



## Local Plan Committee

Item  
**8**

3 June 2013

Report of	Head of Commercial Services	Author	Laura Chase ☎ 282473
Title	Consultation on the Focused Review of the Adopted Colchester Borough Local Plan		
Wards affected	All		

**The Local Plan Committee is asked to consider the responses received following the consultation on the focused review of the Local Plan.**

### 1. Decision(s) Required

- 1.1 To note the consultation responses received following a statutory six week publication consultation concerning proposals to carry out a focused review of the Borough's Local Plan.
- 1.2 To agree the proposed approach to the Focused Review set out in section 5 below.

### 2. Reasons for Decision(s)

- 2.1 At its 28 January 2013 meeting, the Local Plan Committee agreed in principle to undertake a focused review of its planning policies to ensure their compliance with the National Planning Policy Framework (NPPF). On 11 March 2013 the Local Plan Committee approved a public consultation about changes to a number of policies in the Core Strategy and Development Policies Development Plan Documents (DPD) as part of the focused review of the Local Plan to update it and ensure conformity with the National Planning Policy Framework. This report sets out the responses received to the consultation and how the Council intends to address the issues raised.

### 3. Alternative Options

- 3.1 Members need to be aware of the issues arising from the statutory consultation process and how the Council plans to respond to them. Members could however propose alternative ways of dealing with the specific policy issues raised in the consultation but these might generate potential conflicts and consistency issues in terms of developing the Focused Review of the Local Plan.

## 4. Supporting Information

- 4.1 In March 2012 the Government published the National Planning Policy Framework and the Town and Country Planning (Local Planning) (England) Regulations 2012. Each local planning authority is required to produce a Local Plan for its area which can be reviewed in whole or in part to respond flexibly to changing circumstances. The Government gave local authorities a twelve-month transition period during which non-compliant policies could continue to be given full weight but this deadline has now passed (March 2013) and authorities need to have regard to their increasing vulnerability to non-compliant policies.
- 4.2 The Council is in the fortunate position of having a full set of adopted policy documents that broadly accord with the principles of sustainable development in the NPPF, thus minimising the work needed to bring its policies into compliance. These include the Core Strategy adopted in December 2008, the Development Policies and Site Allocations in October 2010 and the associated Proposals Map. The January 2013 Local Plan Committee therefore agreed that a Focused Review would be sufficient to bring its plan into accord with the National Planning Policy Framework (NPPF).
- 4.3 Only those policies that clearly did not comply with the advice in the NPPF formed part of the scope of the Focused Review of the Local Plan. It did not include any amendments to the spatial strategy or housing and employment targets and site allocations.
- 4.4 As part of the Issues and Option public consultation the following policies were identified as requiring review;

**Sustainable development** – addition of model policy noting the presumption in favour of sustainable development contained in the NPPF (Core Strategy Policy SD1)

**Changes to the system of planning obligations and introduction of Community Infrastructure Levy** – modification of policies guiding obligations for development to contribute to both on-site and strategic infrastructure improvements (Core Strategy Policies SD2, SD3 and Development Policy DP3)

**Affordable housing** – modification of the policy on affordable housing to reflect changing economic circumstances since the policy was adopted in 2008 and the NPPF which requires the Council to pay careful attention to viability and costs in plan-making and decision-taking (Core Strategy Policy H4)

**Neighbourhood Planning** – introduction of references where appropriate to the new system of Neighbourhood Plans (Core Strategy Policy ENV2)

**Rural exception sites** – modification of Council policy to allow for a limited degree of market housing on rural exception sites to enable the delivery of affordable housing (Core Strategy Policy H4 and ENV2)

**Rural worker housing** – modification of Council policy to bring its policy on rural worker housing into line with policy in the NPPF (Development Policy DP24)

**Employment in the countryside** – modification of Council policies to reflect the increased emphasis in the NPPF of the benefits of supporting rural enterprise. (Development Policy DP9)

A number of references are made in the existing documents to Planning Policy Statements and other documents that have since been revoked and/or replaced. Where possible these references will be removed/updated in the Focused Review documents and the glossary amended accordingly.

- 4.5 The process of undertaking a Focused Review of the Local Plan was underpinned by a Sustainability Appraisal which enables the environmental, social and economic performance of the Focused Review policies to be assessed against a set of sustainability objectives. In addition, a Habitats Regulations Assessment (HRA) screening opinion was also prepared to assess the likely significant effects of the Focused Review policies on European Sites in the area. The Scoping Report for the SA and the HRA Screening opinion were published alongside the Focused Review of the Local Plan for comment as part of the Issues and Options consultation.
- 4.6 The Issues and Options consultation on the Focused Review of the Local Plan was held from 18 March – 29 April 2013. Respondents to the consultation were invited to comment on the plan using the following questions as a guide:
- Which policies in the Core Strategy and Development Policies require change to be in conformity with the NPPF?
  - Is there a need for the deletion or addition of any policies to allow the wider plan to be in conformity with the NPPF?
  - The consultation allowed for new ideas to be put forward.

They were also asked for their views on the scope of the Sustainability Appraisal, and the HRA screening opinion.

- 4.7 A total of 26 responses were received to the Issues and Options stage consultation and a number of the consultees raised more than one issue. 23 points related to the proposed changes to the Core Strategy policies, while 10 were concerned about proposed changes to the Development Policies and 5 were about the Sustainability Appraisal and Habitat Regulations Assessment screening opinion. A table incorporating all of the comments is attached as Appendix 1.

## 5. Proposals

5.1 The following section of the report sets out how officers propose to deal with the policy changes and in particular those issues raised in the consultation.

5.2 A few general comments were made about aspects of the review, including processes for involving local communities, co-operating with adjacent authorities and the need to delete references to superseded national and regional guidance.

CBC Response: The Council will develop appropriate mechanisms to satisfy the Duty to Cooperate obligations and to support local community engagement, although a suggestion for the creation of new panels is considered to lie outside the scope of the Focused Review. The need to update outdated references was agreed.

5.3 Some respondents felt that the scope of the review was too limited and a full review of all Local Plan documents was required, including the Spatial Strategy, housing and employment targets to ensure full compliance with the NPPF and in light of the revocation of the East of England Regional Spatial Strategy.

CBC Response: As previously agreed by the Committee, a Focused Review is considered appropriate given that the Council has capacity to meet housing and employment targets in accordance with the Framework. A Full Review has already been programmed to consider more fundamental changes.

### 5.4 Core Strategy - Sustainable Development Policies

Policy SD1 - The key issue highlighted was the need to amend policy SD1 to bring it into full conformity with the NPPF.

CBC Response: Agreed that the wording needs to be revised to incorporate the model policy from the NPPF about sustainable development.

Policy SD2 – The responses received about the proposed changes to this policy were generally supportive that developers should fund new infrastructure and facilities through a Community Infrastructure Levy.

CBC Response: It is considered that CBC policies, in tandem with national policies, provide adequate coverage on the areas mentioned. The Council will consult on a draft Community Infrastructure Levy Charging Schedule at the same time it consults on the Submission version of the Focused Review.

Policy SD3 – Two respondents identified the need to update Table SD3 (Delivery of Key Community Facilities).

CBC Response: It is intended to update Table SD3 as part of the Full Review.

## 5.5 Core Strategy - Centres and Employment Policies

CE1 & CE2 – Several respondents raised the need to review Centres and Employment policies to bring them into conformity with the NPPF definition of centres. Respondents also highlighted the need for policies to provide greater flexibility for employment-creating uses.

CBC Response: Officers agree that the Centres and Employment policies require review to ensure the NPPF definition of centres is adequately reflected and that policy provides greater flexibility for employment-creating uses. Revised policies will note that the new policies supersede those aspects of Site Allocations policies NGA3 and STA3 in so far as they relate to retail and employment to ensure there is no conflict with the NPPF.

## 5.6 Core Strategy - Housing Policies

H1 and H3 – One respondent raised the need for a new policy to deliver 6 forms of housing for the elderly in relation to future housing delivery.

CBC Response: Officers consider the introduction of a new policy on elderly housing lies outside the scope of the Focused Review, but this important emerging issue will be considered through the Strategic Housing Market Assessment and the Full Review.

H2 - Two respondents were critical that current densities set out in SD2 were too high and needed review.

CBC Response: Policy H2 will be reviewed to ensure it complies with the increased flexibility provided by the NPPF and any reference to minimum densities (which reflected previous Government policy) will be removed.

H4 – There was generally broad support for a review of policy H4 to help improve the delivery of affordable housing in the Borough. While there was support amongst some stakeholders for the NPPF guidance allowing market housing in rural areas to cross subsidise affordable housing provision caution was also urged about the risk of this approach becoming the norm due to the impact it could have on the delivery of schemes comprising only affordable housing. The other key issue raised was the need for flexibility in policy H4 to ensure that a balance could be reached following the introduction of CIL between continued future growth and the provision of adequate levels of affordable housing in the future.

CBC Response: Council policies on affordable housing will need to strike a balance between the deliverability of sites and the need to provide affordable units. The wording on rural exception sites will be revised to comply with NPPF policy, while ensuring the primacy of providing affordable housing on rural exception sites.

## 5.7 Core Strategy - Environment Policies

ENV1 – There was just one response in respect of this policy which suggested new wording to bring the policy into conformity with the NPPF with respect to development in the AONB and general countryside. The suggestion was to relax policy restrictions in AONB's where an overriding public need could be demonstrated and in the countryside generally.

CBC Response: Although minor rewording is appropriate the approach suggested is not considered to provide sufficient protection for countryside and designated landscapes.

ENV2 – There were mixed views about this policy – some consultees thought that the existing policy should be retained whilst others considered it too restrictive and contrary to the NPPF.

CBC Response: Wording will be revised to comply with NPPF policy, while ensuring the primacy of providing affordable housing on rural exception sites.

## 5.8 Core Strategy - Energy

ER1 - The Environment Agency noted that the Plan should identify suitable areas for renewable and low carbon energy schemes in plans and identify opportunities where developments could draw their energy supply from decentralised, renewable or low carbon supply systems.

CBC Response: Agreed some revision may be needed to ER1, but full analysis of opportunities for renewable energy will form part of the evidence base process for the Full Review.

## 5.9 The Implementation & Monitoring section in Chapter 6 of the Core Strategy will be updated to refer to the Duty to Cooperate.

## 5.10 Development Policies

A number of changes were proposed to development policies (DP5, DP6, DP7, DP8, DP9 DP10, DP13, DP14, DP17, DP22 and DP24) to bring them into conformity with the NPPF and to add greater flexibility to encourage growth.

CBC Response: All Development Policies and Core Strategy policies will be reviewed as part of the Focused Review and Sustainability Appraisal process to ensure that relevant issues are captured, including the need to ensure conformity with the NPPF. In most cases, further policies suggested for revision are already considered to assign appropriate weight to relevant environmental considerations and accord with the NPPF. Several policies are covered in more detail below;

DP5 Employment Uses– A change to policy DP5 was requested to allow land allocated for employment which is unlikely to come forward for this use to be used for other types of development including outdoor

recreation and leisure, sui generis uses associated with B1, B2 and B8 uses.

CBC Response: It is agreed that a review of Centres and Employment policies is required to ensure compliance with the NPPF by providing greater flexibility for different types of employment-creating development.

DP9 Rural Employment - A policy change was proposed to limit the size of rural enterprises to help protect landscape character in light of paragraph 28 of the NPPF which promotes all types of employment but also seeks to protect the countryside. Other respondents were opposed to the size restrictions on future rural employment uses.

CBC Response: The wording of DP9 will be reviewed to ensure its conformity with the NPPF, but it is considered appropriate to include criteria for the scale, type and extent of rural commercial buildings since the NPPF supports conserving and enhancing the natural environment in addition to supporting a prosperous rural economy.

DP21 Nature Conservation and Protected Lanes– A change to this policy was proposed to bring it back in line with the original intention about why some rural lanes are designated as Protected Lanes.

CBC Response: The policy is not considered to require revision as it assigns appropriate weight to relevant environmental considerations and accords with NPPF.

DP24 Equestrian Activities– Beyond conformity issues with the NPPF, a number of additional requests were made to review this policy to relax development limits on equestrian related developments where these relate to tourism, agricultural or research enterprises and to extend it to also include rural workers.

CBC Response: Policy review will seek to ensure an appropriate balance between providing greater flexibility as required by the NPPF and protecting/enhancing the countryside. It also provides the opportunity to amend the policy to fill any gaps left by the revocation of PPS7.

#### 5.11 Sustainability Appraisal

Respondents were generally supportive of the process proposed to carry out the next stages of the SA. However a number of new documents were identified for inclusion in the evidence base to support the development of the Focused Review. A number of changes were also proposed to the SA objectives against which future policies will be reviewed.

CBC Response: The additional documents identified will be used in the will be future SA stages.

#### 5.12 Habitats Regulation Assessment

Natural England raised concerns about the lack of a mechanism to measure the impacts of proposed growth on international sites and also identified the need to identify mitigation to address impacts.

CBC Response: The impacts of housing policies are already monitored through a programme which involves gathering baseline data on visitor numbers using designated International Sites .This can be used to monitor the impact of growth over time.

- 5.13 Planning policy officers will now proceed to redraft policies in light of consultation comments and ensuring compliance with the NPPF. In addition to redrafting policies in the Core Strategy and Development Policies, the process will include finalisation of the CIL Charging Schedule and development of a new Supplementary Planning Document, since these documents are critical to ensuring the overall deliverability of the Local Plan. All three documents will then be reported to committee for approval prior to publication for consultation and submission to Government.

## **6. Strategic Plan References**

- 6.1 The Strategic Plan Action Plan includes a commitment to regenerating the borough through buildings, employment, leisure and infrastructure. There are also commitments to attract investment and provide more affordable homes. The Focused Review of the Local Plan can help achieve these objectives.

## **7. Consultation**

- 7.1 Public consultation took place in accordance with The Town and Country Planning (Local Planning) (England) Regulations 2012.

## **8. Publicity Considerations**

- 8.1 There is likely to be continued interest as the Focused Review of the Local Plan progresses resulting in publicity for the Council.

## **9. Financial Implications**

- 9.1 A budget has been allocated for the review which funds the updating of evidence based documents, consultation and examination.

## **10. Equality, Diversity and Human Rights implications**

- 10.1 An Equality Impact Assessment has been prepared for the Local Development Framework and is available to view on the Colchester Borough Council website by following this pathway from the homepage: Council and Democracy > Policies, Strategies and Performance > Diversity and Equality > Equality Impact Assessments > Strategic Policy and Regeneration > Development Plan.

- 10.2 There are no particular Human Rights implications.

## **11. Community Safety Implications**

11.1 None

**12. Health and Safety Implications**

12.1 None

**13. Risk Management Implications**

13.1 Review of the Local Plan will reduce the risk of inappropriate development being permitted.

**14. Disclaimer**

14.1 The information in this report was, as far as is known, correct at the date of publication. Colchester Borough Council cannot accept responsibility for any error or omission.