

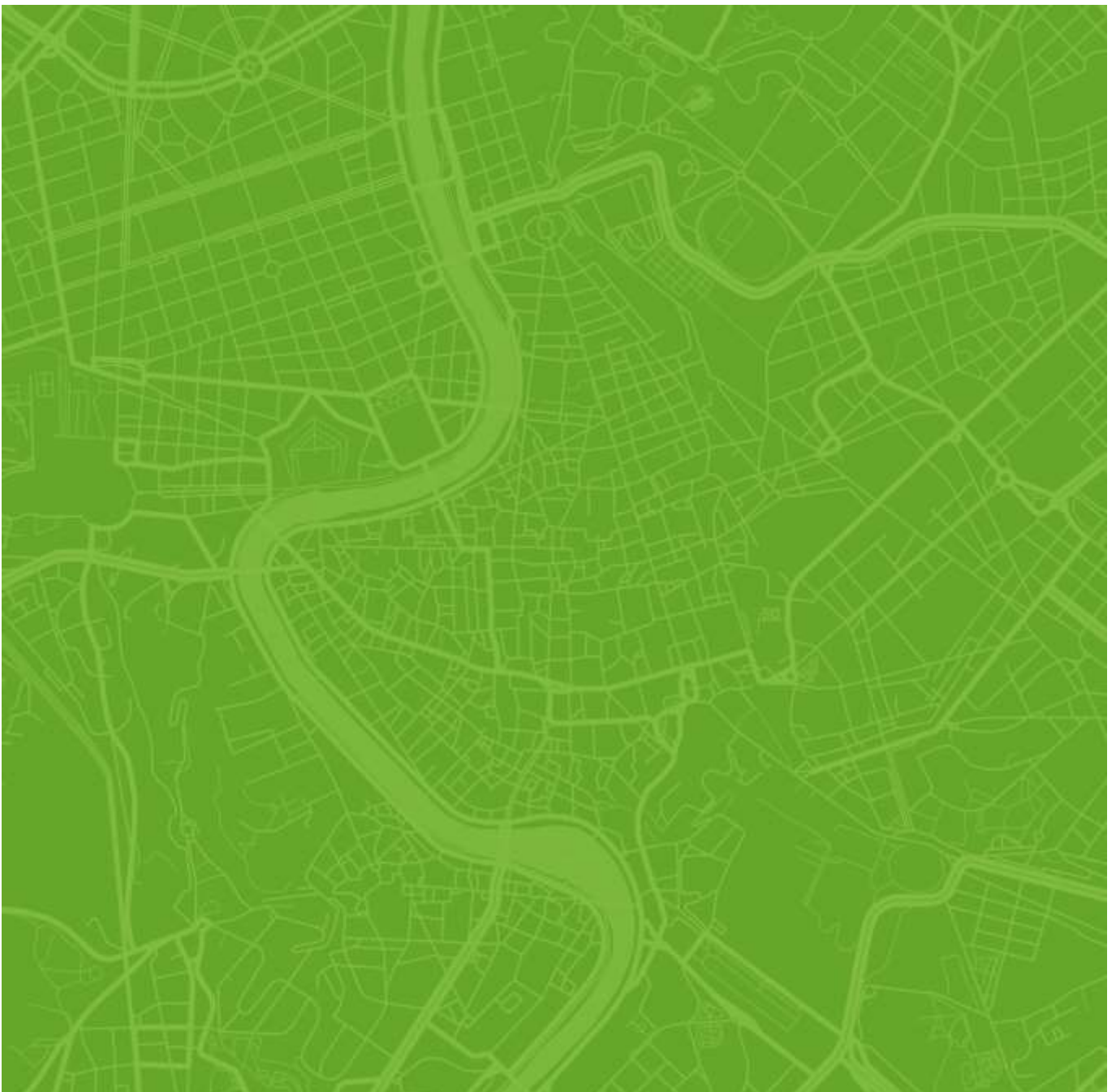
Colchester Borough Council

Review of Sustainability Appraisal of Colchester Section 2 Local Plan

Final report

Prepared by LUC

October 2020



Colchester Borough Council

**Review of Sustainability Appraisal of Colchester
Section 2 Local Plan**

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11243

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Chapter 1

Introduction and methodology

Introduction

1.1 LUC was commissioned by Colchester Borough Council in September 2020 to carry out a review of the Sustainability Appraisal (SA) of the Colchester Section 2 Local Plan. This was to provide the Section 2 Local Plan Inspectors with confidence that the SA is fit for purpose.

1.2 LUC is a market-leader in SA and Strategic Environmental Assessment (SEA) and has provided advice and support to Government on SA/SEA for many years. For example, we assisted the ODPM in researching and preparing the Consultation Paper on Guidance for Regional Planning Bodies and Local Planning Authorities on Sustainability Appraisal of Regional Spatial Strategies and Local Development Frameworks and also carried out the SEA of the national waste planning policy for DCLG. LUC has been involved in well over 100 SAs/SEAs of Local Plans, with no legal challenges to date. We have undertaken SA/SEAs of numerous development plan documents in authorities throughout the UK (including the Additional SA for the North Essex Section 1 Local Plan), many of which have passed the tests of soundness and have since been adopted.

1.3 The required outputs of the SA review were as follows:

- Review Colchester's Section 2 Local Plan Sustainability Appraisal Report [Draft Publication Local Plan Sustainability Appraisal Environmental Report (June 2017)] in terms of the scope of the SA and the process followed in relation to the legal requirements.
- Review and consider how the SA performs in relation to the criticisms that the Inspector made in relation to the Section 1 Local Plan SA.
- If the review identifies shortcomings with the SA, recommend the further work necessary to address these.

1.4 The findings of LUC's review are set out in this report.

Methodology

1.5 LUC's approach to the SA Review in order to meet these project requirements was as follows.

Review June 2017 SA Report for the Draft Publication Section 2 Local Plan

1.6 The review of the SA Report focussed on the appraisal process that was followed and the format and scope of information provided, rather than on the detailed appraisal judgements made.

1.7 It considered whether the SA report meets the requirements of the Strategic Environmental Assessment (SEA) Regulations. To support this approach, we used a review matrix that summarises the key reporting and procedural requirements of the Regulations in relation to plan appraisal. For each requirement, the review set out whether LUC considered it had been fully met and then provided recommendations on further work that could be done to either ensure the regulatory requirement is met in full and/or to follow good practice in SA. In relation to good practice, LUC drew on its extensive experience of SA as well as guidance on SA set out in the government's Planning Practice Guidance.

1.8 While a detailed review of SA reports prepared prior to the Draft Publication stage of the plan-making process was beyond the scope of the commission, the following elements of earlier SA work that had been carried forward into the 2017 SA Report were reviewed:

- *The SA framework* (Table 3 of the June 2017 SA Report): in order to check whether it covers all of the topics required by the SEA Regulations.
- *Alternatives*: the approach to the consideration of reasonable alternatives.
- *Consultation*: the opportunities afforded to stakeholders to comment on the SA at earlier stages of plan preparation and whether these representations appear to have been responded to in subsequent stages of SA.

1.9 LUC also reviewed any consultation comments received on the June 2017 SA Report (as identified by the Council) and considered whether any of these highlighted significant shortcomings in the SA work to date. The reviews of consultation comments and responses focussed on the process of receiving representations and taking account of these rather than the substance of the issues raised by all of the individual responses.

Review SA in relation to Inspector's criticisms of Section 1 Local Plan

1.10 The Inspector wrote to the North Essex Authorities in June 2018 advising them of the further steps required in order for the Section 1 Local Plan to be made sound and legally compliant. Several shortcomings were identified by the Inspector in relation to the SA of the Section 1 Local Plan. These are summarised below.

- *Objectivity of the SA*: the Inspector identified potential inconsistencies in the scoring of the alternative spatial strategies, and the use of evidence underpinning the SA scores, stating that *"the authors of the SA report have generally made optimistic assumptions about the benefits of the GCs [Garden Communities], and correspondingly negative assumptions about the alternatives, without evidence to support many of those assumptions. As a result, these assessments lack the necessary degree of objectivity and are therefore unreliable"*.
- *Clarity of the alternatives and reasons for selection*: the Inspector raised concerns regarding the difficulty of understanding the descriptions of the Garden Community options, the rationale for choosing particular alternatives, and the assumptions underpinning the rejection of the reasonable alternatives, including providing significant numbers of dwellings at or around existing settlements.
- *Selection of the Garden Communities and combinations for assessment*: the Inspector identified some confusion with respect to the basis upon which Monks Wood was assessed as a Garden Community option and questioned the conclusions of the SA with respect to different scales of growth at this location. Similarly, the Inspector challenged the rationale behind the combinations of alternatives and the reasons for selecting the preferred combination and rejecting others. The Inspector was of the view that equivalent assessments of the combinations were not comprehensive.

1.11 In relation to the first bullet point, LUC highlighted any aspects of the SA methodology for the Draft Publication Plan where we felt objectivity was lacking, including by reviewing the site appraisal pro-forma (Table 4 of the June 2017 SA Report) to check that the assessment criteria appeared reasonable and did not unduly favour any particular locations or forms of development.

1.12 Although the second bullet point above refers to the Garden Community options, LUC's review considered the treatment of reasonable alternatives by the SA more generally. Paragraph 35 of the NPPF lists the 'tests of soundness' for a Local Plan. The SA can contribute to demonstrating that the Local Plan is justified by considering the sustainability of the approach taken in light of the reasonable alternatives considered. In particular, the SA is required to outline how the reasonable alternatives were identified, why the rejected options were not taken forward and why the preferred approach was selected in light of the alternatives. This element of the review considered whether these procedural requirements had been met. The scope of

the review did not extend to detailed consideration of whether all reasonable alternatives had been identified for appraisal in relation to all policy areas covered by the Local Plan, although any potential gaps identified in the course of the wider review of the SA were noted.

1.13 The concerns expressed in the third bullet point above are specific to the Section 1 Local Plan and were not considered in the review.

Recommend further work

1.14 LUC identified any additional work which we considered to be needed in order to meet the requirements of the SEA Regulations or good practice or to address criticisms made by the Inspector in relation to the SA of the Section 1 Local Plan which could also be levelled at the Section 2 Local Plan.

Chapter 2

Findings and recommendations

2.1 This chapter sets out the findings of the review of the SA and outlines any associated recommendations for further work.

Compliance with the SEA Regulations and good practice

2.2 This element of the review considered each of the reporting and procedural requirements for SA/SEA of plans in turn and considered whether the requirement was fully met and provided comments on potential improvements. The findings are set out in **Table 2.1**.

Table 2.1: SEA Regulations review matrix

SEA Regulations Requirement	Addressed by SA of Publication Draft Section 2 Local Plan?	Comments
Preparation of an environmental report in which the likely significant effects on the environment of implementing the plan or programme, and reasonable alternatives taking into account the objectives and geographical scope of the plan or programme, are identified, described and evaluated (Reg. 12). The information to be given is (Schedule 2):		
a) An outline of the contents, main objectives of the plan or programme, and relationship with other relevant plans and programmes.	<p>Section 1.1.3 of the SA Report provides an outline of the contents of the plan.</p> <p>Section 1.1.1 describes the relationship with the adopted Local Plan and Section 1.1.2 describes that with the Section 1 Local Plan. The relationship with Neighbourhood Plans is not described despite the Local Plan containing a policy (SG8) on these.</p>	State which 'made' Neighbourhood Plans exist in the Borough and how the Section 2 Local Plan relates to these and to any future ones that may be prepared.
b) The relevant aspects of the current state of the environment and the likely evolution thereof without implementation of the plan or programme.	<p>Section 2.7 of the SA report describes the current state of the environment. As an integrated SA and SEA has been carried out, baseline information relating to other sustainability topics has also been included, for example, information about housing and transport.</p> <p>The description of the current state of the environment provides the baseline against which the effects of the plan are appraised and subsequently monitored and the SEA Regulations (Schedule 2(f)) specify the environmental topics to be considered. These topics include "human health" but the baseline only describes life expectancy and environmental issues such as air quality that have secondary effects on health. Also, the "water" topic describes water resources but not water quality.</p> <p>Likely future evolution of the baseline without the Local Plan is described in Section 2.8.</p>	<p>Expand the descriptions of the baseline and its likely future evolution without the plan to describe:</p> <ul style="list-style-type: none"> - The health and wellbeing of the Borough's residents. This could draw on sources such as the Census, the Local Authority Health Profile produced by Public Health England, and the Joint Strategic Needs Assessment for Essex. - Water quality in the Borough. This could draw on sources such as River Basin Management Plans and the Environment Agency's Catchment Data Explorer.
c) The environmental characteristics of areas likely to be significantly affected.	As for Schedule 2(b) item above.	As for Schedule 2(b) item above.
d) Any existing environmental problems which are relevant to the plan or programme including, in particular, those relating to any areas of a particular environmental importance, such as areas designated pursuant to Directives 79/409/EEC and 92/43/EEC.	<p>Section 2.9 of the SA Report describes the key sustainability issues facing the Borough, including issues affecting biodiversity sites designated under the Birds Directive and the Habitats Directive. In addition, the findings of the Habitats Regulations Assessment (HRA) of the Local Plan are cross-referenced in those of the SA. However, it is unclear whether the references to the HRA findings have been updated to reflect the final version of that document. For example, the last sentence on page 371 states "Uncertain impacts however exist regarding water quality, in line with the findings of the HRA" but this</p>	<p>Any additional issues highlighted by expanding the descriptions of baseline health and water quality issues, as recommended above, should be added to Section 2.9.</p> <p>Check that references to HRA findings reflect its final conclusions, including as a result of any mitigation that was implemented to allow an overall conclusion of no adverse effects on the integrity of any European site.</p>

Findings and recommendations

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SEA Regulations Requirement	Addressed by SA of Publication Draft Section 2 Local Plan?	Comments
	uncertainty must have been resolved because the HRA concludes no adverse effects on integrity.	
<p>e) The environmental protection, objectives, established at international, Community or national level, which are relevant to the plan or programme and the way those objectives and any environmental, considerations have been taken into account during its preparation.</p>	<p>Section 2.6 of the SA Report lists the documents whose objectives have been reviewed. The sustainability objectives considered to be of relevance to the Local Plan that were identified from this review have not been described. The description of how such objectives were taken into account by the SA is limited to a generic statement that they influenced the sustainability framework.</p>	<p>Whilst it is accepted that many or all of the documents listed at Section 2.6 may contain sustainability objectives that have some relevance to the Local Plan and SA, it is suggested that the SA focuses on international, Community or national level documents that are considered to be of particular relevance. For these documents, a brief description should be provided of the relevant objectives established by those documents and of where these are reflected in the framework of sustainability objectives against which the Local Plan has been appraised.</p>
<p>f) The likely significant effects on the environment, including on issues such as biodiversity, population, human health, fauna, flora, soil, water, air, climatic factors, material assets, cultural heritage including architectural and archaeological heritage, landscape and the interrelationship between the above factors. (Footnote: These effects should include secondary, cumulative, synergistic, short, medium and long-term permanent and temporary, positive and negative effects).</p>	<p>Table 3 of the SA Report sets out the framework of sustainability objectives against which the Local Plan was appraised. The final column of the table indicates the environmental topics set out in the SEA Regulations that each SA objective relates to. All of the topics that the SEA Regulations require to be examined are covered by at least one of the SA objectives.</p> <p>Both the table of scoring symbols at Section 3.2 and the site appraisal criteria in Table 4 of the SA Report provide a framework for clearly differentiating between those effects which are likely to be significant and other more minor effects. The nature of the effects is described under the sub-heading “Significant, Secondary and Temporal Effects” in each part of the appraisal and the level of significance ascribed to the effects is made clear by the scoring symbology.</p> <p>The site appraisal criteria in Table 4 suggest that the appraisal of the effects of site allocations and reasonable alternatives on heritage assets and their settings (SA objective 7) was an “in-house assessment”. It is not possible to confirm from the SA Report what methodology or evidence base were used to carry out this assessment and no heritage impact assessment was found in the published evidence base¹. As such, it was not possible to confirm whether the assessment approach appeared to be robust and in line with the approach recommended by Historic England in their Issues and Options consultation comments (see Table 1A, Appendix 2).</p>	<p>Add information to the site appraisal criteria in Table 4 to describe the basis of the appraisal of effects on the historic environment.</p> <p>Extend the discussion of the total effects of the Local Plan in Section 12 to discuss for each SA objective how these could combine with other key plans, projects, and underlying trends. This could draw on the information provided in Section 2.8 on the likely evolution of the baseline without implementation of the Local Plan, as well as a review of other relevant plans and projects, notably the development plans for districts bordering North Essex and county level plans.</p>

¹ <https://www.colchester.gov.uk/info/cbc-article/?catid=emerging-local-plan&id=KA-02202>

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SEA Regulations Requirement	Addressed by SA of Publication Draft Section 2 Local Plan?	Comments
	<p>The results of the SA for the different parts of the Section 2 Local Plan are set out in Sections 4-10 of the SA Report.</p> <p>The combined effects of each section of the Section 2 Local Plan are set out in Section 11.</p> <p>Section 12 deals with the effects of the Local Plan as a whole. While the commentary considers how the effects of the Section 2 Local Plan would combine with those of the Section 1 Local Plan, these could also combine with the effects of other plans, projects, and with underlying trends to become significant.</p>	
<p>g) The measures envisaged to prevent, reduce and as fully as possible offset any significant adverse effects on the environment of implementing the plan or programme.</p>	<p>The appraisal of each section of the Local Plan includes the sub-heading "Mitigation / recommendations". Although most of these sections state that no recommendations for mitigation were identified at the current stage, this is to be expected given that the plan is at the Draft Publication stage and in many cases, recommendations made at earlier stages will already have been implemented. This is borne out by the summary of recommendations at Section 13.4 of the SA Report which states whether SA recommendations made at the Preferred Options stage have been taken up.</p>	<p>None.</p>
<p>h) An outline of the reasons for selecting the alternatives dealt with,</p> <p>...and a description of how the assessment was undertaken including any difficulties (such as technical deficiencies or lack of know-how) encountered in compiling the required information.</p>	<p>Reviewed separately below this table.</p> <p>Assumptions made in the appraisal of sites and difficulties encountered are described at Section 16.3 of the SA Report. More general information is provided in the Quality Assurance Checklist (Table 112 of Appendix 3).</p>	<p>Reviewed separately below this table.</p> <p>None.</p>
<p>i) A description of measures envisaged concerning monitoring in accordance with Reg. 17.</p>	<p>Regulation 17 requires monitoring of the significant environmental effects of the plan's implementation.</p> <p>The SA Report describes the measures envisaged concerning monitoring as follows:</p> <p><i>"The Local Plan will itself be subjected to monitoring through the Borough Council's Authority's Monitoring Report (AMR) requirements. The broad scope of AMRs is such that they respond well to those likely significant effects on the environment required to be assessed under the SEA Directive..."</i></p>	<p>Include in the SA Report a table listing the main indicators from the AMR that are considered to be capable of identifying significant effects in relation to each SA objective or confirm that those set out in Table 3 form part of the AMR.</p> <p>The Regulations set out that monitoring is <i>"with the purpose of identifying unforeseen adverse effects at an early stage and being able to undertake appropriate remedial action"</i>. Since effects which the SA expects to be minor may become significant and vice versa, it is considered good practice to monitor the effects of the Local Plan in relation to all of the SA objectives that it seeks to meet. As the Local Plan is implemented and the likely significant effects become more</p>

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SEA Regulations Requirement	Addressed by SA of Publication Draft Section 2 Local Plan?	Comments
	While this description meets the letter of the Schedule 2(i) reporting requirement, it would be helpful to include information on the main monitoring indicators to be used. Currently, it is unclear whether the indicators listed in the SA Framework (Table 3) are reported by the AMR.	certain, the Council may wish to narrow down the monitoring framework to focus on those effects of the Local Plan likely to be significantly adverse.
j) A non-technical summary of the information provided under the above headings.	<p>A separate non-technical summary (NTS) of the SA of the Publication Draft Section 2 Local Plan has been prepared alongside the main report.</p> <p>The key sustainability issues set out in Section 2.9 of the Main SA Report are required to be reported by item Schedule 2(d) of the SEA Regulations and should be summarised in the NTS. According to the Table on page 2 of the NTS, this information is provided on pages 9-11 of the NTS but this is actually a summary of baseline sustainability conditions and no summary of Section 2.9 appears to be provided.</p> <p>The likely significant effects of individual components of the Local Plan set out in Sections 4-10 of the Main SA Report are required to be reported by item Schedule 2(f) of the SEA Regulations. According to the Table on page 3 of the NTS, this information is provided on pages 21-35 of the NTS but this is actually a summary of the reasons for selecting the proposed policies and does not identify likely significant effects.</p>	<p>Provide a summary of the key sustainability issues set out in Section 2.9 of the Main SA Report.</p> <p>Provide a summary of the likely significant effects of the Local Plan that are set out in Sections 4-11 of the Main SA Report. This could be achieved by reproducing the SA scores awarded to the proposed policies and site allocations.</p> <p>In addition, where the NTS summarises sections of the main SA Report for which recommendations are provided in this review report, the recommendations should also be borne in mind when summarising that information for the NTS.</p>
The report shall include the information that may reasonably be required taking into account current knowledge and methods of assessment, the contents and level of detail in the plan or programme, its stage in the decision-making process and the extent to which certain matters are more appropriately assessed at different levels in that process to avoid duplication of the assessment (Reg. 12(3)).	The SA Report is judged to meet this requirement, except as identified in the other detailed review points in this review report.	As per the other suggestions in this review report.
Consultation requirements		
Authorities with environmental responsibility, when deciding on the scope and level of detail of the information which must be included in the environmental report (Reg. 12(5)).	The SA Report states that a Scoping Report was prepared and consulted upon for five weeks between 1 July and 5 August 2014 but no information is provided in the SA Report about the consultation comments received or the Council's responses to these representations.	Add a table of representations received on the SA Scoping Report and responses/ actions taken in relation to these in Appendix 2 of the SA Report.

Findings and recommendations

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SEA Regulations Requirement	Addressed by SA of Publication Draft Section 2 Local Plan?	Comments
<p>Authorities with environmental responsibility and the public, shall be given an early and effective opportunity within appropriate time frames to express their opinion on the draft plan or programme and the accompanying environmental report before the adoption of the plan or programme (Reg. 13).</p>	<p>The SA Report states that an Issues and Options paper was prepared and consulted upon from 16 January to 27 February 2015 and that an SA Report accompanied the Preferred Options Paper (consultation dates not stated in the SA but appears to be 9 July to 16 September 2016). The consultation responses received on the SA Reports accompanying these two versions of the Local Plan are set out in Appendix 2 of the Publication Draft SA Report. The Publication Draft of the Local Plan was then subject to consultation during 16 June to 11 August 2017.</p> <p>Consultation comments on the SA at Preferred Options stage include that <i>“Part Two of the SA was not published by the Council until four weeks after the start of the Draft Local Plan Preferred Options Consultation.”</i> While this is not considered good practice, there is no explicit requirement in the SEA Regulations or Town and Country Planning (Local Planning) Regulations 2012 to consult on the SA at Regulation 18 stage. In addition, the Council has confirmed that the SA of the Preferred Options document was published for six weeks (5/8/2016-16/9/2016) with the end date coinciding with the end of consultation on the Preferred Options plan document. This is considered to have given consultees adequate time to consider the SA and use its findings to inform representations on the Preferred Options plan. Planning Practice Guidance advises that the development and appraisal of proposals in plans needs to be an iterative process, with the proposals being revised to take account of the appraisal findings. The Council’s response to the representation described above confirms that the findings of the SA were available to officers throughout the plan-making process and care was taken to assess sites and policies prior to finalisation of the Preferred Options plan for consultation.</p>	<p>None.</p>
<p>Other EU Member States, where the implementation of the plan or programme is likely to have significant effects on the environment of that country (Reg. 14).</p>	<p>Not required to be addressed as the Local Plan is not expected to have significant effects on other EU Member States.</p>	<p>None.</p>
<p>Taking the environmental report and the results of the consultations into account in decision-making (Reg. 16)</p>		
<p>Provision of information on the decision:</p>	<p>N/A – relates to dissemination of the adopted plan.</p>	<p>None.</p>

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SEA Regulations Requirement	Addressed by SA of Publication Draft Section 2 Local Plan?	Comments
<p>When the plan or programme is adopted, the public and any countries consulted under Reg. 14 must be informed and the following made available to those so informed:</p> <ul style="list-style-type: none"> ■ the plan or programme as adopted; ■ a statement summarising how environmental considerations have been integrated into the plan or programme and how the environmental report, the opinions expressed, and the results of consultations entered into have been taken into account, and 	<p>Although it is not a requirement of the SEA Regulations to report on how the findings of the SA have been taken into account until the adoption statement is prepared, it is good practice to document in the SA Report at Draft publication stage:</p> <ul style="list-style-type: none"> ■ Whether and how SA recommendations have influenced plan-making - The summary of recommendations at Section 13.4 of the SA Report generally says whether SA recommendations made at the Preferred Options stage have been taken up but this could be usefully extended to provide the Council's response to every SA recommendation, including those made by the SA of the Draft Publication Local Plan. For each recommendation that the Council does not intend to take up, the reason for this should be provided. ■ Consultation responses received on the SA at earlier stages and the Council's responses to these – This information is provided in Appendix 2 to the SA Report for the Issues and Options and Preferred Options stages of the SA but not for comments received on the SA Scoping Report. For the purposes of this review, the Council provided a separate document summarising the representations on the SA Scoping Report and the Council's responses to these. Where the Council's responses to comments on the SA Scoping Report, SA at Issues and Options stage, or SA at Preferred Options stage indicated an intention to amend the SA at a later stage, a check was made as to whether the response had in fact been implemented in the SA at Publication Draft stage (where it still appeared to be relevant). Most responses had been implemented but where they had not, a recommendation was made in the final column of this table if the recommendation was considered to remain relevant. 	<p>All of this should be explicitly addressed in an Adoption Statement after the Local Plan is adopted but for good practice, it is also suggested that the SA of the Publication Draft Section 2 Local Plan is amended as follows:</p> <ul style="list-style-type: none"> ■ Add information at Section 13.4 to make clear whether the Council intends to take up each outstanding SA recommendation and if not, the reasons for this. ■ Add at Appendix 2 a table of comments received on the SA Scoping Report and responses/ actions taken in relation to these. ■ Amend all references from "historic assets" to "heritage assets" for consistency with national policy (response 9 to English Heritage comments on SA Scoping Report).
<ul style="list-style-type: none"> ■ ...the reasons for choosing the plan or programme as adopted, in the light of the other reasonable alternatives dealt with; and 	<p>The treatment of reasonable alternatives by the SA of the Section 2 Local Plan is separately addressed below this table.</p>	<p>The treatment of reasonable alternatives by the SA of the Section 2 Local Plan is separately addressed below this table.</p>

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SEA Regulations Requirement	Addressed by SA of Publication Draft Section 2 Local Plan?	Comments
<ul style="list-style-type: none"> ■ ...the measures decided concerning monitoring. 	See item (i) above.	See item (i) above.
Monitoring of the significant environmental effects of the plan's or programme's implementation (Reg. 17).	N/A – activity to be carried out after the Local Plan is adopted.	This should be carried out after the Local Plan is adopted .
Quality assurance: environmental reports should be of a sufficient standard to meet the requirements of the SEA Regulations.	Except where noted above, the SA of the Publication Draft Section 2 is, in LUC's opinion, of a sufficient standard to meet the requirements of the SEA Regulations.	See above.

Objectivity of the SA

2.3 A general review of the appraisal methodology set out in the SA Report did not reveal any sources of bias or lack of objectivity.

2.4 LUC also reviewed the site appraisal pro-forma (**Table 4** of the SA Report) to check that the assessment criteria appeared reasonable and did not unduly favour any particular locations or forms of development. The criteria were generally judged to be reasonable and unlikely to result in a biased appraisal, although two issues were identified, as described below.

SA 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

2.5 One of the site appraisal criteria under this SA objective considers whether the site is proposed for residential development. For these residential sites, a minor negative effect is identified if the site is either not in conformity with the spatial strategy or is not “*what can be considered suitable and proportionate growth for the area / settlement*”. It is arguable whether this latter requirement is directly relevant to the stated objective to meet the housing needs of the Borough.

2.6 As such, this criterion could unfairly prejudice the perceived sustainability of sites that are large in relation to the nearest settlement but which nevertheless represent sustainable locations for development in terms of access to public transport links and avoidance of sensitive environmental assets, particularly if the development would provide new social infrastructure to serve the needs of new residents.

SA objective 4: To achieve more sustainable travel behaviour, reduce the need to travel and reduce congestion

2.7 In considering walking distance from a site to public transport, the framework does not differentiate between bus stops and train stations. It is generally accepted that people are prepared to walk further to access a train station than a bus stop since rail travel is generally faster than bus travel, especially for longer journeys and this assumption is borne out by statistics on actual travel habits².

2.8 This criterion could therefore unfairly prejudice the sustainability of sites that are within an acceptable walking distance of a train station (likely to be more than 800m) and fail to adequately distinguish their sustainability advantages

relative to sites that are within walking distance of a bus stop but not a train station.

Reasonable alternatives

2.9 The SEA Regulations require that the SA Report outlines the reasons that reasonable alternatives to be subject to appraisal were selected. The adoption statement is required to describe the reasons for choosing the plan in light of the other reasonable alternatives dealt with. In addition to these regulatory requirements, the Inspector for the Section 1 Local Plan raised concerns regarding the difficulty of understanding the descriptions of the (Garden Community) options. Review findings in relation to these requirements are set out below.

Reasons for selecting the reasonable alternatives to be subject to SA

2.10 In relation to the site allocation options, the Council applied a progressive filtering process to identify which Strategic Land Availability Assessment (SLAA) sites represented reasonable alternatives that should be subject to SA, as described at **Section 16.2** (in Appendix 1) of the SA Report. The first element of this process was identification of settlements deemed sustainable in terms of their level of service provision and function within an updated settlement hierarchy for the Borough. Sites not at sustainable settlements (other than the Garden Communities considered by the Section 1 Local Plan) were deemed not to be reasonable alternatives. The second element of this process was application of exclusionary criteria as part of the SLAA process. The criteria applied for different proposed land uses are reproduced in the SA Report and appear reasonable and consistent with national policy and the objectives of the Local Plan. In addition to these exclusionary criteria, the SLAA is reported to have considered other suitability, availability, and achievability factors in order to come to an overall conclusion on whether it should be deemed a reasonable alternative.

2.11 In relation to the remainder of the Local Plan policies (i.e. those not concerned with site allocations), each related section of the SA Report begins with a description of the rationale for the proposed policy and the policy wording. This is followed by a list of the reasonable alternatives considered. The potential advantages of these alternatives and hence the reasons that they were selected for appraisal are described under the sub-heading “*Reasons for selecting the preferred option in light of the reasonable alternatives*”.

2.12 As noted in the Methodology for the SA review, detailed consideration of whether all reasonable alternatives had been identified for appraisal in relation to all policy areas covered by

² See for example the discussion of National Travel Survey data in Wakenshaw G and Bunn N (2015) “How far do people walk?”. Available from:

<https://www.wyg.com/news-and-press-releases/new-research-on-walking-distances>

the Local Plan was beyond the scope of the SA review. In reviewing the consultation process it was noted, however, that two representations on the SA of the Draft Publication Local Plan related to the reasonable alternatives considered by the SA. These representations and LUC's views on them are set out in **Table 2.2**.

Table 2.2: Representations re. reasonable alternatives in SA of Draft publication local plan

Representation on Draft publication local plan	LUC comment
<p><i>"The assessment here is not robust in terms of its assessment of the scale of housing. It only assess one alternative (the previous OAN figure) and as a result the conclusion that the preferred approach is the most sustainable cannot be supported on the grounds that no higher alternatives and no alternatives lower than 903dpa have been assessed. This is a key flaw that brings into question the robustness of the SA."</i></p> <p>[Gladman Developments]</p>	<p>Although Policy SG2 of the Draft publication Local Plan includes reference to the number of homes to be provided in the plan period, this section of the policy merely repeats the corresponding information from the Section 1 Local Plan. As the SA Report for the Draft publication local plan makes clear at paragraph 5.2.1, <i>"alternatives to the OAN figures...have been explored in the relevant sections of the Section One SA."</i> In LUC's view, this is appropriate since as stated at paragraph 5.2 of the SA <i>"the boundaries of Colchester's Strategic Housing Market Area have been determined to also include Braintree, Chelmsford and Tendring"</i>. The Section 1 Local Plan and its accompanying SA have been subject to exhaustive scrutiny through a separate Examination process and at the time of writing the appropriateness of the housing numbers provided for by the plan continue to be examined in light of the latest evidence.</p>
<p>Representation calls for an alternative to Policy SG8 - Neighbourhood Plans to be considered. The suggestion appears to be that the Local Plan encourages Neighbourhood Plans to provide for housing that is additional to the housing delivery figures set out earlier in the Local Plan, in order to reduce the risk of under-delivery in the early part of the plan period, before housing from large strategic allocations can be delivered.</p> <p>[Bloor Homes, Strutt & Parker]</p>	<p>It is suggested that the Council considers whether the suggested policy approach represents a reasonable alternative to the Draft Publication Local Plan wording of Policy SG2 and sets out its reasoning during the Examination process.</p>

Suggested additional work to fully comply with the SEA Regulations or good practice

2.13 The reasons for selecting the reasonable alternatives to be subject to SA are adequately set out. Other recommendations are set out in **Table 2.2**.

Clarity of description of the reasonable alternatives

2.14 In relation to the site allocation options, **Sections 16.4-16.26** (Appendix 1) of the SA Report provide tables listing the proposed and reasonable alternative SLAA sites for each area/settlement of the Borough in which allocations were considered. These set out the reference number, name, proposed use, and potential yield/size of each site and are therefore considered to provide a clear description of the reasonable alternatives.

2.15 In relation to the remainder of the Local Plan policies (i.e. those not concerned with site allocations), each related section of the SA Report begins with a description of the rationale for the proposed policy and the policy wording. This is followed by a list of the reasonable alternatives considered.

Suggested additional work to fully comply with the SEA Regulations or good practice

2.16 None. The reasonable alternatives are clearly described.

Reasons for choosing the proposed approach and rejecting the reasonable alternatives

2.17 In relation to the site allocation options, **Sections 16.4-16.26** (Appendix 1) of the SA Report provide tables listing the proposed and reasonable alternative SLAA sites for each area/settlement of the Borough in which allocations were considered. These clearly set out the reasons for selecting each preferred site and rejecting each of the remaining sites.

2.18 In relation to the remainder of the Local Plan policies (i.e. those not concerned with site allocations), each related section of the SA Report begins with a description of the rationale for the proposed policy. Each section goes on to present a table under the sub-heading *"Reasons for selecting the preferred option in light of the reasonable alternatives"* that clearly describes why each reasonable alternative was not selected in preference to the proposed approach.

Suggested additional work to fully comply with the SEA Regulations or good practice

2.19 None. The reasons for choosing the proposed approach and rejecting the reasonable alternatives are adequately set out.

Chapter 3

Conclusions

3.1 LUC was engaged by Colchester Borough Council to carry out an independent review of the SA of the Colchester Section 2 Draft Publication Local Plan, to help demonstrate that the SA complies with the relevant legal and statutory requirements and takes account of good practice guidance.

3.2 In our professional opinion, the SA to date has been carried out to a good standard that is in line with the SEA Regulations. It has been undertaken objectively and consistently to a clear methodology. As set out in our review, there are aspects of the SA that could be improved in line with good practice in order to further strengthen its robustness.

3.3 In order to continue to meet the requirements of the SEA Regulations and good practice, further SA work will need to be carried out by the Council as the Local Plan progresses towards adoption, in particular appraisal of modifications to the Local Plan that are capable of significant effects, preparation of a post-adoption statement, and monitoring of the significant effects of the plan.

LUC

October 2020