

**Colchester Borough Local Plan 2017-2033
Section 2 Examination
Hearing Statement
Main Matter 9 – Sustainable Settlements (Policies SS1
to SS16)**

Layer de la Haye (Policy SS10)

CONTENTS

1.0 Introduction 1
2.0 Main Matter 9 – Sustainable Settlements 2

1.0 Introduction

- 1.1 This Hearing Statement is submitted on behalf of Tollgate Partnership in relation to their interest in land at The Folley, Layer de le Haye which is proposed for allocation under Policy SS10 of the Draft Local Plan.
- 1.2 This statement follows on from representations made throughout the Local Plan process, including at Regulation 18 Preferred Options in 2016, and at Regulation 19 stage upon submission of the Draft Section 2 Local Plan in 2017. It considers Policy SS10 specifically against the tests of soundness as set out within the 2012 National Planning Policy Framework (NPPF) at Paragraph 182, taking into account any changes in circumstances since such an assessment was made within Regulation 19 representations.
- 1.3 Strutt & Parker have been instructed by Tollgate Partnership to prepare this statement to confirm ongoing support the Plan as a whole, and the allocation of land at The Folley, Layer de la Haye in particular, but also to address additional matters which are worthy of mention and have arisen since the Local Plan was submitted. The statement also considers representations made by other parties during the most recent Regulation 19 consultation, and modifications to the Policy that have been proposed by Colchester Borough Council (CBC) in the meantime.
- 1.4 A number of points of agreement based on discussions that have been held since Regulation 19 representations were submitted continue to be discussed and a Statement of Common Ground is in the process of being prepared alongside CBC in this regard.

2.0 Main Matter 9 – Sustainable Settlements

- **Are the Sustainable Settlements policies and site allocations justified by appropriate available evidence, having regard to national guidance, and local context, including the meeting the requirements of the CLP 1?**
- **Do the housing land site allocations within Sustainable Settlements show how they will contribute to the achievement of the housing requirement of the CLP Section 1 (14720 new homes) and its timescale for delivery?**

2.1 Whilst the allocation at Layer de la Haye under Policy SS10 is supported in principle, we considered a number of modifications are necessary to the submitted plan in order for it to be considered sound in relation to the tests of soundness set out in paragraph 182 of the NPPF (2012).

2.2 The Housing Trajectory (as published within Housing Matter Topic Paper 2 March 2021) is supported in its role in demonstrating how the housing land allocations within Sustainable Settlements show how they will contribute to the achievement of the housing requirements of the CLP Section 1 and its timescale for delivery.

2.3 Amendments to Policy SS10 and the associated Policies Map for Layer de la Haye will ensure that it plays an appropriate role in meeting the overarching objectives of Sustainable Settlements.

Number of Units

2.4 As set out in our Regulation 19 representation, Policy SS10 as currently worded sets out that development will supported where it provides 35 new dwellings. In respect of further work that has been undertaken to support a planning application for this site, and associated discussions with CBC Officers, it has been agreed that the site is suitable to accommodate 55 dwellings on the land proposed for allocation, alongside an affordable housing exception site of 15 dwellings, and thus an overall provision of 70 homes. The policy as currently worded therefore does not accurately reflect the capacity of the site or the potential of the land to contribute towards housing needs. The current approach is therefore not positively prepared, justified, or consistent with national policy as required by Paragraph 182 of the NPPF in that it fails to take opportunities to boost the supply of housing as set out at NPPF Paragraph 47.

Main Matter 9 – Sustainable Settlements

- 2.5 We are in discussions with Colchester Borough Council regarding a Statement of Common Ground.
- 2.6 In order to meet the tests of soundness we consider Policy SS10 should be amended as follows:
- i) ~~35~~ **approximately 55** new dwellings of a mix and type compatible with surrounding development, to include bungalows and small family homes
- 2.7 This increase in unit numbers will ensure that this policy is positively prepared in terms of achieving sustainable development.

Rural Exception Site and Proposed Settlement Boundary

- 2.8 The objections raised against the exclusion of land from the allocation area to allow for the delivery of a Rural Exception Site are maintained in the interests of ensuring the certainty and deliverability of the full extent of dwellings proposed. This exclusion of references to a Rural Exception Site, an amendment to the proposed settlement boundary/allocation extent and an associated uplift to the total number of dwellings to be provided under Policy SS10 to 70 dwellings would therefore ensure that the Plan is positively prepared.
- 2.9 Notwithstanding the above, we are in discussions with Colchester Borough Council and are looking to agree a Statement of Common Ground regarding the delivery of a Rural Exception Site alongside the allocation site and thus this may allow a resolution on this objection to be reached ahead of the hearing itself.

Public Open Space

- 2.10 Policy SS10 and the accompanying policies map are also considered unsound in relation to the prescriptive identification of an area of the site as open space. Whilst open space will be required to be provided in accordance with normal development plan policies, the identified of this particular area is not informed by any particular rational or evidence base and is not a justified approach as required by paragraph 182 of the NPPF.
- 2.11 To address this point, the notation should be removed as per our Regulation 19 representation.

Main Matter 9 – Sustainable Settlements

- 2.12 We note that a number of third party representations have also raised concern over the location of public open space as is currently shown in respect of its relationship with existing residential dwellings surrounding the site.

Minerals Resource Assessment

- 2.13 With reference to the Recommended Modifications to Section 2 Local Plan Draft Schedule published by CBC in March 2021, we note that within the Essex Minerals Local Plan, the site falls within a Sand and Gravel Safeguarding Area. Such areas cover a significant majority of the County and we therefore do not envisage it to present a constraint to delivery, but rather a matter that can be appropriately dealt with through the future planning application process. Our client therefore has no objection to this proposed amendment to the policy.

Regulation 19 Representations from other parties

- 2.14 We note that some Regulation 19 representations relate to the potential impact of additional vehicular movements on the surrounding highway network.
- 2.15 As part of our clients work in preparation for a planning application on the site pre-application engagement has been undertaken with Essex County Council (Martin Mason – 10/11/21). This has confirmed that the use of accesses from both Greate House Farm Road and The Folley will be appropriate, and that the associated additional vehicular movements on the local highway network can be safely accommodated.
- 2.16 With regards to the sustainability of Layer de la Haye and its ability to accommodate the development proposed, CBC have already demonstrated the suitability of this location through the Local Plan process and associated Sustainability Assessment. We are in agreement with the findings made in this regard. The planning application process will of course deal with planning obligations and S106 contributions to ensure any development impacts, particularly in terms of increased pressure on local healthcare or education facilities, are appropriately mitigated.
- 2.17 Subject to the changes requested in our representation we consider the allocation remains sound and deliverable. We can provide further detail on our technical work as required to assist the examination process.