



# Colchester Local Plan: Section Two

## Statement of Common Ground with Essex County Council and Colchester Borough Council

April 2021

## **Colchester Borough Council Section 2 Local Plan**

### **Statement of Common Ground**

#### **Between Essex County Council and Colchester Borough Council**

1. This Statement of Common Ground has been prepared to identify the areas of agreement between Essex County Council (ECC) and Colchester Borough Council as the Local Planning Authority (CBC) on matters relating to the CBC Section 2 Publication Draft Local Plan (SDCBC/001/1/2) and the representations submitted by ECC concerning that document.

2. General Matters

ECC agrees that CBC has worked collaboratively with ECC throughout the plan making process. For Section 1 of the plan, Colchester, Braintree and Tendring councils worked collaboratively with ECC to address strategic cross-boundary issues that have been properly considered and where appropriate reflected in the Local Plan, including development of plans for a Garden Community at Tendring Colchester Borders. As outlined in CBC's Duty to Cooperate Statement (ref CBC 4.12) ECC has been involved in the drafting of policy wording and has provided detailed commentary in response to plan consultations which has consolidated views from the full range of County functions.

ECC is a 'top tier' local authority which incorporates CBCs administrative area. ECC is the local highway and transportation authority; local education authority including early years and childcare, Special Education Needs and Disabilities, and Post 16 education; Minerals and Waste Planning Authority; Lead Local Flood Authority; lead advisors on public health; and provider and commissioner of adult social care for the borough.

CBC has fully engaged with ECC on the development of the Colchester Borough Local Plan and ECC has been formally consulted at every stage of consultation on the Local Plan together with its accompanying SA and the HRA. CBC has also engaged with ECC on the preparation of the Infrastructure Delivery Plan which accompanies the Local Plan.

ECC consultation responses accordingly have reflected their overall agreement with plan objectives while seeking to ensure the accuracy and appropriateness of detailed wording. CBC has incorporated ECC wording suggestions made at the Preferred Options stage (reg 18) and are supportive of the minor modifications suggested at the Publication Draft stage (reg 19).

## COLCHESTER BOROUGH COUNCIL /ECC AGREED AMENDMENTS TO LOCAL PLAN SECTION TWO

CBC Rep number	Local Plan Section or Policy	Summary of Representation	Agreed response
6205	SG2	Further clarity is needed in order to comply with the NPPF. Section 1 states 18,400 homes will be delivered over the plan period 2013-2033. Whereas Section 2 states 14,720 will be delivered over the period 2017-2033. The Local Plan should state what has been provided between 2013-2016, so it's clear that CBC is meeting its OAN of 18,400 for the plan period 2013-2033.	Add note to the Table to illustrate consistency with Section One (SP3) as follows; <b>ADD Note SP3 in Section One refers to the housing supply period of 2013-2033 therefore refers to a higher supply total of 18,400.</b>
6203	SG7	Add additional text at the end of the 4 <sup>th</sup> paragraph: 'The Council may consider introducing a Community Infrastructure Levy (CIL) and may implement such for areas and/or development types where a viable charging schedule would best mitigate the impacts of growth. Section 106 will remain the appropriate mechanism for securing land and works along with financial contributions where a sum for the necessary infrastructure is not secured via CIL.  For the purposes of this policy the widest reasonable definition of infrastructure and infrastructure providers will be applied. Exemplar types of infrastructure are provided in the glossary appended to this plan	Amend as suggested.
6204	Para 12.82	Add additional text:	Amend as suggested .

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		In considering the potential requirements from development on ECC services and infrastructure reference should be made to the <b>latest version of the</b> ECC Developers' Guide to Infrastructure Contributions. <del>(2016) or amended versions</del>	
6207	ENV2	Hedgerows are not protected per se. It is only when a hedgerow has been subject to a Hedgerow Retention Notice that it becomes protected. The regulations are the Hedgerows (note the s) Regulations 1997.	Amend as suggested. <i>Change paragraph 13.9 as follows:</i> <del>Protected</del> Hedgerows <b>subject to a Hedgerow Retention Notice</b> must be assessed by the Local Planning Authority's Landscape Officer against criteria set out in the Hedgerows Regulations 1997. Where a hedgerow is deemed to be 'Important' under the Hedgerows Regulations, the developer must demonstrate that adverse impacts upon the important hedgerow will be avoided. This is necessary as the loss of both protected 'Important' and other significant hedgerows is difficult to mitigate against as they cannot easily be recreated as either a landscape or ecological feature.
6211	Para 14.35	A change is required for clarification. The station is served by a single Train Operating Company (TOC) but this has changed with the franchise over time; however, all successive TOCs have continued to commit to this project.	Amend as suggested: The Colchester Station Travel Plan was developed in partnership with <del>the</del> <b>successive</b> Train Operating Companies and Essex County Council and has been running since 2008

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6215	SC2	A change to Policy SC2 is required to ensure provision of a primary school and early years and child care facilities as a direct result of the development and to meet education needs arising from other Local Plan allocations in south Colchester. This requirement is detailed in the CBC Infrastructure Delivery Plan (as communicated to CBC by ECC) but needs to be included in the site policy itself.	Amend policy to add: <ul style="list-style-type: none"> <li>• <b>A new primary school with co-located early years and childcare nursery on 3 hectares of suitable land allocated for education and childcare use</b></li> <li>• <b>A new 56 place stand-alone early years and child care nursery on 0.13 hectares of suitable land allocated for education and childcare use</b></li> <li>• <b>Financial contribution to early years and childcare, primary and secondary education provision as required by the Local Planning Authority primarily through Section 106 Planning Obligations or the Community Infrastructure Levy</b></li> </ul>
	WC2	<p>Amend first paragraph of the policy to remove reference to 'existing capacity issues at the primary schools'. The measures as currently listed are/will be implemented by ECC to address forecast growth and are not a result of Local Plan growth. Not necessary to list measures in policy. Amended wording is provided.</p> <p>Policy WC2 (Land off Dyers Road etc.) Contributions towards education should be paid by all sites listed in Policy WC2 and not just Dyers Road. Better approach is not to list</p>	<p>CBC is proposing to add 'education provision' to the infrastructure covered in PP1. Amend First paragraph of WC2- 'Allocations as shown .... In addition to meeting the requirements set out in Policy PP1, <del>existing capacity issues at the .... and by the provision of a new primary school at Lakelands.</del> a new primary school will be required on 2.1 hectares of <b>suitable</b> land <b>allocated for education and childcare use</b> to the north of London Road in a location to be decided. The primary school will be secured through a S106 agreement and will</p>

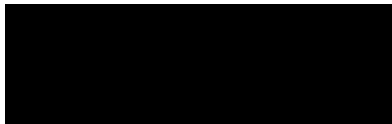
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		specific contributions against individual allocations but ensure Policy SG7 applies to all sites and Policy PP1 covers education.	be co-located with an early years and childcare <b>nursery</b> . An additional 0.13 hectares of <b>suitable</b> land for a 56 place early years and childcare <b>nursery</b> will also be required in Stanway in a location to be decided. <b>All new residential developments in Stanway will be expected to contribute towards new education facilities. Commercial developments may be expected to contribute to Early Years and Childcare facilities.</b>
6213	Para 14.202	Correct Plan title: The current Essex and <b>South</b> Suffolk Shoreline Management Plan	Amend as suggested.
6222	Policy DM2	A change is required to ensure state funded schools are excluded from the policy's provisions. Policy DM3 covers education provision. As currently worded, Policy DM2 could prevent the relocation of a school into new buildings or the sale of an asset to fund improved education services. The change will also ensure consistency between Policies DM2 and DM3.	Add new criteria (iv) as follows: <b>The proposal involves a state funded school which is seeking to relocate into new buildings or sell assets to fund improved education services.</b>
6223	Policy DM3	A change is required to change the focus of Policy DM3 so that it is positively worded to facilitate delivery. This would ensure compliance with the NPPF. As currently worded, the policy (in combination with Policy DM2) could prevent the relocation of a school	Change Policy DM3 by deleting the first paragraph and replacing with the following text, with the last paragraph remaining unchanged.  <b>Sites that are in private or public</b>

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		<p>into new buildings or the sale of an asset to fund improved education services. The changes will also ensure consistency between Policies DM2 and DM3.</p> <p>.</p>	<p><b>education use or have recently ceased to be used for education purposes will be protected for that use.</b></p> <p><b>Where in whole or in part educational use of a site is redundant or proposals for alternative use are put forward, re-development of buildings and/or the grounds will be supported where the local community is and will remain adequately served by alternative provision and receipts from the sale of the land will be invested in improved or expanded education facilities in the locality.</b></p>
6220	Policy DM22	<p>Change first paragraph to read ‘...the most recent local Parking <del>Guidance</del> <b>Standards</b> taking account of...’</p> <p>Changes second paragraph to read ‘...with the most recent local Parking <del>Guidance</del> <b>Standards</b> with a more flexible approach....’</p>	Agree amended wording.
6220	Policy DM22	Change Policy DM22 to require the provision of electric charging points for residential development. The change is required to ensure that all development provides for electric vehicle charging not just non-residential development in accordance with national planning policy and guidance.	<p>Add new criteria (v) as follows:</p> <p><b>The need to ensure facilities are incorporated for electric and other ultra-low emission vehicles.</b></p>



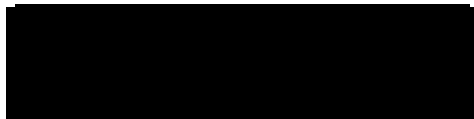
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6224	Para 15.123	Amend paragraph to read '.....within the relevant Transport Assessment and <b>Transport Statement.</b> '	Agree amended wording.

Signed



Karen Syrett  
Colchester Borough Council

9 April 2021



Graham Thomas  
Essex County Council