

*Colchester Borough Council*  
*Local Plan Examination of Section 2*  
*Topic Paper 1 - Part 1*  
*Consequential Changes to Section 2 arising from Section 1*  
*March 2021*

## **1.0 Overview**

- 1.1 This Topic Paper explores the implications to the Section 2 Colchester Local Plan as a result of modifications made through examination of the Section 1 Colchester Local Plan. The spatial strategy does not fundamentally weaken as a result of the loss of two garden communities (across Braintree, Colchester and Tendring) or impact the ability of the remaining allocations within the Plan from meeting the overall housing target.
- 1.2 Although there are a number of modifications which will be required to Section 2, these are limited in scope and do not result in significant policy modifications or have any bearing on the soundness of the Local Plan.

## **2.0 Introduction**

- 2.1 The Colchester Local Plan was submitted as a hybrid document containing a Section 1 jointly prepared with Braintree and Tendring District Councils; along with a Section 2 containing policies and allocations for Colchester Borough. This division of Colchester's Local Plan into two separately examined sections has introduced a need to review Section 2 in light of alterations to Section 1 made post-submission through the examination process.
- 2.2 This Topic Paper refers to the adopted version of the Section 1 plan which has incorporated the modifications proposed by the Inspector and consulted on from 27<sup>th</sup> August – 9<sup>th</sup> October 2020. The Section 1 plan was adopted by the Council on 1<sup>st</sup> February 2021. Appendix A provides a schedule of proposed modifications to Section 2 that are considered to be required as a result of proposed modifications to Section 1.
- 2.3 The Inspector's letter of 15<sup>th</sup> May 2020 to the North Essex Authorities (NEAs) established that he concurred that the plan was legally compliant, met the Duty to Cooperate and was based on sufficiently robust Sustainability Appraisal and Habitats Regulation Assessment work.

2.4 The Inspector considered that the housing requirement was soundly based, however he did subsequently consult on the implications of the 2018 housing projections in the event they might have implications for housing numbers in the plan. The Councils have responded by noting that the 2018 numbers did not raise any issues for Colchester or Tendring, and that variations affecting Braintree did not warrant plan alterations at this stage.

2.5 He noted the hybrid nature of the plan, and accepted that initial consideration of Section 1 would provide an appropriate context for the more detailed allocations and policies contained in Section 2:

*The Section 1 and Section 2 Plans have distinct and complementary roles. Section 1 deals with cross-boundary issues: it provides a spatial portrait of and a strategic vision for the North Essex area, sets out the requirements for housing and employment growth for each of the three districts, and highlights key strategic growth locations across the area. The Section 2 Plans are intended to operate at individual local authority level, providing the strategy for the distribution of, and identifying sites for, most of the new development which each NEA proposes to accommodate in its district. (Paragraph 9, Inspector's Post-Hearing Letter May 15<sup>th</sup> 2020, IED022)*

2.6 The Inspector subsequently issued a letter on 10<sup>th</sup> December 2020 finding that the North Essex Authorities' [NEAs] Shared Strategic Section 1 Plan provided an appropriate basis for the planning of the NEAs' area, provided that a number of main modifications were made to it. Colchester Borough Council adopted Section 1 on 1<sup>st</sup> February 2021.

### **3.0 Key Section 1 Change – Deletion of Two Garden Communities**

3.1 The Inspector's 15<sup>th</sup> May 2020 letter (IED022) clearly framed the main issue governing his view on the soundness of the Section 1 plan. Having concluded the plan met soundness tests on the points noted above, he recommended that the authorities should either propose and consult on main modifications to remove the Colchester / Braintree Borders (CBB) and West of Braintree (WOB) GC proposals from the Plan, or withdraw the Plan from examination. His proposed modifications including this change followed upon the NEA's notification that they wish to proceed with a modified plan.

3.2 Deliverability provided the basis for the Inspector's recommendation to delete two Garden Communities. He considered that only the Tendring Colchester Borders (TCB) GC met this test. This change raises the following potential impacts on Colchester's Section 2 plan:

#### **Spatial Strategy**

3.3 The Inspector did not question the potential role of Garden Communities in addressing the sustainable long-term growth needs of the North Essex Authorities. His concern was that the proposed WOB and CBB communities would not meet this objective because they couldn't be delivered. Colchester's spatial strategy still retains the TCB Garden Community as a key element in the Council's long-term sustainable growth strategy. Furthermore, the Inspector was satisfied that it was appropriate in light of Colchester's spatial structure:

*263. The broad location for the proposed Tendring / Colchester Borders GC is close to Colchester, the largest town in North Essex, to which it would be connected by RTS Route 1. The GC would have access to the wide range of employment, retail, leisure, healthcare and other facilities in Colchester, in addition to those that would be provided within the GC itself, and to employment opportunities at the adjacent University of Essex and Knowledge Gateway. Tendring district has a very strong commuting relationship with Colchester, and weaker relationships with Braintree and other destinations to the west of Colchester. As a result, the accessibility of the proposed GC is not critically dependent on the delivery of the other RTS routes. (Inspector's Post Hearing Letter 15<sup>th</sup> May 2020 IED022)*

3.4 The loss of the CBB Garden Community does not fundamentally weaken the approach of the Council's spatial strategy which combines Garden Communities with continuing Colchester urban area infill and extension; proportionate growth of 16 Sustainable Settlements; and protection and enhancement of countryside areas.

3.5 **Housing Allocations** - As the Housing Topic Paper demonstrates, the loss of units from CBB will not affect the ability of the other remaining allocations in Colchester's Plan (combined Section 1 and Section 2) to meet its target of 920 houses a year to the end of the plan period, 2033. Allocations already in the plan provide a sufficient buffer to address the shortfall arising from the loss of the 1,350 units shown for Colchester Braintree Borders (CBB) in the SG2 Table of Colchester's Housing Provision. Table SG2 will require modifications to show the deletion of CBB numbers and to reflect the inclusion of a range for Tendring Colchester Borders of 1100-1250 rather than a single figure of 1250. Additionally, a note will need to be added to the bottom of the table to reflect the fact that the 2017-33 figures in the Table reflect the plan period of 2017-33 used at time of submission rather than the 2013-33 plan period subsequently agreed through the Section 1 adoption process which brought Colchester's start date into alignment with Braintree and Tendring's.

3.6 The CBB Garden Community would have had a significant effect on the community of Marks Tey. Policy SS11 (Marks Tey) in Section 2 states that growth there would be guided by plans for the Garden Community as well as a Neighbourhood Plan under development. Accordingly, the policy will require modification to delete the reference to the joint Development Plan Document for the Garden Community. The Council considers

that Marks Tey' status as a Sustainable Settlement does not necessarily mean that housing allocations need to be made there. Firstly, as noted above, further housing allocations are not required to add to overall delivery totals. Secondly, while the Borough's spatial hierarchy provides that Sustainable Settlements in general are preferred locations for development outside the top tier of the urban area of Colchester, alongside the Garden Community, the category begins with an assessment of the community's existing sustainability, including the size of population and availability of services. The Sustainable Settlements were then assessed for their potential to accommodate future growth. While most were then allocated housing delivery targets, Dedham stands out because it was not allocated further growth. Dedham village was considered a sustainable settlement for the purposes of the spatial strategy, but it is heavily constrained by its location within an AONB and was lacking in suitable and available development land. Land allocation is accordingly not a prerequisite for Sustainable Settlement status. While the current Regulation 16 Marks Tey Neighbourhood Plan, however, does not propose allocations, the Neighbourhood Plan route could in future allow for this option.

3.7 The primary practical change arising from the deletion of two Garden Communities is the need to make minor modifications to Section 2 to delete references to them and to change tenses from plural to singular – i.e. Garden Community rather than Garden Communities.

### **Economic Growth**

3.8 The Inspector's Post-Hearing letter of 8<sup>th</sup> June 2018 (IED11 pp27-29) stated that while he accepted the appropriateness of including a range of employment land allocation requirements, the higher end for Colchester was 'unrealistically high and needs to be replaced'. His proposed modifications therefore provide a range of 22-30 hectares of employment land required rather than 22-55.8. The lower 30 ha. figure is based on an alternative East of England Economic Forecasting Model scenario contained in the Council's evidence base which the Inspector considered to be 'a robustly-justified figure which would allow adequate headroom for future economic growth'. The reduction in the lower end of the range has implications for the allocations made in Section 2 in Policy SG3. These have already, however, been changed from their previous total of 44.2 down to 35.3 due to the following reasons:

- Reduction of Stanway allocation from 15.6 to 5.4 hectares as a result of planning consents granted for alternative uses.
- Deletion of 1.7 ha. of employment land at the Colchester Braintree Borders Garden Community.
- Increase in the Other Areas category to reflect reinstatement of employment land in Marks Tey at the Andersons timber yard site allocation of 3ha that was included in the 2010 Proposals Map but not included in the Submission Policies Map.

- 3.9 No further adjustments are considered to be required since the new total of 35.3 is considered to be acceptable with the new upper end range of 30 hectares. It is over the top figure, but flexibility in provision is appropriate given the current uncertain economic climate and the need to provide choice to cater for evolving demand in different sectors.
- 3.10 The Inspector also requested the Section 1 policies be modified to include employment land figures for the Garden Community. SG3 already included such a figure for TCB for the plan period but a modification is proposed to include the further 25 hectares to be allocated in the Garden Community as a whole for development post-2033.

### **Other Section 1 Changes Impacting Section 2**

- 3.11 The schedule in Appendix A includes the following additional consequential changes to Section 2 arising from modifications to Section 1 which are minor in nature:
- Cross-reference to new Section 1 policy SP2 on Recreational disturbance Avoidance and Mitigation Strategy (RAMS) in Policies ENV1 (Environment) and PP1 (Generic Infrastructure and Mitigation Requirements)
  - Addition of reference to the Council's declaration of a Climate Emergency in Policy CC1 (Climate Change)
  - Inclusion of agreed wording on water supply enhancements in Policy PP1
  - Addition of further information on the Rapid Transit route serving the Tendring Colchester Garden Community in Policy TC4 (Transport in the Town Centre), Policy NC4 (Transport in North Colchester), and Policy EC4 (Transport in East Colchester)
  - Clarification of terminology for Heritage Impact Assessments in Policy DM16 (Historic Environment)

## **4.0 Conclusion**

- 4.1 In conclusion, the consequential changes arising from Section 1 affecting Section 2 are considered to be limited in nature and do not generate the need for significant policy modifications to Section 2, nor have any bearing on the soundness of the Local Plan.

## *Topic Paper 1 - Part 2*

### *Implications of National Legislation / Policy on Section 2 of the Colchester Local Plan*

#### **1.0 Introduction**

1.1 This section of the Topic Paper highlights any changes in National Legislation / Policy since submission of the Plan and identifies any implications for the Section 2 Local Plan and the bearing of these on the soundness of the Plan. It covers the following;

- The 2019 NPPF
- The changes to the Use Classes Order
- Any other Legislative changes

#### **2.0 Implications of the Revised NPPF 2019**

2.1 As the Local Plan was submitted in October 2017 it is being examined under the transitional arrangements and therefore will be examined for consistency against the 2012 NPPF. However, given the time that has passed since submission it is sensible to take a pragmatic approach and consider where any fundamental differences in the revised NPPF have a bearing on the *implementation* of the policy as drafted and therefore any bearing in terms of soundness of the Plan.

2.2 The specific areas where key changes to the NPPF 2019 relevant to the Colchester Section 2 Local Plan are confined to the following;

- Rural areas / environment / countryside
- Town Centres uses / economy policy requirements
- Design and the Historic environment (Including national design guide published October 2019)
- Housing and the Standard Methodology

2.3 Each of these is considered separately highlighting the policies which are affected and an indication of the effect on the soundness of the Plan.

#### **3.0 Rural Areas / Environment / Countryside**

3.1 Colchester's natural environment is extremely diverse and important. The countryside provides the attractive landscape setting that defines and characterises the villages and rural communities of Colchester Borough. The countryside and coastal areas also provide important agricultural, tourism and recreational opportunities that support local economies and communities. The Dedham Vale Area of Outstanding Natural Beauty

(AONB) is partly located within the Borough and has the highest level of protection in relation to its natural beauty and special qualities.

- 3.2 The Section 2 Local Plan provides the policy context for seeking to conserve and enhance the natural environment. A comprehensive suite of policies in the submitted Section 2 Local Plan address the strategic policy context covering the natural, built and historic environment, including landscapes and green infrastructure and climate change as well as the intrinsic character of the countryside. The policies were drafted in the context of NPPF 2012 and as such are fully compliant with that. Where the revised 2019 NPPF introduces any change in emphasis or, introduces new guidance consideration is given to the implications on the plan as submitted.
- 3.3 The key elements of the 2019 NPPF which introduce a subtle change in emphasis is around the protection of the countryside, particularly beyond those areas which are covered by special designations. It specifically introduces a new reference to 'recognising the intrinsic character and beauty of the countryside'. (paragraph 170). In respect of biodiversity and geodiversity the 2019 NPPF makes a shift towards protecting and enhancing as opposed to minimising impacts, paragraph 174, now refers to 'protect and enhance' rather than 'minimise impacts'. It also introduces additional / stronger reference in criteria (b) of paragraph 174 to 'pursue opportunities for securing measurable net gains for biodiversity' which is aligned to the Environment Bill.
- 3.4 In relation to irreplaceable habitats, the 2019 NPPF introduces stronger wording (paragraph 175) referring to 'wholly exceptional reasons and a suitable compensation strategy exists' rather than the wording in 2012 which indicates 'unless the need for, and benefits of, the development in that location clearly outweigh the loss'.

### **Relevant Section 2 Policies**

- 3.5 The key policy which covers these issues is Policy ENV1- Environment, as the overarching policy, also relevant, are policies ENV2 - Coastal Areas, ENV3 - Green Infrastructure, ENV4 - Dedham Vale Area of Outstanding Natural Beauty and ENV5 – Pollution and Contaminated Land. Although the NPPF 2019 introduces some changes as referenced above, for the most part the Council consider that the policy wording currently drafted sufficiently covers the intention of the national guidance. It is however acknowledged that some minor modifications to the wording, particularly to Policy ENV1, would provide a more robust context to more accurately reflect the change in emphasis introduced by NPPF 2019, whilst remaining in full conformity with the NPPF 2012 as required for Examination purposes. A full schedule of these proposed Modifications are provided in Appendix A to this Topic Paper. It is not considered that any changes to address these matters have any implications on the soundness of the Plan.
- 3.6 The Local Plan provides the planning framework and context to contribute to the delivery of sustainable development. Underpinning this, is the Spatial Strategy provided by Policy

SG1. It is clear from this that the main focus for development is within the most sustainable locations based on a hierarchy of the Colchester Urban Area, Sustainable settlements and Other villages, with all remaining areas comprising the countryside. This fundamental approach fulfils the principles and objectives of sustainable development and is fully compliant with the NPPF, with little or no change to this in the 2019 NPPF. Further policies in the Local Plan cover detailed considerations in relation to housing and economic development in the countryside and the suitability in respect of other uses, which are consistent with the context of the NPPF 2012. The issue which is subject to a change in emphasis in the 2019 NPPF is the approach to the wider countryside, in as much as it presents a slightly less restrictive approach to development in the countryside outside of the protected / designated areas than the earlier guidance. (paragraphs 77-79 and 83, 84).

3.7 There are a number of policies, in addition to ENV1 – Environment, referred to above which cover these matters. These include Policies OV2- Countryside, DM5- Tourism, Leisure, Culture and Heritage; DM6 – Economic Development in Rural Areas and the Countryside, and DM7- Agricultural Development and Diversification. Although the NPPF 2019 introduces some changes as referenced above, for the most part the Council consider that the policy wording currently drafted sufficiently covers the intention of any changes to the national guidance. It is however acknowledged that some minor modifications to the wording, particularly to Policy OV2, would provide a more robust context to more accurately reflect the change in emphasis introduced by NPPF 2019, whilst remaining in full conformity with the NPPF 2012 as required for Examination purposes. A full schedule of these proposed Modifications are provided in Appendix A to this Topic Paper. It is not considered that any changes to address these matters have any implications on the soundness of the Plan.

3.8 In relation to Climate Change the Council considers that the Local Plan adequately provides a pro-active approach to mitigating and adapting to change together with other strategies such as the Carbon Management Plan. Policy CC1 – Climate change, provides a comprehensive policy context which is considered to be compliant with the NPPF including any revisions in the 2019 NPPF. It is however relevant to note that since Submission, Colchester Borough Council has declared a Climate Emergency (July 17<sup>th</sup> 2019) which is reflected in the policy wording proposed as a minor modification as shown in Appendix A. As a minor factual update this is not considered to have any bearing on the soundness of the Plan.

#### **4.0 Town Centres uses / economy and policy requirements**

4.1 The Council have also prepared Topic Papers on Economic Growth and Town centre policy matters. These papers reflect updates in evidence and any implications for the Plan arising from the outputs. In addition, linked to the evidence updates a reflection on any implications of changes in legislation or guidance are also be provided, with specialist consultants feeding into some of this work. It is recognised that changes to guidance and

or legislation affect policy matters within these broad policy areas. In particular, the changes to the Use Classes Order which were introduced on 1<sup>st</sup> September 2020 are relevant.

#### 4.2 Use Classes Order changes (The Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020) are summarised below;

- The core changes include the recalibration of the classification of uses of property. Classes A,
- B1 and D1, applicable to retail, office and non-residential institutions and assembly and leisure uses respectively, are removed and three new use classes introduced in their place:
  - Class E (Commercial, business and service) is the new town centre use. This new class allows for a mix of retail, leisure and business uses to reflect changing retail and business models. It recognises that a building may be in a mix of uses at once (clothes shop and beauty salon) or be used for different uses at different times of the day (office and gym);
  - Class F.1 (Learning and non-residential institutions) is for uses where there is generally wider public use such as schools, libraries and art galleries; and
  - Class F.2 (Local community) class groups together community halls and meeting spaces, uses which provide for physical group activities and small local shops

4.3 In addition, some uses which were previously given their own use class have been moved into the 'sui generis' category. Changes to and from these uses will be subject to full local consideration through the planning application process. The residential (C classes), general industrial (B2) and storage and distribution (B8) use classes remain unchanged in practical terms.

4.4 These changes are intended to promote the vitality and viability of town centres by allowing typical high street uses (the new Class E uses) to merge or switch without planning permission, allowing businesses to respond to rapid changes in the retail and leisure sectors. This is in addition to providing added protection to other community uses. The Retail and Town Centre Topic Paper considers the implications of these changes to the UCO on the Local Plan in detail and has identified the need for a few modifications to policies to reflect this. The most relevant policies include SG3 Economic Growth provision, SG4 Local Economic Areas, SG6 Town centre uses, and SG6a Local Centres. Since the policy wording in the Local Plan provides significant flexibility modifications required are minor and will not have any bearing on the soundness of the Plan.

#### ***5.0 Design and the Historic environment (Including national design guide published October 2019)***

- 5.1 In relation to Design NPPF 2019 places greater emphasis on the need for high quality places as well as buildings in new communities, the role that tools such as design codes and design guidance should play and the role that communities should play at an early stage in helping to develop these tools including through the Neighbourhood Planning process. In addition, in October 2019 the government published the National Design Guide which sets out the characteristics of well-designed places and demonstrates what good design means in practice. The National Design Guide supports paragraph 130 of the National Planning Policy Framework which states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.
- 5.2 Although the NPPF 2019 introduces some changes as referenced above, for the most part the Council consider that the policy wording currently drafted sufficiently covers the intention of any changes to the national guidance. It is however acknowledged that some minor modifications to the wording, particularly to Policy DM15, would provide a more robust context to more accurately reflect the change in emphasis introduced by NPPF 2019, whilst remaining in full conformity with the NPPF 2012 as required for Examination purposes. A full schedule of these proposed Modifications is provided in Appendix A to this Topic Paper It is not considered that any changes to address these matters have any implications on the soundness of the Plan.
- 5.3 In terms of the Historic Environment in response to the issues raised by Historic England at the Section 1 Examination and the matters raised in their representation HE ref: HD/P5124 covering issues in the Section 2 of the Local Plan, the Council have commissioned a Heritage Impact Assessment. This work will enable the Council to consider the need for any minor modifications to address the detailed points that are raised and to provide further guidance in respect of heritage assets where appropriate in the policies. The final HIA work is to be completed prior to Examination to inform any proposed Modifications as required. These will be provided as part of the response to the Matters Issues and Questions.. It is not considered that any changes to address these matters are likely to have any implications on the soundness of the Plan.

## **6.0 Housing Requirement**

- 6.1 The 2019 NPPF introduces the Standard Methodology at paragraphs 59 and 60 to determine the minimum numbers of homes needed using the standard methodology outlined in national planning guidance. However, as the Local Plan was submitted in October 2017, prior to the publication of the NPPF 2019; the plan is to be examined under the 2012 NPPF as per the transitional arrangements outlined in NPPF 2019 paragraph 214. Adoption of Section 1 of the Local Plan confirms the housing delivery target of 920 units per year for the plan period.

6.2 Housing need for the three authorities has been addressed through the Section 1 Examination, and the implications arising from the proposed modifications are covered above. It is therefore considered there is no need to further consider this matter through the Section 2 Examination. Other matters relating to housing are considered in the Housing Topic Paper.

## **7.0 Other Legislative Changes**

7.1 The Use Classes Order Changes relate to economic and town centre polices and are referred to above with any implications to be covered in more detail in the relevant Topic Papers.

7.2 As advised in the email to the Inspectors on 2<sup>nd</sup> October, the LPA has commissioned LUC to update the Habitat Regulations Assessment (HRA). An updated HRA report (March 2021) has been prepared. The Updated HRA takes into account the following: recent caselaw, updates to best practice approach to HRA and the content of the Section 1 Local Plan HRA and the Inspectors findings reached as part of the Examination. Natural England agrees with the key conclusions and recommendations arising from the Appropriate Assessment (AA) and the safeguards and mitigation measures identified in the AA to ensure that there will be no AEoI of European Sites as a consequence of the Plan, either alone or in combination with other plans or projects. The recommendations in the HRA are included in the Modifications Schedule. It is not considered that the modifications proposed as a result of the HRA conclusions have any implications on the soundness of the Plan.

## Appendix A

Potential modifications to Section 2 policies arising from Inspector's Proposed Main Modifications to Section 1 of Colchester Local Plan and changes made to reflect updated national policy.

Please note proposed modifications arising from other reasons including minor modifications to explanatory text will be considered separately and a schedule prepared as part of the Examination or as requested.

Section 2 Policy Number	Proposed modification	Consequential change arising from Section 1 or updated national policy
SG1 Colchester's Spatial Strategy	The next tier of preferred growth includes <b>a Garden Communityies</b> straddling <b>the boundaryies with Tendring District Council</b> and providing new greenfield sites in a sustainable community which will grow gradually.... New development in the open countryside will <del>only be permitted in exceptional circumstances</del> be required to respect the character and appearance of landscapes and the built environment and preserve or enhance the historic environment and biodiversity to safeguard the rural character of the Borough.	Addresses deletion of Colchester Braintree Borders Garden Community and for consistency with the approach to rural development in the 2019 NPPF
SG2 – Housing Delivery	Detailed decisions on the location, type and level of development to be carried out in the Garden Communityies will be made through a joint plans to be agreed with <b>Tendring District Council</b> <del>the relevant local planning authority,</del> either Braintree (west) or Tendring (east), as outlined in Section 1 of this plan.	Addresses deletion of Colchester Braintree Borders Garden Community.
Table SG2 Colchester's Housing Provision	Amend Tendring Colchester Borders housing figure from 1,250 to 1,100 to 1,250 to reflect the range in the approved Section 1. Delete 1,350	Addresses modification of Tendring Colchester Borders figure and deletion of Colchester Braintree

Section 2 Policy Number	Proposed modification	Consequential change arising from Section 1 or updated national policy
	<p>homes for Colchester/Braintree Borders Garden Community. (change in isolation would reduce new allocations total to 6,503 and total number to 13,713)</p> <p>Add note to the Table: <b>Note SP4 in Section One refers to the housing supply period of 2013-2033 therefore refers to a higher supply total of 18,400.</b></p>	<p>Borders Garden Community. Separate Housing Topic Paper addresses further consequential changes arising from planning permissions granted for allocations since the plan was submitted. Additional note to the Table provides consistency with the 2013-33 time period of the plan agreed through adoption of the Section One plan and referred to in Policy SP4.</p>
SG3 Economic Growth Provision	<p>The Local Planning Authority will encourage economic development and have allocated <del>39.7</del> <b>32.5</b> hectares of land to plan for the delivery of <del>B-use class</del> employment land (<b>principally Class B2, B8 uses, supporting Class E uses and any associated employment generating sui generis uses</b>) in Colchester Borough up to 2033. An additional <del>4.5</del> <b>3.5</b> hectares of employment land is expected to come forward in Colchester within the Tendring Colchester Garden Communities <b>with a further 25 hectares to be allocated in the overall Garden Community for development post-2033.</b></p>	<p>Addresses:</p> <ul style="list-style-type: none"> <li>a) Deletion of Colchester Braintree Borders employment allocation</li> <li>b) Modification to upper range of employment land allocation, reflecting lower amount of employment land to be allocated in Stanway.</li> <li>c) Update in light of changes to Use Classes terminology.</li> </ul>
Table SG3	<p>1) Reduction of Stanway allocation from 15.6 to 5.4 hectares</p>	<p>See SG3</p>

Section 2 Policy Number	Proposed modification	Consequential change arising from Section 1 or updated national policy
	2) Deletion of 1.7 hectares of Colchester Braintree Borders employment land 3) Addition of 3 hectares to Other Rural Areas site area 4) Totals to change to 32.5 for Colchester SEAs and LEAs and 35.3 for all allocations	
SG4 and Table SG4 – Local Economic Areas	<p>The Local Economic Areas as defined on the policies maps and listed in policy tables SG3 and SG4, will be safeguarded primarily for B class uses <b>and office use within E class where appropriate</b> to provide, protect and enhance employment provision in a range of locations across the borough to enable balanced job and housing growth. Planning permission will be granted for the redevelopment or change of use for non-Class B uses where:</p> <ul style="list-style-type: none"> <li>i) it can be demonstrated that there is no reasonable prospect of the site concerned being used for Class B purposes; and</li> <li>ii) The supply, availability and variety of <b>B use class</b> employment land is sufficient to meet Borough and local needs; and</li> </ul>	Update in light of changes to Use Classes terminology.
SG5 Centre Hierarchy and Table SG5a	Table – Delete ‘New Garden Community West Colchester’	Addresses deletion of Colchester Braintree Borders Garden Community.
SG6 – Town Centre Uses,	Proposals for town centre uses that are not within a defined centre and are	Modifications proposed to add clarity as follows:

Section 2 Policy Number	Proposed modification	Consequential change arising from Section 1 or updated national policy
Table SG6 and SG6a Local Centres	<p>not in accordance with the Local Plan, including proposals for a change or intensification of use, or variation of a planning condition, will need to demonstrate that a sequential approach has been under taken to site selection <b>as required by national policy.</b></p> <p><b>Applicants should demonstrate flexibility on issues such as format and scale.</b> <del>in terms of their availability, suitability and viability for the broad scale and type of development proposed; and</del> Only when alternative sites have been discounted should less sequentially preferable sites be considered.</p> <p>In cases where the Local Planning Authority are satisfied that the sequential test has been met, proposals will be supported where they also comply with the requirements set out in criteria (i- vii below).</p> <p>i) <del>The p</del><b>Proposals</b> for main town centre uses <b>in or on the edge of centres are</b>is of a type, proportion and scale appropriate to the role and function of the centre and would not threaten the primacy of Colchester Town Centre at the apex of the centre hierarchy, either individually or cumulatively with other committed proposals, and;</p> <p>ii) <del>The p</del><b>Proposals</b> for main town centre uses <b>in or on the edge of centres are</b>is suitable to the town / district centre function and maintains or adds to its</p>	<ul style="list-style-type: none"> <li>- The term ‘broad scale and type of development’ is not used in NPPF2012.</li> <li>- Reference to the requirement to ‘demonstrate flexibility on issues such as format and scale’ is added.</li> <li>- Clarify that criteria I and ii relate specifically to proposals in and on the edge of the Town and District Centres</li> <li>- Impact thresholds modified to provide greater flexibility in accordance with national policy</li> <li>- Deletion of distinctive treatment of Tollgate Centre which is not in accordance with national policy on centres</li> </ul>

Section 2 Policy Number	Proposed modification	Consequential change arising from Section 1 or updated national policy
	viability and vitality and enhances the diversity of the centre without changing the position of the centre within the overall hierarchy and;	
SG7 – Infrastructure Delivery and Impact Mitigation		No changes required to address Section 1 issues or national policy
SG8 – Neighbourhood Plans		No changes required to address Section 1 issues or national policy
ENV1 – Environment	<p>The Local Planning Authority will conserve and enhance Colchester’s natural and historic environment, countryside and coastline. The Local Planning Authority will safeguard the Borough’s biodiversity, geology, history and archaeology, which help define the landscape character of the Borough, through the protection and enhancement of sites of international, national, regional and local importance. <b>The Local Planning Authority will require development to be in compliance with and contribute positively towards delivering the aims and objectives of the Anglian River Basin Management Plan.</b></p> <p><b>A. Designated sites</b>  <del>In particular, d</del><b>Development proposals</b> that have an adverse <del>effects</del> <b>impact</b> on the integrity of European sites, Sites of Special Scientific Interest or the Dedham Vale Area of Outstanding Natural Beauty (including its setting) <b>(either alone or in-combination)</b> will not be supported. Development proposals <b>which impact upon</b> <del>within</del> designated areas or <del>within</del> the Coastal Protection Belt will need to comply with policies ENV2 and ENV4.</p>	Cross-reference to RAMS contribution requirement in Section 1.

Section 2 Policy Number	Proposed modification	Consequential change arising from Section 1 or updated national policy
	<p><b>B. Biodiversity and geodiversity</b>  Development proposals where the principal objective is to conserve or enhance biodiversity and geodiversity interests will be supported in principle. For all proposals, development will only be supported where it: (i) Is supported with appropriate ecological surveys where necessary; <b>and</b>  (ii) Where there is reason to suspect the presence of a protected species (and impact to), or Species/Habitats of Principal Importance, applications should be accompanied by an ecological survey assessing their presence and, if present, the proposal must be sensitive to, and make provision for their needs <b>and demonstrate the mitigation hierarchy has been followed; and</b>  (iii) Will conserve or enhance the biodiversity value of greenfield and brownfield sites and minimise fragmentation of habitats; <b>and</b>  (iv) Maximises opportunities for the preservation, restoration, enhancement and connection of natural habitats in accordance with the UK and Essex Biodiversity Action Plans or future replacements; and  (v) Incorporates beneficial biodiversity conservation features, <b>measurable biodiversity net gain (10% minimum)</b> and habitat creation where appropriate. <del>Plans or projects, which may have a likely significant effect on a European site which have not been screened or considered in the Borough's Habitat Regulations Assessment or Appropriate Assessment, will be required to prepare a separate HRA screening and if necessary to complete a separate appropriate assessment to ensure compliance with the Habitat Regulations 2010. Proposals for development that would cause significant direct or indirect adverse harm to nationally designated</del></p>	

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	<p>sites or other designated areas, protected species, Habitats and Species of Principle Importance <del>or result in the loss of irreplaceable habitats, such as ancient woodland, Important Hedgerows and veteran trees,</del> will not be permitted unless:</p> <p>(i) They cannot be located on alternative sites that would cause less harm; <b>and</b></p> <p>(ii) The benefits of the development clearly outweigh the impacts on the features of the site and the wider network of natural habitats; and</p> <p>(iii) Satisfactory mitigation, <b>or as a last resort,</b> <del>and</del> compensation measures, <b>and biodiversity net gain</b> are provided. <del>The Local Planning Authority will take a precautionary approach where insufficient information is provided about avoidance, mitigation and compensation measures and secure mitigation and compensation through planning conditions/obligations where necessary.</del></p> <p><b>C. Irreplaceable habitats</b> Proposals that would result in the loss of irreplaceable habitats, such as ancient woodland, Important Hedgerows and veteran trees will not be permitted unless there are wholly exceptional reasons and a suitable compensation strategy, to the satisfaction of the local planning authority, exists.</p> <p><b>D. Essex Coast RAMS</b> A Recreational disturbance Avoidance and Mitigation Strategy has been completed in compliance with the Habitats Directive and Habitats Regulations. Further to Section 1 Policy SP2, contributions will be secured from qualifying residential development, within the Zones of Influence, towards mitigation measures identified in the</p>	

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	<p><b>Essex Coast Recreational disturbance Avoidance and Mitigation Strategy.</b></p> <p><b>E. Countryside</b></p> <p>The local planning authority will carefully balance the requirement for new development within the countryside to meet identified development needs in accordance with Colchester’s spatial strategy, and to support the vitality of rural communities, whilst ensuring that development does not have an adverse impact on the different roles, the relationship between and separate identities of settlements, valued landscapes, the intrinsic character and beauty of the countryside and visual amenity.</p> <p>The intrinsic character and beauty of the countryside will be recognised and assessed, and development will be permitted where it would not adversely affect the intrinsic character and beauty of the countryside, and complies with other relevant policies. Within valued landscapes, development will be permitted where it would not impact upon and would protect and enhance the factors that contribute to valued landscapes.</p>	
ENV2-4 Environmental policies		No changes required to address Section 1 implications or national policy updates
ENV5 Pollution and Contaminated Land	...Permission will only be granted where the Council is satisfied that after selection of appropriate mitigation the development, <b>alone and cumulatively</b> , will not have an unacceptable significant impact on air quality, health and well - being....	Clarification to accord with NPPF 2019 para 181.
CC1 Climate Change	Colchester Borough Council will continue to adopt strategies to mitigate and adapt to climate change,	Updating required to reflect latest position, which although not directly

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	<b>Colchester Borough Council made a Climate Emergency declaration in 2019. An Action Plan, Environment and Sustainability Strategy and a Carbon Management Plan will be prepared and regularly updated.</b>	referenced in Section 1 modifications was reflected in overall consideration of the policies and allocations.
Place Policies PP1 Generic Infrastructure and Mitigation Requirements	(i) Adequate wastewater treatment, <b>water supply network enhancements</b> , and sewage infrastructure enhancements for the relevant catchment area Add new bullet point <b>(vii) Further to Section 1 policy SP2, developments will be required to contribute towards mitigation measures in accordance with the Essex Coast Recreational disturbance Avoidance and Mitigation Strategy 2018-2038 (RAMS)</b>	Update wording to reflect wording on water issues agreed for Section 1. Cross-reference to RAMS contribution requirement in Section 1.
TC1 Town Centre Policy and Hierarchy		No changes required to address Section 1 implications or national policy updates
Town Centre Policies TC2	Given that the Town Centre is at the top of the centre hierarchy in the Borough as a whole, within Colchester Town Centre the Local Planning Authority will seek to maintain <del>at least 70%</del> <b>a high proportion of retail uses</b> on each Primary Street Frontage within the Primary Shopping Area shown on the Policies Map. <del>A3 (restaurant / café) uses will be considered acceptable below this threshold if it can be demonstrated to the satisfaction of the Local Planning Authority that, after extended marketing (over 1 year), retail use cannot be secured.</del> <b>Development</b>	Updated to provide increased flexibility of uses in accordance with revisions to Use Classes Order

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	<p>proposals for non-retail uses within primary frontages will be permitted where they would enhance vitality and viability, be appropriate to the character and function of the area and not compromise the appearance of the frontage and its contribution to the streetscape.</p>	
<p>TC3 – Town Centre Allocations</p>	<p>The need identified in the Local Planning Authority's retail evidence base for additional comparison retail floorspace will be addressed in the first instance by development of the Vineyard Gate site. Medium to longer term need for town centre use floorspace will also be addressed by redevelopment of existing buildings and car parks including the outdated Priory Walk development....</p>	<p>Requirement for retail tests at St. Botolphs and Priory Walk duplicates NPPF requirement.</p>
<p>TC4 – Transport in Colchester Town Centre</p>	<p>Provision for Rapid Transit services including space to provide capacity for these and connections onto other locations <b>including the route connecting the Tendring Colchester Borders Garden Community with the Town Centre and North Colchester required by Section 1 Policy SP6.</b></p>	<p>Cross-reference to the requirement for Route 1 of the rapid transit system in Section 1 SP5.</p>

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NC1 – North Colchester and Severalls Strategic Economic Area	<p>Zone 1: as defined on the Policies Map (existing and proposed employment land) will be the primary focus for <del>B</del>-class employment uses and as such, alternative <del>non-B Class</del> uses will only be supported where they;</p> <ul style="list-style-type: none"> <li>i. Are ancillary to the existing employment uses on the site intended to serve the primary function of the site as an employment area and;</li> <li>ii. Provide the opportunity to maximise the sites potential for economic growth and support the continued operation of existing employment uses within the economic area and;</li> <li>iii. Do not generate potential conflict with the existing <b>or</b> proposed <del>B</del> class uses / activities on the site; and</li> </ul> <p>(iv) There is no reasonable prospect of the site being used for <del>B</del>-class <b>appropriate</b> employment uses.</p> <p><del>Proposals for main town centre uses will not be permitted within zone 1 of North Colchester and Severalls Economic Area.</del></p>	Update to reflect changes in Use Class order
NC2-NC3 North Colchester policies		No changes required to address Section 1 implications or national policy updates
NC4 – Transport in North Colchester	Enhancements to the East/West public transport services, to serve the area to connect existing and new residential developments with employment and leisure	Cross-reference to the requirement for Route 1 of the rapid transit system in Section 1 SP5.

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	opportunities. This includes the route connecting the <b>Tendring Colchester Borders Garden Community with the Town Centre and North Colchester required by Section 1 Policy SP6</b> . The type of public transport service may vary.	
SC1-SC3 South Colchester Policies		No changes required to address Section 1 implications or national policy updates
EC1 East Colchester Policy Knowledge Gateway and University of Essex SEA	<p><b>Knowledge Gateway</b></p> <p>The area shown on the East Colchester Proposals Map will be safeguarded for the expansion of the Knowledge Gateway associated with the new University Garden Community to allow for provision of a range for additional jobs and to accommodate expansion of the existing research and technology uses.</p> <p>Within this area, the Local Planning Authority will continue to support the growth and retention of the University Research Park. All land and premises within this area will be safeguarded for employment uses, primarily for <b>office use within E class where appropriate</b> and non- B class employment generating uses of a scale and type compatible with the Research Park. Encouragement will also be given to uses which can be shown to be directly linked to the development of research associated with the University and to the provision of</p>	Update to reflect changes in Use Class order

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	business incubator units. Proposals for uses which are not for <b>office use within E class</b> or where it cannot be demonstrated that they are linked to the Research Park will only be supported where they:	
EC2 and EC3 East Colchester Policies		No changes required to address Section 1 implications or national policy updates
Policy EC4 Transport in East Colchester	Enhancements to the interchange at Hythe Station and improvements to existing public transport services, including the potential for extension to existing services and North Colchester. <b>and the provision of a rapid transit route connecting the Tendring Colchester Borders Garden Community with East Colchester and with the Town Centre required by Section 1 Policy SP6.</b>	Cross-reference to the requirement for Route 1 of the rapid transit system in Section 1 SP5.
WC1 West Colchester Policy Stanway Strategic Economic Area	All land and premises within the area allocated as the Stanway Economic Area <b>and Tollgate District Centre</b> will be safeguarded for <del>economic / employment</del> <b>appropriate commercial</b> uses based on a zoned approach in accordance with the following principles:  <b>Zone 1:</b> as defined on the West Colchester Policies Map and incorporating the Stanway allocations listed in Table SG3 will be the primary focus for <del>B-class</del> employment uses and as	Updated to reflect changes to use class orders and clarify wording on main town centre uses in accordance with national policy.

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	<p>such, alternative <del>non-B Class</del> uses will only be supported where they:</p> <ul style="list-style-type: none"> <li>(i) Are ancillary to the employment uses on the site intended to serve the function of the site as an employment area; and,</li> <li>(ii) Provide the opportunity to maximise the sites potential for economic growth and support the continued operation of existing employment uses within the economic area; and,</li> <li>(iii) Do not generate potential conflict with the existing <del>or proposed B class</del> uses / activities on the site; and,</li> <li>(iv) There is no reasonable prospect of the site being used for employment purposes.</li> </ul> <p><del>Proposals for main town centre uses will not be permitted within zone 1 of the Stanway Strategic Economic Area.</del></p> <p><b>Zone 2:</b> Within the area shown on the West Colchester Policies Map, comprising the Tollgate District Centre, proposals for <b>main town centre</b> uses which are suitable for, and proportionate to, the role and function of the centre and its place within the hierarchy will be supported.</p> <p><del>Where the proposal is for a main town centre use(s), it</del> <b>Proposals</b> must be of a scale and type appropriate to the centre (having regard for the Centres Hierarchy and the definitions under Policy SG5)</p>	

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	and must also satisfy the criteria set out below.	
WC2-5 West Colchester Policies		No changes required to address Section 1 implications or updated national policy
SS1-10, 12-16 Sustainable Settlements		No changes required to address Section 1 implications or updated national policy
SS11 – Marks Tey	Delete reference to the Joint Development Plan for the Colchester Braintree Borders Garden Community	No specific wording changes recommended at this stage beyond deletion of the reference to a Garden Communities DPD
OV1 - Development in Other Villages		No changes required to address Section 1 implications or updated national policy
OV2 Countryside	Residential development in the countryside, outside defined settlement boundaries, will <b>need to demonstrate that they respect the character and appearance of landscapes and the built environment and preserve or enhance the historic environment and biodiversity.</b> <del>be restricted to</del> Small scale rural exception sites needed to meet local affordable housing needs. Schemes will <del>only</del> be considered favourably on appropriate sites where they are supported by a Local Housing Needs Assessment.	Updated to better align with national view of rural residential development.
Development Management Policies DM1-7, 9-10, 12-15, 17-25		No changes required to address Section 1 implications or updated national policy
DM8 Affordable Housing	Accordingly 30% of new dwellings (including conversions) on housing developments of <b>10 or more</b> <del>more</del>	Updated to be consistent with 2019 NPPF

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	<p><del>than 10 dwellings</del> <b>(major developments)</b>...</p> <p>Affordable housing development in villages will be supported on rural exception sites close <b>adjacent or continuous</b> to village settlement boundaries <b>or where it will enhance or maintain the vitality of rural communities</b>, provided a local need is demonstrated by the Parish Council on behalf of their residents, based on evidence gained from an approved local housing needs survey.</p>	
DM11 Gypsies, Travellers and Travelling Showpeople	<p>Add at end of policy: <b>Planning permission will be refused for the change of use of all Gypsy and Traveller sites or Travelling Showpeople yards identified in the Gypsy and Traveller Accommodation Assessment unless acceptable replacement accommodation can be provided, or it can be demonstrated that the site is no longer required to meet any identified needs.</b></p>	Updated to accord with national guidance
DM16 Historic Environment	<p>Heritage <del>Statements</del> <b>Impact Assessments</b> and/or Archaeological Evaluations will be required for proposals related to or impacting on the setting of heritage assets and/or known or possible archaeological sites, and where there is potential for encountering archaeological sites so that sufficient information is provided to assess the significance of the heritage assets and to assess the impacts of development on historic assets together with any proposed mitigation measures.</p>	Clarify terminology. Section 1 wording was strengthened to provide Heritage Impact Assessment work to be completed to support plan-making