



Colchester
City Council

NEIGHBOURHOOD PLANNING GUIDANCE

Colchester City Council's
Neighbourhood Planning
Guidance
February 2023



Neighbourhood Plan support from Colchester City Council

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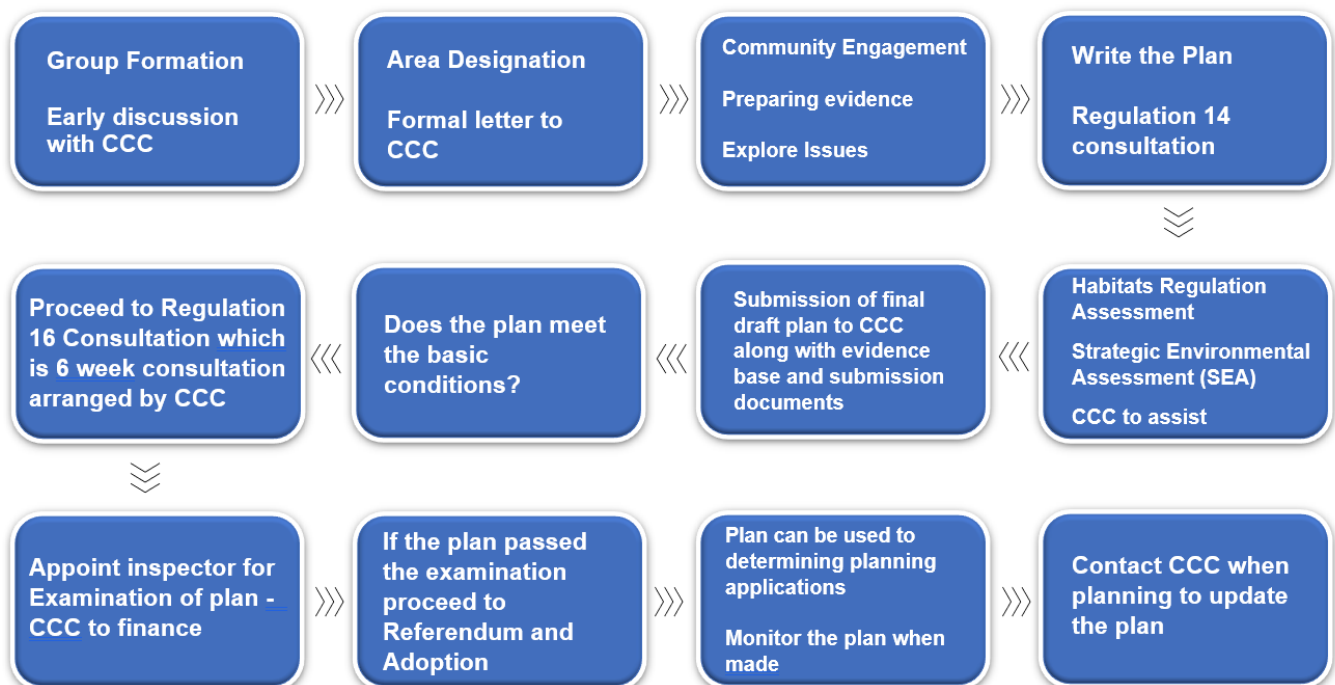
Version 2. March 2023

Updates to this Guide will be circulated to all neighbourhood plan groups in Colchester City and will be published on Colchester City Council's website.

1. Introduction

- 1.1 Neighbourhood Development Plans were introduced by the Localism Act in 2011. A neighbourhood plan puts in place planning policies for the neighbourhood plan area. If successful at referendum it becomes part of the Development Plan (alongside the Colchester Local Plan), which means that planning applications in the neighbourhood plan area are determined in accordance with the Neighbourhood Plan. Neighbourhood plans do not operate in isolation but provide the opportunity to add local policy detail to strategic policies set out in the adopted Local Plan.
- 1.2 Colchester City Council is very supportive of neighbourhood plans. The first two made neighbourhood plans in Essex were in Colchester: Boxted and Myland and Braiswick. Colchester City Council were supportive throughout the process, from initial discussions on neighbourhood planning through to the referendum and the making of the plans. Colchester City Council has gone on to make a further 5 neighbourhood plans with more at various stages.
- 1.3 This guide is for neighbourhood plan groups or those thinking of preparing a neighbourhood plan and sets out the support that can be expected from Colchester City Council.

2. Stages of the Neighbourhood Plan



3. Area Designation and Group Formation

- 3.1 The first stage is to designate the neighbourhood plan area and establish the group who will prepare the Plan. A Parish Council can prepare a neighbourhood plan, or in areas where there is not a Parish Council, a neighbourhood plan forum can be established. In either case, formally they will be the Qualifying Body.
- 3.2 Area designation is a formal process in which the neighbourhood plan group is required to write a letter to Colchester City Council with a map of the plan area, requesting designation. Colchester City Council will respond to a request to designate a neighbourhood plan area promptly. As it is a formal process a report will be prepared by Officers, and depending on the area applied for, a 6 week period of consultation may be organised by Colchester City Council. If a neighbourhood area application is received for the entire of a Parish Council area, by the Parish Council this may not require consultation. A decision on whether consultation is required will be made upon receipt of the application in accordance with the latest regulations. Colchester City Council will advise you as soon as the neighbourhood plan area is designated.
- 3.3 Once an area is designated, each neighbourhood plan group is assigned a lead contact, this is an officer within the Planning Policy team. This person should be the first point of contact and will have an overview of your neighbourhood plan.

4. Statutory Duty

- 4.1 Local Planning Authorities have a statutory duty to give advice and assistance to neighbourhood plan bodies. It is a legal requirement for the Statement of Community Involvement (SCI) to set out how the LPA intends to provide support. This guide builds on the description of how Colchester City Council will provide assistance which is set out in [Colchester's SCI](#).
- 4.2 We strongly encourage any Parish Council considering preparing a neighbourhood Plan to seek advice from Colchester Council to discuss the process and determine whether this is the right decision for your community.

5. Financial Support

- 5.1 All groups undertaking a neighbourhood plan may be eligible to apply for financial and / or technical support:
- specific neighbourhood planning grants, visit neighbourhoodplanning.org for more information;
 - precept (for town/parish councils);
 - local donations
 - developers and landowners
 - local businesses/chambers of commerce

6. Meeting the Basic Conditions

- 6.1 Neighbourhood plans must meet a number of basic conditions. One of these is to be in general conformity with national policy. National policy is set out in the [National Planning Policy Framework](#) (NPPF) and supported by national [planning practice guidance](#).
- 6.2 Another basic condition is that the neighbourhood plan must be in general conformity with the strategic policies of the development plan. The strategic policies are outlined in Policy SG8 Neighbourhood Planning of the Colchester Local Plan Section 2. These are Section 1 Policies SP1-9 and Section 2 Policies SG1-SG8, ENV1-ENV5, CC1 and PP1. The Colchester Local Plan Section 2 also includes an area policy for each of the Cities Sustainable Settlements, regard should be had to the policy relating to your village/parish/neighbourhood plan area.

7. Evidence Gathering

- 7.1 A neighbourhood plan must be supported by evidence. This can be from a number of sources, including reports prepared by the Parish Council/Neighbourhood Plan Group, bespoke technical reports prepared by consultants or evidence which supports the Colchester Local Plan.
- 7.2 Planning practice guidance recognises that the evidence base for the adopted Local Plan may also be evidence for a neighbourhood plan. The evidence base for the Local Plan is available on the Council's [website](#).
- 7.3 Evidence gathering and engaging with the community is vitally important during the early stages to find out what the community want from the plan and how the evidence can shape the policies. Policies in the plan need to be based on a clear understanding of the place they relate to, to address local issues effectively.

- 7.4 If you are considering commissioning consultants to undertake further, local specific evidence Colchester City Council can assist by checking project briefs and reviewing proposals from consultants.
- 7.5 Some neighbourhood plan groups can also apply for technical support which may include preparing evidence through [Locality](#) who are the government appointed body to provide support to groups to developing neighbourhood plans.

8. Preparing the Plan

- 8.1 Colchester City Council will advise on planning matters, which may be through emails, telephone conversations or attendance at meetings. A Planning Policy Officer will review all versions of draft policies and/or draft neighbourhood plans as requested and provide written comments and advice.
- 8.2 In some cases a Development Management Officer may be asked to review an advanced draft of the neighbourhood plan to provide an overview of whether the plan's policies will be able to be successfully implemented.
- 8.3 Colchester City Council has a specialist team with skills including archaeology, landscape, the historic environment and urban design. In some cases it may be appropriate for these Officers to review certain policies.
- 8.4 It is strongly suggested that you ask Colchester City Council to review your draft neighbourhood plan prior to Regulation 14 consultation and prior to Submission, allowing sufficient time for Officers to review the draft and for you to have plenty of time to consider the comments and any suggested changes before proceeding to consultation.

9. Attendance of Meetings

- 9.1 Whilst each neighbourhood plan group will be assigned a contact Planning Policy Officer this Officer is not a member of the neighbourhood plan group. They will attend meetings as required, but not every meeting of the neighbourhood plan group. It is accepted that all groups will require varying levels of support from Colchester City Council based on the make up of the neighbourhood plan group and complexity of the neighbourhood plan.
- 9.2 Reasonable notice should be given for requests for Officers to attend meetings with a brief explanation of why Officer attendance is requested.

10. Housing requirement

- 10.1 The neighbourhood plan group may request a housing requirement figure. Colchester City Council will provide a figure taking account of its planning strategy, the latest evidence of local housing need and the population of the neighbourhood plan area, as required by paragraph 65 of the NPPF.
- 10.2 If your neighbourhood plan will allocate sites, Colchester City Council can provide you with the Strategic Housing Land Availability Assessments prepared as part of the Local Plan.

11. Regulation 14 Consultation (pre submission consultation)

- 11.1 Upon request, Colchester City Council can provide contact details of statutory consultees and other interested parties that we hold on our Planning Policy consultation database, in accordance with GDPR. A consent form will need to be published as part of the response to the formal Regulation 14 consultation, organised by the Qualifying Body. Prior to commencing the formal consultation, the Qualifying Body should contact their lead contact at the Council.
- 11.2 It is the responsibility of the neighbourhood plan group to prepare the plan with sufficient consultation and this will need to be documented in the Consultation Statement. If the neighbourhood plan group would like an Officer to attend a consultation event this request should be made with reasonable notice. Colchester City Council will not organise consultation events for the neighbourhood plan. However, Officers will make every reasonable effort to attend consultation events if invited and provide maps and any other relevant information as requested. Officers can provide advice on the type of consultation activity that you may wish to consider.
- 11.3 Colchester City Council does not consider it appropriate to make a venue available for a consultation event. Consultation events should be held in the neighbourhood plan area to provide equitable access for those likely to be affected by the neighbourhood plan. It would not be appropriate for consultees to be invited to attend consultation events at Colchester City Council's Offices.
- 11.4 Colchester City Council may also provide a formal response to the consultation.

12. Habitat Regulations Assessment

- 12.1 Colchester City Council along with eleven other Essex Local Planning Authorities have prepared a Recreational disturbance Avoidance Mitigation Strategy (RAMS) to mitigate the impacts of increased recreational disturbance from population growth on Habitat sites along the Essex Coast.
- 12.2 Habitat sites are protected at the highest level and are of international importance. They are designated through the EU Birds Directive and EU Habitats Directive, and these Directives are transposed into UK law. In Colchester we have the Colne Estuary Special Protection Area (SPA), the Blackwater Estuary Special Protection Area (SPA), Abberton Reservoir Estuary Special Protection Area (SPA) and the Essex Estuaries Special Area of Conservation (SAC). The three SPAs are also Ramsar sites, which are wetlands of international importance. The Essex Estuaries SAC includes the Colne and Blackwater estuaries. Due to the close proximity of the River Stour, the southern shore of the Stour and Orwell Estuaries Special Protection Area (SPA) is also likely to be affected by development in Colchester.
- 12.3 The RAMS sets Zones of Influence (Zol) and all residential development within the Zol is likely to significant effect Habitat sites in-combination with other plans and projects. The whole of Colchester is within the Zol for the Essex Coast.
- 12.4 A recent decision from the Court of Justice of the European Union (CJEU) found that avoidance and mitigation measures can only be considered in an appropriate assessment and not through screening which was previously the case.
- 12.5 The implications of the RAMS and the CJEU decision (Sweetman II) is that all neighbourhood plans within Colchester City that allocate sites for residential development require an appropriate assessment under the Habitat Regulations.
- 12.6 Colchester City Council may be able to carry out an appropriate assessment for your neighbourhood plan and arrange the necessary consultation with Natural England. Alternatively support packages are available through [Locality](#) who are a membership network that support local community organisations. The different options can be discussed with your named contact at Colchester City Council. You will need to submit the final appropriate assessment report when you submit the neighbourhood plan to demonstrate that the neighbourhood plan complies with the Habitat Regulations and EU Obligations.
- 12.7 Appendix A includes a standard policy, which has been prepared by Colchester City Council and approved by Natural England. To meet the requirements of the Habitat Regulations this policy should be included in the neighbourhood plan.

13. Strategic Environmental Assessment

- 13.1 A Strategic Environmental Assessment (SEA) is required for a neighbourhood plan which is likely to have significant environmental effects. It is mandatory for a neighbourhood plan to have an SEA if an appropriate assessment is required. Owing to the Sweetman II CJEU decision referred to in the Habitat Regulations section, above, all neighbourhood plans in Colchester that are allocating sites will require an appropriate assessment and therefore also an SEA.
- 13.2 SEA is a process which should be undertaken alongside plan preparation. It can help improve your plan by identifying potential negative effects which can be avoided or mitigated. It can also be used to demonstrate to the Examiner how the plan contributes to the achievement of sustainable development.
- 13.3 Colchester City Council has experience in undertaking SEA and may be able to provide this service. Alternatively, if you wish to undertake SEA yourselves rather than commission a consultant, Colchester City Council can assist you. There are also technical support packages available from [Locality](#) which include SEA. The different options can be discussed with your named contact at Colchester City Council.
- 13.4 We will attend an initial meeting to explain the SEA process and what is required at each stage. The first stage is scoping and we will assist by reviewing your scoping report and helping to organise a focused consultation with the statutory bodies. Following scoping an Officer will attend a meeting, if requested, to assist in appraising draft policies and options. We will review your draft SEA report and check it against the requirements of SEA.

14. Mapping

- 14.1 Colchester City Council will provide maps of the neighbourhood plan area based on the Local Plan Policies Maps. Maps can be provided at different scales and sizes.
- 14.2 Requests for mapping should be made by email to planning.policy@colchester.gov.uk or by emailing your Colchester City Council Planning Officer contact at least 5 working days in advance.
- 14.3 Alternatively, if you are able to produce maps yourself, following a successful referendum, the GIS data (in shapefile format preferably) must be provided to the Council to enable this to be integrated into our GIS system. GIS data should be sent via email to planning.policy@colchester.gov.uk

15. Publicising the Plan and Regulation 16 Consultation

- 15.1 Once the neighbourhood plan and supporting documents are submitted to Colchester City Council we will firstly check that all necessary documents have been submitted. These documents include:
- the proposed neighbourhood plan;
 - a map or statement identifying the area to which the plan relates;
 - a consultation statement; and
 - a statement on how the plan fulfils the basic conditions.
- 15.2 The neighbourhood plan and accompanying documents should be submitted to the Council as a Word Document only. This should not be in landscape form or have texts in multiple columns. Where maps and images are included within the neighbourhood plan, these should also be submitted as separate PDF/JPEG files. This is to enable the neighbourhood plan to be converted into HTML format for the Consultation Portal.
- 15.3 Any evidence base documents which have been prepared specifically for your neighbourhood plan should also be submitted. These can be submitted in any document format i.e. word, pdf, excel etc.
- 15.4 Once all the documents have been received and checked, the Council will then organise the minimum 6 week publicity period (Regulation 16 Consultation). The consultation will be hosted on the Council's website and Consultation Portal. All notifications will be sent from the City Council in accordance with GDPR.
- 15.5 During the publicity period Colchester City Council will begin the process of appointing an Examiner. The choice of which Examiner to appoint is a joint decision between Colchester City Council and the neighbourhood plan group. We will liaise with you to ensure that an Examiner we both agree on is appointed.
- 15.6 Colchester City Council may submit a formal response as part of the publicity period, which will be sent to the Examiner. We will collate all representations and send them to the Examiner.

16. Examination

- 16.1 Colchester City Council will liaise with the Examiner as appropriate during the Examination. All correspondence from the Examiner will be relayed to the neighbourhood plan group. Documents will be added to Colchester City Council's website as necessary.
- 16.2 Both the Council and Neighbourhood Plan Group will be able to fact check the Examiner's report, before it is finalised. This is an opportunity to identify any factual errors within the report and any spelling/grammar errors. It is not an opportunity to challenge the Examiner's views or conclusions. Once the report is finalised, this will be published on the Council's website and the content of the report including any modifications requested by the Examiner will be discussed with the neighbourhood plan group.
- 16.3 If the Examiner concludes the Neighbourhood Plan can proceed to Referendum, Colchester City Council must decide whether to accept any recommendations to amend the Plan and decide whether it intends to proceed to Referendum. The is must be set out in a Decision Statement which must be published on the City Council's website.

17. Referendum

- 17.1 Colchester City Council will organise the referendum as soon as reasonably possible. As part of this, the Neighbourhood Plan Group will be required to prepare a final version of the Neighbourhood Plan, incorporating any modifications requested by the Examiner. The Council will be able to assist with reviewing the final version of the Plan.

18. Making the plan

- 18.1 Providing the referendum is successful, Officers will write a report for the next Full Council meeting asking Full Council to officially make the neighbourhood plan.

19. Implementation

- 19.1 Colchester City Council will ensure the implementation of the neighbourhood plan by using it when determining planning applications in the neighbourhood plan area.

20. Monitoring

- 20.1 It is important to monitor the neighbourhood plan, once it is made. The neighbourhood plan group should put procedures in place to do this.

21. Updating the Plan

21.1 Legislation via the Neighbourhood Planning Act 2017 and the Planning and Compulsory Purchase Act 2004 allows for and outline the parameters for a review and allows for plans to be updated.

21.2 It is recommended that you contact Colchester City Council at the earliest possible stage to discuss your proposed review. There is no requirement for neighbourhood plans to be reviewed, but the following must be considered:

- A review of the Local plan (Colchester City Local Plan Section 1 February 2021 and Section 2 July 2022)
- Changes to national planning policy or guidance
- A change in local circumstances (economic, social or environmental changes)
- A change in evidence base (New surveys to be taken into account)
- Issue with policy implementation (effectiveness of the plan, is it having the anticipated outcome?)

21.3 Where a neighbourhood plan group is proposing to revise their plan, there are 3 types of modification which can be made to a neighbourhood plan. The process will depend on the degree of change which the modification involves.

- Minor (non-material) updates that would not materially affect policies may be made by Colchester City Council with consent from the neighbourhood plan group. Similar to the provisions for correcting errors in the plan. In these instances, there would not be a need to repeat consultation, examination or referendum. These may include correcting errors, such as a reference to a supporting document, and would not require examination or a referendum. Substantial revisions to a neighbourhood plan would need to go through the later stages of the process, from pre-submission consultation onwards.
- Material modifications which **do not change the nature of the plan** would require examination but not a referendum. This method would require a regulation 14 consultation on the draft revisions to the plan. This is the same process as the first preparations of the neighbourhood plan. The neighbourhood plan group must state whether they consider that the proposed modifications change the nature of the plan at the Regulation 14 consultation stage and subsequently at submission to Colchester City Council. Following submission of the relevant documents, a Regulation 16 publication is run by the Council over a period of usually 6-weeks.
- Material modifications that **change the nature of the plan** is the same process as material modifications that do not change the nature of the plan as set out

above however a referendum will be required. The examiner will assess the modified plan following the Regulation 16 consultation. A copy of the original plan must also be submitted to the independent examiner. The neighbourhood plan group must decide whether they are going to proceed with the examination after they have received the examiners recommendations and whether they consider the proposed modifications change the nature of the plan.

Appendix A: Essex Coast RAMS Model Policy with Supporting text

Habitat Regulations Assessments (HRA) have been completed for Colchester Borough Council's Local Plan (Section 1 and Section 2). Both HRAs identified that the in-combination effects of the Section 1 and Section 2 Local Plans (including the cumulative effects of the Section 2 allocations), together with neighbouring local planning authorities Local Plans and neighbourhood plans are likely to adversely affect the integrity of European designated nature conservation sites (habitats sites) due to increased recreational disturbance. The threat of increased recreational disturbance applies to all the habitats sites on the Essex Coast, including those within the Colchester City Council area, namely the Colne Estuary Special Protection Area and the Blackwater Estuary Special Protection Area (both are protected under the Ramsar international treaty) and also the Essex Estuaries Special Area of Conservation.

In view of that, Colchester Borough Council worked with eleven other Greater Essex local planning authorities, Natural England and Place Services, to produce the [Essex Coast Recreational disturbance Avoidance and Mitigation Strategy \(RAMS\)](#). The RAMS Strategy document sets out the necessary measures to avoid and mitigate the effects from increased recreational disturbance. A key purpose is to protect internationally important numbers of breeding and non-breeding birds and their coastal habitats. These measures will be funded through develop contributions from all residential development within the Essex Coast RAMS zone of influence (Zoi). The Zoi identifies the distance within which new residents are likely to travel to the Essex coast Habitats sites for recreation and is based on visitor surveys. The RAMS Strategy Document is supported by the [Essex Coast Supplementary Planning Document \(SPD\)](#) (adopted by CBC in August 2020). This SPD distils the RAMS into a practical document for use by Officers, applicants, and the public. It includes the following information: a summary and scope of the RAMS; the legal basis for the RAMS; and details about the level of developer contributions being sought.

Financial contributions will be sought for all residential development, including permitted development, which falls within the zone of influence, towards a package of measures to avoid and mitigate likely significant adverse effects in accordance with policy SP2 of the Shared Strategic Section 1 Plan and policy ENV1 (Environment) of the Section 2 Colchester Local Plan. This includes development allocated in neighbourhood plans within Colchester borough. The whole of Colchester borough is located within the zone of influence. Details of the zone of influence and the necessary measures are included in the Essex Coast RAMS Strategy Document and Supplementary Planning Document (SPD). The RAMS sets a per dwelling tariff, which is index linked with a base date of 2019 (£122.30 in 2019/20). For the year 2021/22, the tariff was £127.30 and for the year 2022/23 it was £137.71 and for the year 2023/2024 it is £156.76 per net new dwelling. The tariff will be reviewed periodically and published accordingly.

In addition to payment of the RAMS tariff to avoid and mitigate likely significant effects in-combination with other plans and projects, all development sites over

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100 dwellings should include provision of well-designed open space/green infrastructure, proportionate to its scale, to avoid likely significant effects from recreational disturbance alone. Such provisions can help minimise any predicted increase in recreational pressure to habitats sites by containing the majority of recreation within and around the development site, away from habitats sites. New Suitable Accessible Natural Greenspace (SANG) should include: high-quality, informal, semi-natural areas; a circular dog walking route of 2.7 km; dedicated 'dogs-off-lead areas; signage/information leaflets to householders to promote these areas for recreation; dog waste bins; and a commitment to the long term maintenance and management of these provisions.

The Essex Coast RAMS is related to recreational disturbance only and does not address any mitigation that might be needed regarding air and water quality, this would need to be identified through project level HRAs prepared for individual planning applications as these effects are outside the scope of the RAMS and the SPD.

POLICY: ESSEX COAST RECREATIONAL DISTURBANCE AVOIDANCE AND MITIGATION STRATEGY (RAMS)

All residential development within the zone of influence of habitats sites will be required to make a financial contribution towards mitigation measures, as detailed in the Essex Coast RAMS 2018-2038, and adopted Supplementary Planning Document, to avoid the adverse in-combination effects of increased recreational disturbance to the Essex coast habitats sites.