

## **ANNEX 1: ESSEX COUNTY COUNCIL RESPONSE TO COLCHESTER DRAFT LOCAL PLAN ISSUES AND OPTIONS (JANUARY 2015)**

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ECC response dated 16<sup>th</sup> February 2015.

### **1. INTRODUCTION**

Essex County Council (ECC) supports the preparation of a new Local Plan for Colchester BC. A Local Plan by setting out a vision and policies for the long-term planning and development of the borough should provide a platform from which to secure a sustainable economic, social and environmental future to the benefit of its residents, businesses and visitors. A robust long-term strategy will provide a reliable basis on which ECC and its partners may plan future service provision and required community infrastructure for which they are responsible. ECC will also use its best endeavours to assist Colchester BC on strategic and cross-boundary matters under the duty to cooperate, including engagement and co-operation with other organisations for which those issues may have relevance.

In accordance with the duty to cooperate, as established in the Localism Act 2011, ECC will contribute cooperatively to the preparation of a new Colchester Local Plan, particularly within the following broad subject areas,

- ECC assets and services. Where relevant, advice on current status of assets and services and the likely impact and implications of proposals in emerging Local Plans for the future operation and delivery of ECC services.
- Evidence base. Guidance with assembly and interpretation of the evidence base both for strategic/cross-boundary projects, for example, education provision and transport studies and modelling.
- Sub-regional and broader context. Assistance with identification of relevant information and its fit with broader strategic initiatives, for example, the Economic Plan for Essex, the South East Local Enterprise Partnership Growth Deal and Strategic Economic Plan, and assessments of how emerging proposals for the borough may impact on areas beyond and vice-versa.
- Policy development. Contributions on the relationship of the evidence base to structure and content of emerging policies and proposals.
- Inter-relationship between Local Plans. Including the Essex Minerals Local Plan and Essex and Southend-on-Sea Waste Local Plan.

### **2. ECC INTEREST IN THE ISSUES AND OPTIONS CONSULTATION**

ECC is keen to influence and shape future spatial development strategies and policies delivered by Local Planning Authorities throughout Essex. ECC also aims to ensure that local strategies and policies will provide the greatest benefit to deliver a buoyant economy for existing and future persons that live, work, visit and invest in Essex. Involvement is necessary because of the ECC role as,

- a key partner within Essex promoting economic development, regeneration, infrastructure delivery and new development throughout the County; and
- the strategic highway and transport authority, including responsibility for the delivery of the Essex Local Transport Plan and as the local highways authority; local education authority; Minerals and Waste Planning Authority; and major provider of a wide range of local government services throughout the county of Essex.

## **2A. Duty to Cooperate**

The 'duty to cooperate' (the duty) was introduced by the Localism Act in November 2011. The Act inserted a new Section 33A into the Planning and Compulsory Purchase Act 2004. This placed a legal duty on all local authorities and public bodies (defined in regulations) to 'engage constructively, actively and on an ongoing basis' to maximise the effectiveness of local and marine plan preparation relating to strategic cross boundary matters, and in particular with County Councils on strategic matters.

The National Planning Policy Framework (NPPF) provides detail on how strategic planning matters should be addressed in local plans (paragraphs 178-181). Local planning authorities are expected to work 'collaboratively with other bodies to ensure that strategic priorities across local authority boundaries are properly coordinated and clearly reflected in local plans' (paragraph 179). 'Strategic priorities' to which local planning authorities should have particular regard are set out in paragraph 156 of the NPPF.

Specific guidance on how the duty should be applied is included in the National Planning Practice Guidance (PPG). This makes it clear that the duty requires a proactive, ongoing and focussed approach to strategic matters. Constructive cooperation must be an integral part of plan preparation and result in clear policy outcomes which can be demonstrated through the examination process.

The PPG makes it clear that the duty to cooperate requires cooperation in two tier local planning authority areas and states '*Close cooperation between district local planning authorities and county councils in two tier local planning authority areas will be critical to ensure that both tiers are effective when planning for strategic matters such as minerals, waste, transport and education.*' (Paragraph: 014, Reference ID: 9-014-20140306)

The Issues and Options consultation document makes specific reference to the Duty to Cooperate on pages 34 and 47. However, this should not be limited to adjoining local authorities and housing matters, particularly when considering the above paragraph and the role of ECC.

ECC will continue to contribute cooperatively with Colchester BC in the preparation of the new Local Plan through to examination. This will include assisting with assessment of the impact on the transport and highway network, further assessment of the need for

additional pupil places and school provision, and consideration of surface water management, amongst other matters, as Colchester BC carries out further evidence work to identify a preferred spatial strategy. Given the capacity issues with the A12 and A120, ECC will also engage actively with the Highways Agency to ensure that any strategic impacts arising from growth are considered on their network.

## **2B. Strategic context and strategies**

A range of strategies produced solely or in collaboration with Essex borough, city and district councils and Greater Essex unitary authorities Thurrock and Southend-on-Sea, provide the strategic context for our response to the Draft Local Plan Issues and Options consultation. The relevant strategies and context for Colchester BC are set out below.

### Vision for Essex 2013-2017

The Vision for Essex sets out the Cabinet's vision and priorities for the next four years and will inform the development of a revised corporate strategy designed to,

- increase educational achievement and enhance skills
- develop and maintain the infrastructure that enables our residents to travel and our businesses to grow
- support employment and entrepreneurship across our economy
- improve public health and wellbeing across Essex
- safeguard vulnerable people of all ages
- keep our communities safe and build community resilience and
- respect Essex's environment.

The vision for Essex is based on the following principles,

- We will spend taxpayers' money wisely
- Our focus will be on what works best, not who does it
- We will put residents at the heart of the decisions we make
- We will empower communities to help themselves
- We will reduce dependency
- We will work in partnership
- We will continue to be open and transparent.

The ECC response to the Issues and Options consultation is consistent with these principles because it aims to facilitate working in partnership to deliver the best outcomes for service users.

## Outcomes Framework for Essex

In February 2014 ECC adopted the Outcomes Framework for Essex - a statement of seven outcomes that set out ECC's ambition based on its Vision for Essex 2013-17. The outcomes that are specifically relevant to this Local Plan consultation include,

- Children in Essex get the best start in life
- People in Essex enjoy good health and wellbeing
- People have aspirations and achieve their ambitions through education, training and lifelong-learning
- People in Essex live in safe communities and are protected from harm
- Sustainable economic growth for Essex communities and businesses
- People in Essex experience a high quality and sustainable environment
- People in Essex can live independently and exercise control over their lives.

The outcomes reflect ECC aspirations for Essex residents and communities, guiding action in the short, medium and long term hence the importance of ensuring the outcomes inform emerging spatial policy. The outcomes support employment and housing growth and ensure that growth is sustainable and impacts directly on the communities of Essex.

To enable growth ECC will focus on a number of strategic actions,

- Generating a stronger skills base
- Ensuring relevant physical infrastructure is in place and improving local, national and international connectivity
- Delivering quality new homes to meet local need
- Maintaining a relevant business support offer and structures
- Raising aspirations for growth locally
- Improving the inward investment offer and developing our global brand
- Improving partnership working

To embed growth ECC will focus on the following strategic actions,

- Ongoing improvement of business space
- Improving international competitiveness and developing effective innovation capacity
- Establish effective supply chain networks
- Improving the quality of the environment
- Increasing economic participation and reducing worklessness
- Together these actions form the Commissioning Strategy framework

The Outcomes Framework identifies four growth corridors across Essex. The A120 / Haven Gateway corridor is relevant to Colchester BC, which seeks to accommodate significant future growth with development planned for the town centre and the Northern Gateway. Development of the University of Essex Knowledge Gateway will deliver a world class resource to support the use of data analytics and data science, creating high value jobs. Further opportunities in this corridor include the digital, culture and creative sector, which has a significant cluster in and around Colchester.

The ECC response to the Issues and Options consultation proposals support both the enabling and embedding strategic actions.

### Essex Economic Growth Strategy

The Economic Growth Strategy (EGS) for Essex sets out ECC's economic vision and how this may be delivered. The proposals in the EGS are designed to achieve five objectives, all of which are relevant to the Issues and Options consultation,

- Essex businesses are enabled and supported to be more productive, innovate and grow, creating jobs for the local economy;
- Essex businesses are enabled to compete and trade internationally;
- individuals are equipped and able to access better paid jobs through an education and skills offer that meets the needs of businesses;
- the life chances of people in our most deprived areas are improved by ensuring that residents are able to access jobs and public services; and
- securing the highways, infrastructure and environment to enable businesses to grow.

The EGS states that future improvements in the Essex transport network will be assessed to ensure that all schemes will represent good value for money based upon the whole life cost of the scheme. Colchester is identified as a principal urban area and one of several main locations for growth within Essex where investment will be focused. The A12, A120 and the Eastern Main Line are key interurban corridors.

The EGS states that Colchester will accommodate the majority of the future growth in the Essex Haven Gateway with significant development in the town centre and to the north of Colchester. It is noted that key corridors into and around Colchester town centre suffer congestion, especially during the peak periods, with specific problems at some junctions along these routes. This can result in a reduction in air quality and poor public transport journey time reliability. Innovative transport measures will be required to support economic growth in Colchester; it is acknowledged this issue is identified and discussed in the Issues and Options consultation.

### Economic Plan for Essex

The Economic Plan for Essex is based on the collective ambitions of all local authorities in Essex. It identifies the steps that local partners will take together, alongside the private sector and HM Government to accelerate local growth over the next seven years (2014-2021) and lays the foundation for long-term sustainable growth in the years to follow. The plan states the capacity of key transport corridors within Essex is a key challenge to securing growth – a challenge that partners are working together to meet. The key corridors for Colchester are: A120 - Haven Gateway Corridor and A12 /Greater Eastern Main Line – Heart of Essex Corridor.

The key issues that have relevance to this consultation include,

- Issue 1: Enhancing the Essex workforce – To ensure Essex can compete, the workforce should be developed to ensure there are the right skills to support existing and future employers as well as the needs of businesses in Essex’s key growth sectors.
- Issue 2: Unlocking growth in Essex’s strategic growth corridors – Investment to enable growth and development in established corridors offers the greater return on investment. Delivering and enabling significant infrastructure developments can help address capacity issues on Essex’s strategic road and rail links that place a limit on potential growth; unlock housing growth – increasing housing supply to help ensure that residents have access to affordable housing; unlock job growth – ensuring key growth sectors have access to the land and premises they need to expand and sustain employment; and make Essex more attractive to investors (at home and overseas), business and the people they employ.
- Issue 3: Enhancing the productivity within the Essex economy – Essex has the assets to exploit a competitive advantage in key sectors and to bring about a step change in local innovation and Research and Development investment.
- Issue 4: The reputation of Essex – If Essex is to attract businesses into the county, and attract investment from the UK and overseas, it needs to develop and maintain the right reputation. Research from KPMG suggests that investors focus on a small number of basic criteria when selecting locations: political stability, economic growth, the accessibility of skilled human resources, the quality of education and the availability (and cost) of real estate.
- Issue 5: Resistance to development – Delivering our ambitions will require local partners to achieve an unprecedented level of housing and physical development. While residents across Essex would recognise the general need for more homes and more local jobs, the specific design, location and phasing of development can in some cases, present a challenge for communities. Partners will need to engage with communities and their representatives, demonstrating the powerful case for sustainable growth and the benefits this can bring to our neighbourhoods, villages, towns and cities.
- Issue 6: Public sector partners’ capacity to support growth – If partners are to enable the ambition development programme outlined in this document, they will need to work together to consider new delivery mechanisms, new agreements and working practices that support delivery at pace.

#### Essex Transport Strategy, the Local Transport Plan for Essex

The Essex Transport Strategy, the Local Transport Plan for Essex (June 2011) states that good transport is a vital factor in building strong and sustainable local communities and a successful economy. The strategy sets the vision for transport, the outcomes we aim to achieve over a 15 year period, our policies for transport and the broad approach to implementing the policies. The strategy includes specific priorities for the Haven

Gateway sub-region, of which Colchester Borough is located, and the relevant priorities include,

- Providing the transport improvements needed to accommodate housing and employment growth in a sustainable way
- Tackling congestion within Colchester (including the provision of Park and Ride facilities)
- Improving the availability, reliability and punctuality of local bus services
- Improving the attractiveness of public spaces to support regeneration
- Improving and promoting cycle networks; and improving the availability of travel choices and awareness of them
- Improving journeys for commuters travelling to London from Colchester and Braintree; particularly by improving access to railway stations and improving facilities for passengers.

ECC welcomes working collaboratively with Colchester BC and other relevant stakeholders to deliver joint transport priorities, and we aim to ensure that emerging plans and strategies remain consistent.

### **3. ECC RESPONSE TO THE DRAFT LOCAL PLAN ISSUES AND OPTIONS CONSULTATION**

#### **3A. Summary**

The key issues raised in the ECC response to the Local Plan consultation are summarised as follows,

- Duty to cooperate. In accordance with provisions of the Localism Act 2011, ECC offers to contribute cooperatively with Colchester BC in preparation of the new Local Plan. This will primarily cover an assessment of the impact on the transport and highway network (as Local Highway Authority), the need to ensure additional school places (as Education Authority), consideration of surface water management (as Lead Local Flood Authority), and links to minerals and waste planning (as Minerals and Waste Planning Authority). A particular focus will be the impacts of any proposed new settlements to assist Colchester BC determine an appropriate strategy if those options progress as part of its preferred growth and development strategy.
- Economic growth. ECC welcomes proposals to ensure the protection and provision of suitable employment land and appropriate uses within town centres including safeguarding the pre-eminence of Colchester town centre; and the need to provide necessary social, physical and green infrastructure to support economic growth, particularly provision associated with proposals for new settlements. The provision of jobs and infrastructure to support housing growth is essential. The economic role of the A120 corridor should also be strengthened.
- Housing provision. ECC acknowledges Colchester BC's work that seeks to meet housing needs in full over the plan period. However, ECC acknowledges highway

network constraints, and in its role as Local Highway Authority will provide the necessary assessments to determine impacts (including cross boundary impacts) and mitigation measures, as Colchester BC seeks to adopt a preferred growth and development strategy. The new Local Plan should also emphasise the need to provide infrastructure (secured through developer funding) as part of any new housing proposals, and consideration should be given to the provision of adult social care and extra care (encompassing aged and vulnerable people).

- Transport and highways. ECC (in consultation with Colchester BC and the Highways Agency, and neighbouring local authorities Tendring District Council (DC) and Braintree DC as they adjoin Colchester BC) will undertake further transport and highway impact assessments to identify potential impacts and mitigation arising from the growth strategy options, and those impacts beyond the borough boundary, particularly proposals for new settlements. Adequate transport and highway provision will need to be evidenced including transparency of funding to ensure delivery. The results will assist Colchester BC determine a preferred growth and development strategy.
- Sustainable transport. ECC supports the emphasis placed on sustainable transport and recommends the inclusion of policy options to implement and deliver a range of measures; an approach consistent with the findings of the Sustainability Appraisal.
- School provision. ECC will continue to work with Colchester BC to ensure education needs are appropriate and adequately assessed as preparation of the new Local Plan continues. ECC will undertake a further assessment of the potential delivery and resource requirements for accommodating anticipated pupil change as and when Colchester BC confirms its preferred spatial option for growth and development and the specific sites.
- Infrastructure provision and funding. The new Local Plan should ensure there are clear policies for the full provision, enhancement and funding of infrastructure arising from planned development. Mechanisms include planning obligations, the use of a Community Infrastructure Levy (CIL), and the ability to negotiate specific contractual obligations for major strategic sites (where Garden City principles may be adopted). This will ensure the delivery of sustainable development in accordance with the NPPF. Specific reference should also be made to broadband as an infrastructure requirement.
- Surface Water Management. References to surface water management and the need for schemes to incorporate sustainable urban drainage, in accordance with ECC's forthcoming role as Lead Local Flood Authority, will need to be included.
- Natural environment. Additional ecology and biodiversity issues should be considered, together with additional policy support for the natural environment, to improve consistency with national biodiversity conservation policy and best practice.
- Historic environment. Reference to heritage assets (particularly archaeology) should be strengthened to improve consistency with the NPPF.
- Minerals. Mineral Safeguarding Areas (MSAs) and Mineral Consultation Areas (MCAs) as identified in ECC's Minerals Local Plan, will need to be included as part of the new Local Plan and Proposals Map. The identification of these in the

Colchester Local Plan will help ensure that prospective developers consult ECC regarding any potential impact on a known mineral reserve, and seek to ensure that known locations of specific minerals are not needlessly sterilised by other forms of development.

- Waste. Ensure provision is made for waste management facilities in employment areas and promote the waste management hierarchy within sustainable development, in accordance with national policy and guidance. ECC as Waste Planning Authority will continue to work with Colchester BC to ensure closer working between local planning authorities on waste issues.

### **3B. ECC response to the consultation questions**

#### **Introduction**

1. *Do you agree that the Plan should cover the period to 2032 and beyond?*

Yes. The plan period meets the requirements outlined in the NPPF and would allow for the phased delivery of required infrastructure to meet the proposed levels of development and growth. This will ensure the borough's infrastructure and services can be suitably upgraded and enhanced in sequence with development needs.

2. *Do you agree with the scope of the evidence base set out under the heading 'What Information will be used to inform the Plan?', is there anything that you think is missing from the list, or that you think is not needed?*

ECC supports the scope of the evidence base.

Traffic and transport assessment work. As the local highway authority, ECC will ensure the appropriate and necessary assessments are undertaken as Colchester BC seeks to adopt a preferred spatial option for growth and development.

Viability assessment. As plan preparation progresses, the viability of the Local Plan will need to be tested and will form part of the evidence base. It is imperative that the cost of providing infrastructure as a direct result of development proposals, particularly those related to early years and childhood, primary and secondary schools, and highways, are included in the viability assessment from the outset to ensure provision is guaranteed. Land for education purposes must be secured with the necessary and full financial contributions. The full costs of infrastructure must be considered at the Local Plan stage to ensure deliverability and the creation of sustainable communities; this will be crucial if Colchester BC progresses with options for new settlements.

It is recommended the following be included as part of the evidence base, although it is noted that some of the documents are referenced in the Sustainability Appraisal Report.

- Commissioning School Places in Essex - published annually by ECC, this will inform the preparation of the Local Plan in terms of identifying the sufficiency of school places across the borough.
- Essex and South Suffolk Shoreline Management Plan (2010) (SMP)
- UK Marine Policy Statement (March 2011) needs to be considered. CBC will form part of the South East Inshore Marine Plan area when that plan is developed by the Marine Management Organisation.
- The A120 economic study prepared by Peter Brett and Associates for the Haven Gateway Partnership.
- North East Prevention Strategy 2015-2020 (prepared by the North East Clinical Commissioning Group, NHS and ECC) provides a context for the delivery of the Care Act (2014). The strategy may further inform Local Plan preparation.

### **Overarching Local Plan Issues and Options**

3. *Do you think we have identified all of the key planning issues facing Colchester and which the Plan should address? If not, please set out any additional issues that you have identified, along with your thoughts on how the Plan could address them.*

The Issues and Options document provides a clear overview of the key planning issues facing Colchester and what the new Local Plan should address. However, it is recommended further consideration should be given to the following.

- Infrastructure provision and funding. The new Local Plan should ensure there are clear policies for the full provision, enhancement and funding of infrastructure arising from planned development. Mechanisms include planning obligations, the use of a Community Infrastructure Levy (CIL), and the ability to negotiate specific contractual obligations for major strategic sites (where Garden City principles may be adopted). This will ensure the delivery of sustainable development in accordance with the NPPF.

At the heart of the NPPF is a presumption in favour of sustainable development. For plan-making this means local planning authorities should positively seek opportunities to meet the development needs of their area, and Local Plans should boost significantly the supply of housing to ensure the full objectively assessed needs for housing over the plan period. The NPPF includes the delivery of sufficient community and cultural facilities and services to meet local needs as a core planning principle.

There is clear expectation that local authorities should lever in funding for new school places from Section 106 contributions and CIL. ECC alone does not have the capital resources to fund the construction of early years' and child care places, primary schools or secondary schools. There appears to be a view developing that the provision of sufficient school places is the sole responsibility

of ECC assisted by the DfE in the form of 'basic need' funding, as the district and borough councils are not the local education authority. The expectation is that the DfE will fund any shortfall in school places that result from large new housing developments.

ECC draws your attention to paragraph 72 of the NPPF, which states *'The Government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities.'* ECC does not view financial contributions for education as optional. If this proves to be the case then ECC is not sure that DfE or local authorities will have sufficient resources to provide all the school places required as a result of a growing school population and the need to create additional school places to meet the needs generated by new housing developments.

ECC recommends that it is made clear in the new Local Plan that there is a requirement for financial contributions from developers to fund the full additional early years and childcare, primary and secondary school pupil places generated from new development to ensure that new housing developments are sustainable in terms of educational and childcare provision. This would support paragraph 72 of the NPPF and reiterates the Sustainability Appraisal accompanying the Issues and Options document, which states,

*'With the population of the Borough increasing, pressures on existing schools are likely to rise. Adopting a spatial approach to the allocation of development will ensure development is located in areas where existing education capacity is good and identify those areas where new facilities are required. This will ensure that new housing development is planned in parallel with the provision of new schools/upgrades to existing facilities, and are provided within walking distance via a safe route.'* (p43)

*'.....ensuring that school places, including early years, are available in the right locations is a key issue. It is also important to ensure that there is good accessibility to schools via safe direct routes by sustainable modes of transport. Essex County Council does not have the capital to fund new schools and expects developers to contribute to the pupil places likely to be generated from new development.'* (p45)

- Flooding and its impact on development. This is broadly mentioned but will significantly influence future development locations. The main river and surface water flood risk areas should be clearly identified and the new Local Plan should provide appropriate policy related to flood risk. As of April 2015, ECC is the lead Local Flood Authority for surface water management. ECC will seek the provision of sustainable drainage systems (SuDS) as part of new development. Further information on this issue is provided later in this response.

- Broadband. While highlighted in the document, there should be a separate distinction for broadband (and other telecommunications infrastructure) as a necessary infrastructure requirement for new development and included in policy. This will support relevant strategic and local objectives relating to economic growth particularly in rural Colchester. This will have a wider impact on growth and productivity, as increased broadband coverage will support businesses and attract investment to Essex. It also has the potential to increase opportunities for home-working and remote-working, reducing the demand on travel networks at peak periods. The importance is demonstrated by recent census returns which show that the biggest change in journey to work patterns in the last 20 years has actually been the increase in people working from home.

For consideration a draft policy proposed by Tendring DC in their most recent Local Plan consultation has been included below. The draft policy was discussed and promoted at meetings of the Essex Planning Officers' Association (EPOA) and the A120 Enterprise Group in 2014.

*POLICY PRO2: IMPROVING THE TELECOMMUNICATIONS NETWORK*

*The Council will work with the telecommunications industry to maximise access to super fast broadband, wireless hotspots and improved mobile signals for all residents and businesses the Tendring District, assisting them in delivering their investment plans and securing funding to address any infrastructure deficiencies or barriers.*

*Proposals for new telecommunications infrastructure will be approved where they utilise existing masts, buildings and other structures and where the applicant can demonstrate that:*

- a) they will not cause significant and irremediable interference with other electrical equipment, air traffic services or instrumentation operated in the national interest; and*
- b) the possibility of other planned development in the area interfering with broadcast and tele-communications has been considered and addressed. Proposals for new masts, buildings or other structures associated with the communications network will only be permitted where the applicant, in addition to meeting criteria a) and b) above, can demonstrate that:*
  - c) they cannot, for genuine practical or economic reasons, be incorporated into or onto existing masts, buildings and other structures; and*
  - d) they will be sympathetically designed and camouflaged, having regard to other policies in this Local Plan, particularly Policy SD9: 'Design of New Development'.*

*Where new telecommunications infrastructure needs to be installed in Conservation Areas or other sensitive areas, the Council will assist by advising applicants on how best to minimise visual impacts. Proposals for new telephone and radio masts will be expected to comply with the*

*International Council on Non-Ionizing Radiation Protection (ICNIRP) Guidelines. This will ensure that telephone and radio masts are not located close to sensitive community uses, including schools.*

*All new properties (residential and non-residential) must be served by a super fast broadband (fibre optic) connection which must be installed on an open access basis and which will need to be directly accessed from the nearest British Telecom exchange and threaded through resistant tubing to enable easy access to the fibre optic cable for future repair, replacement or upgrading unless the applicant can demonstrate that this would not be possible, practical or economically viable. In these cases, the Council may utilise Community Infrastructure Levy (CIL) or seek an equivalent developer contribution, toward off-site works that would enable those properties access to superfast broadband, either via fibre optic cable or wireless technology in the future.*

- Minerals. It is recommended that the new Local Plan (and Proposals Map) identify Mineral Safeguarding Areas (MSAs) and Mineral Consultation Areas (MCAs) as shown in ECC's Minerals Local Plan. Their identification will help ensure that prospective developers consult ECC regarding any potential impact on a known mineral reserve, and seek to ensure that known locations of specific minerals are not needlessly sterilised by other forms of development. Recommended text for inclusion in the new Local Plan is provided below.

#### *Minerals Safeguarding Areas and Consultation Areas*

*The National Planning Policy Framework requires Minerals Planning Authorities to define Mineral Safeguarding Areas (MSAs) within their Local Plans so that known locations of specific minerals are not needlessly sterilised by other forms of development, whilst not creating a presumption that the defined resources will ever be worked. Essex County Council has done this through Policy S8 (Safeguarding mineral resources and mineral reserves) in the Minerals Local Plan (2014). It is necessary to safeguard existing mineral workings and Preferred Sites to prevent the possibility of new incompatible neighbours being established and ultimately restricting extraction activities. Mineral Consultation Areas (MCAs) apply to the safeguarded site itself and extend for a distance of 250 metres outwards from the site boundary of each of these safeguarded sites.*

*The following are defined in the Minerals Plan as 'safeguarded sites' for the purposes of protecting mineral workings and existing mineral reserves (MCAs):*

- *mineral extraction sites and their associated facilities with planning permission that are currently in active mineral use,*

- *mineral extraction sites with unimplemented planning permission for minerals extraction (including 'dormant' sites with extant planning permission for mineral extraction that have remained unimplemented for some years)*
  - *Preferred Sites proposed in the Replacement Minerals Local Plan for future mineral extraction*
- Waste Management Facilities. The National Planning Policy for Waste (October 2014) (NPP Waste) and the PPG seeks the need for closer working between local planning authorities and waste planning authorities. This is required to integrate the need for waste management with other spatial concerns in the preparation of Local Plans.

The above policy documents require the waste planning authority, namely ECC, to prepare a Waste Local Plan, which identifies sufficient opportunities to meet the identified needs of an area for the management of waste. It should ensure that suitable sites and areas for the provision of waste management facilities are identified in appropriate locations (PPG, Paragraph: 011, Reference ID: 28-011-20141016).

Waste is a strategic issue which should be addressed effectively through close co-operation between waste planning authorities and other local planning authorities. In order to achieve this it is necessary to gather, evaluate and ensure consistency of data and information required to prepare Local Plans. By the nature of the activity, waste planning policy requires a strategic, cross-boundary approach to ensure that waste is effectively managed and facilities are properly located.

The PPG (Paragraph: 018, Reference ID: 28-018-20141016) states that opportunities for land to be utilised for waste management should be built into the preparatory work for Local Plans, to the level appropriate to the local planning authorities planning responsibilities. For example,

- Suitable previously-developed land, including industrial land, provides opportunities for new waste facilities and priority should be given to reuse of these sites. It is important for waste to be considered alongside other land uses when looking at development opportunities.
- As reviews of employment land are undertaken, it is important to build in the needs of waste management before releasing land for other development or when considering areas where major regeneration is proposed.
- The integration of local waste management opportunities in new development should be integral to promoting good urban design.
- Facilitating the co-location of waste sites with end users of waste outputs such as users of fuel, low carbon energy/heat, recyclates and soils.

The above is reinforced by the 'Guidance for local planning authorities on implementing planning requirements of the European Union Waste Framework Directive (2008/98/EC), DCLG, December 2012'. This specifically states that when local planning authorities are undertaking Employment Land Reviews, it is important they consider the full range of employment opportunities, including appropriate waste management proposals.

The potential for employment land to be used for waste purposes is discussed in paragraphs 8.28 and 8.29 of the Colchester Employment Lands Need Assessment (January 2015). However, Colchester BC should satisfy itself that the national policy and guidance requirements (detailed above) have been referenced, considered and any conclusions justified. ECC would recommend that waste management uses are included as a permitted use within appropriate employment areas. As ECC continues preparation of the replacement Essex and Southend-on-Sea Waste Local Plan, it will engage with Colchester BC through the duty to cooperate.

Paragraph 8 of the NPP for Waste also clarifies the position and requirements of local planning authorities when determining non-waste related developments, in which they should (to the extent appropriate to their responsibilities), ensure that,

- The likely impact of proposed, non-waste related development on existing waste management facilities, and on sites and areas allocated for waste management, is acceptable and does not prejudice the implementation of the waste hierarchy and/or the efficient operation of such facilities.
- New, non-waste development makes sufficient provision for waste management and promotes good design to secure the integration of waste management facilities with the rest of the development and, in less developed areas, with the local landscape. This includes providing adequate storage facilities at residential premises, for example by ensuring that there is sufficient and discrete provision for bins, to facilitate a high quality, comprehensive and frequent household collection service.
- The handling of waste arising from the construction and operation of development maximises reuse/recovery opportunities, and minimises off-site disposal.

It is recommended that the above policy requirements be considered when preparing the new Local Plan.

4. *Do you think we have identified all of the strategic cross-boundary issues? If not, please explain what issue(s) we have missed and include supporting evidence.*

Strategic cross-boundary issues relevant to ECC include the proposals for new settlements due to the impact of growth on the highway network, the need to ensure

provision of pupil places, and the impact of proposals on minerals and waste planning activities (the latter were detailed as part of Question 3).

The role of the A120 as an economic corridor should be strengthened. The corridor extends from Harwich to Stansted and ECC chairs an A120 Enterprise Corridor group, which consists of elected Members and officers from ECC, Braintree DC, Colchester BC, Tendring DC, Uttlesford DC, and representatives from the Haven Gateway Partnership. The A120 Economic Impact Study prepared for the Haven Gateway Partnership by Peter Brett and Associates provides an assessment of the economic benefits of improving the A120 and key findings are reflected in the bullet points below and mentioned in the Issues and Options consultation. Further information relating to the A120 is included under Question 20. The key messages for the A120 to emphasise as Local Plan preparation continues are,

- The A120 corridor is a recognised key economic area for the east of England as identified by the Strategic Economic Plan for the South East Local Enterprise Partnership (SELEP). The A120 is not just about a road but about the importance of it to economic growth and opportunity. For businesses to recognise the opportunity in the area, they need to see that investment is supported by the public sector and government, in planning for future growth and supporting infrastructure. The current condition of the A120 will constrain growth and could lead to a loss of £1.3 billion of Gross Value Added to the economy by 2031 and could prevent the area from realising up to 13,000 jobs (A120 Economic Impact Study, Peter Brett and Associates, pp. 43, 44).
- The A120 is an important strategic route through Essex, from the international port of Harwich through to Stansted Airport, and linked to the A12 and M11.
- The A120 is vital infrastructure that needs to be improved to cope with housing and population growth. The A120 serves an area with a past track record of nationally significant levels of growth and the expectation of even higher pressures for growth in the future.
- Improvements will significantly improve journey time reliability and could cut journey times on some sections of the road by up to 56% (A120 Economic Impact Study, Peter Brett and Associates, p. 47).
- ECC has pledged £5 million for short term safety measures and to assist the Highways Agency in establishing a preferred route option for a dual carriageway link between Braintree and the A12.

Colchester BC should satisfy itself that strategic cross-boundary issues with Suffolk have been adequately identified and considered with relevant local authorities though the Duty to Cooperate.

5. *Are there any other issues or considerations that we should take into account, or be aware of in formulating the new Local Plan?*

The substantive issues for consideration are covered throughout this response.

## **Vision**

6. *What would you like to see for the Borough's future, what do you think should be included in the Local Plan vision for the Borough, what should we be aiming and aspiring to achieve and why?*

ECC would continue to support elements of the 2008 Core Strategy Vision being included in a new Local Plan vision. In taking the vision forward as part of the new Local Plan, the following should be considered,

- Colchester's role as a key centre for growth in Essex where opportunities for economic growth, redevelopment and regeneration are focused.
- Clearly stating where growth will be located; this may include existing settlements, new settlements, and corridors such as A120 etc.
- Clearly stating the areas that need to be protected; this may include the countryside, villages, coastline etc.
- Support for improvements to the strategic highway network (A12, A120).
- Ensuring the phased provision of infrastructure (social, physical and green) to support appropriate levels of growth; in particular the provision of early years and childcare places, primary and secondary schools, highway and local road improvements, public transport, reducing the need to travel, new and improved walking and cycling connections, and strategic open space.
- Support for local businesses and training opportunities.
- Conserving and enhancing the natural environment, countryside, coastline and biodiversity.

7. *Are there any other documents or visions that you think might help to inform the vision for the new Local Plan?*

The following documents might help inform the vision,

- The ECC strategic documents listed under section 2 of this response, many of which provide a context for Colchester and identify key objectives and work streams.
- The Essex and South Suffolk Shoreline Management Plan.
- The A120 economic study prepared by Peter Brett and Associates for the Haven Gateway Partnership.

## **Housing**

8. *Have the correct issues been identified, are there any missing?*

ECC supports the identified housing issues and the objective to ensure that a ready supply of housing is available. Housing is of fundamental importance both for the wellbeing of residents but also for the effective functioning of the local economy. Labour markets function more efficiently when there is ample supply of good quality

housing for rent and for sale in all segments of the local market. Those who work in Colchester, as well as those who commute to work elsewhere, need this supply. A shortage of any type of housing – for senior executives, for families, for key workers, or for low and moderate income households – hampers economic growth.

A ready supply of good quality, affordable housing can boost the local economy, with the majority of household expenditure supporting businesses in the local area. The construction and maintenance of housing generates significant employment and GVA in its own right. Housing growth can also be a net contributor to local authorities' revenue, both through council tax revenues and New Homes Bonus, as well as the reduction of dependence on some housing related benefits.

Housing issues should also include the provision for adult social care and extra care (encompassing aged and vulnerable people).

Consideration will need to be given to flood risk when determining suitable areas for development.

*9. Do you have any thoughts on how the Plan could or should address these issues?*

ECC recommends that housing policies facilitate the provision for adult social care and extra care (encompassing aged and vulnerable people). ECC has a current programme looking at provision in this area and would appreciate discussions with Colchester BC to ensure appropriate policies are contained in the new Local Plan to facilitate delivery.

To ensure development in the most sustainable locations (Key Issue J), it is important that the Surface Water Management Plan (SWMP) and relevant documents developed by ECC as Lead Local Flood Authority are referenced.

*10. Do you have any further comments to make on housing related issues?*

No.

**Centres and employment**

*11. Have the correct issues been identified, are there any missing?*

The role of the A120 as an economic corridor should be strengthened. This was covered under Question 4.

ECC recommends broadband provision as part of any new development. Comments on this issue were included under Question 4.

The provision of adequate childcare is an issue that affects employment and access to employment. Adequate provision of land and/or buildings for childcare, as well as a financial contribution, is essential when new employment uses are proposed.

Your attention is drawn to the Memorandum of Understanding (MoU) signed between the University of Essex, Colchester BC, Tendring DC and ECC (23 April 2014). The MoU sets out a framework for collaboration between parties in order to promote the economic interests and prosperity of north east Essex. ECC has agreed to the objectives and this is reflected in current projects between all signed parties. For Colchester Borough the MoU emphasises the Knowledge Gateway and highlights the strong link to ECC skills ambitions captured in the Essex Plan for Growth and the role of the University.

The provision and funding of necessary education facilities in Colchester arising from new development, will support the MoU statement that *'All Local Planning Authorities are working with partners and their communities to improve the educational attainment and aspirations of young people in their areas as well as identify the skills needed for future growth.'*

ECC will continue to work positively and constructively to support the activities covered by the MoU.

*12. Do you have any thoughts on how the Plan could or should address these issues?*

The relevant issues contained in the MoU should be reflected in the new Local Plan.

The ECC Developers' Guide to Infrastructure Contributions (Consultation Draft 2015) provides details on the scope and range of contributions towards infrastructure which ECC may seek from developers in order to make development acceptable in planning terms. The guide covers contributions for early years and childcare and how to calculate demand from employment sites. These requirements should be reflected in the new Local Plan.

*13. Do you have any further comments to make on employment related issues?*

No.

### **Rural Colchester**

*14. Have the correct issues been identified, are there any missing?*

The following issues should be considered,

- Early years and childcare infrastructure requirements. If housing growth is allocated in smaller amounts within existing villages, this could pose challenges

in terms of the provision of sufficient childcare places as each individual development may not be big enough to merit a new provision in itself. However, overall demand would increase across the borough, resulting in potential difficulties in locating land and/or buildings for new early years and childcare provision.

- Rural primary schools. An assessment of the capacity of rural primary schools to accommodate additional pupils is an important consideration that should be taken into account when considering the level of sustainable growth that could be accommodated in rural settlements. ECC will provide an appropriate assessment of primary schools places as Colchester continues to prepare its new Local Plan and adopts a Preferred Option for growth.
- Broadband. Provision should be made as part of new development. This was discussed under Question 4.

*15. Do you have any thoughts on how the Plan could or should address these issues?*

On both the above issues, early years and childcare and primary school infrastructure requirements should be considered in rural areas and planned strategically from the outset. Many rural primary schools are located on restricted sites with limited potential for expansion. In many cases the level of growth would be insufficient to warrant the provision of a new primary school, although the relocation and expansion of an existing school might be possible if a suitable site can be identified during the preparation of the Local Plan. ECC will provide an assessment of need once Colchester BC confirms its preferred spatial option for growth and development and the proposed allocations (if any) in rural areas.

*16. Do you have any further comments to make on issues related to the borough's rural area?*

No.

### **Promoting healthy communities**

*17. Have the correct issues been identified, are there any missing?*

ECC supports the identified issues. Access to housing and employment are important determinants of health and should be considered as part of Local Plan preparation. The North East Prevention Strategy 2015-2020 (prepared by the North East Clinical Commissioning Group, NHS and ECC) provides a context for the delivery of the Care Act (2014). The strategy may further inform Local Plan preparation.

*18. Do you have any thoughts on how the Plan could or should address these issues?*

The promotion of healthy communities should be a central element of the new Local Plan and in particular any proposals for new settlements.

*19. Do you have any further comments to make in relation to the promotion of healthy communities?*

No.

### **Sustainable transport and accessibility**

*20. Have the correct issues been identified, are there any missing?*

ECC supports the identified sustainable transport and accessibility issues and the need to maximise and enhance existing transport links, particularly public transport, walking and cycling, and ensure the provision of new services and facilities arising from growth proposals. To this end, further emphasis should be placed on minimising the need to travel.

Improvements to the strategic highway network are needed, particularly the A12 and A120 to facilitate any growth proposals to the east and west of the borough.

#### **Highway modelling**

ECC (in consultation with Colchester BC and the Highways Agency, and neighbouring local authorities) will undertake highway impact assessments to identify potential impacts on the highway and local road network, arising from the growth strategy options, particularly proposals for new settlements to the east and west of Colchester, and beyond the borough boundary. The cumulative impacts of growth across the Essex Haven Gateway will need to be considered. Appropriate and necessary mitigation measures will also be identified. Adequate transport and highway provision will need to be evidenced including transparency of funding to ensure delivery. The results will assist Colchester BC determine a preferred growth and development strategy.

Three growth strategy options are identified, all of which will have an impact on key transport corridors in the borough, namely the A12 and A120 corridors. These options contain key strategic junctions and transport corridors, which will need to be considered in any modelling. Despite recent improvements there are a number of locations on the local strategic road network where journeys are unreliable or improvements will be required to support significant numbers of new homes. ECC will therefore continue to identify measures to tackle the causes of unreliable journeys and work with planning authorities to identify investment needs to support growth.

Any modelling work will assist in identifying particular areas within Colchester Borough which experience unacceptable periods of congestion and key pinch points. The impact of the proposed new settlements and any mitigation measures will need to be carefully considered as Colchester BC seeks to identify its preferred spatial option for growth and development.

As part of any highway modelling it is necessary to involve the Highways Agency given the A12 and A120 and to ensure their support for any underlying parameters to modelling, and their views of the impact of any strategic sites on their network as they become known. The Government released its Road Building Strategy (December 2014) which includes commitments to the A12, which seek to improve its reliability and capacity. Commitments include:

- The widening of the stretch between Chelmsford and the junction with the Westbound A120 (Junction 25) to three lanes to help address congestion problems and inconsistent standards.
- Preparation to widen the stretches between London and Chelmsford, and around the Colchester bypass.

ECC welcomes the identification of the above commitments and is seeking early engagement with Department for Transport and the Highways Agency on the detailed scope and timetable for any projects within these commitments.

ECC as Highway Authority will,

- Protect and maintain a reliable and safe highway infrastructure.
- Improve access to services in both rural and urban locations.
- Offer where possible alternative travel options to the private car.
- Support and enhance public transport provision.
- Address the impact of commercial vehicles on the highway network and communities.
- Support the aims and objectives of the County Council as the Highway Authority.

#### Public transport, walking and cycling

ECC supports the objective to increase the numbers of people walking and cycling. This will need to be embedded as part of new settlement options (if they are progressed by Colchester BC as part of the preferred spatial strategy) to reduce short journeys made by car and the impact on the local and strategic highway network.

ECC intends to establish a comprehensive path around the Essex coastline and estuary and HM Government will also be implementing a national Coastal Path (as required through the Marine and Coastal Access Act 2009). This issue should also be considered under 'Natural Environment'.

### Electric Cars

ECC would welcome the issue of electric cars being addressed in the Local Plan. Transportation accounts for a large amount of greenhouse gas production in the UK. Around a quarter of domestic carbon dioxide (CO<sub>2</sub>) and other greenhouse gas emissions in the UK come from transport. Reducing emissions from transportation will help the UK meet its targets for the future. Electric cars can play a part in meeting emission reduction targets. They can produce less emissions than fossil fuel powered cars. Electric car users are more likely to visit areas if they have multiple options to charge their vehicles and therefore attract more people to the area. As such, infrastructure is needed to be in place to support this technology as it expands in Essex and the rest of the UK.

*21. Do you have any thoughts on how the Plan could or should address these issues?*

### Public transport

In order to help limit impact on the local public transport networks, rail and bus providers should be involved in the identification and planning of any new or improved services. The mainline rail service between Norwich and London Liverpool Street (which passes through Colchester) is often at full capacity during peak times, it will therefore be important to identify what potential impact any new development will have on these services and what can be done to limit this.

### Sustainable travel

To help promote the use of sustainable transport across the borough, the new Local Plan should consider,

- implementation of car sharing schemes (either development or area based)
- creation of car clubs
- inclusion of public transport vouchers or discounts schemes (in conjunction with any new bus services/routes)
- creation of additional cycle/pedestrian paths linking new developments with key locations and community facilities, as well as connections between existing developments.
- shuttle bus services for employment travel (a possible alternative for residents living and working within the borough).

### Walking and cycling

The Local Plan should ensure that children and young people can walk or cycle to school safely on designated safe routes through new developments. This should be a policy requirement and planned from the outset to eliminate retrofitting into a scheme's design.

The new Local Plan should facilitate provision of the coastal path.

### Electric cars

Electric car charging infrastructure should be adopted where possible to assist this growing means of transportation. It is recommended that car parks should provide at least one car parking bay with an electric charging point. Consideration should also be given to on-street charging bays.

## *22. Do you have any further comments to make on transport related issues?*

### A120

Comments relating to the importance of the A120 and its role as an economic corridor have been captured earlier in this response; and the urgent need to improve highway capacity along this route between Colchester and Braintree. ECC has pledged £5 million for short term safety measures and to assist the Highways Agency in establishing a preferred route for dualling of the A120 from Braintree to Marks Tey. The ability of a new settlement to the west of the borough to contribute to the improvement of the highway network in this area should be considered from the outset and built into viability assessments.

The growth opportunities along the A120 are in Braintree, Colchester and Tendring districts' are generated both from ready access to Stansted Airport and the ports of Harwich and Felixstowe. At present the corridor's growth potential is limited by capacity on the A120. The development of the A120, particularly dualling key sections will dramatically improve access along the corridor, unlocking growth and enabling Colchester to further realise its economic potential.

Within this corridor there are significant long-term opportunities for growth, and it will be important to ensure all partners continue to lobby for and promote these opportunities. Completion of the A120 works will dramatically improve connections along the corridor and the potential to develop suitable sites.

### Devolving Highway Agency responsibilities

ECC is asking HM Government to enter into a dialogue with us and wider SELEP partners, about the practicalities of selective devolution of Highways Agency responsibilities to local highways authorities where this would result in cost savings to HM Treasury, faster scheme delivery and guaranteed delivery of homes and jobs.

### SELEP projects

The following transport projects have secured funding through SELEP Local Growth Fund.

- Colchester Park and Ride and bus priority measures (delivered first quarter 2015/16). This scheme will unlock capacity between a key growth area in the north of Colchester and Colchester Station and town centre to enable sustainable growth in housing and employment through the creation of a high quality public transport corridor. This corridor leads directly to the heart of the town which will help to confirm Colchester's status as a key regional economic centre.

- Colchester Local Sustainable Transport Fund Capital Programme. The purpose of the Local Sustainable Transport Fund package is to upgrade sustainable travel infrastructure and improve the connectivity of key attractors in the North Colchester growth area; supplementing developer contributions. A key aim is to also ensure that the cycle culture developed through the Colchester Cycling Town project continues to gain momentum and influence travel behaviour for local trips.
- Colchester Integrated Transport Package. This package of schemes will deliver initiatives to encourage and make the most of sustainable public transport, cycling and walking in Colchester, aimed particularly at corridors from the western and eastern side of the town through to the town centre, and at improvements within the town centre itself.

### Passenger Transport

An informative note on matters to consider as part of Passenger Transport is provided as Appendix 1.

### Bus review consultation

Your attention is drawn to a current consultation being undertaken by ECC in relation to bus services. A weblink is provided below. This is relevant to the last paragraph on page 48 of the Issues and Options report.

<http://www.essexhighways.org/Transport-and-Roads/Getting-Around/Bus/Bus-review.aspx>

ECC provides financial support for nearly 200 bus services either in full or for certain journeys to meet particular needs. These generally run in the evenings, on Sundays and in rural locations. They do include some school services and some services linking towns. Most buses running through Essex are provided commercially, meaning that ECC does not pay for them and does not determine how or when they run. [View a full list of local bus services supported by ECC](#). It should be noted that this ECC consultation does not cover bus passes, Community Transport, or entitlement for statutory transport, such as home to school.

### Text clarification

The following is provided for information and to clarify text in the Issues and Options consultation document. This may need to be amended if it is included in future iterations of the new Local Plan.

- The last paragraph on page 26 refers to "*To support economic and housing growth, improvements to the A120 between Marks Tey and Colchester are also identified for further investigation*", however, it is felt this should say between Braintree and Colchester, which is the route being promoted by ECC and other local authorities, the Haven Gateway sub-region and businesses along the route.

- Under Infrastructure for walking, reference is made to *'Where paths cross roads, pedestrians should be given priority and the expectation is that new developments would restrict road traffic to 20mph'*. This sentence should start with *'If appropriate,.....'*. This also applies to *'Pedestrian crossings should to be maintained and provided, to ensure good pedestrian access to services and facilities'* which should start with *'Where appropriate,....'*.
- Under Infrastructure for cycling, *'where appropriate'* should be added to *'Routes should be direct, traffic free, continuous, safe, have a quality surface and have priority at road crossings'* where it refers to priority at road crossings.
- The last paragraph on page 37 should refer to the *'existing cycle network'* rather than local road network. *'Where appropriate,.....'* should be added to *'20mph road traffic limits should be introduced in new development which will help to encourage cycling'*.
- Under Public transport infrastructure on page 48, specific reference to a new west and east Park and Ride facility should refer to substantial new development presenting an opportunity for additional Park and Ride facilities.

#### Additional documents

The following ECC document may assist in preparation of the new Local Plan, supporting guidance or existing development management practices.

- 'Helping you create a business travel plan' - a guide to assist companies with setting up their own Travel Plans.

#### Heritage and design

##### *23. Have the correct issues been identified, are there any missing?*

The NPPF requires Local Plans to contain a positive strategy for the conservation, enhancement and enjoyment of the historic environment (paragraph 126). Such a strategy should address all aspects of planning where there is the opportunity to seek positive improvements to the quality of the historic environment in the pursuit of sustainable development (NPPF paragraph 9).

The key issues identified within the Issues and Options under the theme 'Heritage and Design' fit broadly within the NPPF requirement outlined above, and Colchester's recognition of the need to adopt policies that will bring positive improvements to the historic environment of the Borough is welcome. However, the identified issues do not appear to adequately recognise the requirement for the conservation of the historic environment, which will continue to depend on the consistent application of national policies, augmented by effective policies contained within the Local Plan. This will be particularly important in relation to the borough's rich but finite archaeological resource, which has come under considerable pressure from development during the period of the current Local Plan, and which is more likely to be overlooked than the built heritage, when considering enhancement

opportunities through high quality design. Innovative interpretive approaches to telling the story of the borough is one way in which enhancements can be secured, but this should be guided by a coordinated interpretive masterplan to ensure quality and consistency.

*24. Do you have any thoughts on how the Plan could or should address these issues?*

The suggested adoption of measures such as characterisation studies will clearly be beneficial towards conservation of the historic environment, but constraints on resources are likely to mean that initiating these and/or keeping them up to date is a challenge. Although Planning Performance Agreements are one way in which to secure design codes, guidance etc, these will generally only be in response to large scale or complex development proposals. The issue of the wider setting of heritage assets, which is correctly identified, is another reason why Colchester BC needs to take a proactive approach, so that its Conservation Area Appraisals and Management Plans are robust, and up to date, and the wider setting of these, and other heritage assets have been properly assessed. Within those assessments, the identification of key views, into, out of and through Conservation Areas will be an important attribute of their setting and contribution to their significance; the historic core of Colchester, and other Conservation Areas in the borough have important and distinctive skylines that contribute to social identity, local distinctiveness and 'Sense of Place', and it is likely that separate skyline studies would be beneficial. Existing and updated Conservation Area Appraisals and Management Plans for Conservation Areas within the Borough should be included as evidence base documents for the new Local Plan.

*25. Do you have any further comments to make on design and heritage related issues?*

No.

### **Natural environment**

*26. Have the correct issues been identified, are there any missing?*

It is recommended further consideration should be given to the following,

- Priority habitats and species. ECC would welcome further detail on this issue.
- Flooding. This was raised under Question 4. ECC would reiterate that Colchester BC should outline the areas at risk from flooding as it develops its preferred option.
- Sustainable drainage. There is no reference to sustainable drainage within the Issues and Options consultation. In line with the NPPF and the PPG, flood risk should be mitigated wherever possible via the use of sustainable drainage systems (SuDS) as outlined in the ECC Sustainable Drainage Guide. ECC seeks inclusion of a requirement for new development of all scales to incorporate

sustainable drainage systems into their design in line with the evidence contained in the Surface Water Management Plan.

A Surface Water Management Plan (SWMP) is a plan produced by ECC as the Lead Local Flood Authority (LLFA) and outlines the preferred surface water management strategy in a given location. These plans focus on areas of highest surface water flood risk and consider flooding from sewers, drains, groundwater, and runoff from land, small water courses and ditches that occurs as a result of heavy rainfall.

The plans outline the causes and effects of surface water flooding and recommend the most cost effective way of managing surface water flood risk for the long term. A SWMP is carried out at an intermediate risk assessment level identifying those parts of the study area that are likely to require more detailed assessment to gain an improved understanding of the causes and consequences of surface water flooding. The intermediate assessment identifies areas where the flood risk is considered to be most severe; these areas are identified as Critical Drainage Areas (CDAs). They are typically located within EA Flood Zone 1 but should not be excluded from other Flood Zones if a clear surface water (outside of other influences) flood risk is present. It is important to recognise that flooding within the study area is not confined to just the CDAs, and therefore, there are opportunities for generic measures to be implemented through the establishment of a policy position.

#### Coastal Path

ECC intends to establish a comprehensive path around the Essex coastline and estuary and HM Government will also be implementing a national Coastal Path (as required through the Marine and Coastal Access Act 2009).

*27. Do you have any thoughts on how the Plan could or should address these issues?*

#### Priority habitats and species

Key issue nn) could include specific reference to priority habitats and species. Please note that the *UK Post-2010 Biodiversity Framework* has replaced the *UK Biodiversity Action Plan (UKBAP)*; and UKBAP species and habitats should now be referred to as 'Species of Principal Importance' and 'Habitats of Principal Importance' under section 41 of the Natural Environment and Rural Communities Act 2006. The Biodiversity Framework uses the simplified term: 'Priority Species or Habitats'. It is noted that this Framework is referred to in the Colchester Borough Council Local Plan Issues and Options Sustainability Appraisal Report.

Key issue nn) should also include a specific reference to local ecological networks and further details are provided within the PPG.

Special Roadside Verges should also be listed within the information which Colchester BC takes into account. Special Verges are part the green infrastructure and should be listed and protected and enhanced.

#### Surface water management

It is recommended that the new Local Plan refer to the mitigation of surface water flooding and reference the protection of the water quality of watercourses. These should be reference separately to make sure that these elements of environmental protection are supported by new Local Plan. The use of above ground sustainable drainage features can also enhance the biodiversity and amenity of any new development. New development should be designed to incorporate sustainable drainage systems, to mitigate against increase flood risk associated with the intensification of impermeable surfaces, to improve water quality and provide a basis for the introduction of amenity features and biodiversity. Suggested policy wording is included below.

#### Surface water management

1. *The Critical Drainage Areas (CDAs) for Colchester Borough have been identified in a Surface Water Management Plan.*
2. *Within the identified CDAs development must not increase the risk of fluvial or surface water flooding, and should seek to reduce the risk of fluvial and surface water flooding through the delivery of the following measures as appropriate to the location of the proposal and recommendations from a Surface Water Management Plan once produced.*
  - a. *Increased community awareness;*
  - b. *Improved management regimes of main rivers, ordinary water courses and their tributaries;*
  - c. *Increased conveyance;*
  - d. *Retention and increased flood storage capacity;*
  - e. *Improved land management;*
  - f. *Increased online storage; and*
  - g. *Incorporation of Sustainable Urban Drainage Systems (SuDS) appropriate to the development type, size and location.*
3. *The Council will require development to be in compliance with and contribute positivity towards delivering the aims and objectives of water management plans affecting the area such as the Surface Water Management Plan.*

28. *Do you have any further comments to make about issues related to the natural environment?*

#### Coastal Protection Belt

ECC welcomes the statement on page 31 which states, *'The Council is proposing to review the boundary of the Coastal Protection Belt as part of the Local Plan to*

*ensure that it remains fit for purpose and continues to protect those sections of coast that require protection.'*

#### Biodiversity and the mitigation hierarchy

The biodiversity 'mitigation hierarchy' is set out in paragraph 118 of the NPPF. This states, *'....if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;'*. Further advice is contained with the PPG. (<http://planningguidance.planningportal.gov.uk/blog/guidance/natural-environment/biodiversity-ecosystems-and-green-infrastructure/>). Colchester BC should ensure the mitigation hierarchy is considered strategically at the Local Plan stage, as well as at development management stage. This is particularly important for the proposed new growth areas (if these options are progressed) where mitigation and compensation may be deemed necessary as the Colchester BC Local Plan Issues and Options Sustainability Appraisal Report (page 55) has identified that the potential new growth areas show adverse impacts in relation to landscape and biodiversity (including a number of SSSIs and Local Wildlife Sites).

#### Internationally protected sites

The Issues and Options report on page 31 states that *'New development has the potential to lead to the loss of habitat and species and to indirectly affect internationally protected sites through increased water usage, increased wastewater and recreational disturbance.'* It is noted that page 166 of the Colchester BC Local Plan Issues and Options Sustainability Appraisal Report states, *'All options could adversely affect the integrity of the Borough's European Sites through an increase in population leading to increased recreational disturbance. This is documented in the Habitat Regulations Assessment Screening Report and an appropriate assessment will be carried out. At this stage a negative impact on the Borough's European Sites under all options cannot be ruled out.'* The Appropriate Assessment (part of the Habitat Regulations Assessment) is an essential document when assessing potential growth area locations and should be developed iteratively as the Local Plan is progressed to determine impacts and where necessary, appropriate mitigation. ECC could support Colchester BC in this process as the plan progresses.

#### Brownfield sites

ECC supports the recognition that brownfield sites can also be important for biodiversity (page 31 of the Issues and Options report). Further details can be found within the brownfield pages of the PPG.

#### Biodiversity offsetting

ECC supports Colchester BC's approach to biodiversity offsetting, referred to on page 32 of the Issues and Options report. The PPG states that *'The goal of biodiversity offsets is to achieve no net loss and preferably a net gain of biodiversity.'*

### Essex County Council's Biodiversity Validation Checklist

Proposals will be subject to further strategic and project level assessment and this should be in accordance with best-practice guidelines. The ECC Biodiversity Validation Checklist provides a useful guide to relevant legislation and best-practice and could be used where relevant. A link to the document is provided below.

(<http://www.essex.gov.uk/environment%20planning/environmental-issues/local-environment/Wildlife-and-Biodiversity/Pages/Wildlife-and-Biodiversity.aspx>).

### **Growth Options / Development Strategy**

*29. Which option do you think would form the most appropriate strategy for the growth of the Borough and why?*

ECC provides the following comments to assist Colchester BC as it seeks to determine a preferred spatial option for growth and development.

#### Transport

ECC as Highway Authority is unable to identify what improvements will be required to support the planned level of growth until the transport modelling has been completed. ECC will work cooperatively with Colchester BC and other partners through the duty to cooperate.

Given the levels of congestion in Colchester, particularly east Colchester, ECC as Highways Authority would only be able to support a new settlement to the east of Colchester with a new link road between the A133 and A120, and a new junction on the A120.

Likewise with a possible new settlement to the west of Colchester, ECC as Highway Authority (as is very likely to be the case with the Highways Agency) would seek a new A120 between Braintree and Marks Tey as part of any new settlement to the west of Colchester. This settlement may also require provision of a new railway station on the mainline.

Proposals for growth to the north of the A12 will need to be informed by modelling to establish impacts. Junction 28 on the A12 was not designed/constructed to be loaded with development traffic arising from growth north of this location; a key issue to consider when assessing this option.

Proposals for growth in Wivenhoe, Tiptree, West Mersea will have an impact on the highway and local road network as well as the Highways Agency network, and will require modelling and likely mitigation. Any substantial allocations in and around the Tiptree area are likely to attract the need for substantial highway infrastructure, possibly triggering the need for a new junction or re-configuration of existing junctions on the A12 at Feering/Kelvedon.

### Early Years and Childcare

As significant housing growth is proposed, the provision of Early Years and Childcare can be better planned as part of a larger development. Incremental growth across the borough's villages would provide issues.

### Education

Option 1A. The separate sustainable settlements to the east and west of Colchester town will need careful master planning to ensure sufficient school places can be provided to cater for the needs of children and young people that would be generated by these new developments. It is likely that this provision will need to be put in place early on in the development phase, particularly for primary aged children to avoid the need for long and tiring journeys between home and school.

An assessment of the capacity of existing schools in Wivenhoe, Tiptree and West Mersea will need to be undertaken to assess the scope for any potential expansion in provision, once the development sites/housing capacity are proposed.

At secondary level, consideration will need to be given to the establishment of new secondary schools to serve the two sustainable developments to the west and the east of Colchester town. ECC has provided Colchester BC with preliminary information on what this may mean for a new settlement to the east of Colchester.

Option 1B. In addition to the comments provided on Option 1A, an assessment of the capacity of rural primary schools to accommodate additional pupils is an important consideration that should be taken into account when determining the level of sustainable growth that could be accommodated in rural settlements.

Option 2A. The separate sustainable settlements to the west of Colchester town would need careful master planning to ensure sufficient school places could be provided to cater for the needs of children and young people that would be generated by these new developments. It is likely that this provision would need to be put in place early on in the development, particularly for primary aged children to avoid the need for long and tiring journeys between home and school.

An assessment of the capacity of existing schools in Wivenhoe, Tiptree and West Mersea would need to be undertaken to assess the scope for any potential expansion in provision.

At secondary level, consideration will need to be given to the establishment of new secondary schools to serve the sustainable development to the west of Colchester town.

Option 2B. In addition to the comments provided on Option 1A, an assessment of the capacity of rural primary schools to accommodate additional pupils is an

important consideration that should be taken into account when considering the level of sustainable growth that could be accommodated in rural settlements.

Option 3A. The separate sustainable settlements to the east of Colchester town will need careful master planning to ensure sufficient school places can be provided to cater for the needs of children and young people that would be generated by these new developments. It is likely that this provision would need to be put in place early on in the development phase, particularly for primary aged children to avoid the need for long and tiring journeys between home and school.

Growth to the north of the A12 would require the provision of additional primary school capacity, either by the expansion of existing schools or the provision of new schools, in this area. It is likely that secondary aged pupils would need to be transported by road to schools located south of the A12, unless safe walking/ cycling routes could be provided between the new housing and the nearest secondary schools to the developments. As there are limited crossing points over the A12 this might prove difficult and hard to support.

An assessment of the capacity of existing schools in Wivenhoe, Tiptree and West Mersea will need to be undertaken to assess the scope for any potential expansion in provision.

At secondary level, consideration will need to be given to the establishment of a new secondary school to serve the sustainable development to the east of Colchester town.

Option 3B. In addition to the comments provided on Option 1A, an assessment of the capacity of rural primary schools to accommodate additional pupils is an important consideration that should be taken into account when considering the level of sustainable growth that could be accommodated in rural settlements.

*30. Are there other reasonable/realistic options which could meet the necessary requirements (including their ability to accommodate the objectively assessed need and ensure the maintenance of a five year housing supply) that you think we have missed and would provide a more preferable option?*

Not at this stage.

*31. Should any new sustainable settlement aspire to the Garden City principles?*

ECC is supportive of Garden City principles and would support their inclusion in the new Local Plan. This particularly relates to integrated and accessible local transport systems, strong local jobs offer and provision of schools and community facilities. ECC is also keen to explore land value capture for the benefit of the community; this

is particularly applicable to new strategic sites such as the proposed sustainable settlements to the east and west of Colchester.

*32. Should we look to have high densities if possible, if so, where do you think higher densities would be appropriate and why?*

This is a matter for Colchester BC to determine.

## APPENDIX 1: NOTES ON PASSENGER TRANSPORT FOR LOCAL PLANS

### Supporting evidence

A number of bodies have issued papers addressing passenger transport's role in development. These include the Institute of Highways and Transportation's 'Planning for Public Transport in Developments' from 1999 and The Commission for Integrated Transport (CfIT) guide 'Planning for Sustainable travel 2009'. These appear to remain field leaders, despite their age. The documents are attached separately for reference.

### Basic Principles of passenger transport provision for developments

1. The demand for Passenger Transport (PT) is broadly 'derived'; that it is created by demand for the ability to access another good or service (classically for health, work, education, shopping or leisure purposes) rather than by a desire for passenger transport in itself. These might be termed 'personal demands' since they are generated as a result of the desires of individuals for these goods and services.
  2. However PT can also help address secondary derived demands, stemming from the impact of the development itself, such as congestion reduction and environmental protection (i.e. reducing CO<sub>2</sub> and other pollutant emissions) These might be termed 'mitigation demands'.
  3. In turn this leads to the question of 'sustainability'. This has two principle foci, 'Environmental Sustainability' (EvS) - the contribution PT can make to ensuring development is environmentally sustainable - and 'Economic Sustainability' (EcS) – the ability of the service to operate in the long term without public financial support.
  4. As such when looking at developments it is important to bear in mind that simply providing 'a bus service' will not necessarily address either issue. To survive beyond the S106 funding period a bus will need to carry enough passengers to make it commercially viable. To contribute toward environmental sustainability a service must not only have sufficient loft capacity to actually be able to make a difference to congestion levels, but also form part of a wider integrated strategic approach to minimise the demand for car journeys, by promoting sustainable travel of all types – walking, cycling and public transport. In effect this means 'normalising' sustainable travel modes within the minds of the developments population through a range of 'hard measures' (infrastructure and bus service provision) plus 'soft measures' (travel planning, promotion, incentives etc.).
  5. On this basis it is possible to identify three key factors that determine the longer sustainability of bus service linked to developments which are examined in turn below. These are:
    - A. Scale of development.
    - B. Location of development.
    - C. Design and design philosophy of developments.
- A. Scale of developments
- In general the larger the development, the greater the potential passenger use and the chances of service being economically viable. There is a tipping point at which a development becomes a viable base for a bus service. This will; vary

according to location (see below) and demographic profile. (For example developments aimed attracting older people, the less well-off and younger families will by large have a higher bus use potential than those aimed at other groups).

- Similarly a larger development means a greater opportunity to develop environmentally sustainable travel patterns, since it allows the efficient development of sustainable travel design features and policies such as discounted fares, regular advertising, route branding, cycling and walking access.
- In general therefore, when thinking in terms of passenger transport sustainability ECC favours larger focused developments rather than widely distributed small case developments, where low numbers make sustainable passenger transport an unlikely prospect.

#### B. Location of development

- The underlying costs of providing transport services are determined by the investment required in site, vehicles, infrastructure, drivers and other variable costs such as fuel. Logically these costs will be minimised where a new service is operating on the marginal costs of extending existing operations rather than setting up from new.
- For this reason it makes sense, from a passenger transport viewpoint to base development around existing settlements that already have with a strong public transport network. This means they will be able to take advantage of existing infrastructure and marketing and the efficiency of a concentrated passenger transport network, by for example extending an existing service to serve the development (with some extra resources). It also makes sense where possible to site developments near, or ensure strong links to transport hubs such as rail stations, bus stations or similar, to allow maximum connectivity to the rest of the network.
- This said there are cases of really large developments, (for example recent national proposals on garden cities) where it makes more sense to locate these according to other factors and build a new transport network into the development as the dis-benefits of trying to spatchcock two dense urban networks together can be disadvantageous ( i.e. through cross settlement congestion effects). Conversely, if the developments are very small – aimed for example at preserving the viability of pre-existing rural settlements, it may be better to accept that these will rely on car travel as the principle mode of longer distance transport and focus on minimising short distance car use through walking and cycling schemes than spend money on poorly used unsustainable bus services.
- In general therefore, when thinking in terms of passenger transport sustainability ECC s favours developments located as part of existing rather than independent sites to take advantage of the economies of scale this offer, unless there are clear strategic factors that militate against it.

C. Design and design philosophy of developments:

In some ways this is the most important feature of the council's approach to developments. From a passenger transport viewpoint, the design of a development should allow for easy access by passenger transport services. Design includes:

- Wide, easily negotiable roads with through access, not requiring the bus to run around or retrace its route to serve the development. If turning is unavoidable a sufficiently wide, well placed turning circle, protected from on street working is necessary.
- All sites within the development to have stops within an agreed distance of a public transport service route.
- Good infrastructure with stops, kerbs and shelters including RPTI appropriately sited and accessible walking routes to stops.
- Where appropriate access to transport hubs like rail stations allowing passenger queueing and bus turning/layover as a priority.

Design philosophy includes,

- Building sustainable transport into the design from the start to create an environment that promotes sustainable travel, including the design of stops and shelters as part of the overall zeitgeist of the development.
- Adopting it as a core selling point to potential users and funding measures to promote it, including travel planning and introductory PT travel offers, etc
- Including easy access to services and amenities.
- Reducing the need to travel (eg. through high speed Broadband availability).
- Locating developments appropriately to allow this to occur.
- In general therefore, when thinking in terms of passenger transport sustainability ECC favours developments that are designed to accommodate and promote passenger transport use as part of their fundamental design profile and oppose those that do not.

D. Specifying levels of service

- Information about the appropriate minimum level of service that a settlement should expect, based on settlement size is included in the current Essex Road Passenger Transport Strategy that is available on the ECC website. These are not prescriptive and are not applicable in all cases although they do offer some guidance. They are likely to be reviewed as part of the wider 'Getting Around in Essex' passenger transport review currently underway (as of February 2015).
- Levels of service will clearly depend on the size and location of the settlement, but should be of an appropriate scale and capacity appropriate to the outcome desired for the development in terms of achieving both economic and environmental sustainability.
- In general, but particularly in the case of larger developments (where a development or series of developments will result in the construction of 800

or more homes in one location), it is strongly recommended that developers contact local bus and other public transport operators at the earliest possible stage to establish whether the public transport services for a settlement will be commercially viable and what measures need to be agreed to make this possible. This will save a lot of work later and the greater freedoms of commercial businesses in regard to transport arrangements makes it easier for them to work with commercial (and indeed third sector) service providers.

- A size of 800 homes is chosen because practical experience suggests that developments of this scale or larger are the most likely to result in a sustainable long term commercial service. Below this scale commerciality may be possible if the service can be set up as a low cost adaption of an existing service, or if the development has a special sustainable character, such as severe restrictions parking or car ownership through covenants etc. In general developments in an area that will total below 200 homes seem unlikely to generate sufficient passengers to make a route commercially viable unless very straightforward adaptations can be made to existing services and alternative amelioration measures should be considered

#### 6. In conclusion

- The provision of ‘a bus service’ by a developer should not be seen as a passport to ‘sustainability’ in and of itself, regardless of the initial funding offered. Such a service must be shown (preferably with support from a commercial bus operator) to be commercially viable and to have the desired outcome in terms of environmental sustainability (for instance in picking up modal share for generated journeys).
- Another aim is to avoid the creation of ‘white elephant services’, where services exhaust their S106 or CIL funding but, while possibly carrying a substantial number of passengers are not commercially viable, leaving the County Council with the decision about their future.
- The onus on developers should therefore be to show how their proposals are viable from both sustainability perspectives and will continue after the limited developer funding period ends. The concomitant onus on planning authorities is to ensure that their demands for public transport are designed to create a sustainable (in both contexts) public transport network that will meet its desired outcomes, while not being unduly costly to achieve. The early involvement of commercial operators in the process will act as a reality check and a solid base for negotiations.

## APPENDIX 2: BIODIVERSITY - RECOMMENDED LOCAL PLAN POLICY WORDING

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### Introduction

The following policies contain recommended wording for development control policies in Local Plans. They will assist the local authority to meet their obligations under Section 11 of the National Planning Policy Framework (NPPF) and achieve no net loss of biodiversity. They cover every aspect of ecology that must be considered in the development control process.

The policies reflect the criteria-based and hierarchical approach that should be taken to protected sites, as required under paragraph 113 of the NPPF. They reflect the need to plan positively for the creation, protection, enhancement and management of networks of biodiversity and green infrastructure required under paragraph 114. They meet the requirements for planning policies set out in paragraph 117 and those for determination in paragraph 118.

Each recommended policy can be tailored to the specific District/Borough. The policies can be kept separate, or similar policies (for example, for priority habitats and species) could be combined. Each policy should be accompanied by Supporting Text prepared by the local authority, explaining the need for the policy, any relevant legislation or national policy, and any species, habitats, features or local designations of particular importance to the local authority that may need specific consideration.

### Recommended Policies

#### Legally Protected Sites and Irreplaceable Habitats

Proposals likely to have an adverse effect on Special Protection Areas (SPAs), Special Areas of Conservation (SACs) and Ramsar sites as shown on [Map X], will require a full assessment in line with European legislation. Development proposals affecting Sites of

Special Scientific Interest (SSSIs) and National Nature Reserves (NNR) as shown on [Map X] and irreplaceable habitats should be controlled through avoidance, on-site management and on-site mitigation. Where this cannot be achieved development proposals will not be permitted.

The Council will take a precautionary approach where insufficient information is provided about avoidance, management and mitigation measures. The Council will secure management, mitigation and enhancement through planning conditions/obligations where necessary.

### **Local Sites**

Proposals likely to have an adverse effect on a Local Wildlife Site (LoWS), Local Nature Reserve (LNR), Special Roadside Verge or a site that satisfies the relevant designation criteria will not be permitted unless the benefits of the development clearly outweigh the harm to the nature conservation value of the site. If such benefits exist, the developer will be required to demonstrate that impacts will be avoided, and impacts that cannot be avoided will be mitigated on-site. Where residual impacts remain, off-site compensation will be required to achieve no net loss of biodiversity in [X District/Borough].

The Council will assess sites proposed for development to ascertain whether they fulfil the criteria for designation and may request information from applicants to assist in that process. If a site satisfies the criteria it will, for planning purposes, be treated as if it were a LoWS/LNR.

The Council will take a precautionary approach where insufficient information is provided about avoidance, management, mitigation and compensation measures. The Council will secure management, mitigation and compensation measures through planning conditions/obligations where necessary.

### **Priority Habitats and Hedgerows**

Proposals that result in a net gain in Priority Habitat will in principle be supported, subject to other policies in this plan. Where Priority Habitats are likely to be adversely impacted by the proposal, the developer must demonstrate that adverse impacts will be avoided, and impacts that cannot be avoided are mitigated on-site. Where residual impacts remain, off-site compensation will be required so that there is no net loss in quantity and quality of Priority habitat in [X District/Borough].

Hedgerows must be subjected to an assessment against the criteria of the Hedgerow Regulations 1997. If a Hedgerow is deemed to be Important under the Hedgerow Regulations, the developer must demonstrate that adverse impacts upon the Important hedgerow will be avoided, and impacts that cannot be avoided are mitigated on-site.

The Council will take a precautionary approach where insufficient information is provided about avoidance, mitigation and compensation measures. The Council will secure mitigation and compensation through planning conditions/obligations where necessary.

### **Legally Protected Species**

Where there is a confirmed presence, or reasonable likelihood, of a legally protected species on an application site, the applicant will be required to demonstrate that adverse

impacts upon the species have been avoided, and where they cannot be avoided adequately mitigated. Mitigation must conform to the requirements of relevant legislation and Natural England Standing Advice. Where impacts cannot be adequately mitigated, the proposal will not be permitted.

The Council will take a precautionary approach where insufficient information is provided about avoidance and mitigation measures. The Council will secure mitigation through planning conditions/obligations where necessary.

### **Priority Species**

Where there is a confirmed presence or reasonable likelihood of Priority species being present on a development site, the developer will be required to demonstrate that an adequate mitigation plan is in place to ensure there is no net loss of Priority species.

The Council will take a precautionary approach where insufficient information is provided about mitigation measures. The Council will secure mitigation through planning conditions/obligations where necessary.

### **Biodiversity Offsetting**

In order to achieve no net loss of biodiversity the Council expects that the Defra Biodiversity Offsetting metric will be used to quantify the impacts of all development proposals upon habitats in 'credits'.

Where residual impacts are calculated to remain after the application of on-site mitigation, Biodiversity Offsetting should be used to deliver the required compensation. The use of Biodiversity Offsetting will be secured through planning obligations where necessary.

### **Green Infrastructure and Ecological Network**

Development proposals will be required to maximise opportunities for the creation, restoration, enhancement, expansion and connection of Green Infrastructure and connection of the development site to the local Ecological Network. All Major development proposals should seek to include elements of Green Infrastructure and Ecological Networks, such as but not limited to SuDS, allotments, street trees, green roofs, recreational areas, areas of new and existing natural habitat, green corridors through the site and waterbodies. Where this is not possible, financial contributions to facilitate improvements to the quality and extent of existing Green Infrastructure in [X District/Borough] will be sought.

### **Living Landscapes**

The extents of the Living Landscapes in [X District/Borough] are identified on [Map X], these are:

- ...
- ...
- ...

Within each Living Landscape, opportunities for the preservation, restoration and re-creation of priority habitats, ecological networks and populations of priority species will be supported in order to protect and enhance strategic wildlife corridors and habitats in Essex. Development proposals that would deliver these opportunities will in principle be

supported, subject to other policies within this plan. Development resulting in a significant adverse impact on the ecological function of these Living Landscapes will be refused.

## Glossary

**Ancient woodland:** an area that has been wooded continuously since at least 1600 AD.

**Avoidance:** Action taken to avoid a possible impact by either re-locating the works to an area that will not have an impact or timing them to avoid the impact i.e. outside of the bird breeding season, amphibian mating season, etc.

**Biodiversity Offsetting:** A standardised system – using conservation credits – to measure residual impacts of development and compensate by providing new wildlife habitat off-site.

**Compensation:** Measures provided to offset residual adverse impacts that remain after the application of mitigation. This can be the provision of an area of like-for-like habitat directly or providing financial contributions to achieve it.

**Green Infrastructure:** A network of multi-functional green space, urban and rural, which is capable of delivering a wide range of environmental and quality of life benefits for local communities

**Important Hedgerow:** a hedgerow meeting the criteria set out in the Hedgerow Regulations 1997.

**Irreplaceable Habitats:** Habitats which is it not possible to re-create, due to their age and/or condition and/or composition. Includes Ancient Woodland and Veteran Trees in Essex.

**Legally Protected Species:** Those species protected under: The Protection of Badgers Act 1992, the Wildlife and Countryside Act 1981 (as amended) or the Conservation of Habitats and Species Regulations 2010 (as amended).

**Living Landscape:** Living Landscapes are large landscape-scale areas of the countryside, such as river valleys, estuaries, forested ridges, and grass and heath mosaics, which form ecological networks. The networks allow wildlife to move through them and increase their resilience to threats such as climate change, floods, drought, sea-level rise and development pressure. There are 80 Living Landscapes within Essex.

**Major proposal:** a major development proposal as defined by Article 8(7) of The Town and Country Planning (General Development Procedure) Order 1995

**Mitigation:** Action taken to reduce the severity of adverse impacts. Mitigation can include minimising impacts by limiting the degree or magnitude of an action, or rectifying impacts by restoring, rehabilitating, or repairing the affected environment or reducing or eliminating impacts over time.

**Priority Species and Habitat:** Species and Habitats of Principal Importance included in the England Biodiversity List published by the Secretary of State under section 41 of the Natural Environment and Rural Communities Act 2006.

**Ramsar sites:** Wetlands of international importance, designated under the 1971 Ramsar Convention.

**Site of Special Scientific Interest:** Sites designated by Natural England under the Wildlife and Countryside Act 1981.

**Special Areas of Conservation:** Areas given special protection under the European Union's Habitats Directive, which is transposed into UK law by the Conservation of Habitats and Species Regulations 2010.

**Special Protection Areas:** Areas which have been identified as being of international importance for the breeding, feeding, wintering or the migration of rare and vulnerable species of birds found within European Union countries. They are European designated sites, classified under the Birds Directive.

**Veteran tree:** a tree which, because of its great age, size or condition is of exceptional value for wildlife, in the landscape, or culturally.

### **Useful Links**

[CIEEM - Chartered Institute of Ecology and Environmental Management](#)

[Natural England Standing Advice](#)

[Protected or designated wildlife areas](#)

[Natural England Green Infrastructure Guidance](#)

[Biodiversity Offsetting](#)

[Local Wildlife Sites](#)

[Standing Advice for Ancient Woodland and Veteran Trees](#)