

## Colchester Borough Local Plan 2017 – 2033 Section 2 Examination

### **MATTER 1** – Legal Requirements and Overarching Issues relating solely to the policies within CLP Section 2

## Submission by STOP 350

### Introduction

This Hearing Statement has been prepared by Stop350 and should be read in conjunction with the representations made to the Publication Draft Plan 2017.

Stop350 is a community based group that arose because of concerns about the CLP. Stop350 is authorised by individuals to act on their behalf. These representations come from over 1,100 people formed by a combination of residents of Mersea Island and close surrounding area.

We support sustainable development and recognise the need to plan for appropriate growth. We are engaging in the examination process in a constructive manner and appreciate that our role is to assist the Inspectors in deciding whether the CLP is Sound and, where necessary, to identify how the CLP could be made to be Sound.

In light of the regrettable significant passage of time between the consultation on the Publication Draft Plan and the Examination – some 4 years – we have updated the evidence which we rely upon in assisting the Inspectors in examining the CLP. This is set out where relevant in our statement.

### ***Response to Inspectors Main Matters, Issues and Questions***

We set out below responses to three of the Inspectors Issues and Questions in relation to Matter 1. We do not comment on any of the other questions posed. We have used the Issues and Questions as a format for the Hearing Statement.

#### ***a Has CLP Section 2 been subject to a Sustainability Appraisal (SA) and have the requirements for Strategic Environmental Assessment been met? Is it clear how the SA influenced the final plan and dealt with mitigation measures?***

We acknowledge that the Colchester Local Plan has been the subject of a Sustainability Appraisal, however it is our view that the process has not been correctly applied.

This process is the opportunity to review how the CLP will contribute to improvements in environmental, social and economic conditions. In so doing, we understand that the process should help make sure that the proposals in the plan are appropriate given the reasonable alternatives. It should be used to test the evidence underpinning the plan and help to demonstrate how the tests of soundness have been met.

Ultimately, the requirement is to prepare a Local Plan with the objective of contributing to the achievement of sustainable development. We interpret these requirements as follows;

- Underpinning the SA process is an assessment as to alternatives to the chosen strategy, and whether these are reasonable;
- The SA should promote sustainable development when assessed against the reasonable alternatives; and
- The objective is to achieve **improvements** in environmental, social and economic conditions.

Our specific concerns in relation to the SA process relate to Mersea Island identified as a 'Sustainable Settlement' in the CLP.

As we have set out in our Publication Draft representations, Mersea Island is a unique proposition in planning terms. The following matters have led us to draw this conclusion;

- Matter 1
- Matter 2
- Matter 3
- Matter 9
- Matter 11
- Matter 12
- Matter 18
- Matter 19

The CLP is silent in relation to the uniqueness of Mersea Island, and does not recognise the specific set of circumstances which apply to the Island. By extension, the SA is also silent in relation to these matters.

Policy SG1 is the specific policy concerned with Colchester's spatial strategy. The SA deals with this policy at pages 54 to 65. Policy SG1 sets out that growth will be located at the most accessible and sustainable locations in accordance with Table SG1. Table SG1 sets out 17 'Sustainable Settlements' – a significant number of larger centres which the Council consider are capable of accommodating growth.

The SA reiterates that the 'Sustainable Settlements' are the most 'accessible' and 'sustainable' locations. Mersea Island is not an 'accessible' nor a 'sustainable' location. As we will further state in our Matters that the Island has access problems and sustainability issues.

In our view whilst Policy SG1 **as a whole** has been the subject of SA, and 5 reasonable alternatives to the chosen strategy have been assessed, the SA does not consider whether individual settlements should or should not have been identified as 'Sustainable Settlements'. There is a gap in the assessment process whereby assumptions have been made as to where settlements are ranked in the hierarchy but no assessment has been made as to whether individual settlement ranking would achieve **improvements** in environmental, social and economic conditions; nor have alternatives to the chosen strategy – for example adding or removing settlements from the list of 'Sustainable Settlements' – been assessed. These are important omissions, since we respectfully submit that growth at Mersea Island cannot achieve improvements in environmental, social and economic conditions in relation to the following Sustainability Objectives;

- **Sustainability Objective 2 – will it provide a good accessibility by a range of modes of transport?**

Mersea has no railway and access by the only road is subject to tidal constraints.

- **Sustainability Objective 4 – will it reduce the need to travel?**

Mersea being an Island there will be always a need to travel off the Island to access the railway and bigger shops of Colchester.

- **Sustainability Objective 4 – will the levels of sustainable travel increase?**

It is highly unlikely that sustainable travel can increase because of the remoteness as an Island location with a tidal access.

- **Sustainability Objective 4 – will it improve sustainable transport infrastructure and linkages?**

It is difficult to see how improvements to sustainable transport infrastructure and linkage can be achieved with a single tidal access road.

- **Sustainability Objective 8 - Will it maintain and enhance the landscape character of the borough?**

Building on the CPB which requires screening cannot be considered enhancing the landscape character of the Borough.

- **Sustainability Objective 8 – will it protect and enhance designated areas of the countryside and coastal environment?**

Again building on the protected areas of the CPB will not enhance the countryside or coastal environment.

- **Sustainability Objective 8 – will it protect and improve biodiversity?**

Developing on protected areas of the CPB must remove an area of biodiversity which can not be replaced on that area of development.

- **Sustainability Objective 10 – will it reduce the risk of flooding?**

The risk of flooding has not been considered in the context of access to the development areas with a single tidal road onto the Island.

Not only are improvements not likely to be achieved, but significant negative impacts are identified in the Sustainability Appraisal, without appropriate mitigation promoted. We would respectfully invite the Inspectors to note the provisions of SA paragraph 8.15.3, which for Mersea Island as a whole unit states;

***“The impact of Policy SS15a’s (now SS12a) allocations may have a negative impact on the Blackwater Estuary SSSI, the Colne Estuary SSSI and Ramsar site. The Policy could have regard to the fact that both proposals at the stated scale would require consultation with Natural England regarding the impact on the SSSIs and Ramsar due to the sites’ locations within the SSSI Impact Risk Zones.”***

The Inspectors will note that residential development has come forward at Mersea Island ahead of the Section 2 Local Plan being advanced to examination and adoption. This is highly regrettable and undermines the plan led process. Be that as it may, it is important to make a distinction between the outcome of a planning application and the mitigation put forward for any specific development proposal, and the process of SA and the exploration of reasonable alternatives. For the Section 2 Local Plan, the SA process has not fully considered reasonable alternatives to the settlement hierarchy, and the SA recognises that for Mersea Island as a whole (as distinct from an assessment as to an individual planning application) that negative impacts will arise – when the requirement is to achieve **improvements** in environmental, social and economic conditions.

- a ***Does the policies map correctly illustrate geographically the application of policies in the CLP Section 2?***

What was called Seaview Caravan Park now called West Mersea Holiday Park identification on the policies map is incorrect. The chalet section of this site to the north of the marked site is not included within the marking of the site.

***b Does CLP Section 2 contribute to the achievement of the three dimensions of sustainable development – economic, social, and environmental?***

We consider that by identifying Mersea Island as a 'Sustainable Settlement' CLP Section 2 does not contribute to the achievement of the three dimensions of sustainable development.

Mersea, as distinct from other Sustainable Settlements, has an economic base mostly reliant on tourism. This is by its very nature largely seasonal, with clear peaks and troughs which do not impact upon other inland settlements in the Borough.

In practical terms, Mersea is a 'stop end' area, a Cul-de-sac in geographical terms. There is a single access to and from the Island, consequently Mersea does not form part of a network of settlements connected by a traditional primary and secondary road network forming a 'necklace' across rural parts of the Borough serving lower order centres.

The tidal issues are unique to Mersea – as we set out in other hearing statements the Island is cut off at periods of high tide. This affects how residents and visitors manage their day to day lives. It also means that Mersea is reliant on volunteering – for example the lack of connection to emergency services when the Island is cut off requires those on the Island being able to adopt key community roles.

Finally, the area is acknowledged to be internationally important and highly sensitive to change. Any pressures brought to bear from new development have the potential to have a profound negative impact.

In this context it is difficult to see how the social and environmental roles to sustainability are furthered by new development at Mersea.

***Conclusions***

For the reasons set out above, we consider that the CLP Section 2 fall short of the requirements set out in relation to Sustainability Appraisal. The SA has not correctly assessed all of the reasonable alternatives, it has not as a result influenced the final plan, and mitigation has only been considered on an individual site basis and not as an accumulative effect on the Island as whole.

It is also the case that the policies map does not correctly illustrate the application of policies in the CLP Section 2.

These are matters which go to the heart of soundness. Any revisiting of the SA process at this very late stage in the plan making process would not be iterative. We hope the issues we have identified can be dealt with now at this late stage of plan making.

We would suggest that West Mersea is not a sustainable settlement and therefore it should not be recognised as such in the CLP.