



**Colchester Borough Council**

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

**Hearing Statement – Local Planning Authority**

**Main Matter 14 – Policies DM8 to DM11 – Affordable  
Housing, Development Density, Housing Diversity  
and Gypsies, Travellers and Travelling Showpeople**

**April 2021**

## **Main Matter 14 – Policies DM8 to DM11 - Affordable Housing, Development Density, Housing Diversity and Gypsies, Travellers and Travelling Showpeople**

**Are the policies relating to Affordable Housing, Development Density, Housing Diversity and Gypsies, Travellers and Travelling Showpeople justified by appropriate available evidence, having regard to national guidance, and local context, and CLP 1?**

### Introduction

- 14.1 The Council have prepared a Topic Paper ([TP2 – Housing Matters](#)) to provide an update on housing land supply and delivery and whether the plan makes appropriate provision for affordable housing, accommodation for gypsy and travellers, accessible and adaptable housing and housing to meet the needs of particular groups. This Topic Paper should be read alongside this hearing statement.
- 14.2 The Council currently have an Affordable Housing Supplementary Planning Document (SPD) adopted in August 2011. The Council prepared an update to the Affordable Housing SPD and a new Self and Custom Build and Specialist Housing SPD based upon policies in both the currently adopted Local Plan (Core Strategy 2014) and the Emerging Colchester Local Plan Publication Draft June 2017. The SPDs were approved for consultation at Local Plan Committee in December 2019, and a six-week consultation was undertaken from 24 January to 9 March 2020. Following this consultation, the Council decided to put the work on hold and plan to revisit the SPDs following examination of the CLP Section 2. It is considered that these SPDs will enable a greater understanding of the application of policies DM8, DM10 and DM11.
- 14.3 Policies DM8, DM9, DM10 and DM11 are justified and consistent with national policy and guidance. The policies take account of the local context and CLP Section 1 particularly Policies SP7 and SP8.

### CLP Section 1

- 14.4 The Vision for North Essex contained within the CLP Section 1 states that '*Residents will live in high quality, innovatively designed, homes, accommodating a variety of needs and aspirations*'.
- 14.5 CLP Section 1 Policy SP4 sets the overall housing delivery targets for the three North Essex Authorities (NEAs). Policy SP8 states at criteria (v) that the Tendring Colchester Border Garden Community must include "*Development that provides for a truly balanced and inclusive community and meeting the housing needs of local people including a mix*

*of dwellings sizes, tenures, and types, provision for self and custom build homes, provision for the aging population, and provision for Gypsy and Travellers”.*

- 14.6 Policy SP7 includes the criteria: “*provide a mix of land uses, services and densities with well-defined public and private spaces to create sustainable well-designed neighbourhoods*”. Criteria (4) of Policy SP 9 states: “*New residential development will seek to achieve appropriate densities which reflect both context, place-making aspirations and opportunities for increased levels of development around neighbourhood centres and transport hubs.*”
- 14.7 Policies DM8, DM10 and DM11 all provide the policy framework to guide development within Colchester to ensure the vision comes to fruition. The aforementioned policies ensure that developments meet housing need for all groups and provide affordable housing which is enshrined into the CLP as a whole. Policy DM9 ensures that developments are at an appropriate density to create sustainable developments and communities across the Borough.

### **Policy DM8: Affordable Housing**

- 14.8 Paragraph 50 of the National Planning Policy Framework (NPPF) requires local planning authorities to deliver a wide choice of high-quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities. Paragraph 50 further requires where an affordable housing need is identified, policies are set to meet this need on site, unless off-site provision or a financial contribution can be justified, and an agreed approach contributes to the objectives of creating mixed and balanced communities. This is also a specific requirement for Local Plans as outlined in paragraph 159 of the Framework.
- 14.9 Policy DM8 requires 30% affordable housing for new developments of 10 dwellings or more in urban areas and above 5 units in designated rural areas. The designated rural areas for Colchester are defined in a Statutory Instrument 1997 no. 623 and include Abberton, Aldham, Birch, Boxted, Chappel, Copford, Dedham, East Mersea, Eight Ash Green, Fingrinhoe, Fordham, Great Tey, Langenhoe, Langham, Layer Breton, Layer Marney, Layer de la Haye, Messing cum Inworth, Mount Bures, Peldon, Salcott, and Wakes Colne.
- 14.10 The policy also identifies that in exceptional circumstances where high development costs impact the viability of housing delivery, an alternative affordable housing provision must be demonstrated. This is in accordance with the NPPF by providing flexibility to the developer to provide either off site provision, a financial contribution, or a unique alternative.

- 14.11 The approach to Rural Exception Sites is also outlined in Policy DM8. This is largely unchanged from the Core Strategy (2014) Policy H4.

#### Strategic Housing Market Assessment (SHMA)

- 14.12 In 2015 the local authorities within the Braintree, Chelmsford, Colchester and Tendring Housing Market Area updated the evidence for both the Objectively Assessed Housing Needs Study (OAN) (July 2015) ([EBC 2.12](#)) and Strategic Housing Market Assessment Update (SHMA) (December 2015) ([EBC 2.16](#)).
- 14.13 The OAN Study was further updated in November 2016, ([EBC 2.13](#)) to review the findings of the original report in light of new evidence and produce a revised housing needs assessment for the same period 2013-2037. This ensures compliance with paragraph 47 and 50 of the NPPF 2012. It should be noted that as the CLP was submitted before 24 January 2019, the standard methodology has not been used within these reports.
- 14.14 The SHMA forms the main Evidence Base for the Council's assessment of affordable housing provision. The SHMA identified an overall level of need of 278 affordable dwellings (266 rent and 12 shared ownership) per year between 2013 and 2037 (based on an OAN housing need figure of 920 dwellings per annum). See Figure 1 below.

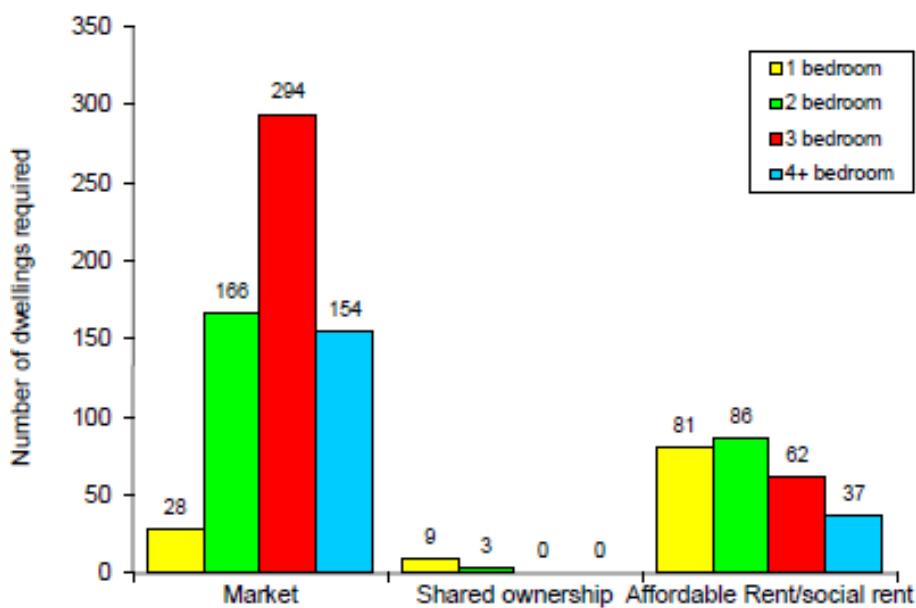


Figure 1: Annual requirement for all new housing in Colchester (SHMA Update, 2015).

- 14.15 The SHMA also outlines that an additional 94 sheltered and extra care housing units

should be provided annually within the identified OAN. However, the total is dependent on future patterns of demand amongst potential residents of this accommodation increasing notably beyond current levels.

- 14.16 The SHMA indicated a shortfall for all accommodation sizes with the greatest net need varying upon tenure type. For market housing, the greatest need is for three-bedroom properties, affordable rent/social rent for two-bedroom properties and shared ownership for one-bedroom properties. The Council consider this overall need is best met if the affordable housing provision is informed by the latest assessment of local market conditions, housing need and shortages relative to supply in determining the optimum affordable housing mix.
- 14.17 The SHMA concludes that a figure of 30-35% affordable housing provision would be appropriate.

#### Economic Viability Study

- 14.18 To support the Emerging Local Plan an Economic Viability Study for Colchester was prepared by The Three Dragons and Troy Planning + Design (June 2017) ([EBC 6.1](#)). The report supports CLP Section 2 Policies DM8 and DM10 concluding that:

*"The Viability Study has demonstrated that the Local Plan policies in relation to residential development are financially viable for most types of development tested and that a policy requiring 30% affordable housing on sites over 10 units (and sites of 6 to 10 units in designated rural areas) is achievable. In most cases the council's policies in relation to accessibility & adaptability of dwellings (Part M of Building Regulations 2015) and 5% self-build plots on sites over 100 units are also achievable."* (para 4 [EBC 6.1](#)).
- 14.19 The viability study followed the relevant regulations and guidance and is in line with the NPPF 2012, para 173 (and 2019) and Planning Practice Guidance for Viability at March 2014. It was prepared in consultation with the development industry and takes account of relevant policies in the Colchester Publication Draft Local Plan (2017-2033).
- 14.20 In accordance with PPG (006 Reference ID: 10-006-20140306) the study examined a set of residential typologies which are generally representative of the sites expected to come forward during the lifetime of the Local Plan, including allocated and windfall sites. General assumptions are summarised in chapter 2 of the report and set out in more detail in Appendix I. Notes of the original consultation on which they are based can be found in Appendix III.

- 14.21 The study identified two distinct value areas for the district in which all the typologies were tested: Tiptree & Rural and Central, with values tending to be higher in the Tiptree & Rural value area.
- 14.22 In the case of policy DM8, the Economic Viability Study ([EBC 6.1](#)) found that all general mixed development of houses and flats was viable at a full policy position, in all value areas, and able to deliver 30% affordable housing alongside other S106 obligations, policy requirements and relevant infrastructure costs. There was an exception in the Central value area where 100% flatted development was not viable but this finding is not significant enough on its own to suggest that 30% affordable housing could not be realised. The policy allows some flexibility for schemes to offer alternative provision where costs are high. Details of the testing and results can be found in chapters 3 and 4 of the report.
- 14.23 In relation to Rural Exception Sites (RES) a key finding was that between 20% and 30% of units are likely to be required as open market housing to enable delivery of the affordable homes. It is noted that housing mix on RES will always respond to local need and viability is responsive to affordable tenure – a higher proportion of affordable home ownership units or the availability of subsidy could mean the number of market units could be reduced.
- 14.24 A full list of how all policies were considered can be found in the report at Appendix II, including policies DM8 – DM11, also DM12 Housing Standards which requires a proportion of dwellings to be accessible & adaptable homes and for new housing to be built to ‘nationally described space standards’.
- 14.25 The assumptions for affordable housing were based upon consultation with Registered Providers developing in the district and with the Council’s Housing Officer. The affordable housing mix takes account of housing need identified in the SHMA ([EBC 2.16](#)).
- 14.26 Reflecting the draft policies and the local market, the Benchmark Land Values are considered to ‘provide a competitive return to willing developers and land owners’ as per PPG (014 Reference ID: 10-014-20140306). They have been based on a review of sources such as “Land Values for Policy Appraisal” (MHCLG), previous local viability studies, existing use values (+premium), and known values achieved within the district. Values for RES are based on consultation with Registered Providers, they are lower than for other development because the residential use of the site is restricted to this particular type of development. All values were presented at the developer workshop

and were the subject of interviews with individual stakeholders and local agents which gave confirmation of findings. They are discussed in the report at paragraph 2.7.

- 14.27 Infrastructure and Section 106 costs were arrived at in discussion with the Council, the consultant producing the Infrastructure Delivery Plan and were presented at the developer workshop. Notwithstanding that higher costs are likely to impact on land value, larger sites were also subject to sensitivity testing with additional cost of £5,000 to £10,000 unit. The results are presented within the case studies in Chapter 4 of the Viability Study ([EBC 6.1](#)).
- 14.28 The Viability Study takes account of PPG which requires that the assessment is based on appropriate available evidence including a 'broad assessment of costs', and that the evidence should be 'robust' and 'reflective of local market conditions' (see 013 Reference ID: 10-013-20140306). PPG also requires that the assessment is based upon current costs and values rather than 'uncertain judgements about the future' (008 Reference ID: 10-008-20140306). Therefore, costs & values are derived using the following sources of information, which combine public official sources with reputable trade databases and specific consultation work:
- Residential values are drawn from Land Registry price paid data for new build sales, sense checked with local agents. Information for affordable housing values has been obtained through consultation with Registered Providers;
  - Residential build costs are drawn from the Building Cost Information Service (BCIS);
  - Assumptions about residential s106/278 and strategic infrastructure costs are based upon information provided by the Council on historic collection and taking into account future anticipated amounts, including for education, community facilities, open space etc.; also taking account of the costs & phasing in the IDP;
  - Other residential development costs (external works, professional fees, marketing, opening up costs etc.) are based upon professional experience and are in line with comparable studies elsewhere.
- 14.29 All information has been consulted upon through a stakeholder event with follow up discussion, as well as individual interviews with RPs, site promoters, developers, estate agents and ongoing dialogue with council officers. A number of sensitivity tests were carried out to further test the assumptions.

## Sustainability Appraisal

- 14.30 The Sustainability Appraisal (SA) ([CBC 2.2](#)) assessed Policy DM8 and three alternatives (see pages 265 to 268) against the Sustainability Framework outlined in Table 3 of the SA (pages 32 to 36). Due to the specific nature of this Policy and the alternatives, only those assessment criteria related to housing which form Sustainability Objective 1 '*To provide a sufficient level of housing to meet the objectively assessed needs of the Borough to enable people to live in a decent, safe home which meets their needs at a price they can afford*' can be applied.
- 14.31 The alternatives to policy DM8 include:
- Alternative DM8(1) – no policy/rely on the NPPF
  - Alternative DM8(2) – Set an alternative target
  - Alternative DM8(3) – 20% target on schemes on 10 dwellings or more
- 14.32 At the Preferred Options stage, the Plan sought to secure 20% affordable housing from new dwellings (including conversions) on housing developments of 10 dwellings or more. This has therefore been considered as an alternative to Policy DM8. As outlined in paragraphs 14.18 to 14.29 above, the evidence from the Local Plan Viability Study supports a target of 30-35% affordable housing in new developments in Colchester and the SHMA also evidences the need for a higher proportion of affordable housing. Therefore, Policy DM8 is justified to require 30% affordable housing for new developments of 10 dwellings or more.
- 14.33 Policy DM8 would result in 'significant positive' effects/impacts to all assessment criteria for Sustainability Objective 1. While Alternative DM8(1) would result in 'positive' impacts for all housing assessment criteria, this alternative has been rejected as it does not guarantee affordable housing provision will be appropriate or suitable. Overall, Policy DM8 is considered the most sustainable approach as the policy balances the objectively assessed housing need whilst responding to the different potential scenarios where a blanket percentage would not be suitable for viability reasons.
- 14.34 Effect/impacts are unknown for alternative DM8(2). This alternative has been rejected as the current 30% affordable housing target is considered to represent the current housing need and affordability aspirations.
- 14.35 Although alternative DM8(3) would result in a mix of 'significant positive' and 'positive' effects/impacts, this previously explored alternative has been rejected as the current approach better reflects the evidence of the SHMA which supports a target of 30-35% affordable housing in new developments.

## Representations

- 14.36 Representations made in respect of Policy DM8 were of both support and objection. Several representations suggest that the 30% target is over ambitious and not supported by evidence. As outlined above in paragraphs 14.18 to 14.29, policy DM8 is fully justified by the Economic Viability Study ([EBC 6.1](#)).
- 14.37 Parallels are drawn between the Colchester and Tendring approach to affordable housing, with a difference being that Colchester does not make provision for new homes to be purchased by the Council/nominated partners at a proportionate discount for use as affordable council housing. The Tendring District Local Plan Section 2 is currently subject to examination with hearing sessions held in January 2021. Through the examination, Tendring have proposed to remove this element for their affordable housing policy. It is not considered necessary for such a provision to be made in the CLP Section 2.
- 14.38 The Council consider that the policy is sufficiently flexible for a developer to propose an alternative affordable housing provision in exceptional circumstances only.
- 14.39 Policy DM8 does not identify a specific tenure split as this will be explored at the time a planning application is submitted to be informed by the most recent housing needs assessment and market conditions as well as having regard to any specific requirements in national policy and supplementary planning guidance.
- 14.40 ‘Pepper-potting’ of affordable housing throughout a site is required with details discussed and agreed at application stage. If there is a strong justification for not ‘pepper-potting’ this can be discussed through the planning application process. It is considered that the word ‘normally’ and the requirement for agreement with the local planning authority provides sufficient flexibility in this regard.

## Proposed Modifications

- 14.41 Modifications are proposed to Policy DM8 in order to be consistent with the approach outlined in the 2019 NPPF (paragraph 63). This clarifies the requirement of 30% affordable housing on sites of 10 or more dwellings as opposed to ‘more than 10’ and clarifies wording around Rural Exception Sites. Although the CLP Section 2 is being examined in accordance with the 2012 NPPF, it is considered pragmatic to modify policy DM8 to ensure consistent wording with national policy. This proposed modifications are shown in Appendix 1 of the Consequential Changes Topic Paper ([TP1](#)) and the Draft Schedule of Recommended Modifications ([CBC 1.6](#)).
- 14.42 No further modifications are proposed to Policy DM8.

## **Policy DM9: Development Density**

- 14.43 Policy DM9: Development Density provides criteria to consider appropriate density and massing.
- 14.44 Paragraph 47 of the NPPF states: “*To boost significantly the supply of housing, local planning authorities should ... set out their own approach to housing density to reflect local circumstances...*”
- 14.45 The Essex Design Guide was established in 1973 by Essex County Council. It is used as a reference guide to help create high quality places with an identity specific to its Essex context. The 2018 edition seeks to address the evolution of socio-economic impacts on place-making. The Essex Design Guide recognises that there is a wide range of variables which contribute to enhancing or reducing density. Some variables are site specific; others are driven by planning policy or by the context of the site.
- 14.46 The Council recognises that appropriate density varies based on factors such as accessibility and the character of the site and surroundings. Policy DM9 sets out the matters the Council will consider to ensure that development density makes the most efficient use of land, whilst also reflecting local circumstances.

## **Representations**

- 14.47 Two representations were made to Policy DM9, one from Historic England supporting reference to the setting of important heritage assets in criterion (i) of the policy and a representation of support seeking a higher density on an allocated site. The representation states that density should primarily be driven by house types/sizes, optimum layouts and compatibility with the surrounding/nearby built environment, which the Council agrees with.
- 14.48 No modifications are proposed to Policy DM9 or the supporting text.

## **Policy DM10: Housing Diversity**

- 14.49 The Council have provided a detailed overview of how the CLP Section 2 meets the needs of specific groups in paragraphs 2.60 to 2.66 in the Matter 2 Hearing Statement.
- 14.50 Paragraph 50 of the NPPF requires local planning authorities to deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities through planning for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community (such as, but not limited to, families with children, older people, people with disabilities, service families and people wishing to build their own homes).
- 14.51 The Self and Custom Housebuilding Act 2015 requires the Council to keep and maintain a register of individuals, and associations of individuals, who are seeking to acquire self-build serviced plots of land in the Borough for their own self build and custom housebuilding.

## **Evidence Base**

- 14.52 In 2015 the local authorities within the Braintree, Chelmsford, Colchester and Tendring Housing Market Area updated the evidence for both the Objectively Assessed Housing Needs Study (OAN) (July 2015) ([EBC 2.12](#)) and Strategic Housing Market Assessment Update (SHMA) (December 2015) ([EBC 2.16](#)).
- 14.53 The OAN Study was further updated in November 2016 ([EBC 2.13](#)) to review the findings of the original report in light of new evidence and produce a revised housing needs assessment for the same period 2013-2037. This ensures compliance with paragraph 47 and 50 of the NPPF 2012. It should be noted that as the Emerging Local Plan has been submitted before 24 January 2019, the criteria and/or methodologies of the NPPF 2019 have not been used within these reports.
- 14.54 The SHMA forms the main Evidence Base for the Council's assessment of specialist housing provision. This includes older persons, people with disabilities, family households, students and service families. The SHMA concludes that an additional 94 sheltered and extra care housing units should be provided each year within the OAN (920 dwellings per year). However, provision of these 94 units is dependent on future patterns of demand amongst potential residents of this accommodation increasing notably beyond current levels. As outlined in [Topic Paper 2 Housing Matters \(TP2\)](#), the Colchester market has responded to this demand with the delivery/proposals of sheltered and extra care schemes. Policy DM10 provides flexibility in terms of location for specific facilities for older people as these will likely be spread throughout

communities within the Borough. It is considered appropriate for specific allocation policies to refer to particular schemes where these are known to the Council, as shown through reference to the Extra Care scheme in Policy NC1. A planning application has been submitted for this site and is currently awaiting decision by the Council. Further information regarding this site is provided in the Council's Hearing Statement Main Matter 5.

14.55 To support the Emerging Local Plan, an Economic Viability Study for Colchester was prepared by The Three Dragons and Troy Planning + Design (June 2017) ([EBC 6.1](#)). This is discussed in more detail at paragraphs 14.18 to 14.29 above, however to note that it allowed costs and values for:

- 5% of delivery on sites over 100 dwellings as self-build
- 10% of market housing built to Part M(4)2 of Building Regulations, as per policies DM10 and DM12
- 95% of affordable homes built to Part M(4)2 of Building Regulations and 5% to Part M(4)3 of the Building Regulations as per policies DM10 and DM12.

14.56 These requirements were found to be viable alongside other policy requirements and as such support Policy DM10.

14.57 The Economic Viability study ([EBC 6.1](#)) also tested notional schemes of specialist retirement housing, for both sheltered and extra care housing. Both were found to be viable at full policy position.

14.58 Paragraph 5.21 of Topic Paper 2 – Housing Matters ([TP2](#)) provides an update for student housing need following publication of the University of Essex 2019-2025 Strategy. This demonstrates an increase in student numbers from 14,000 to 20,000 by 2025, with approximately 17,000 students on the Colchester Campus. Housing to meet this need is being delivered on and off campus from the University and private developers. As the University is located adjacent to the redevelopment areas in East Colchester, new student schemes have been able to meet the criteria outlined in policy DM10 of having access to public transport and university facilities and have benefited from the comprehensive management schemes and level of amenities associated with purpose-built student schemes.

14.59 The Council holds a register of individuals and/or associations of individuals who are seeking to acquire serviced plots of land within the Borough for self and custom build housing. The register was launched in May 2016. From launch to the end of the current base period (3 October 2020) there are 237 individuals and/or associations of

individuals on the register. Within the current base period (31 October 2019 to 30 October 2020) there were 54 additions to the register.

- 14.60 The Council are currently meeting the statutory duty to grant a planning permission for a sufficient number of suitable serviced plots, through granting permission for single dwelling developments. Single dwellings enable people to build their own home if they so desire. As outlined in the [Annual Housing Land Position Statement May 2020](#), there are approximately 75 single dwelling developments anticipated for delivery in the five year period 2020/21 to 2024/25.

### Representations

- 14.61 Five representations were received to Policy DM10, four of which were supportive of the policy. One suggested that the policy is too imprecise as to what quantum of housing is being sought and the nature of the specialist housing. It was further suggested that certain forms of specialist housing require a critical scale to be viable, and therefore suggested removing wording in the policy that requires all housing developments to provide a mix of housing types to suit a range of different households as identified in the latest SHMA. The Council do not consider it necessary to modify the policy as the wording provides flexibility to include examples of different housing types and tenures which may be appropriate. This will be considered on a case-by-case basis taking into account the individual characteristics of the site and the housing need (including type and tenure) at that time.
- 14.62 No modifications are proposed to policy DM10 or the supporting text.

## **Policy DM11: Gypsies, Travellers and Travelling Showpeople**

- 14.63 The Council have provided a detailed overview of how the CLP Section 2 meets the needs of Gypsies, Travelers and Travelling Showpeople in paragraph 2.67 to 2.75 in the Matter 2 Hearing Statement.
- 14.64 Paragraph 11 of the Planning Policy for Traveller Sites 2015 (PPTS) states: "*Criteria should be set to guide land supply allocations where there is identified need. Where there is no identified need, criteria-based policies should be included to provide a basis for decisions in case applications nevertheless come forward. Criteria based policies should be fair and should facilitate the traditional and nomadic life of travellers while respecting the interests of the settled community.*"
- 14.65 CLP Section 2 Policy DM11 provide specific guidance for gypsies, travellers and travelling showpeople. Paragraphs 5.22 to 5.24 of Topic Paper 2 outline the evidence base that underpins this policy.

### Colchester Gypsy Traveller Accommodation Assessment

- 14.66 The Colchester Gypsy Traveller Accommodation Assessment (GTAA) May 2017 ([EBC 2.4](#)) concludes that in Colchester over the period to 2033 there is a need for two additional pitches for nomadic travellers (who meet the planning definition as per the 'Planning Policy for Traveller Sites' August 2015) and a need for up to 13 additional pitches for Gypsy and Traveller households. This comprises 10 pitches for households who do not meet the planning definition as these households no longer travel or have ceased to travel permanently and 3 pitches for Romany Gypsies and Irish and Scottish Travellers who may be able to demonstrate a right to culturally appropriate accommodation under the Equality Act (2010). As there are no Travelling Showpeople identified in Colchester, there is no current or future need for additional plots.
- 14.67 There are currently 28 pitches/plots within Colchester for Gypsies and Travelers, including the Severalls Lane site which currently has 12 plots and is managed by Essex County Council (see figure 1 GTAA May 2017 [EBC 2.4](#)).
- 14.68 Policy DM11 continues to identify the overall need for 15 pitches, despite the change in definition only identifying a statutory need for two pitches over the Plan period. Although no direct site allocations are made in CLP Section 2 for gypsies, travellers and travelling show people, policy DM11 does identify that the existing site at Severalls Lane can accommodate an additional 6 pitches, with the Tendring Colchester Borders Garden Community expected to include pitches for additional provision, as identified in CLP Section 1 Policy SP8. This will be further identified through the Tendring Colchester Borders Garden Community - Development Plan Document (DPD).

14.69 Policy DM11 meets the requirement of PPTS paragraph 11 by identifying locations for development to meet the needs of Gypsy, Travellers and Travelling Showpeople as well as providing a criteria based policy to guide proposals for any further development of this type.

### Representations

14.70 Representations were limited to Policy DM11. They included proposed modifications from the Environment Agency which have been implemented as outlined below. Basildon Borough Council considered that the North Essex Authorities (NEAs) had not met the Duty to Co-operate by not accommodating Basildons unmet need for gypsy and traveller sites. This issue was considered by the Section 1 Planning Inspector. In the [Post Hearing Letter of 8 June 2018](#), he concluded that given the distance between the administrative area of Basildon Council and the NEAs it would be unrealistic to expect the NEAs to play any significant role in accommodating unmet need for gypsy and traveller sites in Basildon. The Planning Inspector did not find a failure of the Duty to Co-operate in this respect (see paragraph 9 of the letter).

### Proposed Modifications

14.71 As identified in Topic 1 Part 2 - Consequential Changes - Implications of National Legislation/Policy on Section 2 of the Colchester Local Plan ([TP1](#)), there is a need to modify policy DM11 to be consistent with national guidance. An additional clause is proposed to the policy to safeguard existing Gypsy and Traveller Sites from being lost through change of use. This change is also identified in the Draft Schedule of Recommended Modifications ([CBC 1.6](#)).

14.72 A further modification is proposed to Policy DM11 in response to the Environment Agency representation, seeking to ensure pitches are not located in areas of flood risk and to ensure appropriate drainage, and access to water supply and other utility services. Wording has been agreed through a Statement of Common Ground (SoCG) with the Environment Agency to this effect and is shown in the Draft Schedule of Recommended Modifications ([CBC 1.6](#)).

14.73 These modifications are considered necessary by the Council to set clear criteria against which proposals for pitches/plots will be assessed and to enable the policy to be justified and effective.

**Do policies DM8 to DM11 provide a clear direction as to how a decision maker should react to a development proposal?**

**Policy DM8: Affordable Housing**

- 14.74 Policy DM8 provides a clear indication of where, when and how affordable housing should be delivered through new development proposals in Colchester. The policy provides a clear direction to a decision maker when reacting to a development proposal.
- 14.75 Policy DM8 clearly states that new developments of 10 or more dwellings in urban areas and 5 or more dwellings in designated rural areas will be expected to deliver 30% affordable housing. The policy clearly outlines the approach to rural exception sites including the need for proposals to be supported by an approved local housing need survey. This approach is largely unchanged from the current Core Strategy which is widely understood and accepted.
- 14.76 The policy also identifies elements that will require further consideration and discussion between the developer and the Council. These include mix of housing, design and where additional evidence may be required (alternative affordable housing provision and rural exception sites).

**Policy DM9: Development Density**

- 14.77 Policy DM9 provides a clear indication of the factors that will be considered by the Council in establishing appropriate development densities and massing.

**Policy DM10: Housing Diversity**

- 14.78 Policy DM10 outlines how the housing needs of six specific groups will be met. The policy provides flexibility in terms of location, although does identify where necessary, specific locational criteria (i.e. student accommodation and access to public transport). There are also multiple cross references to other policies within CLP Section 2. It is therefore considered that the policy clearly outlines how a decision maker should react to a development proposal providing housing for various subgroups within the community of Colchester.

**Policy DM11: Gypsies, Travellers and Travelling Showpeople**

- 14.79 Policy DM11 is considered to provide a number of criteria to be considered in any development proposal which provides accommodation for gypsies, travellers and travelling showpeople. The policy clearly identifies two locations within the Borough which can be considered appropriate for this type of specific housing development.

14.80 Through a proposed modification as outlined in the Draft Schedule of Recommended Modifications ([CBC 1.6](#)), the policy will also provide clarity that change of use from an existing gypsy, traveller or travelling showpeople pitch/plot will not be supported unless it is demonstrated how the need is being met elsewhere or that there is no longer a need for the site.