

COLCHESER LOCAL PLAN FOCUSED REVIEW EXAMINATION  
STATEMENT ON SCOPE OF THE FOCUSED REVIEW ON BEHALF OF THE  
CHURCHMANOR ESTATES COMPANY PLC

**Scope**

1. Welcome LPA's response after consultation stage in accepting that certain employment and retail policies would benefit from inclusion in Review although we have not agreed on the extent or of all changes sought.
2. Understand scope set by LPA and Inspector would not now normally extend to cover additional policies.
3. Problems arise from the extensive nature of many CS and DP Policies where more than one theme is being addressed, e.g. Policies CE1, DP5 and DP7.
4. Two types of issue can thus arise where although policies included in the scope of Review, we say the LPA has not made changes that:
  - a. address the text to be changed adequately, and / or
  - b. address all of the various matters within the Policy to make it compliant – an example is our objection to Policy DP7 – where we have no objection to the LPA's change – but there is a need for further fundamental changes to another part of the policy.
5. Two alternative approaches are suggested:
  - 1) A "health warning" is incorporated in the introduction to the Plan, or
  - 2) A decision is made not to make any modification and remove the policy from the Scope of the Review
6. On 1) the proposed 'health warning' wording implies that policies that have been reviewed and then wholly NPPF compliant. It is thus important that whole policies are reviewed carefully and that all facets are appreciated now in order that policies are effective and sound. There is otherwise a risk of the planning process here failing in a key requirement (consistency with national policy) and being in disrepute.
7. On 2) unless there are clear spatial planning issues arising that need to be debated in the context of a full review, removal would not be consistent with the NPPF, i.e. that Plans "need to be revised to take into account the policies in this Framework. This should be progressed as quickly as possible" (paragraph 213) and "respond flexibly to changing circumstances" via reviews (paragraph 153) and "provide clear indications of how a decision maker should react to a development proposal" (paragraph 154).
8. The only alternative, a not wholly satisfactory compromise, would be to amend the text of MAJ1 as follows:

When adopted ~~these amended the amendments to these~~ policies will be identified as being adopted in 2013<sup>34</sup> and will replace ~~the previous versions of relevant text in~~ these policies in the adopted Core Strategy (2008) and Development Policies (2010) Development Plan Documents. All other policies ~~(and unamended parts of policies)~~ will remain unchanged until a

Full Review of the Local Development Framework is undertaken. The examination of the Focused Review DPD (November 2013 – January 2014) did not include any testing of the unchanged policies or other parts of changed policies for conformity with the NPPF.

#### **Policy DP7**

9. We wish to secure further amendments to Policy DP7 to make it compliant and effective (see our Statement on Retail Policies) notwithstanding its listing as a policy *“not in the Focused Review”*. It is, however, being debated (see paragraph 5.12 of IED-03) in the context of MAJ3 and 4. It is exactly the kind of situation that we highlight above where despite change, a policy will otherwise remain non compliant.

#### **Policy DP17 and TA4**

10. These policies need to be examined because of their fundamental lack of conformity that now applies to the highway assessment tests within them compared with that set out in the NPPF, i.e. where impact needs to be *“severe”* rather than the existing local policy position which seeks merely to *“prevent adverse impact”*. Most developments of any significance are affected by these policies. The Chelmsford Inspector appears to have dealt with a similar policy as an *“Other Matter”* stating that, *“The precise wording of Policy DC6 (Transport Assessments) is not sufficiently clear about the circumstances when development should be refused on transport grounds. The precise wording therefore requires modification to reflect paragraph 32 of the NPPF which states that ‘Development should only be prevented or refused on transport grounds where the residual impacts of development are severe’”*.

**Martin Robeson**  
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**10<sup>th</sup> December 2013**