead, is well researched and debated. Given that the HNA provides robust evidence of a need for affordable homes (and historic shortfall), there have been opportunities in Elmstead where a lower threshold may have delivered affordable housing contributions, there is likely to be

more opportunities coming forward through infill sites, and viability ought not to be an issue when land values are high, the policy takes the opportunity provided for by the NPPF in its §64 to lower the affordable housing threshold for the Designated Rural Area of Elmstead outside of the Tendring Colchester Borders Garden Community.

5.26 In respect of the tenure mix, the HNA evidenced the clear lack of affordable housing for rent and for sale in the designated neighbourhood area. Due to the housing requirement for the plan period being 0, the HNA recommends that the Neighbourhood Plan should consider separate tenure mixes for wholly affordable sites and qualifying open market sites to increase the delivery of affordable home ownership products.

5.27 Tendring's Local Plan Part 2 Policy LP5 Affordable Housing was prepared prior to the introduction of the new 'First Homes' affordable housing product by the Government in summer 2021. First Homes are a specific discounted market sale housing and meet the definition of 'affordable housing' for planning purposes. Planning Practice Guidance now requires that a minimum of 25% of all affordable housing units secured through developer contributions should be First Homes and that they (and the mechanism securing a discount in perpetuity) will be secured through section 106 planning obligations.

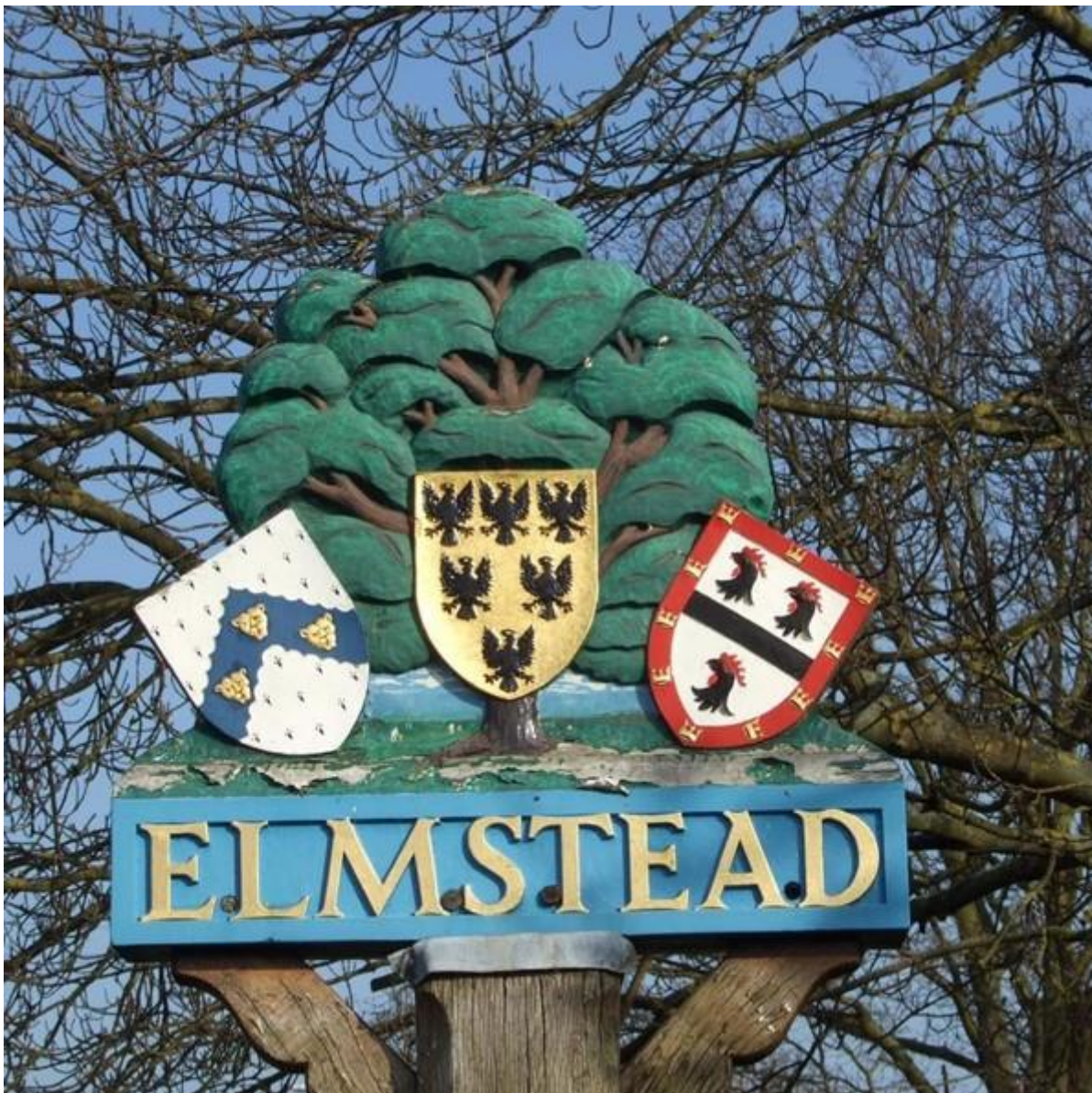
5.28 The second and third part of the policy therefore makes provision for First Homes and requires a specific tenure mix for affordable housing provision on qualifying sites and wholly affordable sites respectively as a starting point as recommended by the HNA which may come forward in Elmstead during the plan period. If an applicant considers there is a need for an element of market housing on sites outside of the settlement boundaries to deliver a viable scheme, then this will be addressed through the existing provisions of Policy LP6 Rural Exception Sites of Tendring's Local Plan Part 2.



## POLICY ELM6: FIRST HOMES

The Neighbourhood Plan establishes the requirement for First Homes, outside of the Tendring Colchester Borders Garden Community, to be secured with a minimum 40% discount from full open market value.

5.29 25% of all affordable homes will be sought as First Homes. Planning Practice Guidance sets out a requirement for a minimum 30% discount from open market value, but higher discounts of 40% or 50% may be applied where a need is demonstrated. The HNA has demonstrated that First Homes at 40% discount are affordable to those on mean incomes and will also help to ensure viable schemes. The policy therefore increases the minimum discount from full open market value for First Homes in the Parish to 40%.



Traditional Village Sign (Elmstead Parish Council)

**New residential development should seek to include in their housing mix a majority of 1-bedroom and 2-bedroom dwellings.**

5.30 Tendring's Local Plan Part 2 Policy LP2 Housing Choice adopts a flexible approach to housing mix, and states that TDC will work with the development industry and housing providers to deliver a mix of dwelling types, sizes and tenure to address local requirements. The policy is intended to contribute towards a mixed and balanced community in line with §62 of the NPPF. It gives local effect to Policy LP2 by setting a specific requirement for all new homes in the Parish. It is necessary in order to start to rebalance the current mix of homes so that it better reflects local need.

5.31 Tendring's The Strategic Housing Market Assessment Update 2015 demonstrates a need of dwelling size, for owner occupied, 10.3% one bedroom, 31.5% two bedroom, 33.3% three bedroom and 24.8% four or more bedrooms. For private rented, the change required is 6.8% one bedroom, 19.4% two bedroom, 52.7% three bedroom and 21.1% four plus bedrooms. Elmstead's HNA demonstrates a need for new housing coming forward in Elmstead to be heavily weighted towards smaller dwellings. This is also evidenced through community consultation undertaken as part of the preparation of the Neighbourhood Plan. In 2011, the designated neighbourhood area was dominated by larger homes with the proportion of 1-bedroom dwellings in the neighbourhood area being significantly lower, and the proportion of 4+ bedroom dwellings higher, than both the District and England. This highlights the imbalance in the neighbourhood area.

5.32 The policy therefore requires this weighting towards smaller 1-bedroom and 2-bedroom dwellings whilst acknowledging that it is important not to exclude certain dwelling types. The starting point for addressing the need for smaller dwellings in the neighbourhood area is for new developments to be made up of 89.2% 1-bedroom and 2-bedroom dwellings. This will facilitate downsizing and continue a supply of larger homes to accommodate growing families.

## POLICY ELM8: ZERO CARBON BUILDINGS

- A. All development must be 'zero carbon ready' by design to minimise the amount of energy needed to heat and cool buildings through landform, layout, building orientation, massing and landscaping. Consideration should be given to resource efficiency at the outset and whether existing buildings can be re-used as part of the scheme to capture their embodied carbon.
- B. Wherever feasible, all buildings should be certified to a Passivhaus or equivalent standard with a space heating demand of less than 15KWh/m<sup>2</sup>/year. Where schemes that maximise their potential to meet this standard by proposing the use of terraced and/or apartment building forms of plot size, plot coverage and layout that are different to those of the character area within which the proposal is located, this will be supported, provided it can be demonstrated that the scheme will not have a significant harmful effect on the character area.
- C. All planning permissions granted for new and refurbished buildings should demonstrate that they have been tested to ensure the 'as built' performance as predicted and will include a planning condition to require the provision of post occupancy evaluation reporting to the Local Planning Authority within a specified period, unless exempted by Clause B above. Where this reporting identifies poor energy performance and makes recommendations for reasonable corrective action, the applicant must demonstrate that those actions have been implemented before the condition will be discharged.
- D. All planning applications for major development are also required to be accompanied by a Whole Life-Cycle Carbon Emission Assessment, using a recognised methodology, to demonstrate actions taken to reduce embodied carbon resulting from the construction and use of the building over its entire life.
- E. An Energy and Climate Statement will be submitted to demonstrate compliance with the policy (except for householder applications). The statement will include a passive design capacity assessment prepared at the earliest stage of site layout design to demonstrate how opportunities to reduce the energy use intensity (EUI) of buildings over the plan period have been maximised in accordance with the Energy Hierarchy. Designers shall evaluate the operational energy use using realistic information on the intended use, occupancy and operation of the building to minimise any performance gap.

5.33 The policy context for encouraging higher energy efficiency standards at the Local Plan or Neighbourhood Plan scale is complex. Background information has therefore been set out in Appendix A. The policy may also appear rather technical, but it is a temporary

measure as in due course, it is expected that the next revision of the Local Plan, if not national policy itself, will make such provisions across the District.

5.34 This policy has five clauses, the combination of which is intended to deliver a step change in the energy performance of all new developments in the parish and, in doing so, encourage and incentivise the use of the Passivhaus or equivalent standard of building design. Along with the passive design capacity assessment, it is anticipated that designers will demonstrate compliance using a design for performance methodology such as the Passivhaus Planning package or CIBSE TM34 Operational Energy. Achieving this level of performance will make a significant contribution to mitigating climate change that the Neighbourhood Plan can deliver.

5.35 Clause A of the policy requires developers to ensure they address the Government's climate change targets and energy performance at the very initial stages of design. 'Zero Carbon Ready' by design means making spatial decisions on layout and orientation of buildings at the outset to maximise the passive design benefits ('free heat') of a site and avoids leaving this to technical choices and assessment at the Building Regulation stage, by which time the opportunity may have been lost. In the absence of supplementary guidance from TDC, applicants are directed to the Net-Zero Carbon Toolkit created by Cotswold District Council and two partner councils, West Oxfordshire District Council and Forest of Dean District Council. The toolkit is available as a resource for private and public sector organisations to use and adopt.

5.36 Its Clause B requires all schemes, no matter what their intended use or size other than householder extensions, to use the Passivhaus Planning Package (PHPP) or equivalent design methodology for all buildings where it is feasible to do so. This means that the applicant must demonstrate those factors that make its use unfeasible, for example, the topography and orientation of the site.

5.37 In respect of scheme viability, any extra-over cost of building to the 'zero carbon ready' Passivhaus standard (now less than 5%) will diminish to zero well within the period of this Plan, as per both the Government's Regulatory Impact Assessments, research by the Passivhaus Trust and the viability assessment published by Cornwall Council. The policy will also ensure that expensive and unnecessary retrofit costs are not passed down to building occupiers in the future, particularly in an area which has relatively high property values. Scheme viability will not therefore be acceptable as a reason for not using the Standard, unless the applicant can demonstrate the scheme has abnormal costs to accommodate.

5.38 The policy requires that the scheme density (measured by dwelling units/Ha) is assessed against that of the local 'character area' in the Design & Access Statement. Policy ELM8 defines the key design principles for the main settlements of the parish. Outside of such areas, the applicant may define the 'character area' that is relevant for the purpose of this exercise.

5.39 Proposals seeking to apply the PHPP must be able to demonstrate that the Passivhaus standard can be achieved. Prior to commencement a 'pre-construction compliance check' completed by a Passivhaus Designer accredited by the Passive House Institute (PHI) will be required and secured by condition. Upon completion a Quality Approved Passivhaus certificate for each building will be required prior to occupation, again secured by condition.

5.40 Clause C requires the developer of a consented housing development scheme of any size to carry out post-occupancy evaluation (POE) reporting including actual metered energy use, and to submit this to the local planning authority. It will be implemented by attaching a planning condition, which will only be discharged once the report has been submitted and any recommended actions to rectify any performance gap with the design stage assessment are carried out by the developer. Passivhaus certified schemes will not fail in this way and they are therefore exempted from this policy requirement. In the absence of supplementary guidance from TDC on POE, guidance has been included in Appendix X.

5.41 The policy complements Policy SPL3 Sustainable Design of Tendring's Local Plan Part 2 but adds additional requirements. Clause D requires all development proposals that are not householder applications to be accompanied by a Whole Life-Cycle Carbon Emissions Assessment. In the absence of a preferred approach from TDC, RICS methodology is preferred ([Link](#)). The assessment will enable the design team to understand and respond to the lifetime consequences of their design decisions and to design for adaptability, longevity and disassembly; contributing to resource efficiency (Clause A) and contributing to the 'circular economy' ([Link](#)). This requirement will be added to the TDC's Validation Checklist for outline and full planning applications applying to proposals in the Elmstead neighbourhood area until such a time that there is a district-wide requirement.

5.42 Clause E requires an Energy and Climate Statement to be submitted to cover the following:

- an assessment of the proposal to minimise regulated and unregulated emissions, the embodied emissions and the emissions associated with maintenance, repair and replacement of the new building(s), as well as its dismantling, demolition and eventual material disposal
- a calculation of the energy and carbon emissions covered by the Future Homes Standard and Building Regulations and, separately, the energy demand and carbon emissions from any other part of the development that are not covered by the Future Homes Standard or Building Regulations
- the proposal to reduce carbon emissions beyond the Future Homes Standard and Building Regulations through the energy efficient design of the site, buildings and services
- the proposal to further reduce carbon emissions through the use of zero or low emission decentralised energy where feasible

- o the proposal to further reduce carbon emissions by maximising opportunities to produce and use renewable energy on-site, utilising storage technologies where appropriate
- o the proposal for a demand-side response, specifically through installation of smart meters, minimising peak energy demand and promoting short-term energy storage
- an analysis of the expected cost to occupants associated with the proposed energy strategy

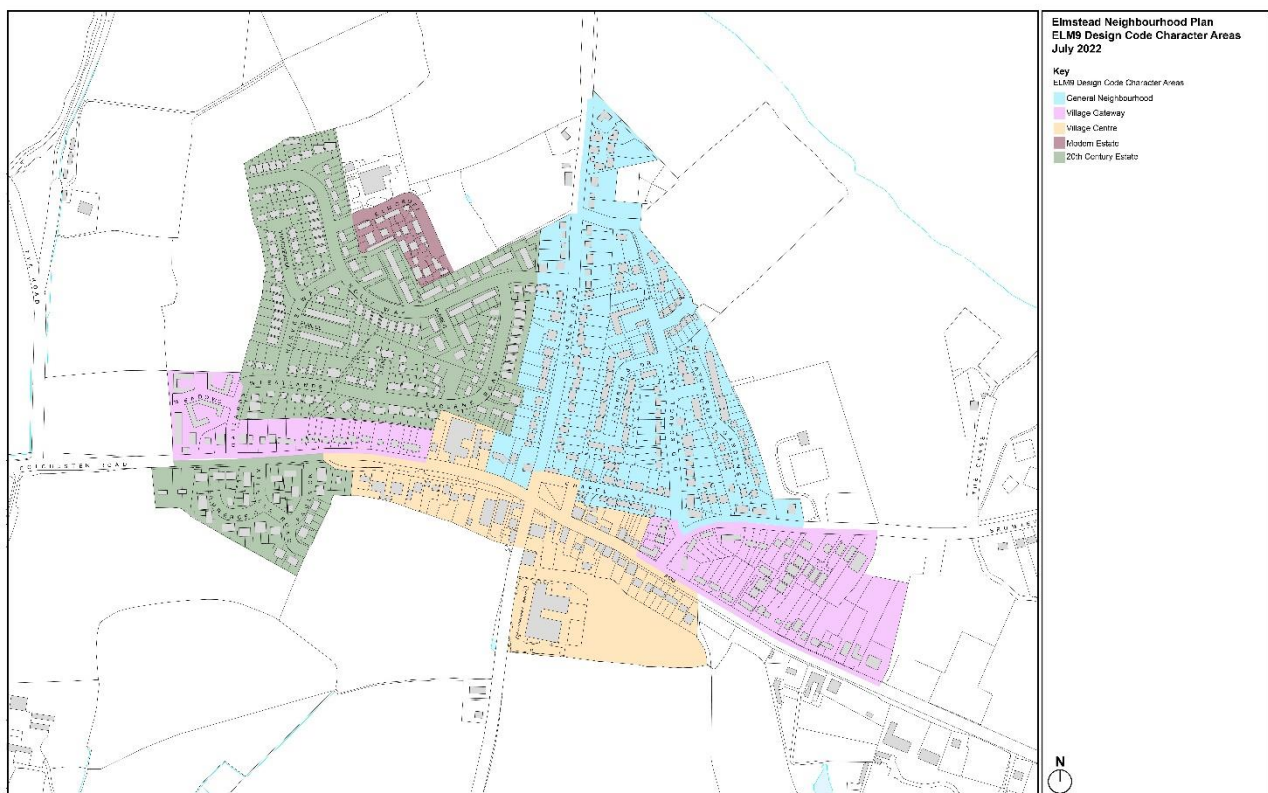
5.43 Every new build or redevelopment project in the Neighbourhood Area, however modest, provides an opportunity to make a difference and a contribution towards meeting our climate change targets for 2050. This new information requirement need not be an unreasonable expectation of even the smallest schemes for new buildings. Land values in the area are high relative to build costs and ought to be sufficient to ensure requirements to tackle improving energy and carbon performance are viable.

## POLICY ELM9: DESIGN CODES

**Development proposals will be supported provided they have full regard to the essential design guidelines and codes, where applicable relevant to the character area typologies within which they are located, as shown on the Policies Maps, and set out in the Elmstead Design Guidance and Codes Report at Appendix C.**

5.44 There are distinctive features of Elmstead that shapes its character. These features are set out in the Elmstead Design Guidance and Codes attached at Appendix C. The policy places additional local emphasis to the design quality principles of Tendring's Local Plan Part 2 Policy SPL3 Sustainable Design by highlighting the particular characteristics of the Parish.

5.45 The policy requires that applicants should demonstrate that they have regard to the design principles and guidance the Code contains as relevant to the location of their proposals. The policy does not advocate pastiche or historic solution; however, it is important that any new development demonstrates a connection with local character and place making.

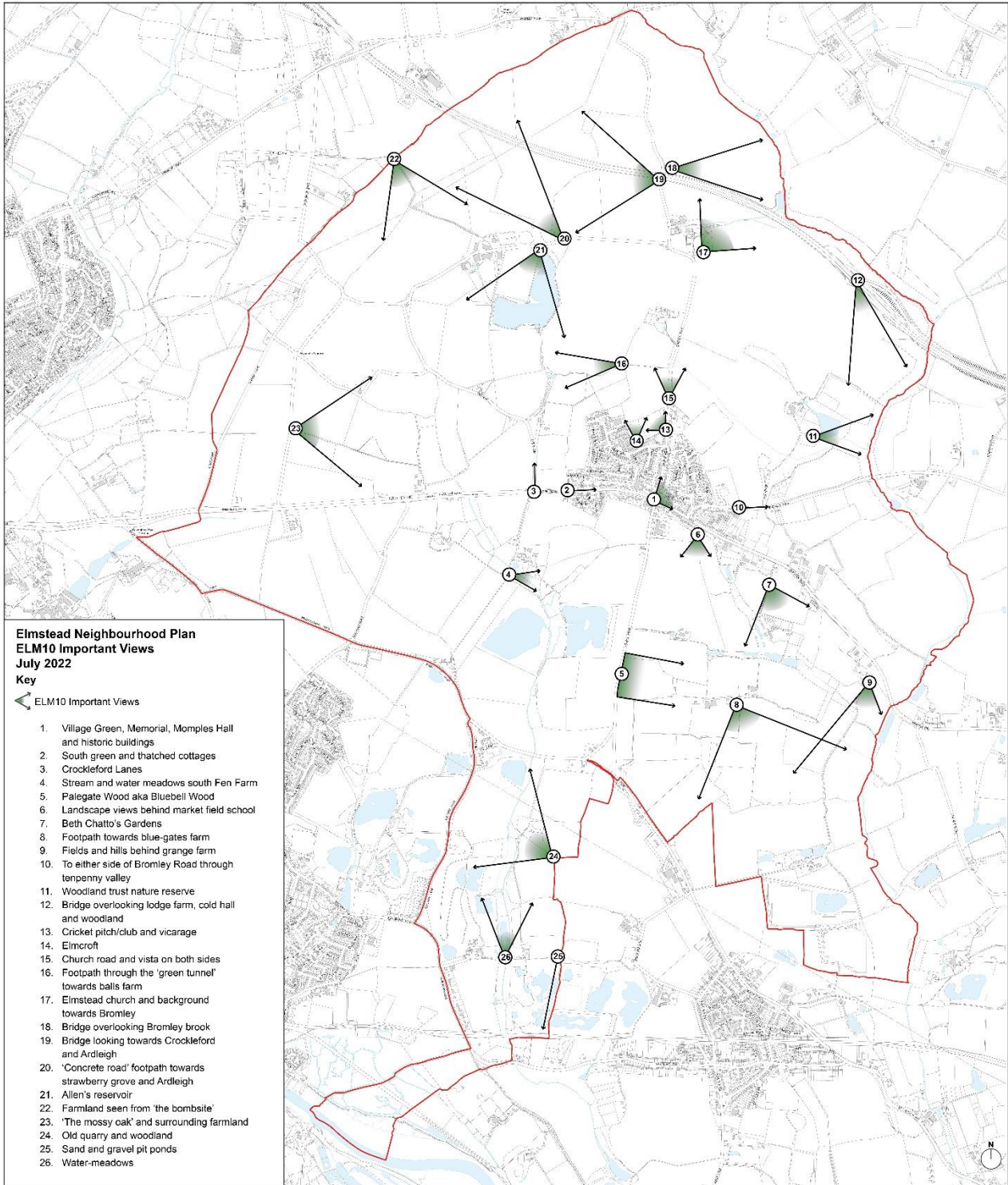


- A. The Neighbourhood Plan identifies Important Views on the Policies Map.**
- B. Development proposals should preserve or enhance the local character of the landscape and through their design, height and massing should recognise and respond positively to the various Important Views.**
- C. Development proposals which would have a significant adverse impact on an identified Important View will not be supported.**

5.46 The policy, and Policies Maps, identifies a series of views from public vantage points in and beyond the edge of the village that are considered in the Important Views report, published in the evidence base, as especially important in defining the relationship between the two settlements of the Parish and its rural hinterland.

5.47 The policy does not seek to prevent any development lying within a view but requires that proposals recognise and take account of these in their design. In each case, only the minimum area of land necessary to define the view has been identified.





**POLICY ELM11: THE VILLAGE CORE**

- A. The Neighbourhood Plan defines the Village Core and a Village Centre Boundary, as shown on the Policies Map, for the purposes of managing proposals for residential, commercial, business and service, local community and leisure uses.

The Village Core

- B. Proposals that provide for the following uses in the Village Core will be particularly supported:
- i. Health and wellbeing service provision;
  - ii. A public house or drinking establishment with expanded food provision;
  - iii. Local community uses provision;
  - iv. Additional open space provision, including improvements to existing open space provision.
- C. Development proposals within the Village Core will be supported provided that the resulting layout of schemes:
- i. Achieves a positive relationship with the existing open space provision in the Village Core;
  - ii. Contributes to the attractiveness of the Village Core through public realm enhancements which may include the introduction of areas of shared space and street planting;
  - iii. Retains and enhances pedestrian and cycling connections to the Village Core to promote active travel; and
  - iv. Improves the movement of pedestrians and cyclists in and around the Village Core in line with Policies ELM12 and ELM15, with consideration given to traffic mitigation measures in line with Policy ELM13 intended to enhance the active travel environment and public realm where appropriate.

## The Village Centre

- D. Development proposals in the Village Centre which create livelier and more active street frontages will be supported.**
- E. Proposals for a change of use that will result in the loss of an active commercial, business or service use of a ground floor frontage in the Village Centre Boundary will not be supported.**
- F. Where appropriate, residential uses above commercial, business and service units in the Village Centre will be supported, provided that the active commercial, business or service use of a ground floor frontage is not compromised and that satisfactory residential amenities can be achieved.**

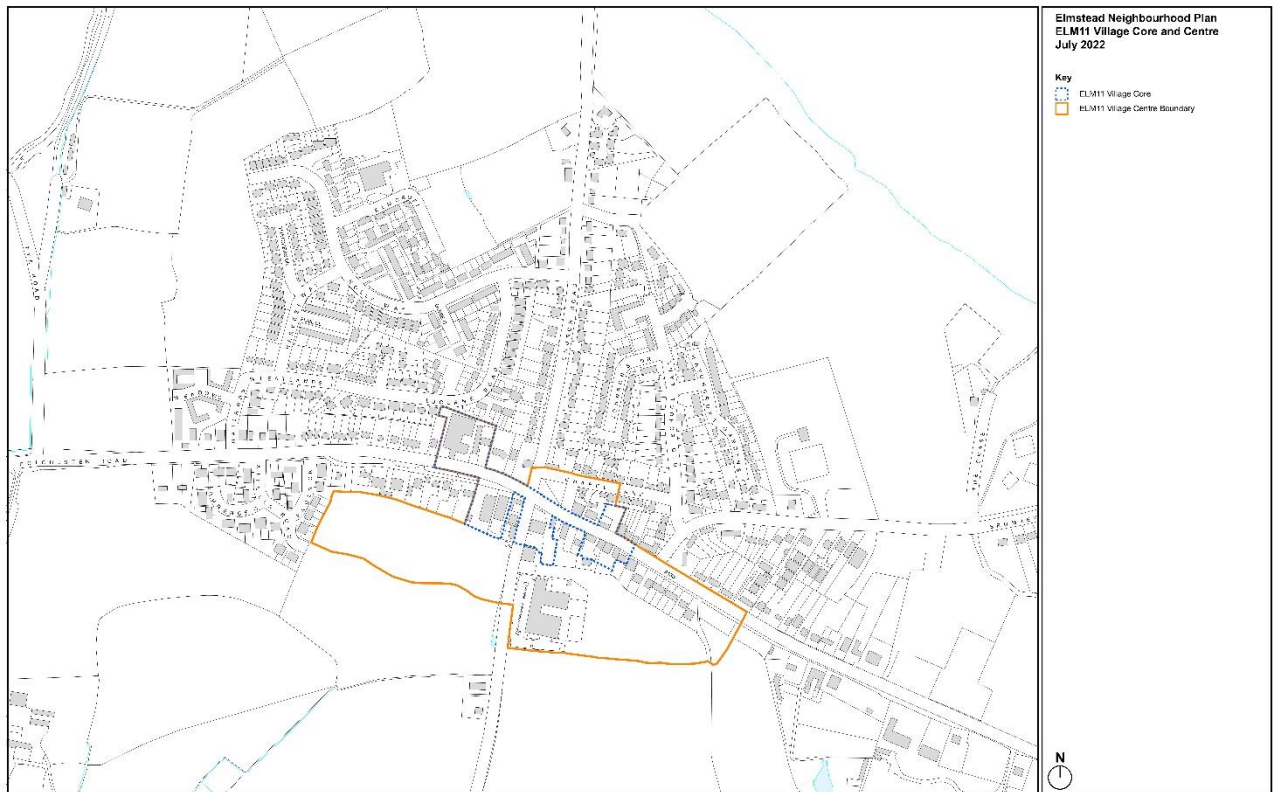
5.48 New development in the southern part of Elmstead Market will increase the population of the village and shift the 'centre of gravity' to the south and west around the Clacton Road, School Road junction. These new developments will also provide new public open space and a new Elmstead Community Centre to the south of Colchester Road with an access off School Road. The Neighbourhood Plan recognises that these changes are likely to have a significant impact on the village and has taken the opportunity to include a policy which will help integrate the new amenities, protect existing shops and control future development within the Village Core.

5.49 The policy therefore defines a Village Core area which incorporates not only the essential commercial, business and service uses within the village centre but also existing and new open space provisions. This approach is in line with the Grimsey Review 2 (July 2018) conclusions which highlight the need to reshape centres into community hubs which incorporate health, housing, arts, education, entertainment, business/office space, as well as some shops, while developing a unique selling proposition.

5.50 The Village Core functions encompasses residential, commercial, business and service, local community and leisure uses. The existing open spaces and other amenities and their connection and close proximity to the commercial, business and service uses serves a much wider purpose than simply providing retail services to meet day-to-day needs. The area functions as an important meeting place for local people to meet health, recreational and day-to-day business, commercial and service needs with new development anticipated to contribute to this wider purpose.

5.51 The policy therefore seeks to retain the Village Core functions and make provisions for redevelopments to enhance these functions through improving accessibility and the safety and enjoyment of the active travel environment, the public realm and the green environment through managing the design features for all new development proposals within the Village Core area and defining a new Village Centre Boundary ensuring any proposals promote the vitality of the Village Centre.

5.52 It is recognised that some of the changes of use within the Village Centre Boundary do not now require planning permission and new permitted development rights enable future changes of use from what are now Class E (commercial, business and service) uses to residential uses. The Parish Council encourages TDC to make an Article 4 Direction covering properties within the Village Centre Boundary to remove those rights, enabling such changes to remain in planning control. The Parish Council will submit a formal request for this following the referendum of this Neighbourhood Plan.



---

**POLICY ELM12: MOVEMENT AND CONNECTIVITY**

- A. The Neighbourhood Plan identifies the existing Active Travel Network, as shown on the Policies Map, for the purposes of supporting active travel in the Parish.**
- B. Development proposals on land that lies within or adjacent to the Network should sustain, and where practicable, enhance the functionality of the Network by virtue of their layout, means of access and landscape treatment.**
- C. Proposals that will harm the functioning or connectivity of the Network will not be supported.**

5.53 The policy seeks to encourage safe, accessible and convenient means of walking, cycling and horse riding through the Parish. It refines Tendring's Local Plan Part 2 Policy SP5 Infrastructure and Connectivity by providing a local element to its provisions in terms of seeking an attractive, safe, legible and prioritised walking/cycling environment.

5.54 The policy implements elements of the Green Infrastructure Plan included in the evidence base of the plan. The Policies Map shows the full extent of the Network which allows applicants to determine if their proposals should take this policy into account. Where proposals include provision for landscaping, new means of access or new layouts, there may be an opportunity to relate the land better to the Network and/or improve the attractiveness of rural routes. At the very least, the policy requires that proposals that will undermine the existing value of the Network will be refused permission.



9 Allen's Reservoir, Sara White

- A. Key Locations, as shown on the Policies Map, have been identified as areas where public realm improvements and traffic mitigation measures are required to enhance the active travel environment and improve residential amenity and highway safety. Proposals which deliver such public realm improvements and traffic mitigation measures at Key Locations will be supported.**
  
- B. Development proposals that will generate an increase in traffic on Clacton Road will be required to contribute to public realm improvements and traffic mitigation measures at Key Locations.**

5.55 The Tendring/Colchester Borders Garden Community, and recently approved planning applications in the Parish is expected to increase construction and operational traffic on Colchester/Clacton Road, the Budgens junction and School Road. The cumulative effects of recently approved planning applications in the Parish has been established as residential: peak am 184, peak pm 170 and business: peak am 170, pm 135. The proposed A120/A133 link road and A133 (east and west) is expected to accommodate the majority of this traffic, however two of the recently approved developments has direct access to School Road which already has issues during peak hours, particularly with the peak am impact of Market Field School. Whilst some improvements have been agreed to the Budgens Junction, the latest planning application for development on School Road recognises that the junction will reach its design capacity once the development traffic is included.

5.56 The policy therefore identifies Key Locations where there are opportunities for traffic mitigation measures and public realm improvements to make walking and cycling more pleasant as a means by which traffic management effects and measures are tackled and invested in by development proposals. It operates alongside Policy ELM12 in seeking to encourage walking and cycling and refines Tendring's Local Plan Part 2 Policy SP5 Infrastructure and Connectivity by providing a local element to its provisions.

**Elmstead Neighbourhood Plan  
ELM13 Key Locations Plan  
July 2022**

- ELM13 Key Locations
- i. Oatlands
- ii. Budgens Junction
- iii. Chapel Lane
- iv. Village Green
- v. Clacton Road/  
Bromley Road





## POLICY ELM14: LOCAL GREEN SPACES

**A. The Neighbourhood Plan designates the following Local Green Spaces, as shown on the Policies Map:**

- 1. The Playing Field**
- 2. Holly Way Green**
- 3. Lucerne green**
- 4. Old School Lane Playground**
- 5. The Cricket Pitch**

**B. Proposals for development in a Local Green Space will only be supported in very special circumstances.**

5.57 The policy designates a series of Local Green Spaces in accordance with §99 - §100 of the NPPF. A designation has the policy effect of the equivalence of the Green Belt in terms of the definition of 'inappropriate development' consistent with paragraph 101 and 143 of the NPPF and of the 'very special circumstances' tests in the NPPF when determining planning applications located within a designated Local Green Space.

5.58 A review of all open land within and adjoining each settlement has been completed, informed by the qualifying criteria in the NPPF. The land is considered to meet those criteria and is therefore worthy of designation as illustrated and justified in the Local Green Space report in the evidence base. In the Parish Council's judgement, each designation is capable of enduring beyond the end of the plan period having regard to NPPF §136. The owners of these sites were notified of the proposed Local Green Space designations during the preparation of the Plan.

5.59 The policy has been reviewed in relation to the consideration in the Court of Appeal (2020 EWCA Civ 1259) of an equivalent policy in a neighbourhood plan in Mendip District. Policy ELM14 follows the matter-of-fact approach in the NPPF. In the event that development proposals come forward on the local green spaces within the Plan period, they can be assessed on a case-by-case basis by the District Council. In particular it will be able to make an informed judgement on the extent to which the proposal concerned demonstrates the 'very special circumstances' required by the policy.

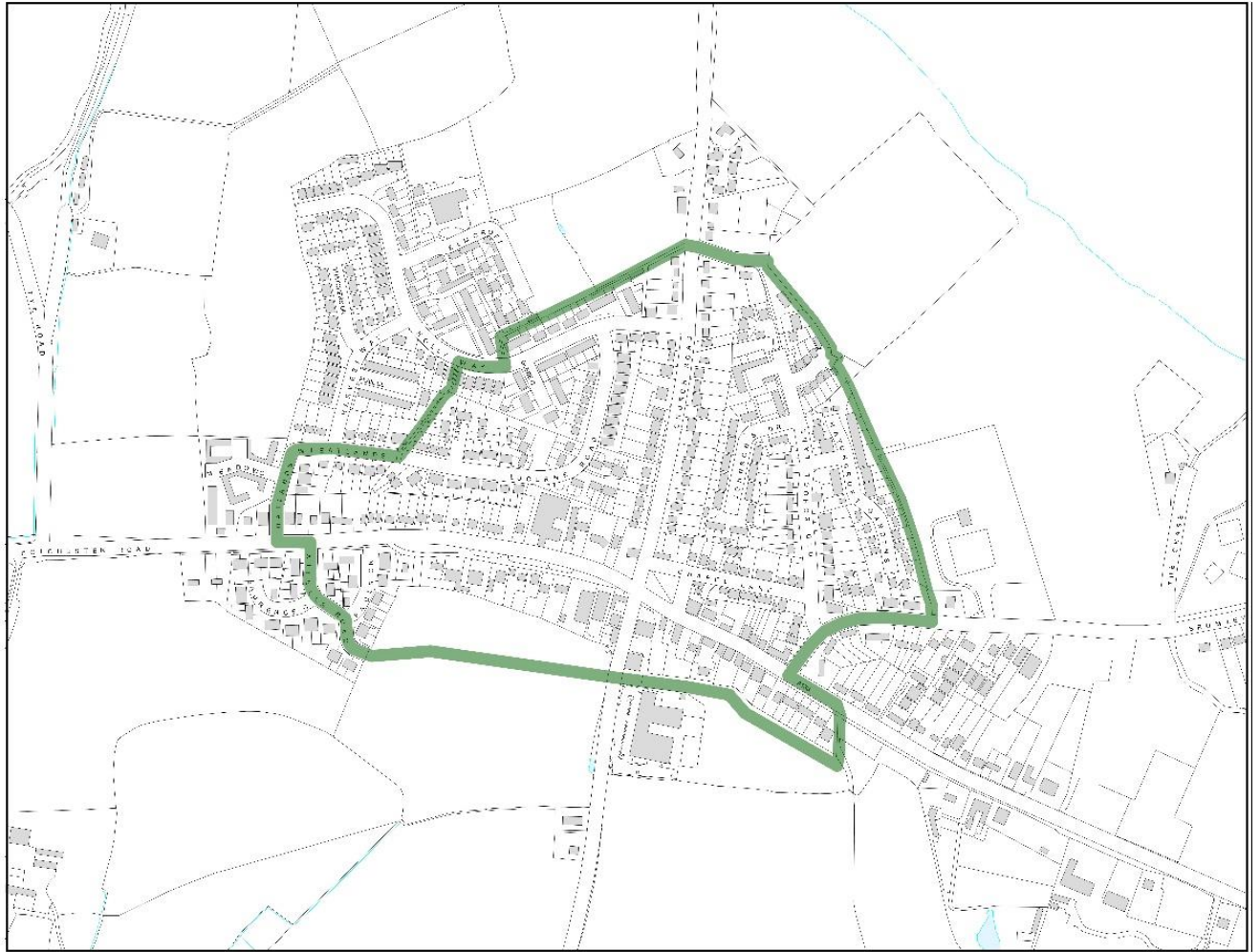
## POLICY ELM15: GREEN RING

- A. The Neighbourhood Plan proposes the establishment of a Green Ring around the village of Elmstead, as shown on the Policies Map, comprising a variety of green infrastructure assets, including formal open space, a footpath/cycle network, and land of biodiversity value.**
  
- B. Development proposals that lie within the broad location of the Green Ring will be required to align their public open space requirements with its objectives, so that they contribute to its successful formation and maintenance. Proposals that will lead to the unnecessary loss of Green Ring land or features that will prejudice the completion of the Green Ring will not be supported.**

5.60 The policy establishes the principle of the Green Ring at Elmstead as a green infrastructure project and identifies its broad location on the Policies Map. It requires all development proposals within its broad location to make provision for its delivery and management and it resists the loss of any Green Ring land or associated features that cannot be justified.

5.61 The planning of green infrastructure is an increasingly important element of national policy. The NPPF acknowledges this type of infrastructure can serve many simultaneous purposes, from providing a local recreational asset, to enhancing biodiversity, protecting visual amenity and adapting to climate change. Its two most important features, however, are in creating new, north-south' pedestrian routes on the western and eastern sides of the village (to overcome the dependence on the level crossing) and in providing a new amenity for existing residential areas.

5.62 The Green Ring will become a defining landscape feature of the settlement of Elmstead in years to come. It is accepted that its completion will take many years beyond the plan period and will rely upon future development proposals and the support of relevant landowners. However, significant segments at the heart of the village between the existing and proposed open space provisions will be delivered in the plan period through the completion of the new open space and redevelopment around the existing open space area.



- A. The Parish contains a variety of green and blue infrastructure that provides an environmental support system for the community and wildlife. The Neighbourhood Plan designates this as a Network, as shown on the Policies Map, for the purpose of promoting nature recovery and for mitigating climate change. The Network comprises the establishment of the 'Green Ring' around and through the village of Elmstead, a variety of green spaces, ancient woodland, trees, hedgerows, water bodies, footpaths and other land of biodiversity value.**
  
- B. Development proposals that lie within or adjoining the Network are required to have full regard to maintaining and improving the functionality of the Network, including delivering a net gain to general biodiversity assets, in the design of their layouts, landscaping schemes and public open space provisions.**
  
- C. Proposals that will lead to the loss of land lying within the Network and that will undermine its integrity will be resisted. Development proposals that will lead to the extension of the Network to create additional recreational opportunities will be supported, provided they are consistent with all other relevant policies of the development plan.**

5.63 The policy defines the presence of green and blue infrastructure assets in the Parish. By doing so it supports the vision and Place and People objectives of the Essex Green Infrastructure Strategy 2020 and Tendring's Local Plan Part 2 Policy HP3 Green Infrastructure. Its purpose is linked with the vision and principles of green infrastructure in the district of defining a network of green infrastructure assets in the neighbourhood plan area as a means of providing environmental support for the community and wildlife. These assets will be maintained and added to throughout the Neighbourhood Plan area and will be the means of nature recovery through connecting and improving habitats and sequestering carbon through woodland planting.

5.64 There is a variety of priority habitat areas in the Parish. Whilst much of the land surrounding the village settlement, with the exception of northern parts of the Parish, already have Countryside Stewardship Agreements, opportunities identified by the Neighbourhood Plan include additional catchment woodland and riparian woodland planting opportunities using the 'Working with natural processes to reduce flood risk' evidence base by the Flood and Coastal Erosion Risk Management Research and Development Programme and Environment Agency in February 2021. These opportunities are all shown on the Policies Map and the Parish Council will seek to work with landowners

to realise such opportunities where possible avoiding the loss of the best and most versatile agricultural land.

5.65 The policy therefore requires that all development proposals that lie within the Network, or that adjoin it, should consider how they may improve it, or at the very least do not undermine its integrity of connecting spaces and habitats. The Policy Map shows the full extent of the Network, which allows applicants to determine if their proposals should take this policy into account. Where proposals include provision for landscaping, new means of access or new layouts, there may be an opportunity to relate the land better to the Network, for example in complementing existing biodiversity value through the design of the landscape scheme. At the very least, the policy requires that proposals that will undermine the existing value of the Network will be refused permission.

5.66 The Network will become more valuable over time, and although the majority of these features are physically attached to enable habitat connectivity, some features of the Network are not. This does not devalue their integral biodiversity or recreational value and at some point in the future an opportunity may arise to achieve similar connectivity. The Neighbourhood Plan also signals to the Responsible Authority that it should consider the role of this Network in the future Local Nature Recovery Strategy for the area which is now a requirement of the Environment Bill.



**Palegate Wood, School Road (Giles Ward)**

- A. Proposals to meet increasing demand by way of the refurbishment, reconfiguration, extension, or potential relocation for the benefit of the patients of Elmstead Surgery will be supported.**
  
- B. All new residential development proposals will only be permitted where they provide or improve the delivery of essential health and/or wellbeing facilities and services required to serve the scale of the development proposed.**
  
- C. Development proposals which would have a detrimental effect on, or result in the loss of essential GP facilities and services that meet community needs and support well-being will only be permitted where it can be clearly demonstrated that:**
  - i. The service or facility is no longer needed; or**
  
  - ii. It is demonstrated that it is no longer practical, desirable or viable to retain them; or**
  
  - iii. The proposals will provide sufficient community benefit to outweigh the loss of the existing facility or service.**

5.67 Recent planning applications have demonstrated that any new development in Elmstead would give rise to a need for improvements to health and wellbeing provision capacity. Elmstead Surgery has indicated that the existing surgery is operating at capacity and there is a desire to provide more prevention-based services such as hearing, mental health, podiatry etc. through location to a larger premises in the village. The Neighbourhood Plan therefore investigated the possibility of sites to accommodate an improvement in primary care provision for the village given the limitations of the existing site to expand, however was unable to secure a suitable site.

5.68 TDC's correspondence with the North East Essex Clinical Commissioning Group and other relevant organisations reflects that "generally, the NHS policy locally is to attempt to accommodate growth wherever possible within current premises envelope, though this is likely to require capital works to adapt facilities over time". The longer-term vision, as set out in Tendring Infrastructure Delivery Plan, is "the creation of primary care hubs where GPs will share buildings with a wide range of health providers, including dentists, pharmacies, optometrists, opticians, etc. and smaller 'spoke' facilities will provide particular specialisms not otherwise provided at the main hub." The need for smaller 'spoke' facilities is

considered to “often be because of geography, e.g. an area of population is not large enough to merit its own hub but is physically separated from the main hub by a river, making journey times unacceptably long for patients”. The ‘hub’ model includes “looking at more prevention-based and integrated service provision with social care. Ideally, they would like citizens advice, mental health, yoga, pilates, a cyber café, etc, as part of the hub provision”.

5.69 The Tendring Colchester Borders Garden Community will include a new build Health Centre to absorb growth from the total development and relocation of existing practice/s in the area. Whilst it does not make it clear which existing practice/s are planned to relocate to this new Health Centre, it is unlikely to include Elmstead Surgery given the location of existing facilities in Colchester and with Elmstead Surgery operating at maximum capacity. In any case, Tendring’s Infrastructure Delivery Plan notes that new development sites will be “reviewed individually or as part of the hub and spoke modelling exercise for enhanced primary care floor space provision in the form of reconfiguration and/or refurbishment of the existing Elmstead Surgery”.

5.70 Given that no specific site proposals have come forward, and the existing site is unable to accommodate expansion, the policy seeks to refine Tendring’s Local Plan Part 1 Policy SP6 Infrastructure & Connectivity, Tendring’s Local Plan Part 2 Policy DI1 Infrastructure Delivery and Impact Mitigation and Policy HP1 Improving Health and Wellbeing by way of supporting the refurbishment, reconfiguration, extension, or potential relocation for the benefit of the patients of Elmstead Surgery or through other solutions that address capacity and increased demand via digital solutions or health and wellbeing initiatives, in line with the STP Estate Strategy.

- A. The Neighbourhood Plan identifies the following community facilities, as shown on the Policies Map:**
- i. Elmstead Primary School;**
  - ii. Elmstead Grasshoppers Cricket Club;**
  - iii. The new Elmstead Village Hall;**
  - iv. Chapel Methodist Church;**
  - v. Market Field School.**
- B. Development proposals which would affect the use of the identified community facilities will be determined against the provisions of Policy HP2 Community Facilities of Tendring's Local Plan Part 2.**
- C. Proposals to change the use of part of a community facility that is surplus to requirements will be supported where they will not undermine the overall viability and importance of the community facility concerned.**
- D. Proposals for new community facilities, particularly a public house or drinking establishment with expanded food provision, will be supported.**

5.71 The policy supplements and refines existing development plan policy on community facilities to which the policy should apply and by seeking to ensure that the long-term potential value of land in community use is not lost without good reason. The list of facilities includes all of those that are valued by the local community. On occasions, some facilities will struggle, but this will more often be related to the economic viability of the use, rather than the limitations of the premises, land or location. As finding new land for such uses is often difficult, it is important that established land is retained in that use, even if the current occupier is not viable.

5.72 The policy therefore allows for a partial change of use of a facility, if this is intended to help secure its longer-term viability. This may be an important way of putting to economic use floorspace that is no longer needed, but which can make a financial contribution to sustaining the community facility. However, such changes must be shown not to undermine the community functions of the use.



## 6. IMPLEMENTATION

6.1 The Neighbourhood Plan policies will be implemented through the determination of planning applications for development in the Parish by TDC.

### DEVELOPMENT MANAGEMENT

---

6.2 The planning authority will use a combination of the Local Plan and Neighbourhood Plan policies to inform and determine its planning application decisions. The Parish Council is a statutory consultee on planning applications made in the Parish and it will be made aware of any future planning applications or alterations to those applications by TDC. It will seek to ensure that the Neighbourhood Plan policies have been identified and applied correctly by applicants and by officers in their decision reports.

6.3 Where necessary, the Parish Council may seek to persuade the Secretary of State to call-in a planning application that it considers is in conflict with the Neighbourhood Plan but which the planning authority has deemed to consent. Similarly, it may also seek to persuade the Secretary of State to recover an appeal of a refused application, where the conflict with one or more Neighbourhood Plan policies has been important in the reasons for refusal. In both cases, the Parish Council will do so if it considers matters of national policy significance (for neighbourhood planning) are raised.

### LOCAL INFRASTRUCTURE IMPROVEMENTS

---

6.4 Where opportunities arise through S106 agreements (or through the Community Infrastructure Levy) to secure financial contributions to invest in improving local infrastructure. Should an opportunity arise, the Parish Council will review the evidence base and community consultations for the neighbourhood plan to inform its view in liaising with TDC. This is in addition to the infrastructure projects that are proposed to be delivered through site specific policies in this Neighbourhood Plan. A preliminary list has been set out below:

6.5 It is recognised that with the increase in new housing developments within Elmstead and surrounding villages that this will generate an increase in traffic movements on the A133 and the Bromley / Harwich roads. To mitigate the effects of this increase it is felt that traffic calming measures will need to be introduced along the A133 through the village. The junction at the A133 Road and School Road has reached capacity in its present form, therefore a small roundabout be created to help slow traffic movement and allow traffic from Church Road and School Road to move onto or off the A133. Also mini roundabouts could be created at the Alfells and Oatlands junctions helping to slow traffic entering the village from Colchester and allowing residents to join the A133 safely.

6.6 It is recognised that with the increase in traffic on the A133 a new pedestrian crossing will need to be installed on the western approach to the village. A puffin crossing is considered ideal for a busy road as the pedestrian signals are on the same side as the

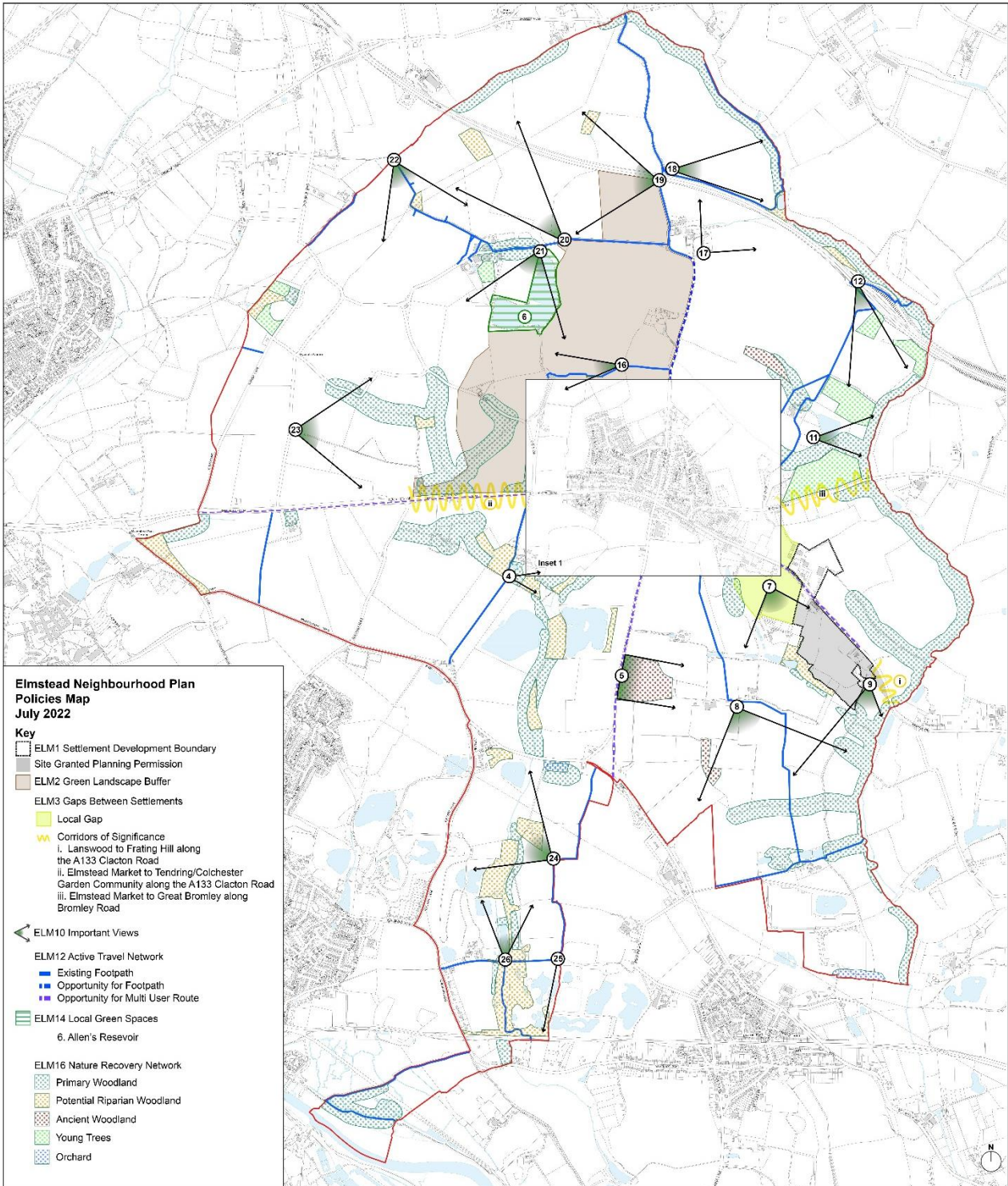
pedestrian and the crossing uses sensors to determine when someone is on the road allowing more time for less mobile residents to cross rather than a pre-set interval.

#### OTHER NON-PLANNING MATTERS

---

6.7 During the process of preparing the Neighbourhood Plan, there have been many ideas for improving or addressing current problems in the parish that lie outside the scope of the land use planning system to control. The Parish Council has noted these issues and will take them forward through its day-to-day business and in partnership with the local community and relevant parties. These include:

- Concerns were raised over the distribution of post boxes within the parish. While the eastern village is well served, the more recent expansions towards the west of the village are some distance away from the nearest post box, requiring crossing multiple roads to use. Conversations with residents challenged by mobility impairments were of specific concern. A letter has been sent to Colchester's Delivery Manager for royal mail, conveying this problem and offering the councils support in finding effective solutions.
- Amongst the most common feedback from the community was a variety of concerns around access to and capacity of local GPs. Having been aware of this issue for sometime, councillors have talked to the general manager responsible for the parishes GP surgery, but unpredictable trends during the COVID 19 pandemic made long term planning impossible. A letter has been sent to the responsible manager, to in turn be forwarded to the relevant NHS strategic planning team, raising the specific concerns communicated during neighbourhood plan outreach, and offering the parish councils support in exploring solutions.
- An incredible amount of support was voiced amongst the community for a pub or similar venue in the parish. The council has taken note of this sentiment and will consider any such proposals on their merit. For the time being the council is working closely with Elmstead cricket club on a number of events, which provides a similar function as a social centre of the village.

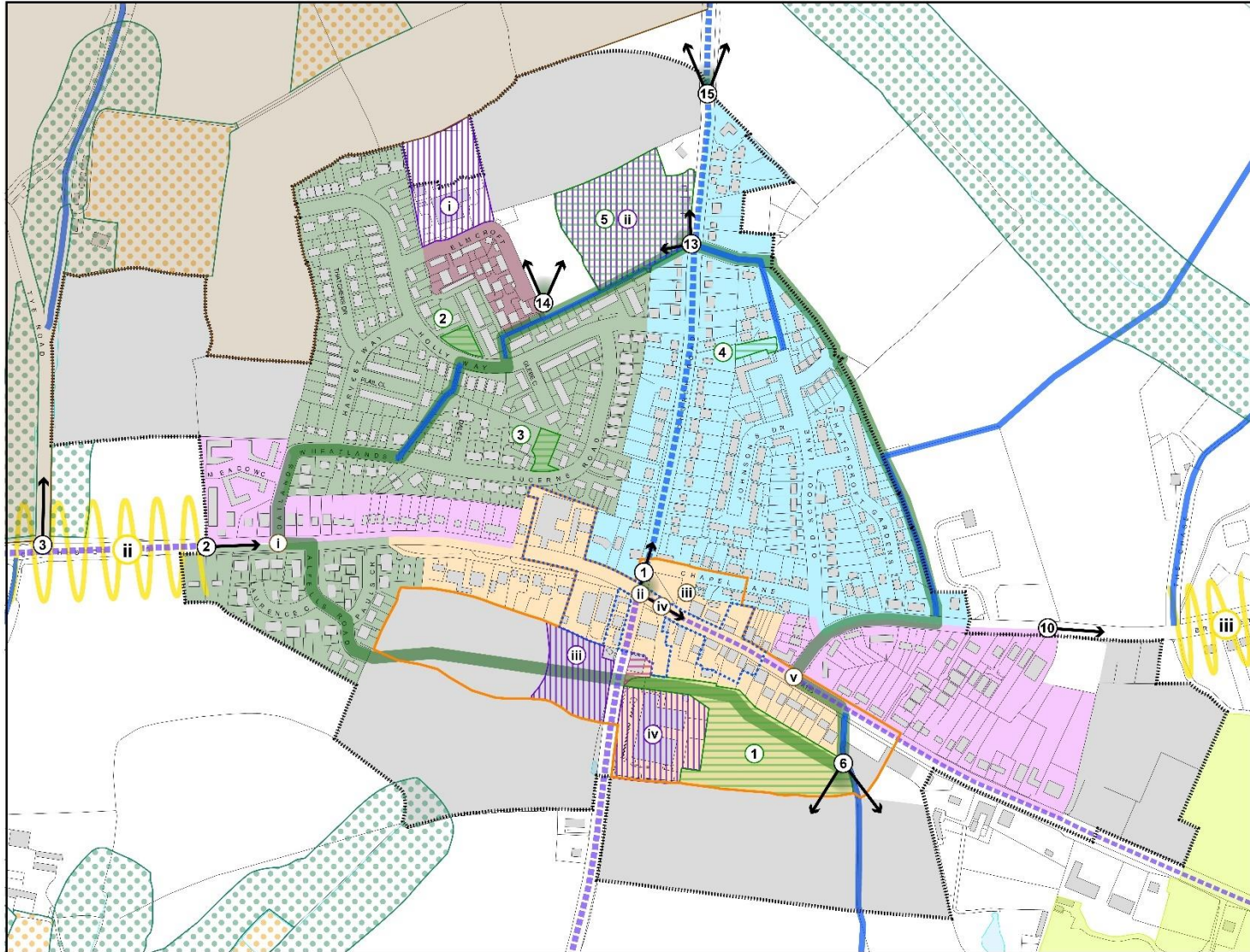


### Elmstead Neighbourhood Plan Policies Map Inset 1 July 2022

**Key**

- ELM1 Settlement Development Boundary
- Site Granted Planning Permission
- ELM2 Green Landscape Buffer
- ELM3 Gaps Between Settlements
  - Local Gaps
- Corridors of Significance
  - ii. Elmstead Market to Tendring/Colchester Garden Community along the A133 Clacton Road
  - iii. Elmstead Market to Great Bromley along Bromley Road
- ELM4 The Former Elmstead Community Centre
- ELM9 Design Code Character Areas
  - General Neighbourhood
  - Village Gateway
  - Village Centre
  - Modern Estate
  - 20th Century Estate
- ELM10 Important Views
- ELM11 Village Core
- ELM11 Village Centre Boundary
- ELM12 Active Travel Network
  - Existing Footpath
  - Opportunity for Footpath
  - Opportunity for Multi User Route
- ELM13 Key Locations
  - i. Oatlands
  - ii. Budgens Junction
  - iii. Chapel Lane
  - iv. Village Green
  - v. Clacton Road/Bromley Road
- ELM14 Local Green Spaces
  - 1. The Playing Field
  - 2. Holly Way Green
  - 3. Lucerne Green
  - 4. Old School Lane Playground
  - 5. Cricket Pitch
- ELM15 The Green Ring
- ELM16 Nature Recovery Network
  - Primary Woodland
  - Potential Riparian Woodland
- ELM18 Community Facilities
  - i. Elmstead Primary School
  - ii. Elmstead Grasshoppers Cricket Club
  - iii. The new Elmstead Village Hall
  - iv. Market Field School

N



1. The UK Parliament declared an environment and climate emergency<sup>1</sup> in May 2019, followed by TDC on 6 August 2019. The Climate Change Act 2008<sup>2</sup> is the basis for the UK's approach to tackling and responding to climate change. It requires that emissions of carbon dioxide and other greenhouse gases are reduced and that climate change risks are prepared for. The Act also establishes the framework to deliver on these requirements and commits the UK government by law to reducing greenhouse gas emissions to 'net zero' by 2050.
2. Policy SPL3 of Tendring's Local Plan Part 2 was prepared prior to Government committing the UK in law to 'net zero' by 2050 as per the Climate Change Act 2008 (as amended)<sup>34</sup> and emission cuts of 78% by 2035 to bring UK Law in line with the recommendations of the Committee on Climate Change (CCC) Sixth Carbon Budget Report, and the Paris Agreement commitments<sup>5</sup>.
3. The Energy White Paper published in December 2020 sets out the government's Vision and 10-point transition plan for how the UK will reach the UK target of 'net zero' carbon emissions by 2050. The White Paper confirms the government's intention to ensure significant strides are made to improve building energy performance to meet this target. This means that by 2030 all new buildings must operate at 'net zero', the means by which this can be achieved is described in the diagram overleaf<sup>6</sup>.
4. Planning plays an important role in minimising our contribution to and increasing resilience to the effects of climate change. It can provide a positive and encouraging framework for change and can resist harmful development. The CCC highlights that we need to build new buildings with 'ultra-low' levels of energy use. The CCC also makes a specific reference to space heating demand and recommends a maximum of 15-20 kWh/m<sup>2</sup>/yr for new dwellings<sup>78</sup>.

---

<sup>1</sup> 'Emergency' – "a sudden serious and dangerous event or situation which needs immediate action to deal with it"

<sup>2</sup> Amended by Climate Change Act 2008 (2050 Target Amendment) Order – SI 2019/1056 - 26 June 2019

<sup>3</sup> [Insert reference to LP examination and basis on which energy policies examined]

<sup>4</sup> The Climate Change Act established a long-term legally binding framework to reduce emissions, initially committing the UK to reducing emissions by at least 80% below 1990/95 baselines by 2050. In June 2019, following the IPCC's Special Report on Global Warming of 1.5°C and advice from the independent Committee on Climate Change, the CCA was amended to commit the UK to achieving a 100% reduction in emissions (to net zero) by 2050. 2019 UK Greenhouse Gas Emissions: BEIS Feb 2021

<sup>5</sup> The Govt communicated to the UN the UK's contribution to the agreement on 12 Dec 2020

<sup>6</sup> LETI Climate Emergency Design Guide

<sup>7</sup> The UK housing: Fit for the future? report published by the Committee on Climate Change in February 2019 recommends ultra-low levels of energy use and a space heating demand of less than 15-20 kWh/m<sup>2</sup>/yr.

<sup>8</sup> The costs and benefits of tighter standards for new buildings report, produced by Currie & Brown and AECOM for the Committee on Climate Change's UK housing: Fit for the future? Report

# Net Zero Operational Carbon

## Ten key requirements for new buildings

By 2030 all new buildings must operate at net zero to meet our climate change targets. This means that by 2025 all new buildings will need to be designed to meet these targets. This page sets out the approach to operational carbon that will be necessary to deliver zero carbon buildings. For more information about any of these requirements and how to meet them, please refer to the: UKGBC - Net Zero Carbon Buildings Framework; BBP - Design for Performance initiative; RIBA - 2030 Climate Challenge; GMA - Net Zero Housing Project Map; CIBSE - Climate Action Plan; and, LETI - Climate Emergency Design Guide.

### Low energy use

- 1** Total Energy Use Intensity (EUI) - Energy use measured at the meter should be equal to or less than:

  - **35 kWh/m<sup>2</sup>/yr** (GIA) for residential<sup>1</sup>

For non-domestic buildings a minimum DEC B (40) rating should be achieved and/or an EUI equal or less than:

  - **65 kWh/m<sup>2</sup>/yr** (GIA) for schools<sup>1</sup>
  - **70 kWh/m<sup>2</sup>/yr** (NLA) or **55 kWh/m<sup>2</sup>/yr** (GIA) for commercial offices<sup>1,2</sup>
- 2** Building fabric is very important therefore space heating demand should be less than **15 kWh/m<sup>2</sup>/yr** for all building types.

### Measurement and verification

- 3** Annual energy use and renewable energy generation on-site must be reported and independently verified in-use each year for the first 5 years. This can be done on an aggregated and anonymised basis for residential buildings.

### Reducing construction impacts

- 4** Embodied carbon should be assessed, reduced and verified post-construction.<sup>3</sup>



### Low carbon energy supply

- 5** Heating and hot water should not be generated using fossil fuels.
- 6** The average annual carbon content of the heat supplied (gCO<sub>2</sub>/kWh) should be reported.
- 7** On-site renewable electricity should be maximised.
- 8** Energy demand response and storage measures should be incorporated and the building annual peak energy demand should be reported.

### Zero carbon balance

- 9** A carbon balance calculation (on an annual basis) should be undertaken and it should be demonstrated that the building achieves a net zero carbon balance.
- 10** Any energy use not met by on-site renewables should be met by an investment into additional renewable energy capacity off-site OR a minimum 15 year renewable energy power purchase agreement (PPA). A green tariff is not robust enough and does not provide 'additional' renewables.

#### Notes:

**Note 1 - Energy use intensity (EUI) targets:**  
The above targets include on-site energy use in the building (regulated and unregulated) as measured at the meter and exclude on-site generation. They have been derived from predicted energy use modelling for best practice; a review of the best performing buildings in the UK; and a preliminary assessment of the renewable energy capacity for UK buildings. They are likely to be revised as more knowledge is available in these areas. As heating and hot water is not generated by fossil fuels, the sources of all electricity building with other zero carbon heat emit (EUI) targets are the same (kWh/m<sup>2</sup>/yr). Once other zero carbon heating heat are available the metric will be adapted.

**Note 2 - Commercial offices:**  
With a typical set to gross rate, 70 kWh/m<sup>2</sup>/NLA/yr is equivalent to 55 kWh/m<sup>2</sup>/GIA/yr. Building owners and developers are recommended to target a base building rating of 4 stars using the BBP's Design for Performance process based on HARBIS.

**Note 3 - Whole life carbon:**  
It is recognised that operational emissions represent only one aspect of net zero carbon in new buildings. Reducing whole life carbon is essential and will be covered in separate guidance.

**Note 4 - Adaptation to climate change:**  
Net zero carbon buildings should also be adapted to climate change. It is essential that the risk of overheating is managed and that cooling is minimised.

Developed in collaboration with:



Supported by:



5. A 'net zero' carbon building is therefore first and foremost an energy efficient building in which the amount and cost of energy used for heating or cooling is minimised, as is the demand on the energy supply network.
6. This approach unequivocally focuses on the Energy Hierarchy – **BE LEAN, BE CLEAN, BE GREEN, BE SEEN** – the latter requiring comprehensive post occupancy monitoring, verification and rectification (if necessary) to ensure buildings perform in the way approved at design stage, ensure planning commitments are delivered and any 'performance gap' issues are resolved.
7. There is a significant weight of evidence that buildings rarely live up to their designers' expectations when completed and occupied, and depart significantly from the standards against which they were certified at design stage. This is known as the 'performance gap' and is a widely acknowledged problem<sup>9</sup>. Research indicates this gap can be anything from 50% increase in energy use than designed for, to 500%.
8. The consultation on the 'Future Buildings Standard' announced in January 2021 aims to 'radically improve' the energy performance of new homes ensuring they are 'zero carbon ready' by 2025. This means having high levels of energy efficiency and fabric performance that produce 75 to 80 per cent lower carbon emissions than houses built to current standards.
9. By 'Zero Carbon Ready' the Government has confirmed this means that no further retrofit work will be necessary to enable them to become zero carbon homes. To do otherwise, as the Consultation Impact Assessment (CIA)<sup>10</sup> confirms, would create homes which are not fit for purpose and would pass on a significant financial liability to future building occupiers or homeowners, many of whom may be struggling to meet the purchase price or rental costs of their new home in the first place. It could also unnecessarily push householders into fuel poverty. A Climate Change Committee Report in 2019<sup>11</sup> confirmed the costs of achieving higher energy performance standards via retrofit can be five times the cost (about £25000 per home) compared to designing these requirements into new buildings from the outset.
10. Tendingr's current Policy SPL3 will require retrofit which will result in disturbance to future occupiers and may contribute to pushing householders into fuel poverty. A recent appeal decision<sup>12</sup> notes *"It seems to me folly to build new houses now that will commit owners to potentially expensive and disruptive alterations as the UK moves to decarbonise heating of its housing stock"*. East Hampshire District Council have also confirmed that it will demand zero-carbon homes in its new Local Plan with the Leader of the Council echoing the Planning Inspector's position: *"It is ridiculous that homes being built now will need to be retro-fitted with energy-saving*

---

<sup>9</sup> Section 3.3. The Future Buildings Standard consultation, Jan 2021

<sup>10</sup> Paragraph 1.7 The Future Buildings Standard consultation impact assessment, Jan 2021

<sup>11</sup> The Costs and Benefits of tighter standards for new buildings; Final Report for Climate Change Committee 2019

<sup>12</sup> APP/K1128/W/20/3252623 paragraphs 59 and 60: 15 November 2021

measures in 10 or 15 years' time. Today's homes should be built to meet tomorrow's challenges"<sup>13</sup>.

11. In January 2021, the Government in their response to the Future Homes Standard (FHS) consultation<sup>14</sup>, acknowledged the legislative framework had moved on since the publication of the Written Ministerial Statement (WMS) in March 2015 (HCWS488). The response confirmed that to provide certainty in the immediate term, the Government would allow local energy efficiency standards for new homes to be set locally. This is further supported by the legal opinion supplied by the Environmental Law Foundation in relation to the North Hinksey Neighbourhood Plan which confirms that the WMS from March 2015 appears to have been superseded by subsequent events and should not be read in isolation<sup>15</sup>. To all intents and purposes the WMS is no longer relevant to plan making.
12. The NPPF states at paragraph 148 that:  
*"The planning system should support the transition to a low carbon future in a changing climate...it should help to shape places in ways that contribute to **radical** reductions in greenhouse gas emissions..."* (Plan emphasis)
13. The NPPF also makes clear that 'landform, layout, building orientation, massing and landscaping' all contribute to well-designed places which are both efficient and resilient to climate change. The Government's Net Zero Strategy: Build Back Greener - October 2021 confirms a commitment to review the NPPF to make sure it contributes to climate change mitigation and adaptation as fully as possible.
14. There are therefore a number of ways in which climate change may be mitigated in a local area using land use and development management policies. Neighbourhood plans are well suited to providing this policy framework in the interim, where there is an absence of up to date strategic policies at the Local Plan level. Aside from ensuring sustainable patterns of land uses in settlements, policies can be used to minimise the energy demand of buildings, to store carbon and to generate renewable energy. National planning policy encourages each of them but does not specify precisely how a local area should go about realising opportunities.
15. There are practical ways that each can be delivered in a local area. The Passivhaus standard has been shown to be an effective means of designing for significantly improved energy performance of new and existing buildings. The more buildings, of all uses, that meet this standard, the better. And storing emitted carbon in plant life can reduce atmospheric carbon dioxide that is increasing global temperatures. The more that storage capacity in the local area is increased, the greater the contribution to reducing the pace of temperature increases.
16. The Government's Heat and Building's Strategy highlights the need for a local, as well as national, response to achieve 'Net Zero' and refers specifically to the 'Local

---

<sup>13</sup> Council calls for zero-carbon homes, November 2021

<sup>14</sup> The Future Homes Standard : 2019 Consultation on changes to Part L (conservation of fuel and power) and Part F (ventilation) of the Building Regulations for new dwellings. Summary of response received and Government response; MHCLG. Exec Summary Page 4.

<sup>15</sup> Appendix 1 Evidence and arguments for binding Energy Efficiency policies in neighbourhood plans



Climate Action' chapter in the Net Zero Strategy. A key commitment of that Strategy being to promote best practice...and share successful net zero system solutions. Policy ELM7 Zero Carbon Buildings is therefore intended as an interim measure until TDC review and update their current policy.

17. Policy ELM7 Zero Carbon Buildings will ensure the updated legal framework will apply in the Parish, whereas in the intervening period since its adoption, Policy SPL3 has become inconsistent with this framework and hence falls short of the Local Planning Authority's duty to act under Section 19(1A) of the Planning and Compulsory Purchase Act 2004, and reflected in NPPF (2021) paragraphs 152 and 153 and footnote 53 ("Plans should take a proactive approach to mitigating and adapting to climate change", "in line with the objectives and provisions of the Climate Change Act 2008"). As such, the Parish Council will willingly offer this policy to TDC to help frame a District-wide policy in an update to the adopted Local Plan.
18. Furthermore, Policy ELM7 also applies the 'precautionary principle' which provides the basis to anticipate, avoid and mitigate threats to the environment. Hence, the policy acknowledges the CCC's Sixth Carbon Budget recommendation that delaying action or a failure to follow the critical dates in the 'balanced pathway'<sup>16</sup> will require costly corrective action in the future<sup>17</sup>.
19. The Government addressed the CCC's recommendation head on in their response to the Future Homes Standard consultation<sup>18</sup>. Confirming that 'it is significantly cheaper and easier to install energy efficiency and low carbon heating measures when homes are built, rather than retrofitting them afterwards'. Failure to implement Policy ELM7 on new development will add to the existing and costly retrofit burden that will be required of the existing housing stock in the Parish; only adding to the costs across the area as a whole.
20. In respect of the impact of Policy ELM7 on scheme viability, any extra-over cost of building to the 'zero carbon ready' Passivhaus or similar Standard is becoming marginal as skills and supply chains begin to mature. Recent viability evidence for residential development prepared for Cornwall Council by Three Dragons<sup>19</sup> concludes that the additional costs associated with building new dwellings to the standards required in their Sustainable Energy and Construction policy (SEC1) which sets stretching energy use targets similar to Policy ELM7 can be met without jeopardising viability in most cases. This compares favourably with earlier evidence which indicated that costs associated with building to Passivhaus levels are already less than 5% and will fall to zero well within the period of this Neighbourhood Plan, as per both the Government's and CCC's impact assessments and research by the Passivhaus Trust. The policy will ensure that expensive and unnecessary retrofit costs are not passed down to building occupiers in the future, particularly in an area which has relatively high property values. Scheme viability will not therefore be

---

<sup>16</sup> The Sixth Carbon Budget: The UK's Path to Net Zero; Committee on Climate Change, December 2020. Table 3.2a page 112.

<sup>17</sup> *ibid* (vi): Paragraph 5.3 'Retrofit Costs'.

<sup>18</sup> *Ibid* (vii): Paragraph 1.4 'Net zero emissions and climate change'.

<sup>19</sup> Cornwall Council Climate Emergency Development Plan Viability Assessment Update: Three Dragons November 2021

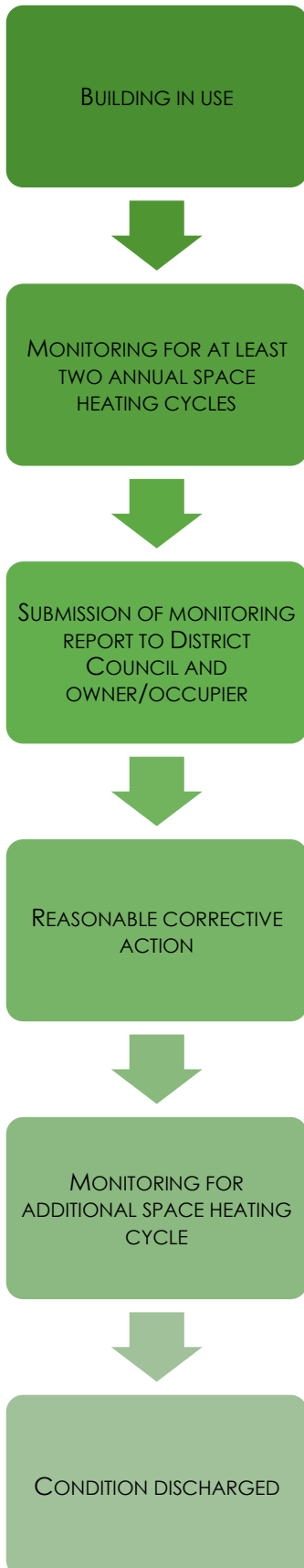
acceptable as a reason for not using the Standard, unless the applicant can demonstrate the scheme has abnormal development costs to accommodate.

21. Policy ELM7 only applies to Elmstead and therefore, by definition, is non-strategic (*NPPF §28*) nor is it considered to undermine Policy SPL3 (*NPPF §29*). The *NPPF* confirms “all plans should” mitigate climate change (*NPPF §11a*). The policy has both ‘regard to’ the *NPPF* and advice issued by the Secretary of State, including the Government’s response to the FHS consultation, while also supporting and upholding the general principle that Tendring’s Policy Part 2 Policy SPL3 Sustainable Design in particular are concerned with, while providing “a distinct local approach” (*PPG ID:41-074*)<sup>20</sup>. It supports the Local Plan ‘as a whole’ including its vision and objectives which require the delivery of high environmental standards and mitigating climate change.
22. In the Parish Council’s judgement, the approach taken in Policy ELM7 and the neighbourhood plan as a whole is consistent with the law as it currently stands and its interpretation of paragraphs 8(2)(a)&(e) of Schedule 4B of the *TCPA 1990*<sup>21</sup>.

---

<sup>20</sup> Ibid Footnote 17

<sup>21</sup> *BDW Trading Limited vs Cheshire West and Chester Borough Council and Tattenhall Neighbourhood Plan* (2014 - EWHC 1470 - Paragraph 82)  
*Crownhall Estates Ltd vs Chichester DC and Loxwood PC* (2016 EWHC 73 - Paragraph 29ii)



POST-OCCUPANCY EVALUATION GUIDANCE NOTE

PULLING ON LATEST GUIDANCE AND BEST PRACTICE, THIS GUIDANCE NOTE SETS OUT HOW POST-OCCUPANCY EVALUATION (POE) SHOULD BE UNDERTAKEN.

1.01 Post-Occupancy Evaluation (POE) is the method of obtaining feedback on a building's energy performance 'in use', to ensure it measures up to the commitments made by the team that designed and built it. It offers significant potential to address the performance gap and occupant satisfaction.

1.02 Where a monitoring regime to ensure the 'as designed' building performance targets are achieved in practice for all new and refurbished buildings is required, it is important that data is collected robustly, following good practice POE principles. It is therefore recommended that for residential development the POE methodology in section 11.4 of the Home Quality Mark ONE: Technical Manual: England, Scotland & Wales SD239 (2018)58, or as updated, is used as a guide for meeting this requirement. For non-residential buildings the BSRIA Soft Landings and Design for Performance framework (BG 76/2019), or as updated, may be used.

1.03 Applicants are required to set out in their Energy Statement how their monitoring regime, based on the HQM, BSRIA or similar methodology, will work in practice and be independently verified by a third party. The Energy Statement to be submitted with the planning application.

1.04 As each new or refurbished building comes into use, the developer must ensure performance monitoring and data collection for all relevant parameters for one whole year is carried out once the building is substantially occupied, in line with good POE practice for residential or non-residential uses. This verification process should entail, after appropriate commissioning has taken place, comparison of the 'as designed' parameters (energy, carbon, air quality and overheating risk) to monitoring data under the same categories, to assess and compare actual performance.



1.05 In order to account for seasonality, a minimum of 12 months monitoring data is required. On the other hand, to account for actual weather, the modelling results can be adjusted with degree days for the relevant year.

1.06 A 'performance gap metric', which will compare designed and actual performance (e.g. a percentage difference) for each of the 4 required parameters (energy, carbon, air quality and overheating risk) should be issued at POE stage. This needs to be issued for both the 'central' scenario and the 'lowest acceptable performance /reasonable worst-case scenario' as a minimum, with multiple scenarios considered if at all possible.



1.07 The process and reporting methodology used for the POE will need to be repeatable, so that performance can be monitored for at least 2 annual space heating cycles.

*The Limes*

1.08 A report will then be required to be submitted to both building owners/occupiers and to Tendring District Council, which states the performance gap metric and identifies any reasons for deviation from predicted energy usage, carbon emissions, indoor air quality and overheating performance, as well as recommendations for reasonable corrective action that will be taken to reduce or eliminate the performance gap.



*Chase House*

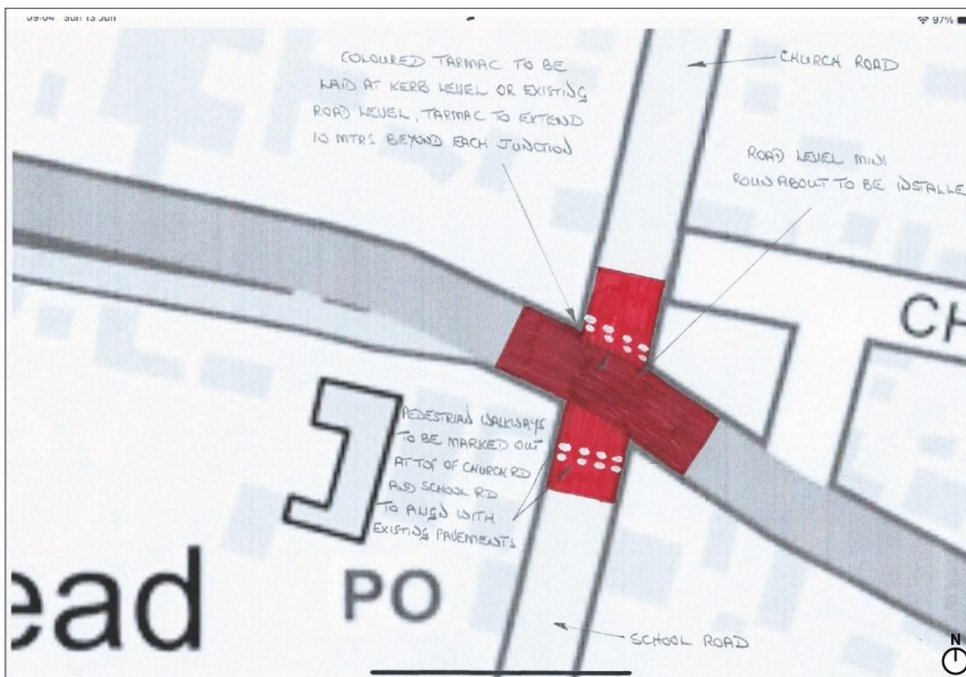
1.09 The submission of the monitoring report to owners/occupiers and the council must be secured by planning condition, to be determined at the time of application based on case-specific factors. The applicant must demonstrate that the reasonable corrective actions committed to in the monitoring report, and subsequently agreed by Tendring District Council, have been implemented through another annual heat cycle before the condition will be discharged.



*South Green*

## APPENDIX D – TRAFFIC MANAGEMENT ASPIRATIONS

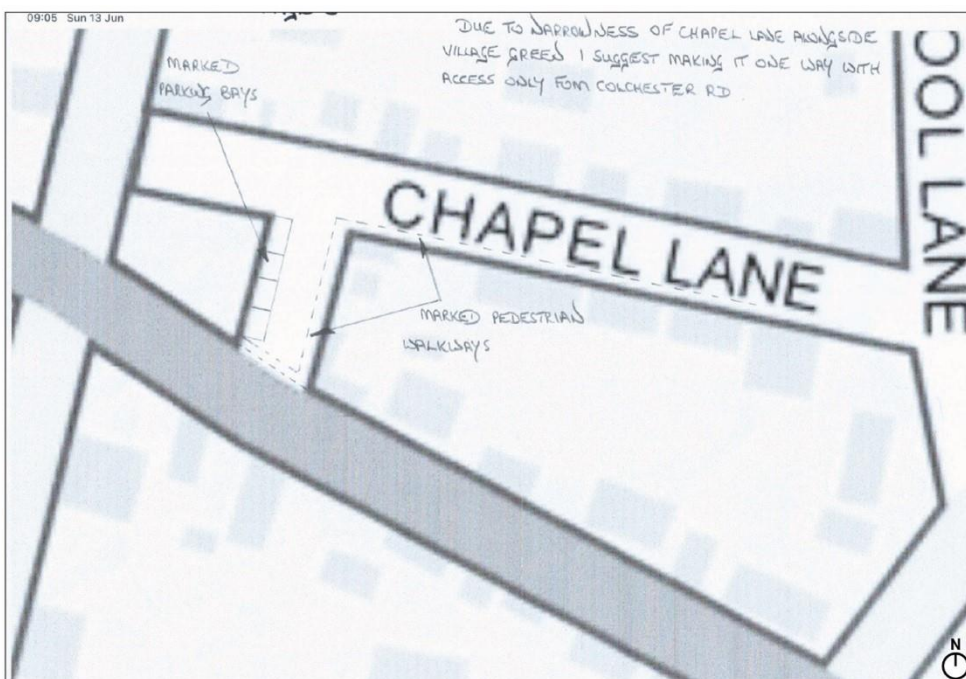
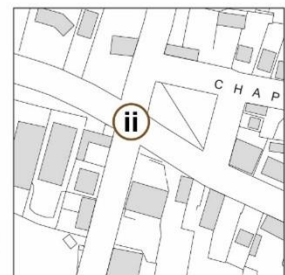
1.01 During the plan formulation process, a number of possible solutions to growing issues at key locations were proposed, and the parish council aspires to explore such solutions alongside Essex highways and other relevant stakeholders for specific locations to explore the feasibility of any potential solutions and improvements.



Proposed Sketch

Elmstead Neighbourhood Plan  
ELM13 Key Locations Plan  
June 2022

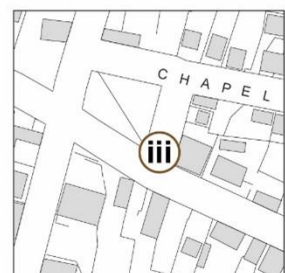
- ELM13 Key Locations
- ii. Budgens Junction



Proposed Sketch

Elmstead Neighbourhood Plan  
ELM13 Key Locations Plan  
June 2022

- ELM13 Key Locations
- iii. Chapel Lane





# Elmstead Parish Council



Community Centre, School Road, CO7 7ET  
[elmsteadparish@gmail.com](mailto:elmsteadparish@gmail.com)  
01206 827139 or 07907 610381  
[www.elmsteadparishcouncil.org.uk](http://www.elmsteadparishcouncil.org.uk)

