



Colchester Focused Local Plan Review Modifications Consultation

The Local Plan Focused Review was submitted to the Planning Inspectorate on 31 October 2013. A number of modifications are considered necessary to make the Focused Review document sound and legally compliant and these are now subject to a period of formal public consultation.

The Modifications are subject to public consultation from Monday 11 November until 12:00 noon on Monday 23 December 2013.

Contact Details

Title: Name:

Organisation (if relevant): The Churchmanor Estates Company plc

Address: c/o Agent

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Post Code:

Telephone No:

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Agent Details (if applicable)

Agent's Name: Martin Robeson, Martin Robeson Planning Practice

Job Title:

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1. If you have not already informed the Council of your wish to appear at the examination hearing sessions, do you now wish to attend the examination as a result of the modifications consultation?

Yes No

2. Do you wish to be informed of the Inspector's Recommendations?

Yes No

3. Do you wish to be informed of the adoption of the Focused Review?

Yes No

4. Do you have any comments on the proposed modifications, taking into consideration paragraph 182 of the National Planning Policy Framework which sets out the tests of ‘soundness’:

Positively prepared	<input type="checkbox"/>
Justified	<input type="checkbox"/>
Effective	<input type="checkbox"/>
Consistent with national policy	<input checked="" type="checkbox"/>

Please make clear what modification(s) you are referring to (policy/paragraph)

MAJ1 (and MAJ2) (new paragraph after paragraph 1.10)

5. Do you have any other comments in relation to the modifications proposed? Please note – comments should only be made in relation to the modifications proposed in the Modifications Schedule published.

In the context of this Focused Review we have significant concerns about the application of this wording to policies in a Development Plan Document. Those concerns are set out in our Statement on the Scope of the Focused Review at paragraphs 3 to 8. We are not satisfied that there has been adequate rigour applied to many of the policies that are subject to this review with the effect that whilst parts of policies may become NPPF compliant, other parts of often very lengthy policy text may remain, to varying extents, non-compliant. As paragraph 154 of the Framework explains, Plans need to “provide clear indications of how a decision maker should react to a development proposal”.

Whilst our Statement on the Scope of the Focused Review (at paragraph 8) puts forward a possible compromise, this would only serve to demonstrate that the whole of relevant policies are either not sound or are at risk of being non-compliant with the NPPF.

The alternative is not to review policies where there is any unresolved uncertainty as to whether the Review has properly been able to address the whole of the policy, whether for reasons of omission or otherwise.

Thus, considerable caution needs to be applied before using this “health warning” to provide confirmation about the status of relevant policies.

Thus, the text used must not be seen as a “starting point” but an important conclusion to the process and may need to be tailored to individual policies.

It cannot serve to make anything sound that is not.

Our concerns are played out in the context of the limited change proposed to Policy DP7 (subject to MAJ3).

Continue on a separate sheet if necessary

Signature..... Date 18 December 2013

I understand that my full response will be considered by Colchester Borough Council and the Planning Inspectorate in line with this consultation and that my comments will be made publicly available and identifiable to my name and/or organisation. The information in this form is, to the best of my knowledge, correct.

Thank you for completing this representation form. Your response will be sent to an Independent Examiner appointed by the Planning Inspectorate who will consider it as part of the Local Plan Focused Review Examination.

Representation forms should be returned before **12.00 noon on Monday 23 December** to planning.policy@colchester.gov.uk or alternatively via post to:

**Spatial Policy, Commercial Services, Colchester Borough Council,
FREEPOST RL5L-ZTSR-SGYA, Colchester, Essex, CO3 3WG.**

If you have any queries or questions about the modifications consultation or any aspect of the Local Plan Focused Review Examination please contact a member of the Spatial Policy Team on 01206 282473 / 282476 / 282596 / 282480 or alternatively email planning.policy@colchester.gov.uk

