



## Colchester Borough Council

### Local Plan Focused Review

#### Summary of responses to Consultation on Proposed Post-Hearing Modifications

April 2014

Representor	Summary
Highways Agency	No comments
ECC	No comments
Barton Willmore for Tollgate Partnership	<p>Do not support Option 1 approach of deletion of Centres and Employment policies from scope of Focused Review. Support Inspector's Option 2 suggested modifications subject to the following amendments :</p> <p>Further Modification FM7 – To improve clarity, amend final sentence to read 'Only if suitable sites are not available <u>in existing centres</u> should edge of centre and then out of centre sites be considered', and delete additional paragraph at the end as it serves to reiterate and reinforce the hierarchy set out in Table CE1a which is at odds with the NPPF.</p> <p>Policy CE2b – the words 'expansion of the Urban District Centres will not be supported should be removed since they conflict with the NPPF sequential approach.</p>
Terence O'Rourke for O&H Properties (Lakelands)	Do not support Option 1 approach of deletion of Centres and Employment policies from scope of Focused Review. Support Inspector's Option 2 suggested modifications which are considered to reflect updated national guidance set out in the National Planning Policy Framework (NPPF).
Basildon Borough Council	Colchester BC should have regard to the findings of the Basildon Gypsy, Traveller and Travelling Showpeople Local Needs Accommodation Assessment to ensure that the issue is treated as a strategic matter, the solution for which could include provision outside the area where the need is forecast to be generated. This may result in a need to inform the area's emerging Local Plan documents, or could prompt, a more comprehensive Local Plan document review, where adopted policies cannot otherwise manage the changing needs identified by evidence.
English Heritage	No comments
Natural England	No objections
Gladman Developments	No comments on modifications, but Gladman's have taken the opportunity to respond to the consultation to remind the Council of the need to undertake a more comprehensive review of the Development Plan for the borough, in particular the quantum of housing sought in the authority, to meet the requirements of the

	National Planning Policy Framework.
<p>Martin Robeson for Churchmanor Estates (Stane Park)</p>	<p>Do not support Option 1 approach of deletion of Centres and Employment policies from scope of Focused Review. Confusion will arise without a real effort to provide relevant sound Focused Review policies on employment and retail policies. The valid basis for the determination of planning applications will have to rely on the NPPF instead of certain development plan policies.</p> <p>Suggested changes build on an amend the Inspector's changes:</p> <p>FM6- Table CE1a's removal can, as the Inspector advises, take place 'without further consultation'. If it is left in the adopted policies, it can give the wholly inappropriate and misleading impression that the Focused Review process might have endorsed its content.</p> <p>FM7- Objection to the insertion of new text from 'Following changes...' to the end of the 'alternative wording' text. The additional text will inappropriately use the Focused Review to give justification to the Core Strategy's Centres Hierarchy (in Table CE1a and elsewhere) notwithstanding that the Inspector makes it clear this is a spatial strategy matter for the full review. Inconsistent with national policy and unjustified for CBC to add in this additional text that seeks to inappropriately use the Focused Review to re-establish the Core Strategy's Spatial Strategy relating to centres without evidence or indeed in contradiction of its up to date evidence.</p> <p>FM8- The Proposed Modification is not supported. The policy text relates to proposed allocations. As there can be no further allocations made prior to the Full Review of the Local Plan there is no purpose remaining for Policy CE3. Removal of this policy and its text now is consistent with the fact that the allocations have not been reviewed in the Focused Review. Deletion of the policy and its text would be effective and justified and help address the Inspector's identified overlap between policies CE1, CE3 and DP5.</p> <p>FM9 – Objection to parts of the proposed drafting. The Inspector raises concern that the re-drafted DP5, providing greater flexibility in the range of acceptable uses with employment zones, should not create inconsistency with other policies. The Council's comment suggest that such conflict will not occur and as a development management policy, sequential testing would still be applied. DP5 is not an allocation. However, any confusion can be removed by the insertion of 'subject to any necessary sequential testing (through Core Strategy Policy CE1) after 'will' in the opening sentence of the policy.</p> <p>The role and status of the Site Allocation and Development Management policies to amend the modification wording to justify the purposes of the respective policies. Thus after 'and' in line 3 of the alternative wording to the new text add 'will be applied for development management purposes notwithstanding the more limited list of allocated uses identified' (and delete 'supersedes the more restrictive list of uses suitable'). This wording would then reflect that the 'allocation lists' date from 2010 implying change following the assessment of allocated employment land and local needs through the Full Review consistent with the approach in paragraph 20 of the</p>

	<p>NPPF. The supporting text to DP5 could clarify this. As Table CE1b is not proposed for review now and essentially only helped direct the Site Allocations, supporting text could also clarify how it is divorced from Policy DP5.</p> <p>FM10- The words ‘the Local Planning Authority is satisfied’ should be changed given that policy text is not about ‘who’ determines a relevant test but about ‘what should be done. There is also benefit in adding ‘social’ to the examples of benefits set out at (iii). Although they are examples, ‘social roles’ or benefits should not be given any less weight.</p>
<p>Bidwells for Schroeder UK Property Fund (Turner Rise)</p>	<p>Do not support Option 1 approach of deletion of Centres and Employment policies from scope of Focused Review. Such an extreme approach is unnecessary and will result in a period of continued uncertainty where the Council’s Local Plan is in conflict with the NPPF in a number of respects but with the Council continuing to argue otherwise.</p> <p>Support Inspector’s Option 2 suggested modifications. The proposed Further Modifications address the main areas of inconsistency and also ensure that any remaining inconsistencies that may exist are clarified in a way which enables interpretation. Any inconsistencies that remain must be balanced against the greater inconsistencies with the NPPF which would be perpetuated by the removal of all of these policies from the Focussed Review.</p> <p>Inconsistencies are generally related to Policies CE1 and DP5. Further modifications to CE2b in accordance with Major Modification 15 and 16 can be made independently from other changes and do not result in any inconsistencies or ambiguities with Policy CE1 whether or not policy CE1 is modified as proposed through Further Modification FM1. The Council has not considered all reasonable alternatives by considering whether CE2b can be amended independently of other changes.</p>
<p>Marine Management Organisation</p>	<p>No comments.</p>
<p>Andrew Martin for Thomas Bates and Son Ltd.</p>	<p>Generally support the latest modifications to employment policies made by the Council, based on the Local Plan Focused Review, Inspector’s Note, January 2014, IED 06.</p> <p>Policy CE1 -Support change that no longer requires the plan to deal with more detailed development management issues. Where proposals will result in a loss of employment there is no longer a need for these to be supported by evidence that there is no reasonable prospect of a site being used for the allocated employment use.</p> <p>Policy CE3 - Pending a review of employment allocations to take place in a forthcoming review of the Local Plan, support modifications to Policy CE3 to permit alternative uses on employment sites, with applications treated on their merits, having regard to market signals and relative need for different uses to support sustainable local</p>

communities. This change further supports the removal of the 'No reasonable prospect test' based on guidance from the Inspector that the Council should ensure that it is well informed about local market conditions.

DP5 - Support changes to the five criteria used to satisfy the LPA that alternative uses are justified on safeguarded employment land and allocations. Support change to the explanatory text that removes reference to marketing campaigns and the need for these as evidence that a site is no longer useable and viable for employment use. Support the change that not all the criteria need to be applied, but that these should be treated as alternatives. Support removal of Appendix 3 and the requirement for financial contributions toward employment generation and training schemes.