



Mr Gary Guiver  
Tendring District Council  
Planning Services  
Council Offices  
Weeley  
Essex  
CO16 9AJ

Direct Dial: 01223 582748

Our ref: PL00233462

15 June 2023

Dear Mr Guiver

**Re: Tendring Colchester Borders Garden Community Development Plan Document (DPD), (Regulation 19 Consultation) May - June 2023**

Thank you for consulting us on the Submission version of the Tendring Colchester Borders Garden Community Development Plan Document, May - June 2023 (hereafter referred to as the Plan). As the Government's adviser on the historic environment Historic England is keen to ensure that the protection of the historic environment is fully taken into account at all stages and levels of the local planning process, and therefore welcome the opportunity to comment on this document.

**Summary**

We have reviewed the Regulation 19 Development Plan Document (DPD) and consultation material with a view to providing advice on heritage matters. As a general comment, Historic England welcomes emerging plan and work undertaken to date. Whilst we consider many aspects of the DPD to be sound, we have identified some issues which do compromise the overall soundness of the plan. Under paragraph 35 of the National Planning Policy Framework, some aspects of this Plan are unsound as they have not been positively prepared, are not justified, effective, or consistent with national policy.

In particular we remain concerned regarding the timescales for some of the technical evidence needed to inform this Plan. Without this information the Plan is not effective in protecting and enhancing the historic environment and is therefore not sound.

**GC POLICY 3: PLACE SHAPING PRINCIPLES**



24 BROOKLANDS AVENUE, CAMBRIDGE, CB2 8BU

Telephone 01223 582749  
HistoricEngland.org.uk





## **Timescales for technical evidence - Potential mitigation and enhancements not included in policy**

We remain concerned that the preparation of a mitigation strategy for heritage is being deferred to the planning application stage, hampering the effectiveness (and therefore the soundness) of GC Policy 3: Place Shaping Principles. This advice is consistent with your own adopted local plan policy below, that confirms that this evidence is needed to inform this further DPD. Tendring District Local Plan 2013 - 2033 and Beyond Section 1, Policy SP 9 - Tendring/Colchester Borders Garden Community states:

*The adoption of the DPD will be contingent on the completion of a Heritage Impact Assessment carried out in accordance with Historic England guidance. The Heritage Impact Assessment will assess the impact of proposed allocations upon the historic environment, inform the appropriate extent and capacity of the development and establish any mitigation measures necessary (our emphasis).*

Whilst a Heritage Impact Assessment (HIA) has been prepared (Turley's, February 2022), it (by its own admission) lacks proper consideration of what mitigation and enhancement measures might be required and how this/these could be achieved. On this point, paragraph 5.9 of the Councils' HIA recommended that:

*.... a landscape and visual impact assessment (LVIA) for the whole TCBGC development is undertaken (in addition to those prepared for the road application) to consider the implications of the development on the landscape, visual impact and heritage of the area. This is of particular importance to assist the assessment of impacts in the Elmstead area which has been highlighted in this report as being particularly sensitive to the proposals. Representative views should encompass heritage viewpoints to inform the understanding of the effects on the identified heritage assets. This can then be used to inform any mitigation strategy (including landscaping), although it is suggested that if possible the location/extent of the proposed employment area is reconsidered (our emphasis).*

GC Policy 3: Place Shaping Principles, Part I: Planning Application Requirements of the Draft Plan, attempts to plug this gap by requiring an LVIA, HIA and Mitigation Strategy prior to the determination of any planning application for the site (GC Policy 3: Place Shaping Principles, Part I: Planning Application Requirements).

However, given the potential impacts identified within the HIA (the Councils' HIA



24 BROOKLANDS AVENUE, CAMBRIDGE, CB2 8BU

Telephone 01223 582749  
HistoricEngland.org.uk



suggests that the development of the TCBGC site allocation would potentially result in *significant effects* to the Grade II\* listed Elmstead Hall, the Grade I listed Church of St Anne and St Laurence and the Grade II listed Allen's Farmhouse) then this work should be undertaken now so that any specific recommendations for mitigation and enhancement can be incorporated into the Draft Plan.

This approach would also help satisfy NPPF paragraph 16d which requires Plan policies to be clearly written and unambiguous, so it is evident how a decision maker should react to development proposals, and PPG at paragraph 027 Reference ID: 61-027-20180913 Revision date: 13 09 2018 that states, 'Where sites are proposed for allocation, sufficient detail should be given to provide clarity to developers, local communities and other interested parties about the nature and scale of development'. The best way to achieve this is with site-specific criteria, and ideally accompanied by a concept diagram.

To this end we recommend that a Landscape and Visual Impact Assessment (LVIA) and (further) Heritage Impact Assessment and Mitigation Strategy should be prepared prior to Examination, and mitigation and enhancement measures included within GC Policy 3: Place Shaping Principles, to ensure that these are implemented. If this is not feasible, then Part I, bullet 2 of the policy should be amended to require that this work is prepared prior to the further masterplanning so that it can inform this work. This will ensure that the policy (and therefore the DPD) is effective in protecting and enhancing the historic environment, and in so doing help the Council to demonstrate that its' Plan sets out a positive strategy for the historic environment, as per NPPF paragraph 190.

Finally, whilst we welcome the reference to heritage assets within Part I of the policy, their setting is not mentioned. This omission is important as these heritage assets are most likely to experience harm via development within their settings. We therefore recommend that criterion 2 is revised to read, "...*significance of the Grade II\* listed Elmstead Hall, the Grade I listed Church of St Anne and St Laurence and the Grade II listed Allen's Farmhouse, and the Round Barrows (Scheduled Monument) on Annan Road, and their settings...*"

### **Potential for Non-designated heritage assets of equivalent significance to scheduled monuments with the Tendring Colchester Borders Garden Community Plan are**

Linked to the need for additional assessment to inform further masterplanning of the site, we take this opportunity to highlight the potential for archaeology of national



24 BROOKLANDS AVENUE, CAMBRIDGE, CB2 8BU

Telephone 01223 582749  
HistoricEngland.org.uk



significance within the Tendring Colchester Borders Garden Community Plan area, and that this should be investigated as part of the further HIA.

The Tendring Colchester Borders Garden Community Plan area is within the wider setting of two Scheduled Bronze Age barrow cemeteries; one immediately to the south-west of the site (the Group of barrows at Annan Road, LEN 1464139), and another to the north (the Crop Mark S of Ardleigh SM, LEN 1002146).

The Scheduled Monument at Ardleigh (Crop mark site S of Ardleigh, LEN 1002146) comprises cropmarks across a large area indicating many ring-ditches and an extensive complex of trackways and ditches enclosures. Limited archaeological excavations have identified the remains of a large Bronze Age cemetery complex, comprising the remains of both barrows and urnfield, as well as Iron Age occupation, a Roman pottery production centre and a small later Roman cemetery.

The Scheduled Monument is situated within a similar landscape setting to the Garden Community Plan area - within (or above) the valley of a tributary of the River Colne - Salary Brook (the Scheduled Monument is right at the head of the valley).

At the other end of the tributary, where it meets the River Colne, there is also a group of Scheduled Bronze Age Barrows (Group of barrows at Annan Road, LEN 1464139), and their location is surely not by chance either.

Both Scheduled Monuments seem deliberately located within similar landscape settings, and consequently, there is high potential for further archaeological remains to be located between them, above the floodplain of the Salary Brook (as well as good environmental within the floodplain itself), within the Tendring Colchester Borders Garden Community Plan area. If present, these *could* be of national significance as per NPPF footnote 68 and would therefore be considered subject to the policies for designated heritage assets.

We would therefore expect this to be investigated as part of the further HIA and Mitigation Strategy, ideally now, but if this is not feasible ahead of further masterplanning so that it can inform (if required) how development will be laid out, and which areas will be protected from development. We therefore recommend that Part I, criterion 3 is expanded to cover this aspect. Again, this information will ensure that the DPD is effective in protecting and enhancing the historic environment and help the Council to demonstrate that its' Plan sets out a positive strategy for the historic

environment, as per NPPF paragraph 190.

## **GC Policy 1: Land uses and spatial approach**

### **Part E: Elmstead Strategic Gap**

Whilst we welcome that there are specific measures for the historic environment in Part E of this policy, we request that it is amended to read:

*The ‘Business Park’ will be designed and landscaped in a manner that ensures an appropriate transition between built development and the open countryside forming part of the ‘Elmstead Strategic Green Gap’. Development will be required to respect the setting of the designated heritage assets of the Grade I listed Church of St. Anne and St. Lawrence, Grade II\* listed Elmstead Hall and Grade II listed Allens Farmhouse and the Round Burrow.*

This will clarify that these are designated heritage assets, therefore providing justification for (and therefore supporting the soundness of) the identification of a Strategic Gap in this location.

Finally, Part E, second paragraph states:

*“Development will only be supported where....it represents the provision of appropriate development for a countryside location...”*

We take this opportunity to remind you that what is considered ‘appropriate development’ should be informed by the further HIA (referred to throughout this letter) in consultation with Historic England.

## **Conclusions**

I hope that you find the above comments helpful. We’d like to stress that this response is based on the information provided by the Councils in its consultation. To avoid any doubt, this does not affect our obligation to provide further advice and, potentially, object to specific proposals, which may subsequently arise as a result of this plan, where we consider that these would have an adverse effect upon the historic environment.

Yours sincerely,



24 BROOKLANDS AVENUE, CAMBRIDGE, CB2 8BU

Telephone 01223 582749  
HistoricEngland.org.uk





Historic England

Andrew Marsh  
Historic Environment Planning Adviser, Planning Group  
andrew.marsh@historicengland.org.uk



24 BROOKLANDS AVENUE, CAMBRIDGE, CB2 8BU

Telephone 01223 582749  
HistoricEngland.org.uk



*Historic England is subject to both the Freedom of Information Act (2000) and Environmental Information Regulations (2004). Any Information held by the organisation can be requested for release under this legislation.*