

## **Site Allocations Sustainability Statement**

This Sustainability Statement is prepared in accordance with Regulation 16 of the Environmental Assessment of Plans and Programmes Regulations 2004. It effectively tells the story of the Sustainability Appraisal and its relationship with the Site Allocations DPD.

### **Background**

A Sustainability Appraisal (SA) is required to be carried out for all Development Plan Documents (DPDs). SA is a continuous process which assesses DPDs against a series of sustainability objectives, these sustainability objectives are wider than the plan objectives and collectively define what the Council and relevant stakeholders would ideally like to achieve in terms of sustainable development. SA helps Local Planning Authorities (LPAs) identify the relevant economic, social and environmental performance of possible options and policies and evaluate which are the most sustainable. It essentially involves asking at key intervals in plan preparation “how sustainable is my plan?” The Environmental Assessment of Plans and Programmes Regulations 2004 gives effect to EU Directive 2001/42/EC on the ‘assessment of the effects of certain plans and programmes on the environment’ [the Strategic Environmental Assessment (SEA) Directive] and places an obligation on LPAs to carry out a SEA on land use and spatial plans. Clearly there is some overlap with the requirement for an environmental assessment under these Regulations and the requirement to carry out a SA. It is therefore best practice to incorporate the requirements of the SEA Directive into the SA process, which Colchester Borough Council has done.

This statement complies with the requirement in paragraph (1)(b)(iii) of Regulation 16 of the Environmental Assessment of Plans and Programmes Regulations 2004 to produce a statement when a plan, which was subject to environmental assessment, is adopted.

### **Site Allocations DPD**

The Site Allocations DPD follows on from the Core Strategy and allocates land for a number of uses, including housing, employment and nature conservation; and sets out the criteria for the allocations and boundaries shown on the Proposals Map. The preparation of the Site Allocations involved 4 broad stages:

- Issues and Options;
- Regulation 25;
- Regulation 27; and
- Submission.

SA is an iterative process and involved numerous stages; a report was prepared to accompany the first three of the broad stages listed above. A SA Scoping Report accompanied the Site Allocations Issues and Options document in December 2007, a revised SA Scoping Report was prepared to

accompany the Regulation 25 consultation document in January 2009, a draft SA Report was prepared to accompany the Regulation 27 consultation in September 2009 and an annex was prepared at the submission stage.

Since the time of the Core Strategy Amended Preferred Option all SA work is carried out in-house by the spatial policy team. National guidance makes it clear that this is an acceptable, even desirable, arrangement. The decision was taken to carry out SA work in-house principally as a result of representations from the Government Office for the East of England and Natural England regarding a lack of integration between the Core Strategy Preferred Options and the SA, which was prepared externally.

### **SA Task D2(ii)**

Where a Planning Inspector makes significant changes to a DPD in their binding report they must be satisfied that sufficient SA material is available to demonstrate what significant effects are likely. Where significant changes have been made by the Inspector the LPA must incorporate these changes and amend the SA report. A significant change is likely to be one that changes the strategy or fundamentally alters the focus and intent of a policy.

The Inspector has recommended four changes to the Site Allocations DPD; none of these are significant. These changes do not alter the thrust of the Council's overall strategy and have been subject to public consultation and sustainability appraisal.

### **Purpose of the Sustainability Statement**

Regulation 16(4) of the Environmental Assessment of Plans and Programmes Regulations specifies the particulars that must be included in the adoption statement required under Regulation 16(i)(b)(iii).

Accordingly this statement sets out:

- a) how environmental considerations have been integrated into the plan or programme;
- (b) how the environmental report has been taken into account;
- (c) how opinions expressed in response to -
  - (i) the invitation referred to in regulation 13(2)(d);
  - (ii) action taken by the responsible authority in accordance with regulation 13(4) have been taken into account;
- (e) the reasons for choosing the plan or programme as adopted, in the light of the other reasonable alternatives dealt with; and
- (f) the measures that are to be taken to monitor the significant environmental effects of the implementation of the plan or programme.

Please note that criterion (d) of the regulations is not relevant to the Site Allocations as it refers to transboundary issues with other member states.

- (a) How environmental considerations have been integrated into the plan and**  
**(b) How the environmental report has been taken into account**

Carrying out the SA has ensured that sustainability (environmental, economic and social) considerations have been integrated into the Site Allocations DPD from the beginning of the plan preparation process. As part of the first scoping exercise the SA framework was slightly amended from the Core Strategy SA framework to ensure that the sub-objectives are the most relevant to the Site Allocations DPD. The outcomes of consultation on the Issues and Options document and the SA Scoping Report informed the next stages of the plan-making process and the SA process.

A strategic sieve was carried out, which assessed every site put forward by third parties in terms of conformity to the Core Strategy. Those sites that were considered to be contrary to the Core Strategy, this was principally in terms of their location outside of an identified settlement boundary or growth area or within a medium/high flood risk zone, were discounted from further consideration. These sites were listed in appendix 3 of the Regulation 25 consultation document. There was one exception to this; the alternative sites put forward as part of the Core Strategy were appraised. The Council is of the view that these sites do not conform to the pattern of development set out in the Core Strategy, however it was considered appropriate to consider these sites at the Site Allocations level in further detail. Furthermore, the allocated Local Plan sites where development has not yet commenced were appraised. Although these sites were carefully assessed during the preparation of the Local Plan and consideration was given to their contribution to sustainable development they were not subject to SA. As part of the revised scoping exercise the baseline data, which reflects all sustainability considerations, and the review of relevant policies, plans, programmes and sustainability objectives were updated from the SA of the Core Strategy to ensure that the Site Allocations SA was based on the most up to date and comprehensive data. A comparative assessment of sites was then carried out and this informed the work on the Regulation 25 consultation document (January 2009), which set out potential sites for allocation. A recommendation was made as part of this initial appraisal as to whether a site (option) should or should not be allocated based on its comparative performance against the sustainability objectives. Whilst this initial appraisal work tended to focus on the principle of the proposed development on the site some recommendations were made for mitigation and enhancement measures. Whilst the Council did not make a commitment to allocate sites included in the Regulation 25 document the SA helped to identify sites that would result in negative sustainability impacts, which could be discounted from inclusion in this document and therefore further consideration. The Regulation 25 consultation document and the initial appraisal of sites were in conformity.

Following the Regulation 25 consultation period the spatial policy team began work on identifying sites for allocation to meet the housing and employment targets included in the Core Strategy and other land use allocations, including a review of settlement boundaries. As the spatial policy team had potential

sites in excess of the Core Strategy targets the SA, through the appraisal of options, helped to identify the sites that would result in the most positive sustainability effects. The SA appraised the sites that had not been discounted at the previous stage in more detail; whereas before the SA focused on the principle of development this stage fulfilled tasks B3 and B4 of the SA by predicting and evaluating the effects of the sites. At this stage of the SA the appraisal went into more detail than previously and significantly more mitigation and enhancement measures were identified. This stage of the SA contributed to the decision on what sites should be allocated in the Submission document. Furthermore, the majority of the mitigation and enhancement measures recommended in the SA were incorporated into the Submission document, ensuring that potential adverse effects from the development of the allocated sites can be mitigated. New sites submitted by third parties as part of the Regulation 25 consultation and sites with planning permission where development has not commenced were appraised at this stage. However, the appraisal of sites with planning permission was a very brief and permissive appraisal considering the fact that the Council has already granted consent for these proposals and carefully considered the likely effects of implementation in more detail than required as part of SA. The SA Report was issued for a 6 week consultation period alongside the Site Allocations Regulation 27 document in September 2009.

At submission stage an annex to the SA Report was published, which included a draft of this Sustainability Statement, the monitoring framework and minor amendments to the flood risk sequential test and appropriate assessment reports. Whilst the initial appraisal was published in the SA revised scoping report in January 2009 and stakeholders were invited to make representations to contribute to the next stage of the SA only two representations were received.

**(c) How opinions expressed in response to -**

- (i) the invitation referred to in regulation 13(2)(d);**
- (ii) action taken by the responsible authority in accordance with regulation 13(4) have been taken into account**

A key component of the SA process is consultation with stakeholders and the public. The consultation throughout the SA process has been in accordance with:

- Regulations set out in the Environmental Assessments of Plans and Programmes Regulations 2004.
- The Colchester Borough Statement of Community Involvement.

The SA Reports prepared for the Issues and Options stage, Regulation 25 stage and Regulation 27 stage of the Site Allocations DPD were sent to all statutory consultees on Colchester's LDF consultation list, as detailed in the Council's Statement of Community Involvement. All documents were also made available at Council offices, public libraries, the Council's website ([www.colchester.gov.uk](http://www.colchester.gov.uk)) and on request to any consultees. Representations made during the consultation periods were recorded and are publicly available

on the Council's website. Responses received have also been used to amend the Site Allocations DPD.

Sites submitted as part of the Regulation 25 consultation were forwarded to the SEA consultation bodies (Natural England, Environment Agency and English Heritage), the Highways Authority and Anglian Water to ensure that these sites have been subject to consultation and that these expert comments can inform the SA.

The table, below, sets out the representations received to the various SA Reports and the Council's response.

<b>SA Scoping Report (accompanied Issues and Options document)</b>		
<b>Stakeholder</b>	<b>Comment</b>	<b>Response</b>
No comments received		
<b>SA Revised Scoping Report (accompanied Regulation 25 consultation document)</b>		
Environment Agency	We are in broad agreement with the findings of the flood risk sequential test. Notwithstanding the passing of the Sequential Test, we would take the opportunity to emphasise the importance of any developer carrying out a site specific Flood Risk Assessment to demonstrate that for sites within Flood Zones 2 and 3, safe access and egress can be achieved. We have particular concerns over the development proposals at Waldegraves Caravan Park (site S003) and Coopers Beach (site S026). Given the vulnerability classification of caravan parks, we would expect the developer to provide a full and complete Flood Risk Assessment in support of any planning application.	Comment noted, sequential test completed.  Need to further consider Waldegraves and Coopers Beach Caravan Parks.
Gladedale Special Projects Division/ Barton Willmore	It is considered that the SA is flawed within some areas of its assessment of the site. The comprehensive redevelopment of Chitts Hill site alongside the adjacent 'Railway Sidings' site which is allocated for residential development (carried over from the previous Local Plan) will together constitute a substantial development of residential dwellings. This will create opportunities for improvement of the sustainable transport network in the local vicinity, particularly for pedestrians and cyclists. Furthermore, the site is located in close proximity to existing bus routes and within walking distance to a future key public transport link identified in the Core Strategy. The site is situated in close proximity to a local school facility and open space. Further, the site is bounded to the north by the railway serving central Colchester and south by the A12. The railway serves as a natural urban boundary with the countryside stretching beyond. Development of the Chitts Hill site would therefore not set a precedent for further development in the countryside as it would round off the settlement of Colchester to its natural boundary with the railway.	The appraisal has shown that the Chitts Hill site is not as sustainable as other sites within the Stanway growth area and as there are alternative sites within Stanway which can deliver the housing target and result in more positive sustainability impacts the SA is correct to recommend that this site is not allocated for development. Whilst the principle of residential development on the railway sidings site, adjacent to Chitts Hill, has been accepted through the granting of planning permission this is not adequate justification for more residential development in this area.
<b>SA Report (accompanied Regulation 27 document)</b>		

Gladedale Special Projects Division/ Barton Willmore	As with the representation submitted as part of the regulation 25 consultation the SA is flawed. This representation additionally states that the SA is inconsistent in its assessment of the Chitts Hill site and Railway Sidings site.	The railway sidings site has been granted consent and so subject to a permissive appraisal as with all sites with planning permission (as explained in the SA report). The appraisal of the Chitts Hill site is therefore slightly different as this is a more detailed appraisal and also compares the likely impacts of this site to other sites within the Stanway growth area. Furthermore, the appraisals differ as the appraisal of the Chitts Hill site considers the cumulative impact of both sites.
BRB Residuary	The Sustainability Appraisal submitted with the document does not discuss potential route alternative options or assess the sustainability of the route proposed for the Eastern Transit Corridor.	The SA is required to appraise options for the DPD in order to ensure that the most sustainable options are taken forward. Options should only be appraised where they are genuine. In the case of the Eastern Transit Corridor, which is at an early stage, no alternative options have been identified as alternatives would be likely to result in the demolition of existing buildings.
Myland Parish Council	Myland Parish Council state that paragraph 5.112 of the DPD, which refers to the Sustainability Appraisal, is ineffective, lacking in clarity in intention in that baseline approved development areas must be completed before new sites are permitted to proceed. They feel that the SA is too subjective and open to abuse by developers to activate long standing planning consents out not in accordance with current construction/development policy.	In accordance with the Core Strategy brownfield sites will be developed prior to greenfield sites and the supply of housing sites will be monitored to ensure that dwellings are being delivered in accordance with the RSS and Core Strategy targets.
Edward Gittins & Associates on behalf of Mr. R. Martin	The sieving system used to identify potential new sites in Tiptree in the Sustainability Appraisal is arbitrary and incomplete.	The SA for the Tiptree sites is not arbitrary and incomplete. The Grange Road site was appraised as part of the first stage of site appraisal and published in the revised scoping report. This was the only site appraised in Tiptree as it was the only site proposed for a mixed use development. However, it was later decided that all sites proposed on the edge of Tiptree should be appraised. With the exception of land to the south of the Wilkin's factory all of the fifteen sites on the edge of Tiptree were proposed for residential development. As the issues with these sites were very similar the SA focused on the proximity of each site to the centre of the district centre and proximity to local wildlife sites. Whilst this is a different approach to other areas within the Borough all proposed residential sites in Tiptree have been subject to the same approach.
Mr Hayward,	The evidence base and sustainability appraisal relating to the Place	The SA appraised the option of mixed use development of this site

Fenn Wright	Farm Court allocation is suspect and further investigation is required. A full and proper assessment of the site would conclude that the site should be included as a Mixed Use site rather than being classed as a Local Employment Zone.	as part of the developing options stage of the SA. The appraisal concluded that as the site is not located within one of the Council's regeneration/ growth areas, is a greenfield site, part of the site is within flood zone 3a, the site is directly adjacent to the Upper Colne Marshes SSSI the site should not be allocated for mixed use development. The objector requests a full and detailed site assessment but this is not appropriate as part of the SA, which is a strategic level assessment.
Lawson Planning Ltd on behalf of owner of Sundowne, Dedham	No residential sites within villages have been assessed as part of the Sustainability Appraisal process. The Council has refused to consider specific sites for residential development in smaller villages in the Borough thus failing in its duty to plan for the needs of all residents of Colchester.	Whilst it is essential that alternatives are considered as part of the SA process only reasonable, realistic and relevant options should be considered. The SA must be linked to the planning framework and so options that do not conform to national policy, the RSS or the Core Strategy should not be considered as part of the SA as they are not reasonable, realistic or relevant options. Developing sites in smaller villages would not be in conformity with the Core Strategy.

**(e) The reasons for choosing the plan or programme as adopted, in the light of the other reasonable alternatives dealt with**

PPS12 sets out a chain of conformity, which requires DPDs and SPDs to be in conformity with the Core Strategy. The Core Strategy was adopted in December 2008 and through the Examination process it was demonstrated that this DPD is in conformity with national guidance and the now revoked Regional Spatial Strategy.

Each site considered as part of the Site Allocations DPD is an option. It would not be appropriate for the SA to appraise every site submitted by third parties and every site identified in the Housing Land Availability Assessment. SA should only appraise those sites that are considered genuine options. As explained above the Site Allocations DPD fits into a hierarchy of documents and so sites that do not conform to this higher level policy should be discounted as genuine options. The appraisal sections of the SA revised scoping report and SA report are both split into sub-sections for each growth/regeneration area, Tiptree, rural employment centre, gypsy/travellers provision and Borough wide sites. A number of options have been considered as detailed below\*.

**Town Centre**

One site, plus twelve sites within policy SA TC1, were appraised within the town centre and all were recommended for allocation.

**Land at Cowdray Centre**

**Sites within policy SA TC1, which have planning permission**

**East Colchester**

Four sites, plus fifteen sites within policy SA EC1, were appraised within the East Colchester growth and regeneration area. Two of these sites were not recommended for allocation as they were not as sustainable as the other options. This is detailed in the SA report but is principally to do with flood risk issues, potential impacts on a nature conservation site and in the case of one of the sites, the detrimental impact of settlement coalescence between Colchester and Wivenhoe.

**Wilson Marriage Centre**

**Haven Road Travellers Site**

Place Farm Court

Land between the University of Essex and Wivenhoe<sup>†</sup>

**Garrison**

Two sites, plus several sites within policy SA GAR1, were appraised within the Garrison regeneration area and all were recommended for allocation.

**Land bounded by Circular Road West, Butt Road and Goojerat Road**

**Naffi site, North Circular Road**

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\* All options appraised are listed and those that are allocated are shown in **bold**.

† Whilst the proposed use put forward for this site is not supported by the Council an alternative use at the University of Essex is supported.

**North Colchester**

Nineteen sites were appraised within the North Colchester growth area. Three of these sites were not recommended for allocation as they were not as sustainable as the other options. This was principally as these sites were outside of the defined growth area and some distance from the Severalls site, which is the large regeneration site within the area. One of these sites is within an area of high risk of flooding and one site is part of a golf course.

**Land between Mile End Road and Bergholt Road (2 different sites)****Severalls Hospital****Land East Nayland Road and South A12****South A12 and West Nayland Road****Land East Nayland Road and South A12****Land South A12 and West Nayland Road****Land North Axial Way****North Colchester****Land off Braiswick Lane****Land at Chapmans Farm, Nayland Road****Land South Moorlands Lodge, Boxted Road****Chesterwell Wood****Cuckoo Point, Severalls Lane**

St Botolph's Farm

Land off Braiswick

Great Horkesley Manor Plot 2

**Stanway**

Twelve sites, plus open space sites within policy SA STA5 were appraised within the Stanway growth area. Five of these sites were not recommended for allocation as they were not as sustainable as the other options. This is principally due to adverse impacts on biodiversity, landscape character and for one of the sites, Gosbeck's Archaeological Park.

**Land between Warren Lane & Dyers Road****Land north of London Road, Tollgate****Stane Park****Land between the A12 & London Road****Colchester Quarry****Lakelands****Land at Fiveways Fruit Farm**

Land at Furze Hill, Warren Lane

Land between Warren Lane &amp; Dyers Road

Land at Chitts Hill

Land at Gosbecks Farm

Land at Evergreen House & D Hollick Car Sales<sup>‡</sup>**Tiptree**

Seventeen sites, plus two sites within policy SA TIP1, which have planning permission but development has not commenced, were appraised within Tiptree. With the exception of two sites all sites were proposed for residential

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<sup>‡</sup> This site is not recommended for allocation for residential development as proposed, however it is recommended for allocation as employment use.

development. To compare the residential options in Tiptree a measurement was taken from the edge of the site to the approximate centre of the retail centre; as 800 metres is considered to be a reasonable walking distance all sites in excess of 800 metres were discounted. Sites adjacent to local wildlife sites were also discounted as it was considered that development would be likely to adversely affect nature conservation sites through increased levels of disturbance. Only two of the proposed residential sites were within 800 metres of the centre of the retail centre and unlikely to affect a local wildlife site, however as only a small amount of housing is required in Tiptree only one site is necessary. The site at Grange Road was considered to be the most sustainable as it will bring community and recreational benefits to Tiptree through the mix of uses proposed at this site.

#### **Land at Grange Road**

#### **Land south of the Wilkin & Sons Jam Factory**

#### **Church Road**

#### **Land r/o Shell Petrol Station, Maypole Road**

Bull Lane

Land at Sparrow Cottage

Land at Kelvedon Road

Land adjacent to Sparrow Cottage

Land at Vine Road

Land at Harrington Close

Land at Peakes Farm

Land to the rear of the Ship Inn

Land off Pennsylvania Lane

Land off Birchwood Road

Land r/o 30 – 72 Newbridge Road

Land north-east of Grove Road

Land east of Factory Hill

Wilkin's farm camp

Land to the south of the farm camp

#### **Rural Employment**

Fourteen sites were appraised for allocation as rural employment sites. Two of these sites, both located in Marks Tey were not recommended for allocation. Anglian Water Services advised that infrastructure improvements to the water supply networks may be required and there is insufficient capacity at Copford Sewage Treatment Works to cope with significant development at Marks Tey and the Highways Authority advised that development of the proposed sites in Marks Tey is likely to significantly affect the A120/London Road, which would increase congestion. It was therefore considered that only one site should be allocated in Marks Tey. Three sites were put forward for development in Marks Tey and it was considered that Andersons Land is more sustainable than the alternative two sites as an employment use is already established on the site and the site would not affect the gateway into Marks Tey.

#### **Boat Yards, Coast Road, West Mersea**

#### **Andersons Land, Marks Tey**

#### **Waldegraves Business Park**

#### **Land at Queensmeade, The Folley**

**Depot, Old Ipswich Road, Dedham**  
**Land at Picketts Farm, Fingringhoe**  
**Land at Pantiles Farm**  
**Powerplus Engineering and Whitnell Contractors Site, School Road, Langham**  
**The Pot Emporium, Straight Road, Boxted**  
**Straight Road, Boxted**  
**Poplar Nurseries, Marks Tey**  
**Land south of Peldon Common**  
Land r/o Bridge Farm  
Old London Road

### **Sites outside Settlement Boundaries**

Twenty sites were appraised throughout the Borough and eighteen of these were not recommended for allocation. These sites are located outside of the Borough's regeneration and growth areas and so will fail to promote regeneration and are not as accessible as the allocated sites and so the need to travel will increase. Development of sites on the edge of villages is more likely than sites on the edge of Colchester Town to adversely affect landscape character and the pattern of the Borough's settlements as the scale of the development in proportion to the village will be significant. Development on the edge of villages will fail to make efficient use of land as a lower density will be required than for sites on the edge of Colchester. Furthermore, some of the sites appraised and considered unsuitable for allocation are likely to affect nature conservation sites and some fall within areas of flood risk.

### **Waldegraves Caravan Park**

#### **Coopers Beach Holiday Park**

Land north of the A120, abutting Great Tey Road and Church Lane

Land west of Irvine Road<sup>§</sup>

Land at Hare and Hounds Public House, Birch

Land at Marks Tey Station

Land at Picketts Farm, Fingringhoe

Land at Cymbeline Way

Land at Wick Road, Langham

Land west of A12, Langham

Land at School Road, Langham

Land at School Road Langham

Land at Choats Corner, Eight Ash Green

Land at Abbots Hall Plot 3

Land to the south of The Rectory, Church Lane, Abberton

Land at Marks Tey

### **Gypsy and Traveller Accommodation**

The following three options were considered regarding the provision of gypsy and traveller pitch provision:

- Scenario A is to allocate authorised sites, historic sites, and sites with planning permission (22 pitches).

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<sup>§</sup> Whilst it is recommended that this site is not allocated for residential development it is recommended that it is allocated as a local wildlife site.

- Scenario B is to allocate authorised sites, historic sites, sites with planning permission, temporary permissions, and the revised application at Kelvedon Road (previously withdrawn) (25 pitches).
- Scenario C is to allocate authorised sites, historic sites, sites with planning permission, temporary permissions, revised application at Kelvedon Road, and an acceptable scheme at Vernons Road (30 pitches).

Gypsies are one housing group that the Council has a duty to allocate land for, indeed the government circular on gypsy and traveller sites states that the approach set out in the circular should be seen in the context of the government's key objective for planning for housing – to ensure that everyone has the opportunity of living in a decent home. Scenarios A and B will not meet the demand for 30 pitches set out in the Essex Gypsy and Traveller Accommodation Assessment. It is accepted that authorised sites cannot be amended and that these will not have a further increase on the environment; they are part of the Borough's baseline environment. The allocation of unauthorised sites, as set out in scenarios B and C, will result in adverse sustainability impacts; particularly in terms of accessibility and landscape impact, although the government circular recognises that rural sites are acceptable in principle. The first SA objective, to ensure that everyone has the opportunity to live in a decent and affordable home, carries a significant amount of weight and it is therefore considered that scenario C should be the preferred option.

### **Conclusion**

This section of the sustainability statement has demonstrated that a wide range of options were considered as part of the Site Allocations DPD and that the SA has helped to identify the most sustainable options.

### **(f) The measures that are to be taken to monitor the significant environmental effects of the implementation of the plan or programme.**

Regulation 17 of the Environmental Assessment of Plans and Programmes Regulations requires the responsible authority to monitor the significant environmental effects of the implementation of the DPD. Adverse effects should be identified with a view to carrying out appropriate remedial action.

An Annual Monitoring Report (AMR) is prepared every December. The AMR monitors the effects of numerous indicators, which are set out in the Core Strategy, and therefore allows the LPA to monitor the effects of the DPD.

The SA framework includes indicators for each of the SA assessment criteria and most of these indicators are included within the AMR. In order to ensure that the SA is expressly considered the AMR includes a section on the SA. This section comments on the performance of the indicators and outlines any remedial measures that will be undertaken as a response to adverse effects.

## **Habitat Regulations Assessment**

On the 20th October 2005 the European Court of Justice ruled that the UK had not transposed the Habitats Directive into law in the proper manner. Land use plans were incorrectly described under the UK Habitats Regulations as not requiring an appropriate assessment to determine the impacts of the plan on sites designated under the Habitat and Bird Directives. The spatial policy team commissioned consultants to undertake an advisory appropriate assessment report for the Core Strategy DPD. This report concluded that providing a number of avoidance measures were implemented Colchester Borough Council, as the competent authority under the Habitat Regulations, would be able to ascertain that the Core Strategy would not adversely affect the integrity of any international sites. Whilst the Site Allocations DPD allocates land in accordance with the spatial strategy set out in the Core Strategy an appropriate assessment is still required for this DPD. The appropriate assessment concluded that the Site Allocations DPD will not have adverse effects on the integrity of international sites.

A record of the appropriate assessment for the Site Allocations DPD is included below.

## **Record of Appropriate Assessment**

### **Title of plan assessed**

Colchester Borough Site Allocations Development Plan Document

### **International nature conservation sites**

Abberton Reservoir Special Protection Area and Ramsar Site  
Blackwater Estuary Special Protection Area and Ramsar Site  
Colne Estuary Special Protection Area and Ramsar Site  
Essex Estuaries Special Area of Conservation

### **Nature and description of plan**

The Site Allocations Development Plan Document (DPD) will allocate land for a range of site specific uses which will provide the site detail for the strategic vision and objectives of the Core Strategy. The Site Allocations DPD will also set out policies and proposals relevant to the sites including detailed requirements for their development. The DPD will include a range of site proposals to deliver the objectives of the Core Strategy.

### **Formal record of appropriate assessment made by Colchester Borough Council**

This is a record of the appropriate assessment, required by Article 6(3) and 6(4) of the Habitats Directive (Council Directive 92/43/EEC), undertaken by Colchester Borough Council in respect of the above plan.

Having considered that the plan would be likely to have a significant effect on the international sites listed above and that the plan was not directly connected with or necessary to the management of the site, an appropriate assessment has been undertaken of the implications of the plan in view of the sites conservation objectives.

Natural England was consulted throughout the assessment. The conclusions of this appropriate assessment are in accordance with the advice of Natural England.

The conservation objectives of the identified sites have been taken into account, including consideration of the citation for the site and information supplied by Natural England. The likely effects of the proposal on the international nature conservation interests for which the sites were designated may be summarised as:

1. Population expansion has the potential to increase nutrient loading to the international sites, with the potential for impacts on site integrity through eutrophication.
2. An increase in population and household numbers in the Borough will place demands on water resources in the region. This has the potential to reduce the flow in small freshwater streams which flow across the mudflats during conditions of low tide and which are known to be of high importance to estuarine birds.

3. The increased number of visitors to the international sites due to increases in housing or tourism facilities near to these sites will likely result in non-physical and physical disturbance.
4. Where housing is situated directly adjacent to an international site, the activity of residents and visitors has the potential to result in localised perpetual non-physical and physical disturbance.

The following conclusions were made in the assessment and ensure that the plan would not adversely affect the integrity of the sites:

1. The Water Cycle Study has identified that there is a lack of capacity at Colchester's Sewage Treatment Works, which will serve the majority of allocated sites. However, wording has been included in the DPD, which states that development will not be permitted unless it can be demonstrated that wastewater can be dealt with within the confines of existing consents.
2. It is expected at this time that water provision will be met through the strategic planning and licensing of Anglian Water. This is considered the correct avenue for the assessment of water resourcing issues within the Borough, since this process will ensure supply in a manner which does not have an adverse effect in the integrity of international sites.
3. The issue of non-physical and physical disturbance will be avoided through measures, which the Council have agreed to with Natural England, to carry out a programme of survey and monitoring and if necessary contribute to site management measures (including the provision of suitable accessible natural green space as part of new development) to ensure that there will be no adverse impacts on the integrity of the sites as a result of increased levels of disturbance.
4. Waldegraves and Coopers Beach Holiday Parks are the only allocations in close proximity to any of the international sites. The following mitigation measures will be required as part of development: a code of conduct will be agreed between the Council, Natural England and the caravan park operators to minimise disturbance; occupancy restrictions will be conditioned as part of the planning consent to restrict occupancy during the sensitive over-wintering period; and any future expansion will consider any upgrades needed to manage increasing sewage from the site.