

Local Development Framework Core Strategy

Examination - 24 June to 11 July, 2008



Hearing Statement in respect of Matter 1

Essex County Council



MATTER 1

PROCEDURE and CONFORMITY

Whether the Core Strategy complies with the procedural and conformity tests.

Tests: 1, 2, 3, 4 & 5

Policies: Chapters 1-4 and all policies

ISSUES

1. Procedural Tests 1-3

- (a) Has the Core Strategy been prepared in accordance with the current Local Development Scheme (LDS) and have the relevant details in the LDS been met in respect of the role, rationale and scope of the Core Strategy?

The Core Strategy is identified in the Council's LDS and has been prepared in accordance with the milestones set out in the version approved by Go-East in November 2007. The LDS on Page 6 outlines that the Core Strategy will be the primary statement of the overall spatial strategy for the management of growth and development of the whole borough up to 2021. The Core Strategy provides a spatial vision and objectives and sets out strategic policies that contain criteria to be used in determining all planning applications for development across the borough. All of these elements have been covered in the Core Strategy as seen in Chapters 3, 4 and 5 of the Submission document. As shown on Page 10 of the LDS the starting point for the Core Strategy was the priorities identified in the Colchester 2020 Community Strategy and the Council's own Strategic Plan. Production of the Core Strategy has largely remained on schedule set out in the LDS. Two revisions have been agreed by Go-East, one due to delays to the East of England Plan and the other due to the addition of a further stage of public consultation, the Amendment to the Preferred Options in May 2007.

- (b) Does the Core Strategy supersede any saved development plan policies? If so, which are they?

Details of which saved Local Plan Policies the Core Strategy is to supersede have been published on the Council's website and are included as part of the supporting documentation to the Core Strategy Submission. Saved Local Plan Policies CO1, CF1, CF7, L12, L17, T1, T2, T4, H1, H2, H4, H13, EMP1, EMP2, TCS1, TCS2, TCS3, TCS11 and TCS12 will be superseded by policies within the Core Strategy. Details will form an Appendix to the Core Strategy in accordance with the Schedule of Proposed Minor Changes (CBC/EB/078).

- (c) Has the Core Strategy been prepared in compliance with the Statement of Community Involvement? What is the evidence?

The Statement of Community Involvement (SCI) was the first document to be produced and adopted (May 2006) for the Colchester Borough Council LDF. Section 4 of the adopted SCI outlines the nature of consultation and community engagement each development plan document will go through. Throughout the production of the Core Strategy, the Council has met and exceeded the minimum requirements for consultation as set out in the Town and Country Planning (Local Development) Regulations 2004 and also locally in the Statement of Community Involvement. The Soundness Self Assessment (CBC/SUB/010 pages 24 - 28 & CBC/EB/063 pages 28 - 34) highlights the consultation events and activities the Council undertook at each stage of the Core Strategy production under Test II.

- (d) Has the Core Strategy been subject to Sustainability Appraisal, that has identified the processes carried out, the baseline information used and the outcomes of the process? What is the evidence?

The Planning and Compulsory Purchase Act 2004 places a duty on Local Authorities to undertake a Sustainability Appraisal on each document that forms part of their LDF. The Core Strategy has been subject to a Sustainability Appraisal (which incorporates the requirements of the SEA Directive for a strategic environmental assessment of plans and programmes), through each stage of its production which has been integral to the development of the Submission document and included a range of various tests and assessments against sustainability objectives derived from national, regional and local indicators and sources of information. Essex County Council was commissioned to undertake the Scoping Report which accompanied the Issues and Options document. The Scoping Report outlined the baseline information which provided the basis for predicting and monitoring environmental effects and allowed identification of possible mitigation measures. Essex County Council also undertook the Sustainability Appraisal to accompany the Preferred Options document. However following advice from the Government Office, Colchester Borough Council decided to undertake the remainder of the Sustainability Appraisal for the Core Strategy in house. Land Use Consultants and Scott Wilson (together with the Planning Advisory Service) provided independent verification that the Sustainability Appraisal report for the submission document satisfied all relevant standards and guidance. The Sustainability Appraisal Reports have been subject to the same consultation periods as the Core Strategy and have been produced in line with the requirements of the 2004 Act, the Environmental Assessment of Plans and Programmes Regulations 2004, as well as satisfying Test of Soundness III.

- (e) Confirm an Appropriate Assessment is provided.

Alongside the Sustainability Appraisal Report which accompanied the Amendment to the Preferred Options, the Council published an Appropriate Assessment Scoping Report. Following this consultation comments received from the Government Office and Natural England resulted in the Council commissioning Royal Haskoning to undertake an advisory Appropriate Assessment Report to accompany the Submission Core Strategy. This Assessment Report has been prepared in consultation with the Environment Agency and Natural England (CBC/SUB/011). The Council have committed to undertake the avoidance measures proposed in the report and therefore as the competent authority under the habitats regulations can ascertain that the Core Strategy will not adversely affect the integrity of any international sites.

2. Conformity Tests 4 and 5

- (a) Does the Core Strategy reflect national guidance on spatial planning? What is the evidence?

The Core Strategy has been prepared in accordance with PPS12 (CBC/NAT/025) and the guidance on spatial plans. In line with this guidance, the Core Strategy takes into account social, economic and environmental policies and other programmes that are in accordance with a range of national, regional, county and local level strategies and plans. Links between the Core Strategy and other relevant plans, policies and strategies is outlined on Pages 9 - 10 of the Submission document. Officers have also maintained close working relationships with key stakeholders including the Primary Care Trust, Highways Agency, Environment Agency and Essex County Council to ensure the Core Strategy addresses the wide scope of issues characterising the spatial approach. The Soundness Self Assessment also provides further detail (CBC/SUB/010 p 30 – 33 and CBC/EB/063 p37 - 40).

- (b) Is there a formal response from the East of England Regional Assembly confirming that the Core Strategy is in general conformity with the emerging RSS?

The East of England Regional Assembly commented on the Core Strategy Submission document. The Regional Assembly agrees that the Core Strategy is in general conformity with the emerging East of England Plan. Core Strategy Submission Document CBC/SUB/015 provides the formal response.

- (c) What is the up to date position regarding the progress of the East of England Plan? How does it affect the Core Strategy?

The Regional Planning Body (EERA) formally submitted the East of England Plan (EEP) to the Secretary of State in December 2004 (CBC/REG/016), and an Examination in Public (EiP) was held from November 2005 until March 2006 – the EiP Panel Report was published in June 2006 (CBC/REG/015). Subsequently the Secretary of State published the proposed changes to the EEP in December 2006 (CBC/REG/14). Further proposed changes were published in October 2007 to incorporate the policy outcomes of further technical assessment to comply with the Habitats Directive. These changes were not considered to result in any requirements to modify the Core Strategy. The Secretary of State has now given approval to the final version of the EEP and the revised East of England Plan was published in May 2008 (CBC/REG/014A).

Throughout the production of the Core Strategy submission document considerable weight was attached to the EEP. PPS12 (para.4.19) states that as the EEP had completed its EiP, and proposed changes had also been published, that considerable weight may be attached to the EEP because of the strong possibility that it will be published in that form by the Secretary of State.

Policy IMP3 (Review of the RSS) of the EEP states that EERA should proceed with its proposals for a review of the RSS to investigate and make provision for the development needs of the region for the 2011 to 2031 period. The policy states that the review should be started in 2008 and be completed by 2011. As further details on the timetable and proposals for the RSS review are not yet available, the RSS review is not an issue that needs to be considered at the Colchester Core Strategy DPD plan examination. However, the EEP recognises that there is likely to be the need for significant continued growth at most, if not all, the identified Key Centres for Development and Change (KCDC) in the region after 2021. (See page 10-11, para.'s 3.12 to 3.15, especially 3.15.)

EERA submitted a RSS Single Issue Review to the Secretary of State in February 2008. This proposes a spatial distribution of gypsy & traveller pitches by individual local authority within the region. It is intended to replace policy H3 in the EEP. GO-East is currently holding a 12 week public consultation (on behalf of the Secretary of State) on the RSS Single Issue Review – the deadline for responses is the 16 May 2008, with the EiP expected late 2008. The final version of revised policy H3 is expected to be published in summer/late 2009. The proposed changes to Policy H3 are not considered to necessitate changes to the Core Strategy but will need to be reflected in the Development Policies and Site Allocations DPD development process.

- (d) What evidence is there to demonstrate that adequate account has been taken of the relationship between the proposals in the Core Strategy and other requirements such as those of utility companies and agencies providing services in the area such as health and water supply/treatment, including their future plans or strategies and any requirements for land or premises that should be prepared in parallel?

Officers have held meetings with various utility companies and service providers such as Anglian Water and EDF Energy to ensure their requirements are reflected in the Core Strategy. They have also carefully considered the written consultation responses of infrastructure providers and public service agencies at successive stages of public consultation, and made adjustments to the Core Strategy where appropriate in response to the comments made. Chapter six of the Core Strategy outlines a list of partners that the Council will work with to provide investment, services and infrastructure. Table 6d also outlines partners such as the NHS Trust, Primary Care Trust and Network Rail who have been consulted during the formulation of the Core Strategy and their future plans and strategies have been taken into account. As a result of a meeting with EDF Energy, the Schedule of Proposed Minor Changes (CBC/EB/078) proposes the addition of an electricity sub-station in the North Growth Area to Table 6d. A number of further site specific issues were raised by the utility companies but these will be addressed through the Site Allocations Development Plan Document process and on-going communication and engagement with utility companies and agencies.

- (e) What evidence is there to demonstrate that the Core Strategy clearly relates to other plans and strategies that will influence the delivery of its policies and proposals? What are these other plans and strategies?

The Core Strategy considers social, economic and environmental objectives from a wide range of national, regional, sub-regional, county and local strategies. The Council has worked closely with Essex County Council and the Local Transport Plan for 2006-2011 (CBC/EB/006) is one example of how numerous policies and plans relate to the Core Strategy. The evidence base (section 2.3, pages 17-18 of the submission document) outlines the extent of plans and strategies that have influenced the Core Strategy.

- (f) Does the Core Strategy contain any policies or proposals that are not consistent with national policy? If so, which are they and what is the local justification? In particular, is it considered that the Core Strategy accords with PPS1, PPS3, PPS6, PPS7, PPG15, PPG16, PPS17 and PPS25? Any points raised will be discussed in more detail in relation to the relevant topic below.

Appendix D of the Core Strategy Submission Document outlines numerous documents which have been used as reference during the formulation of the Core Strategy. PPS1, PPS3, PPS6, PPS7, PPG15, PPG16, PPG17 and PPS25 are all included in this reference list along with other policy documents which the Core Strategy is in accordance

with. Evidence base documents on Open Space and the Strategic Flood Risk Assessments (CBC/EB/040 and CBC/EB/041) provide further local detail to the Policy requirements of PPG17 and PPS25. There are no policies or proposals in the Core Strategy that conflict with national policy.

- (g) Does the Core Strategy contain any policies or proposals that are not in general conformity with the emerging Regional Spatial Strategy? If so, which are these and is there a local justification?

The Government Office has responded to each consultation stage of the Core Strategy and has been satisfied that it is in general conformity with the emerging Regional Spatial Strategy. The East of England Regional Assembly has also been consulted and agrees that the Core Strategy is in general conformity with the Regional Spatial Strategy. Core Strategy Submission Document CBC/SUB/015 provides their formal response. The Borough Council has ensured sufficient land has been allocated both through strategic allocations and by recognising that the north growth area can accommodate additional development if required - to accommodate the growth targets proposed in the Regional Spatial Strategy and is confident these targets can be met. Colchester Borough Council considers that all the policies and proposals in the Core Strategy are in general conformity with the emerging Regional Spatial Strategy. Further details can be found in the Soundness Self Assessment under Test IV (CBC/SUB/010 page 30 and CBC/EB/063 page 40).

- (h) Does the Core Strategy have regard to the Community Strategy, by setting out policies and proposals that deliver the key components of that strategy so far as they are consistent with or in general conformity with higher level planning policy and relate to the use and development of land? Is it clearly set out in the Core Strategy how the objectives of the Community Strategy relate to the plan?

The Core Strategy has regard to two Community Strategies. Shaping the Future of Essex 2004-2024 (CBC/REG/021) is the Essex wide Community Strategy with Colchester's Sustainable Community Strategy (CBC/EB/010) published by Colchester 2020 (the local strategic partnership) focusing on Colchester Borough. Both Community Strategies include visions and themes that reflect the long term desires for the area they cover. The Colchester Borough Council Local Development Framework is the primary means of delivering the spatial elements of the Community Strategies. The Local Strategic Partnership and the LDF share a commitment to the development of objectives through community consultation and stakeholder involvement to achieve the projects and targets for Colchester. The visions of Colchester 2020 and the Core Strategy are similar and in the past the Council and the local strategic partnership have undertaken a joint consultation exercise to further demonstrate their commitment to one another. Further details of the relationships between the Core Strategy and the objectives of the Sustainable Community Strategy can be found on Page 10 of the

Submission Core Strategy and under Test V of the Soundness Self Assessment (CBC/SUB/010 page 33 and CNC/EB/063 pages 41 - 42).