



Colchester Borough Council

**Independent Examination – Section 2 Colchester
Borough Local Plan 2017-2033**

Hearing Statement – Local Planning Authority

Introduction to Place Policies Main Matters 4 to 10

April 2021

Introduction to Place Policies – Matters 4 – 10

Overview

- 1.1 This Statement provides background information, which should be read alongside the hearing statements for Matters 4 – 10.
- 1.2 This Statement explains the process the Council followed, with reference to the evidence base, in allocating sites. The statement also provides an update to the planning status where applications have been received for emerging housing allocations since submission of the Local Plan in October 2017.

Allocation Process

- 1.3 In 2014, a Call for Sites was undertaken as an early part of the evidence base work for the CLP Section 2. The first Call for Sites was carried out in summer 2014, with a second Call for Sites in January/February 2015. Following these formal invitations for submissions the Council received a number of additional sites which have also been assessed. In total, approximately 280 site submissions were received through the Call for Sites process.
- 1.4 In accordance with the PPG (Paragraph: 012 Reference ID: 3-012-20140306), the Council proactively identified sites through a desktop review process. Approximately 180 sites were identified through a desktop review process. These additional sites primarily consisted of parcels of land which were assessed as part of the Strategic Housing Land Availability Assessment (SHLAA) in 2009, current development allocations which were undeveloped and land in broadly sustainable locations which was not submitted as part of the Call for Sites process.
- 1.5 A Strategic Housing Land Availability Assessment (SHLAA) was carried out in 2016 and in June 2017 an update was prepared, which replaced the 2016 report (June 2017 Update) ([EBC 2.17](#)). The Highways Authority, Anglian Water Services, the Council's Environmental Services, NHS England and Essex County Council provided information to inform the SHLAA.
- 1.6 The National Planning Policy Framework (NPPF) requires local planning authorities to prepare a SHLAA to demonstrate the deliverability and developability of potential development sites within their administrative boundaries. A SHLAA establishes realistic assumptions about the availability, suitability and the likely economic viability of land to meet the identified need for housing over the plan period (NPPF, paragraph 159). The SHLAA has followed the methodology in the PPG (Paragraph: 006 Reference ID: 3-006-20140306), as summarised in the flow chart in Appendix 1 of the SHLAA report ([EBC 2.17](#)).

- 1.7 The SHLAA uses set criteria for evaluating the development potential of land. This criteria was subject to public consultation between 27 July – 7 September 2015 and adopted by the Council's Local Plan Committee.
- 1.8 In order to make the SHLAA as efficient as possible, a sieving process was applied to all sites, which served the purpose of removing sites at an early stage that have either: no realistic prospects of delivery; are wholly unsuitable for their proposed use; or fail to meet the required capacity thresholds (over 0.25ha or capable of accommodating more than five dwellings). Discounting such sites at an early stage avoided having to carry out a full site assessment and this approach is supported by the PPG (Paragraph: 016 Reference ID: 3-016-20140306). Further sites were sieved out as part of a second sieve stage where their existing status and use rendered further assessment unnecessary. Details of the exclusionary criteria is included on pages 10-12 of the SHLAA report ([EBC 2.17](#)). All remaining sites were subject to a full assessment, which considered suitability, availability and deliverability. Sites received a red, amber or green (RAG) rating for suitability, availability and deliverability and an overall RAG rating to demonstrate their development potential for their proposed use. An overall red rating meant the site is not considered to be deliverable or developable during the plan period. Sites assigned an amber rating had issue(s), which whilst not significant enough to rule out development completely, were significant enough to be highlighted in the sites' ratings. Sites were given a green rating if there were no significant issues to the sites' deliverability or developability during the plan period.
- 1.9 As explained in section 7 of the SHLAA report ([EBC 2.17](#)), the SHLAA does not allocate sites for development. An amber or green rating does not mean that the site should be allocated for development. The capacity of all the SHLAA sites with an amber or green rating far exceeds the emerging housing need evidence requirement over the plan period. SHLAA sites which were not given a red RAG rating were considered in combination with the emerging spatial strategy, settlement boundary review, Local Plan housing and employment targets and Sustainability Appraisal.
- 1.10 The Settlement Boundary Review (April 2017 Update) ([EBC 2.14](#)) reviewed the settlement boundaries of the borough's settlements. The 2010 policies maps, which accompanied the Council's adopted Local Plan, were the starting point for the review. The Settlement Boundary Review assessed the comparative sustainability of the borough's settlements to identify the most sustainable settlements and inform the hierarchy and approach to the spatial strategy.
- 1.11 For each settlement, the Settlement Boundary Review ([EBC 2.14](#)) considered settlement shape and form, high level constraints, high level opportunities, Parish Council/neighbourhood plan group view, a discussion on appropriate growth, potential areas of search/settlement expansion, summary of SHLAA sites, SHLAA sites to

recommend as potential allocations, SHLAA sites to discount and a summary for each settlement.

- 1.12 The Settlement Boundary Review ([EBC 2.14](#)), through thorough examination of the borough's settlements, identified which settlements were 'sustainable' and able to accommodate an appropriate level of growth over the plan period. Settlements which were found not to be sustainable were defined as Other Villages, where growth should be limited to infill and rural exception sites.
- 1.13 The Settlement Boundary Review ([EBC 2.14](#)) helped the Council establish the spatial hierarchy, which directs development in the first instance to the Colchester Urban Area, followed by Sustainable Settlements and the Tendring Colchester Borders Garden Community, Other Villages and finally all remaining areas comprising the countryside.
- 1.14 The Sustainability Appraisal (SA) ([CBC2.2](#)) identifies, describes and evaluates the likely significant effects on the environment of the plan and reasonable alternatives. The SA was undertaken in-house by CBC Officers with the support of Place Services, and the findings of the SA have been available throughout the plan making process. For each site allocation, the SA appraised reasonable alternatives, which were the SHLAA sites. Appendix 1 of the SA report includes tables for each site allocation policy justifying why the preferred option (site) was selected and why reasonable alternatives were rejected. A table summarising the appraisal of the preferred sites and reasonable alternatives is included to provide a comparison of likely effects. Commentary is included on the cumulative and synergistic effects of the allocation(s).
- 1.15 Public consultation was also an important part of allocating sites. For example, following review of representations to the Preferred Options Plan, the Council formed the view that the range of services/facilities in Birch is more comparable with the Borough's Other Villages rather than the Sustainable Settlements. Representations advised that the GP surgery had recently closed and the bus service is very poor. Consequently, Birch was identified as an Other Village in the spatial hierarchy and the allocation in the Preferred Options Plan was removed. Another example is Battleswick Farm in Rowhedge, which was included as an allocation in the Preferred Options Plan. Public consultation highlighted the issues of coalescence with Colchester, surface water flooding and impacts on the historic environment. The Council considered that an alternative site in Rowhedge should be allocated. Public consultation also led to a re-consideration of what constitutes an appropriate level of growth in West Mersea and housing figures were reduced from the Preferred Options Plan. As a result of the Preferred Options consultation, other changes were made to the Plan including site allocations. These are summarised in the Consultation Statement October 2017 ([CBC3.1](#)).
- 1.16 The SHLAA, Sustainability Appraisal, spatial strategy and public consultation have all contributed towards the identification of site allocations in the CLP Section 2. The SHLAA

provided a comprehensive assessment of potential development sites. The Settlement Boundary Review reviewed each of the borough's settlements and recommended potential allocations based on constraints and opportunities and an appropriate level of growth. The SA comparatively appraised each of the sites proposed in each settlement (with the exception of sites with a red rating) against a site assessment pro forma based on the sustainability framework established for Colchester. Public consultation highlighted important issues to the local community.

Housing Allocations Update

- 1.17 The Council have prepared a topic paper to provide an update and response to housing issues that have arisen since submission of the Local Plan ([TP2](#)). Overall, the Council consider that they can demonstrate a sufficient housing land supply for the plan period, and a five year supply of deliverable sites. The topic paper also concludes that policies on affordable housing, housing diversity and gypsy and travellers and travelling showpeople are supported by robust evidence and deliverability is not constrained by significant viability or policy issues.
- 1.18 Communication has been ongoing with site owners/promoters throughout the plan making process and has continued since submission of the Plan. The Council have contacted all site owners/promoters regularly to confirm allocations within the CLP Section 2 remain sound and deliverable. Most recently an update has been sought in February/March 2021. This latest information has been referred to in individual hearing statements for allocations within Colchester and Sustainable Settlements.
- 1.19 Neighbourhood Plans have continued to progress, with these now being made for Wivenhoe, West Bergholt and Eight Ash Green. Allocations have been made in each of these neighbourhood plans in accordance with the relevant Sustainable Settlement policy in the CLP Section 2. For consistency, the Council have also remained in contact with these site owners/promoters to demonstrate that these allocations in Neighbourhood Plans are deliverable.
- 1.20 Planning applications for allocations within the CLP Section 2 have been submitted to the Council since submission of the Plan. This has resulted in some allocations being granted planning permission before the Section 2 Examination. Each application has been considered on its own merits and the weight to be applied to the CLP Section 2 assessed in accordance with NPPF paragraph 48.
- 1.21 Table 1 below provides an overview of the CLP Section 2 allocations that have been granted planning permission. In addition, there are a number of sites where applications have been submitted but are pending. These are detailed in Table 2 below.
- 1.22 An update on the implementation of these applications has been provided in individual matter statements. An update of the current application status of those listed in Table 2 has been provided in individual matter statements. A verbal update can also be provided regarding these planning applications during the hearing sessions if applicable and if it would be of assistance to the Inspector.

Table 1: CLP Section 2 Allocations with Planning Permission

Policy	Site/Location	Number of Dwellings	Application Number	Application Type	Decision Date
NC3	Braiswick*	27	191522	Outline	15/10/2020 – Granted on Appeal
SC1	Gosbecks Phase 2	144	190522	Full	09/07/2020
EC3	East Bay Mill	20	190424	Full	15/5/2020
WC2	Land to the North of London Road, Stanway*	102	181859	Full	11/12/2019
WC2	Land off Dyers Road *	57	180873	Full	29/03/2019
WC2	Land off Dyers Road *	93	152826	Full	21/12/2016
WC2	Land off Dyers Road – Fiveways Fruit Farm	Up to 420	182220	Outline	April 2021
WC2	Chitts Hill	100	172049	Full	06/01/2020
WC4	Essex County Hospital Site, Lexden Road	120	192828	Full	13/01/2021
WC4	Irvine Road	6	182528	Full	17/12/2018
SS5	Eight Ash Green	150	171529	Outline	22/10/2019
SS7	Great Horkesley Manor	80	190302	Outline	24/04/2020
SS8	Land off Brook Road, Great Tey	15	192249	Full	06/02/2020
SS9	School Road, Langham*	46	191830	Full	17/12/2020
SS12a	Dawes Lane, West Mersea	100	200351	Outline	07/10/2020
SS12a	Brierley Paddocks, West Mersea	101	192136 & 200960	Outline and Reserved Matters	04/05/2020 & 05/08/20
SS15	West Bergholt*	13	181458	Outline	03/11/2020
SS15	West Bergholt*	41	191997	Full	09/03/2021

*Please note these applications only account for part of the allocation

Table 2: CLP Section 2 Allocations with planning applications pending decision

Policy	Site/Location	Number of Dwellings	Application Number	Application Type
NC1	Colchester Rugby Club	350 dwellings plus up to 300 older peoples homes and 75 bed care home	190665	Hybrid
SC1	South of Berechurch Hall Road*	32	191093	Full
SC1	South of Berechurch Hall Road*	153	202025	Full
WC2	Rosemary Almshouses, Stanway	31	200995	Full
WC2	Land to the North of London Road, Stanway*	98	202829	Full
SS6	Plummers Road, Fordham	17	201140	Outline
SS14	Kelvedon Road, Tiptree*	130	190647	Full
SS15	West Bergholt*	18	201686	Outline
SS15	West Bergholt*	7	201925	Outline

*Please note these applications only account for part of the allocation

Habitat Regulations Assessment

- 1.23 The Updated Habitat Regulations Assessment ([EBC4.70](#)) identified site allocations with high and moderate suitability to support qualifying bird species [Special Protection Area (SPA) birds]. Wintering bird surveys should be undertaken to inform the importance of the site for qualifying bird species. If bird surveys identify that proposed new development will exceed the threshold of significance mitigation will be required.
- 1.24 The following text, which will be included in the Draft Schedule of Recommended Modifications and is agreed by Natural England (SCG1), is required for each of the site allocations identified in the HRA as having moderate suitability to support significant numbers of SPA birds (no sites were identified as having high suitability)¹:

“Before granting planning consent, wintering bird surveys will be undertaken at the appropriate time of year to identify any offsite functional habitat. In the unlikely event that significant numbers are identified, development must firstly avoid impacts. Where this is not possible, development must be phased to deliver habitat creation and management either on or off-site to mitigate any significant impacts. Any such habitat must be provided and fully functional before any development takes place which would affect significant numbers of SPA birds.”

¹ SC1 (South of Berechurch Hall Road), SC2 (Middlewick Ranges), WC2 (Land to the North of London Road), WC2 (Land off Dyers Road including Fiveways Fruit Farm), WC2 (Land to the West of Lakelands), WC3 (Colchester Zoo), SS10 (Layer de la Haye), SS14 (Tiptree, Tower End), SS14 (Tiptree, Highland Nursery), SS14 (Tiptree, Elms Farm), SS14 (Employment Land – Tiptree Jam Factory).