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# **Emerging Colchester Local Plan Part 2: Matters, Issues and Questions Consultation**

Main Matter 19: Policies DM23 to DM25 – Flood Risk and Water Management, Sustainable Urban Drainage Systems and Renewable Energy, Water, Waste and Recycling

March 2021

**Emerging Colchester Local Plan Part 2:  
Matters , Issues and Questions Consultation**

**Main Matter 19: Policies DM23 to DM25 – Flood Risk and Water  
Management, Sustainable Urban Drainage Systems and  
Renewable Energy, Water, Waste and Recycling**

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## 1.0 INTRODUCTION

- 1.1 These representations have been prepared by Barton Willmore LLP on behalf of L&Q, Cirrus Land and G120 Land Ltd (the 'Promoters'). The Promoters were centrally involved in the Strategic North Essex Section 1 Plan (or Colchester Local Plan Section 1) (hereafter 'CLP 1') through their promotion of land west of Colchester, known as the Braintree/Colchester Garden Community. As such, they are key stakeholders in the overall Colchester spatial strategy.
- 1.2 The Promoters' involvement in the Colchester Local Plan Section 2 (hereafter 'CLP 2') has therefore been inherently limited due to their land interests being the subject of CLP 1. Representations were previously made to the Regulation 19 CLP 2 consultation and therefore through a combination of that and the involvement in CLP 1, we believe that their attendance in the Examination of CLP 2 is essential.
- 1.3 Furthermore, the Promoters remain fully committed to the delivery of a new community at Marks Tey and a Vision Document for approximately 1,000 dwellings with new primary school on land north of the A120/west of Marks Tey train station is appended to this statement (**Appendix 1**). This is a standalone site that can deliver housing in the plan period in a highly sustainable location. It would also form part of a future larger new settlement west of Marks Tey, should the Council determine this to be an appropriate spatial strategy in the future.
- 1.4 The area proposed for approximately 1,000 dwellings has already been considered by the Council as part of the wider WST05 area in the Settlement Boundary Review (April 2017), and has been subject to Council appraisal as part of the wider CLP process.
- 1.5 This statement is made in respect of Matter 19: Policies DM23 to DM25 on Flood Risk and Water Management, Sustainable Urban Drainage Systems and Renewable Energy, Water, Waste and Recycling; and directly in response to the two questions raised by the Inspectors in the Matters, Issues and Questions consultation closing 6<sup>th</sup> April 2021.

**2.0 QUESTION 1: ARE THE FLOOD RISK AND WATER MANAGEMENT, SUSTAINABLE URBAN DRAINAGE SYSTEMS AND RENEWABLE ENERGY, WATER, WASTE AND RECYCLING POLICIES JUSTIFIED BY APPROPRIATE AVAILABLE EVIDENCE, HAVING REGARD TO NATIONAL GUIDANCE, AND LOCAL CONTEXT, AND CLP 1?**

*Policy DM23*

- 2.1 We have no comments to make on this policy in regard to the evidence base or consistency with national guidance.

*Policy DM24*

- 2.2 We have no comments to make on this policy in regard to the evidence base or consistency with national guidance.

*Policy DM25*

- 2.3 We have no comments to make on this policy in regard to the evidence base or consistency with national guidance.

### **3.0 QUESTION 2: DO POLICIES DM23 TO DM25 PROVIDE A CLEAR DIRECTION AS TO HOW A DECISION MAKER SHOULD REACT TO A DEVELOPMENT PROPOSAL?**

#### *Policy DM23*

- 3.1 We believe that policy DM23 should be amended to enable clearer decision making. We support in principle the use of permeable materials and landscaping to minimise the cumulative impacts of flooding, however there are instances where these solutions are not appropriate due to underlying ground conditions.
- 3.2 We suggest the following change to the wording underlined below:

*"Where proposals that require planning permission include driveways, hardstanding or paving, the use of permeable materials and landscaping will be sought where appropriate to minimise the cumulative impacts of flooding from such developments."*

- 3.3 We believe that point (ii) is overly onerous in requiring all forms of development to reduce post-development run off rates back to greenfield 1 in 1 year rates. This would essentially mean even small householder extensions would be required to do this which is overly burdensome. We suggest that the Council should re-word this section to be clear which developments should comply with this requirement.

#### *Policy DM24*

- 3.4 We have no comments to make on this policy wording.

#### *Policy DM25*

- 3.5 We believe that the pre-amble to the policy must be updated to reflect the current day situation as matters around climate change and energy in particular have moved on significantly since 2017. Updating the preamble would make the application of the policy itself clearer.
- 3.6 Except from the requirement for BREEAM 'Very Good', water efficiency measures (though we suggest that the wording could be made more flexible to ensure it covers updated building regulations), and impacts on the AONB, the requirements of the policy are not clear on the weight which may be given to residential development which seek to exceed

minimum requirements. As discussions around climate change have moved on at a rapid pace since 2017 when the CLP 2 was submitted for examination, we suggest that applications which seek to innovate and go beyond minimum requirements to tackle climate change should be afforded greater weight than those that do not.

- 3.7 It is also unclear how at varying scale the opportunities to minimise waste and provide better recycling facilities would be assessed as part of an application.
- 3.8 It may be more appropriate if this is considered at differing scales. For instance, focusing on bin storage at the scale of individual dwellings through to assessing the need for waste and recycling facilities at the site wide scale. This should be achieved through engagement with consultees with the overall view of minimising waste.
- 3.9 We suggest that the policy could potentially go further with a requirement for major applications for housing being required to submit a sustainability and energy report clearly articulating how developments will work towards reducing carbon emissions and provide renewable forms of energy on site with a view to future proofing homes as they work towards net zero carbon by 2050.
- 3.10 In our vision document for land west of Marks Tey station appended to Main Matter Statement 2, we articulate a clear desire to address these matters as early as possible working towards net zero carbon as soon as possible.

## **4.0 SUMMARY AND CONCLUSIONS**

4.1 This Statement has been produced on behalf of L&Q, Cirrus Land and G120 Land Ltd in response to the questions posed by the Inspectors in Main Matter 19. We have the following key points to make:

- We believe that policy DM23 wording should be updated as it is overly onerous or does not provide sufficient flexibility in places.
- We believe that both the preamble to, and wording of policy DM25 could be updated and made stronger in light of the progress that has been made on addressing climate in the approximately four years since the CLP 2 was submitted for examination. We suggest that greater clarity could be provided over what is required for submission of applications and that materially more weight should be afforded to planning applications that seek to address carbon reduction and climate change.

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