



Colchester  
City Council

# Local Plan Committee Meeting

**Grand Jury Room, Town Hall, High Street,  
Colchester, CO1 1PJ  
Monday, 12 June 2023 at 18:00**

**The Local Plan Committee** deals with the Council's responsibilities relating to the Local Plan

# Information for Members of the Public

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**COLCHESTER CITY COUNCIL**  
**Local Plan Committee**  
**Monday, 12 June 2023 at 18:00**

**The Local Plan Committee Members are:**

Councillor Tim Young	Chairman
Councillor Michelle Burrows	Deputy Chairman
Councillor Lewis Barber	
Councillor Paul Dundas	
Councillor Richard Kirkby-Taylor	
Councillor Kayleigh Rippingale	
Councillor Lee Scordis	
Councillor Paul Smith	
Councillor Michael Spindler	
Councillor William Sunnucks	

**The Local Plan Committee Substitute Members are:**

Other than the Local Plan Committee members, all members of the Council who are not members of the Planning Committee.

**AGENDA**  
**THE LIST OF ITEMS TO BE DISCUSSED AT THE MEETING**  
**(Part A - open to the public)**

**Members of the public may wish to note that Agenda items 1 to 5 are normally brief.**

**Live Broadcast**

Please follow this link to watch the meeting live on YouTube:

[\(107\) ColchesterCBC - YouTube](#)

**1 Welcome and Announcements**

The Chairman will welcome members of the public and Councillors and remind everyone to use microphones at all times when they are speaking. The Chairman will also explain action in the event of an emergency, mobile phones switched to silent, audio-recording of the meeting. Councillors who are members of the committee will introduce themselves.

**2 Substitutions**

Councillors will be asked to say if they are attending on behalf of a Committee member who is absent.

**3 Urgent Items**

The Chairman will announce if there is any item not on the published agenda which will be considered because it is urgent and will explain the reason for the urgency.

**4 Declarations of Interest**

Councillors will be asked to say if there are any items on the agenda about which they have a disclosable pecuniary interest which would prevent them from participating in any discussion of the item or participating in any vote upon the item, or any other registerable interest or non-registerable interest.

**5 Minutes of Previous Meeting**

The Councillors will be invited to confirm that the minutes of the meeting held on 3 April 2023 are a correct record.

**2023-04-03 CCC Local Plan Committee Minutes**

7 - 14

**6 Have Your Say! (Hybrid Council meetings)**

Members of the public may make representations to the meeting. This can be made either in person at the meeting or by joining the meeting remotely and addressing the Council via Zoom. Each representation may be no longer than three minutes. Members of the public wishing to address the Council remotely may register their wish to address the meeting by e-mailing [democratic.services@colchester.gov.uk](mailto:democratic.services@colchester.gov.uk) by 12.00 noon on the working day before the meeting date. In addition a written copy of the representation will need to be supplied for use in the event of unforeseen technical difficulties preventing participation at the meeting itself.

□

There is no requirement to pre register for those attending the meeting in person.

**7 Biodiversity Supplementary Planning Document**

15 - 98

The Committee are invited to approve the Biodiversity Supplementary Planning Document.

**8 Neighbourhood Planning Update**

99 - 104

The Committee are invited to review the information in the report detailing the updates in Neighbourhood Planning and Neighbourhood Plans since the previous meeting. This item is for information only.

9	<b>Colchester Local Plan - Update and Future Work</b>	105 - 112
	The Committee are invited to review the report containing information on the current position of the Council and to outline the work that was being undertaken and what future changes will be required. The report is for information only.	
10	<b>Exclusion of the Public (not Scrutiny or Executive)</b>	
	In accordance with Section 100A(4) of the Local Government Act 1972 to exclude the public, including the press, from the meeting so that any items containing exempt information (for example confidential personal, financial or legal advice), in Part B of this agenda (printed on yellow paper) can be decided. (Exempt information is defined in Section 100I and Schedule 12A of the Local Government Act 1972).	
	<b>Local Plan Committee Background Information Version 2 July 2022</b>	113 - 118

**Part B**  
**(not open to the public including the press)**

## LOCAL PLAN COMMITTEE

### 3 April 2023

<i>Present: -</i>	Councillors Goss (Chair), Barber, Burrows, Ellis, Law, Laws, Kirkby-Taylor, McLean, Moore, Rippingale
<i>Substitute Member: -</i>	Councillor Laws for Councillor Barber Councillor Ellis for Councillor Sunnucks
<i>Also in Attendance: -</i>	Cllrs Fox, Goacher, Harris, King, Pearson, and Scordis

#### 262. Minutes

The Minutes of the meeting held on the 6 February 2023 were confirmed as a correct record.

#### 263. Have Your Say!

Richard Martin addressed the Committee pursuant to provisions of Meetings General Procedure Rule 5 (1). The speaker questioned how Biodiversity net gain would work and measured and queried whether this would be measured including the species, and the destruction and displacement of habitat. The speaker detailed that there was no Noah's Ark prepared for transporting the animals from sites with regards to Middlewick and detailed that a lot of time and effort had gone into misleading facts and decreasing amounts of waste and that some of the proposals were not possible. The speaker concluded by asking whether the Ecology Officer role at the Council had been recruited to, when the person had started, and that whether £50,000 had been used for the designated Ecology study at Middlewick and would this now include the hundred species that had been missed off the original survey.

At the request of the Chair Sandra Scott, Place Strategy Manager, responded to the points raised by the previous speaker. The Committee heard that Biodiversity Net Gain and the Supplementary Planning Document (SPD) on this issue was being provided in advance of its mandatory introduction later in the year and confirmed that the Ecology Officer role at the Council had been advertised twice and without success and that advertising via alternate routes was being investigated. The Officer concluded by confirming that the aforementioned £50,000 was still in the budget and was working towards master planning which would include the ecology and independent evidence.

Jean Quinn addressed the Committee pursuant to provisions of Meetings General Procedure Rule 5 (1). The Committee heard that they were representing the Colchester Cycle Campaign and congratulated the Council on its leadership and the radical plan that was being put into place considering the concern that was being raised around air pollution which was being addressed in the proposed masterplan. The Committee heard that the Low Traffic Zones for St Botolph's and Southway were welcomed and It was noted that the connectivity on cycle paths on East Hill to the sixth form college could be improved.

Sir Bob Russell addressed the Committee pursuant to provisions of Meetings General Procedure Rule 5 (1). The Committee heard that the proposed masterplan was flawed and incomplete detailing that no business would proceed with the plan which included the closure

of public car parks and questioned how much this would cost the public purse. The speaker added that they were disappointed that no Officers who worked on the masterplan were present at the meeting. The Committee heard that this was a full-frontal attack on the people who came into Colchester and who travel from within a 25-mile radius and that the Council should be included within the report. The speaker noted that it was unrealistic that there would be a threefold increase in the number of cycle journeys and an increased use in bus journeys but there was no mention of car usage. The speaker concluded by detailing that the St Johns car park may be closed and that it would cause more congestion in the centre of Colchester noting that the Masterplan was not fit for purpose.

At the request of the Chair, Simon Cairns, Development Manager, responded to the points raised by the previous speaker and confirmed that he had worked on the Masterplan that was before the Committee and the document had to be read in a holistic manner and could not be viewed in isolation. It was noted that the plan had been drawn together by officers and consultants who had a wide range of skills including in the economy and urban design and asked the Committee and those present that the decision before them was to consider the promotion of the document for public engagement so that further comments could be received. The Development Manager confirmed that the Masterplan was not an attack on car users and that the document did intend to promote cycling but also to promote visitors to access the Roman Circus and Southway so that the historic centre of the city could be knitted back together. The Committee heard that these matters could be looked at in the debate but that this would be built on public engagement and that technical questions could be answered by the Essex County Council Highways Officers who were attending via Zoom.

The Chair outlined that the press could not always be believed when it came to facts and outlined that the Development Manager had detailed that this was the beginning of the journey being put out for consultation and that other details that had been discussed were already included in the agreed local plan.

Sir Bob Russell responded to the comments of the Development Manager and Chair under provisions of Meetings General Procedure Rule 5 (1). The Committee heard that they had been a Councillor for New Town Ward for 31 years and the issue of St Botolph's roundabout had never been raised as an issue and detailed and commented that the consultants that worked on the masterplan were not in attendance at the meeting and detailed that only 5 % of people journeyed to Colchester by bike as opposed to 66% via car. The speaker concluded by outlining that the masterplan by virtue of removing the car was an attack on the viability on City Centre and commented that some of those in attendance had travelled by car to the Town Hall and that space syntax should be binned.

Nicholas Chilvers addressed the Committee pursuant to provisions of Meetings General Procedure Rule 5 (1). The Committee heard about the consultations on Middlewick and asked about the oversight of the engagement process including Parish Council's. It was outlined that there needed to be better communication between Essex County Council's Highways Department who local people did not have faith in. The Committee were asked whether the new residents of Middlewick would be able to pay their mortgages as there was no new employment land coming forward. The speaker concluded that Essex County Council's Highways Department either couldn't or wont increase capacity in the network and that if jobs were not improved there would be high unemployment.

At the request of the Chair, Sandra Scott, Place Strategy Manager responded to the points that had been raised by the speaker. The Committee heard that the consultation would be a critical part of the work undertaken on Middlewick and that there was a need for an engagement plan to ensure that community engagement was taking place and would

designate how the Council engaged with local residents and that officers would welcome any suggestions on this.

Nicholas Chilvers responded to the comments of the Development Manager and Chair under provisions of Meetings General Procedure Rule 5 (1). The Committee heard that residents should also look to their local Councillors.

Councillor Dave Harris addressed the Committee as a visiting Councillor. The Committee heard that the masterplan had to address what was lacking and missing within the local area and should not be a so weak that it becomes a tick box exercise. If this was the case, the Committee heard that it would be selling out the people of Colchester. The Councillor detailed that they regretted abstaining on the vote for the local plan and detailed that the master planning process needed to be strong and which would involve the relevant ward members. The visiting Councillor concluded by detailing that all Councillors needed to get involved to make it as strong as possible.

The Chair responded to the speaker thanking them for their comments and the valid points that had been raised and detailed that Middlewick allocation in the adopted Local Plan was wrapped up in pages of conditions and had been approved by the Planning Inspectorate. The Chair confirmed that they agreed with the Councillor with regards to infrastructure and Councillor involvement.

In response to the Comments from the Chair, Councillor Harris detailed that there was a review process in the Local Plan which had to be completed within 5 years and asked the Committee to consider looking at replacements for Middlewick so that there wasn't a hole in the Local Plan.

At the request of the Chair the Place Strategy Manager confirmed that the Local Plan would have to be reviewed within 5 years and as the Council had two sections within the plan this would influence the timeframe for reviews. The Place Strategy Manager confirmed that a date had not yet been set for a review.

Councillor Chris Pearson addressed the Committee as a visiting Councillor. The Committee heard that the Middlewick area that had been proposed for development should be gifted to the City as a nature reserve. It was noted that the Councillor did not share the same concern as Sir Bob Russell about the Masterplan as it was not the final document and that there were lots of positive proposals within the document. The Committee heard that the proposals offered safer routes for pedestrians like those that had been implemented in Chelmsford and Chester and added that the proposals showed a positive way for the City to present its history. The speaker endorsed the comments that had been made by Jean Quinn regarding cycling and commenting on how the Capital of Denmark had expansive cycle routes through it. The Committee heard that times were changing, and the car would not be king forever and commented how St Botolph's and Southway could be greatly improved. The speaker concluded by detailing that the proposal was a positive plan for the city centre.

Councillor Lee Scordis addressed the Committee as a visiting Councillor. The Committee heard that there was a need for masterplanning with regards to Middlewick and that options being brought forward should be guided by Councillors and asked those in attendance to bear in mind that the site had not been sold yet and could be reviewed in the future. The speaker concluded by detailing that the plans coming forward for Middlewick had yet to be confirmed.

At the request of the Chair the Place Strategy Manager detailed that they would welcome discussing they would welcome discussions on that area at the appropriate time.

## **264. Colchester City Centre Masterplan – Supplementary Planning Document**

Sam Good addressed the Committee pursuant to provisions of Meetings General Procedure Rule 5 (1). The Committee heard that the Business Improvement District (BID) supported some elements of the proposals but felt that it would have a negative impact and if implemented in full would increase the number of empty properties in the City centre. Members heard that the content of the Masterplan was not positive for retail and major chains and that car usage was up with the park and ride providing an inadequate service. The speaker detailed that the planned blocking of private car use would push workers to other towns and cities and confirmed that the BID would like to see a detailed delivery plan that would not remove car parks. The speaker concluded by asking that this was not agreed and put forward so quickly so as to be fixed by Essex County Council and Colchester City Council at a later date.

The Chair responded to the speaker and outlined that the BID was an important stakeholder and that this was the beginning of the journey so things could change along the way.

In response to the Comments from the Chair the speaker confirmed that a nationwide workers survey detailed that the methods of transport that were least used were bus and park and ride which needed fixing but confirmed that cycling had its place for shorter journeys.

Nicholas Chilvers addressed the Committee pursuant to provisions of Meetings General Procedure Rule 5 (1). The Committee heard that the Masterplan was a weighty report and outlined that it did not show much understanding of how people lived their lives with the aspiration of owning their own car and having a space to park it. The speaker explained that Colchester was not a hipster-based economy and would have social stresses with people abandoning the city centre if parking was not available nearby. The Committee heard that Britannia car park was three quarters full on the day of the meeting but not all people are happy with multi storey car parking. The speaker concluded by asking whether the report authors had made too many assumptions, that the proposal did nothing for levelling up and would cause more division between the haves and the have nots.

Dorian Kelly addressed the Committee pursuant to provisions of Meetings General Procedure Rule 5 (1). The Committee were congratulated on identifying the urgent need for the Council to undertake work in this area but detailed that there some serious omissions in the document The speaker outlined that the legally enforceable style of the city and where this would cover as this had been raised with regards to the city's tourism aims. Furthermore, it was queried how this would affect new frontages and gated areas. The speaker concluded by asking whether this would create a policy conflict from approving this.

At the request of the Chair the Place Strategy Manager detailed that there should not be any policy conflict or issues that were anticipated to arise but that these could be brought out in the consultation.

In response to the comments from the Place Strategy Manager the speaker queried how the consultation was going to take place.

Simon Cairns, Development Manager detailed that the bespoke designs had yet to be completed but confirmed that there would be a four-week consultation as well as a drop in facility allowing people to comment and make representations.

Councillor Mark Goacher addressed the Committee as a visiting Councillor. The visiting Councillor thanked Officers for the document but detailed their disappointment that St John's

Car park had been listed for improvement and asked that it be fixed once and for all. The speaker confirmed that they were aware that this was for a consultation but asked that the enhancement of heritage was given priority and not just the Roman history but the medieval history of the City and the Civil War. The Committee heard that they shared some of the same concerns as Sam Good from the BID and raised concern about the bus stations, which they did not think was acceptable, but confirmed that they liked the idea of the shuttle bus. They raised concern that more cars would be encouraged to use areas like Stoke Park and that a wider view was needed to see how public transport would be improved noting that not everyone was able to cycle.

At the request of the Chair Simon Cairns detailed that the City Centre and the area around the bus station was spatially constrained but confirmed that more work needed to be done to connect transport links.

Councillor David King addressed the Committee as a visiting Councillor. The Committee heard that the document that was before the Committee had been based on discussions, workshops, and consultations that had taken place and confirmed that this was the start of a much bigger process noting that Colchester was a city with towns inside it. The Leader of the Council asked Members to pass the proposal to the next stage and go out to consultation on the proposal and confirmed that this was not an attack on the car or businesses. The Committee heard that this would not attack the Council's budget either and would bring vitality to the area through different forms of transport and would attract people to the modern ancient city. The visiting Councillor detailed that this was thoughtful work, and that people would rightly complain about doing things piecemeal in the past but that the proposal is about regeneration and balancing the needs of residents, heritage concerns and transport links whilst supporting businesses. The speaker concluded by describing that the work had specific opportunities in it and asked that it be approved.

Councillor Adam Fox addressed the Committee as a visiting Councillor. The Committee heard that the proposal before Members was a fantastic start to develop how the City centre develops into the future and that it was positive for the City Council and County Council working together to improve the quality of life for residents. The visiting Councillor agreed with the comments made by Dorian Kelly and that the City wanted to attract graduates who wanted to stay in the area and support the local economy as well as creating opportunities for local people. They confirmed that the agenda was not to block private ownership of the car or reducing car parking capacity noting that the rapid transit system would be supporting journeys. The Committee heard that there was so much to build on in Colchester in terms of galleries, retail, flagship stores and independent shops and making these all accessible for disabled residents and tourists whilst allowing private investment into the area. The speaker concluded that they had found the other views that had been raised interesting but that they could comment on the proposals if the recommendation was agreed by the Committee.

Councillor Lee Scordis addressed the Committee as a visiting Councillor. The speaker thanked all staff and consultants for their work on the Masterplan and detailed that they didn't agree with some of the views mentioned earlier regarding staff and consultants being present. The Committee heard that they were concerned that the conversation had become too focussed on cars and that there were provisions in the Local Plan with regards to this. The Committee heard that the speaker thought that there needed to be change as retailers didn't rent in the High Street anymore and used other areas of the City. The speaker detailed that the consultation would allow for those who had different ideas to bring them forward and to submit them to the consultation whilst reminding Members that some of the elements that had been discussed were outside of the Council's remit.

A series of presentations were given outlining the Masterplan whose contents included:

- The key areas where works would be undertaken of: The High Street, Southway and St John's Street/ Osborne Street, the former bus station site, Britannia Yard, Vineyard Gate, and St Botolph's junction.
- The timeframe for delivery with the report from the consultation coming back in the autumn/ winter of 2023 to the Local Plan Committee.
- That the vision for Colchester would be phased with proposals coming forward over the next 5, 10 and 20 years.
- The different zones that Colchester was broken down into
- The corridors and gateways that served the City Centre
- The list of interventions that would be included in the Masterplan and how they had been grouped.
- The current uptake of bus use and the declining level of bus journeys taking place as well as the bus services running to and from the City Centre
- A separate presentation was shown regarding the works to be undertaken at St Botolph's junction which outlined that it was the priority junction that needed to be altered. The alterations detailed that a new active friendly junction including the removal of subways and Improved public realm areas. The proposal would overcome severance issues and would promote walking and cycling with shared mobility for short local journeys from south and east urban areas. It was noted that the proposal would improve safety and reduce crime and anti-social behaviour as well as improve heritage assets in the area.
- The presentation showed that the roundabout would be removed with the proposal seeking to increase and improve bus interchange spaces on streets and by St Botolph's as well as prioritising core bus movements as well as reclaiming some space for other uses. Additionally it showed the active travel movements on desire lines which crossed Southway.
- It was envisaged that the improvements would be implemented in 2025 and that further improvements would take place post 2026.

A short break was taken between 19:55-20:00

Members debated the use of a style guide for the area and how a harmonious destination could be ensured especially in the High Street as well as how transport links including a shuttle bus and bus station could be created and improved. Some Members felt that the proposals would slow down traffic at Balkerne Hill and that there was not enough provision for coach parking for tourist trips.

At the request of the Chair the Development Manager responded that a harmonious design could be created through the Council's policies and whilst working with the BID and other partners. The Committee heard that the joining up the heritage assets in the City Centre would be a key benefit and that layover spaces for busses may not be possible in the centre, but the Council could work with bus companies to see what options were available. The Principal Transportation and Infrastructure Planner added that extra bus stops could be added to the City Centre as required and that the changes to Southway would allow the controlled flow of traffic with more attractive surface crossings with the rapid transit system being the backbone of the future transport in Colchester.

Members queried whether roundabouts would be included in the proposals with Members agreeing that the bus system did need looking at but there was concern that there would not be enough safe cycleways to promote cycling in the area. The Principal Transportation and Infrastructure Planner detailed that roundabouts would be utilised where they were

appropriate.

Members debated the safeguarding of sight lines especially views of jumbo and that there was no mention of safety for residents. Some Members detailed that there needed to be a contraflow system on the High Street for cyclists and that the concerns for heritage loss needed to have further information added with some Members voicing disappointment that there was no bus improvement plan. The Development Manager detailed that any contraflow cycleway would be under the purview of Essex County Council but that officers would take this away and find out if anything further could be done.

Members continued to debate the proposal on the issues including: the current state of retail in the City Centre and how the Masterplan could regenerate some elements, whether a space could be dedicated to box parks and startups, how the City Centre could be converted to support businesses in terms of the changing economy of click and collect, how air quality could be improved as well as what safety measures there were to protect residents. The Chair detailed that there was some interest in the former Debenhams and Marks and Spencer shops being used for new retail purposes. The Development Manager detailed that diversified uses created a vibrant economy and that a safe space in the City Centre was part of the Masterplan. It was noted that air quality would improve if less journeys were made via public transport but also through the routes of traffic.

Some Members detailed that they were excited to see the plans presented and that this was part of the Council's City Status and as such needed to be an accessible and inclusive environment and that there were a range of transport options and asked that the consultation reach all groups and members of the community. The Development Manager responded that the consultation if agreed would be accessible with offline resources being available as well as detailing that the intention would be that the document be adaptable and agile.

Members sought assurance that blue badge holders would be taken into consideration so that the City Centre would remain accessible as well as detailing issues around busses and how the cost of parking effected bus ticket prices as there was a need for family friendly pricing. Members expressed disappointment that the current state of busses made it uneconomical for some to travel into the City Centre via bus as well as the wider Colchester area.

Members concluded the debate by discussing the consultation with some Members expressing disappointment that some speakers had missed the point of the document which had received cross party support in its development. The Chair detailed their concern on how the document had been represented in the media and conflated by others and confirmed that there was no congestion charge, no plans for a 15-minute city or locking people in their areas.

**RESOLVED (UNANIMOUSLY)** that the Committee approve the publishing of the draft City Centre Masterplan for public consultation in accordance with the Planning Regulations and Statement of Community Involvement.





## Local Plan Committee

Item  
**7**

12 June 2023

Report of **Shelley-Blackaby**  
**Principal Planning Policy Officer**  
**(Environment), Place and Client Services**

07977 184926

Title **Biodiversity Supplementary Planning Document**

Wards affected All

### 1. Executive Summary

- 1.1 The Planning Policy Team are preparing three Supplementary Planning Documents (SPDs) to address the climate emergency. These SPDs are:
- Active Travel,
  - Biodiversity, and
  - Climate Change.
- 1.2 The draft Active Travel and Climate Change SPDs will be presented to a future Local Plan Committee (LPC) meeting. This report summarises the comments received following consultation on the draft Biodiversity SPD and contains the amended SPD. The Committee are asked to adopt the Biodiversity SPD.
- 1.3 The Biodiversity SPD aims to clearly set out the principles the Council expects to ensure that development proposals create space for nature. The SPD includes advice on protected species as a check of what information is likely to be required, with links to guidance and Natural England's standing advice. It explains the mitigation hierarchy and includes creating space for nature design principles. These are principles the Council expects applicants to incorporate into their proposals to enhance biodiversity. Advice for householder applications on measures householders can incorporate into their proposals to enhance biodiversity is also included.

### 2. Recommended Decision

- 2.1 It is recommended that the LPC adopt the Biodiversity SPD.

### 3. Reason for Recommended Decision

3.1 The Council has declared a climate emergency and the climate emergency SPDs provide guidance to supplement relevant policies in the Local Plan and encourage applicants to go further than Local Plan requirements.

**4. Alternative Options**

4.1 The alternative option is to not adopt a Biodiversity SPD and rely on Local Plan policies.

## 5. Background Information

- 5.1 Supplementary planning documents (SPDs) build upon and provide more detailed advice or guidance on policies in an adopted local plan. As they do not form part of the development plan, they cannot introduce new planning policies. They are a material consideration in decision-making and should not add unnecessarily to the financial burdens on development.
- 5.2 The Council is drafting three SPDs to communicate Colchester City Council's ambitions in respect of the climate emergency and how they will apply to all development within the city. The three climate emergency SPDs build on the adopted Local Plan and explain how development proposals should respond to the climate and ecological emergency. The SPDs are: Active Travel, Biodiversity, and Climate Change. All development proposals should strive to achieve ambitious carbon reductions, biodiversity enhancement and promotion of active travel, to contribute towards Colchester becoming a greener city that is resilient to the climate and ecological emergency. The draft Active Travel and Climate Change SPDs will be presented to a future LPC meeting.
- 5.3 The most relevant Local Plan policy to the Biodiversity SPD is Policy ENV1 (Environment). This is a lengthy policy with different sections. The most relevant part to this SPD is Part C: Biodiversity and geodiversity, which states:

*Development proposals where the principal objective is to conserve or enhance biodiversity and geodiversity interests will be supported in principle. For all proposals, development will only be supported where it:*

- (i) Is supported with appropriate ecological surveys where necessary; and*
- (ii) Where there is reason to suspect the presence of a protected species (and impact to), or Species/Habitats of Principal Importance, applications should be accompanied by an ecological survey assessing their presence and, if present, the proposal must be sensitive to, and make provision for their needs and demonstrate the mitigation hierarchy has been followed; and*
- (iii) Will conserve or enhance the biodiversity value of greenfield and brownfield sites and minimise fragmentation of habitats; and*
- (iv) Maximises opportunities for the preservation, restoration, enhancement and connection of natural habitats in accordance with the UK and Essex Biodiversity Action Plans or future replacements; and*
- (v) Incorporates beneficial biodiversity conservation features, measurable biodiversity net gain of at least 10% in line with the principles outlined in the Natural England Biodiversity Metric, and habitat creation where appropriate.*

*Proposals for development that would cause significant direct or indirect adverse harm to nationally designated sites or other designated areas, protected species, Habitats and Species of Principle Importance, will not be permitted unless:*

- (i) They cannot be located on alternative sites that would cause less harm; and*
- (ii) The benefits of the development clearly outweigh the impacts on the features of the site and the wider network of natural habitats; and*
- (iii) Satisfactory biodiversity net gain, mitigation, or as a last resort, compensation measures are provided.*

*The Local Planning Authority will take a precautionary approach where insufficient information is provided about avoidance, mitigation and compensation measures and secure mitigation and compensation through planning conditions/obligations where necessary.*

- 5.4 Biodiversity protection and provision is a duty that public bodies, developers, landowners and society generally all share. Biodiversity is an important consideration in plan making and decision making. The Biodiversity SPD aims to clearly set out the protection that should be afforded to biodiversity features and the principles the Council expects to ensure that development proposals create space for nature.
- 5.5 Chapter 2 of the SPD sets out the background and context and chapter 3 sets out the Colchester context, including maps of Colchester's environmental designations.
- 5.6 Chapter 4 includes advice on ecological surveys and protected species as a check of what information is likely to be required in support of an application, with links to guidance including Natural England's standing advice.
- 5.7 Chapter 5 explains the mitigation hierarchy. The mitigation hierarchy is a widely used tool that guides users towards limiting harm to features of biodiversity value through avoiding harm, minimising and mitigating harm and, as a last resort, compensating or offsetting harm.
- 5.8 Chapter 6 includes 16 creating space for nature design principles. These are principles the Council expects applicants to incorporate into their proposals to enhance biodiversity. Each principle includes a description of why it is important and core requirements. Examples of creating space for nature design principles include:
  - contribute to Colchester's green infrastructure network;
  - plant new trees across the development site, including street trees;
  - fit integral swift bricks and house martin nest boxes in all new development;
  - fit integral bat boxes in appropriate locations in all new development;
  - create wildlife highways in boundary walls and fences.
- 5.9 Chapter 7 includes a list of examples of ways householder applications can enhance biodiversity. Even small-scale development can enhance biodiversity.
- 5.10 Chapter 8 lists planning application expectations – what the Council will expect applicants to submit with an application. This includes independent ecological surveys carried out by suitably qualified experts, the latest Defra Metric calculator and biodiversity gain plan to demonstrate how 10% biodiversity net gain will be achieved and details of how the creating space for nature design principles have been incorporated into the design of the proposal. This chapter makes reference to a Climate Emergency Checklist. This will be developed as the Active Travel and Climate Change SPDs progress to pull together the content of each SPD into one simple checklist.

- 5.11 The Biodiversity SPD is intended to be concise and includes references and links to numerous other documents that Officers and applicants should read where appropriate. Officers are working with other Essex Councils through the Essex Planning Officers Association (EPOA) on a template Biodiversity Net Gain SPD. The working group includes planners, Essex County Council Green Infrastructure Officers, the Local Nature Partnership and Natural England. Once drafted, the Essex Biodiversity Net Gain SPD template will be presented to this Committee.
- 5.12 Strategic Environmental Assessment (SEA) and Habitat Regulations Assessment (HRA) screening has been carried out, which has concluded that neither SEA nor HRA are required. Natural England agrees with this conclusion.

### **Engagement and Consultation**

- 5.13 Engagement with DM Officers, the cross-service Climate Opportunities Working Group, Members and environmental experts took place as part of the process of drafting this SPD. In accordance with the Town and Country Planning (Local Planning) (England) Regulations 2012, the draft Biodiversity SPD was published for a 4 week public consultation. Appended to this report is a statement setting out who was consulted, a summary of the main issues raised and how those issues have been addressed in the SPD.
- 5.14 The key changes made to the draft Biodiversity SPD include:
- Additions to chapter 4 to include reference to other ecological surveys that may be required and to make reference to the Essex Biodiversity Validation Checklist. The title of this chapter has been amended to refer to 'ecological surveys' rather than just protected species.
  - Reference to a list of locally significant species that will be prepared by Colchester Natural History Society and published on the Council's website, alongside this SPD.
  - Further text about the mitigation hierarchy has been added.
  - Information about irreplaceable habitats has been added.
  - More information has been added to the design principles, including widening the avoiding artificial grass principle to include reference to flowering lawns.
  - A requirement for a Construction Environment Management Plan.
  - Additions to the further reading and references section.

Some comments have been made to Policy ENV1 (this was also the case as part of the informal engagement). Policy ENV1 is part of the adopted Local Plan and cannot be amended, however the comments will be taken into account as part of the Local Plan Review.

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

- 6.1 An Equality Impact Assessment has been prepared for the Local Plan, and is available to view by clicking on this link:

<https://cbccrmdata.blob.core.windows.net/noteattachment/Equality%20Impact%20Assessment%20June%202017.pdf>

## **7. Strategic Plan References**

- 7.1 'Conserve and enhance biodiversity' is one of the priorities under the 'Respond to the climate emergency' theme. Relevant goals include enhance environments to create more space for nature to grow and thrive through natural seeding and greening; discover, nurture and enable the work led by communities that promotes biodiversity; plant native species and manage our woodlands, meadows and greenspace whilst sustaining existing habitats; and work alongside communities to maintain clean, green neighbourhoods and urban spaces that we all look after and enjoy.

## **8. Consultation**

- 8.1 It is a requirement of The Town and Country Planning (Local Planning) (England) Regulations 2012 to consult on draft SPDs for a minimum of 4 weeks and to prepare a statement setting out who was consulted, a summary of the main issues raised and how those issues have been addressed in the SPD. This statement is appended to this report.

## **9. Publicity Considerations**

- 9.1 The SPD consultation was publicised through written / email consultations with statutory consultees, general consultees on our database, other relevant stakeholders, individuals and organisations who have expressed a wish to be consulted or have previously made comments as set out in the Statement of Community Involvement.

## **10. Financial implications**

- 10.1 There are no financial implications.

## **11. Health, Wellbeing and Community Safety Implications**

- 11.1 The three climate emergency SPDs will bring multiple benefits including benefits to health and wellbeing. A healthy environment plays a role in improving health and wellbeing. An increase in biodiversity and green infrastructure is good for people's mental wellbeing.

## **12. Health and Safety Implications**

- 12.1 No direct implications.

## **13. Risk Management Implications**

13.1 No direct implications.

#### **14. Environmental and Sustainability Implications**

14.1 The Council has declared a Climate Emergency and has committed to being carbon neutral by 2030. The purpose of the planning system is to contribute to the achievement of sustainable development as defined in the National Planning Policy Framework. Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways. These are economic, social and environmental objectives.

14.2 The Council is drafting three SPDs to communicate Colchester City Council's ambitions in respect of the climate emergency for all development within the city. SPDs are material considerations in planning decisions. They build on adopted planning policy and provide guidance on how policy requirements should be implemented. The three climate emergency SPDs build on the adopted Local Plan and explain how development proposals should respond to the climate and ecological emergency. The SPDs are: Active Travel, Biodiversity, and Climate Change. All development proposals should strive to achieve ambitious carbon reductions, biodiversity enhancement and promotion of active travel to contribute towards Colchester becoming a greener city that is resilient to the climate and ecological emergency.

#### **Appendices**

Biodiversity SPD

Statement of Representations



**Biodiversity Supplementary Planning Document (SPD) Consultation (22 February – 22 March 2023)**  
**Schedule of Representations**

**9 Respondents**

**Who was consulted**

Between 22 February – 22 March 2023, the draft Biodiversity SPD was published for consultation in accordance with Regulation 13 of the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended). The SPD was publicised through written / email consultations with statutory consultees, general consultees on our database, other relevant stakeholders, individuals and organisations who have expressed a wish to be consulted or have previously made comments, as set out in the Statement of Community Involvement.

<b>Respondent</b>	<b>Obj/Sup</b>	<b>Representation (summary)</b>	<b>Response</b>
<b>Glossary</b>			
Crest Nicholson	Comment	The definition of BNG is inconsistent with that used by Natural England and somewhat misleading. We would suggest it aligns with the Natural England definition that is 'Biodiversity Net Gain (BNG) is an approach to development, land and marine management that leaves biodiversity in a measurably better state than before the development took place'.	Agreed – definition of BNG amended.
<b>Introduction</b>			
Natural England	Support	We welcome the draft SPD which appears to have taken on board comments Natural England made in our response to the SPD's questionnaire (411252 dated 21 November 2022).  Strategic Environmental Assessment / Habitat Regulations Assessment - It is our advice, on the basis of the material supplied with the consultation, that, in so far as our strategic environmental interests (including but not limited to statutory designated sites, landscapes and protected species, geology and soils) are	Support welcomed.

		concerned, that there are unlikely to be significant environmental effects from the proposed plan.	
Anglian Water	Support	Anglian Water is supportive of the aims of the SPD which aligns with our Purpose and long-term strategic ambitions. We welcome the positive strategy for biodiversity and the wider links to green and blue infrastructure to support future growth that is sustainable and resilient to the impacts of climate change. We would welcome a positive and proactive approach to applications that aim to deliver essential infrastructure to enable growth in the borough, whilst ensuring the environment is protected.	Support noted. The Climate Change SPD includes a section on water resources.
Colchester Natural History Society	Comment	Page 7 – CNHS notes CCC’s intention to prepare a separate guidance note on biodiversity net gain. The separate guidance note on this integral feature of biodiversity protection must carry equal status/influence as the SPD	Comment noted. The Council is working with other Essex local authorities to prepare a template BNG SPD.
Historic England	Comment	As the Government’s adviser on the historic environment Historic England is keen to ensure that the protection of the historic environment is fully taken into account at all stages and levels of the local planning process, and therefore welcome the opportunity to comment on these proposals.  I can confirm that while we do not have any specific comments to make at this stage, we will be interested in receiving subsequent consultations on this and related projects.	Comment noted.
Essex Field Club – Peter Harvey	Comment	The Essex Field Club has several key comments to make on the draft Biodiversity SPD Consultation for the Biodiversity Supplementary Planning Document and Colchester City Council’s Biodiversity SPD. There is currently no mention whatsoever of the need for fit-for-purpose desk studies to support planning applications affecting sites of potential nature conservation or geological interest or the need to follow the Essex Biodiversity Validation Checklist. It is stated that the Protected species decision	Chapter 4 makes reference to ecological surveys and an addition has been made to refer to invertebrate surveys and botanical surveys, with links to the standing advice referred to in this representation. Reference

	<p>checklist flowchart will help DM Officers in decision making related to protected species but makes no mention of the importance of a desk study that should be provided by the applicants in order for crucial information to be available to DM Officers to enable them to effectively validate planning applications and make informed decisions. Ecological data and up-to-date survey and assessment of the ecological value of sites are only mentioned in Chapter 5: Mitigation hierarchy, but are of enormous importance for any sites with nature conservation value regardless of Protected Species being present. In addition, mitigation is a last resort and well before mitigation becomes relevant DM Officers need to be able to evaluate whether the planning applications should be validated and whether the required surveys have been undertaken and reported. Ecological surveys and Habitats and Species of Principle Importance are mentioned, but other than a focus on Protected Species there should also be a focus and checklist for other surveys which may well include botanical, invertebrate and other surveys for sites where desk studies indicate significant invertebrate assemblages, plants and rare or threatened species are present in the search areas. Invertebrate surveys should follow Natural England's Invertebrate Standard Advice for Essex as well as Natural England's standing advice for the wider country as a whole. It is also important that surveys have been undertaken and reported before applications are validated. An overall planning checklist would enable DM Officers to effectively validate planning applications and to be able to make informed decisions and we would urge that one is included. In our experience many planning applications affecting sites of nature conservation interest should not even reach the validation stage because they lack crucial information and survey reports.</p>	<p>and a link has also been made to the Essex Biodiversity Validation Checklist. The DM Team are considering incorporating the Essex Biodiversity Validation Checklist into the validation checklist. This is something that will be explored outside of this SPD.</p>
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<p>Essex County Council – Late response</p>	<p>Comment</p>	<p>ECC supports the three SPD goals of communicating CCC's aspirations for all city development in terms of the climate emergency. Although the SPD does not identify a climate and ecological emergency, it would be beneficial to briefly reference the connection between biodiversity loss and climate change in the introduction to show how these are interconnected.</p> <p>For example: Many people agree that one of the causes of biodiversity loss is climate change. Few people are aware, however, that the decline in biodiversity is also hastening climate change by undermining nature's ability to regulate greenhouse gas (GHG) emissions and protect against extreme weather, altering weather patterns throughout the world. The earth's climate is influenced by almost every natural ecosystem (i.e. habitat, and animal). This explains why climate and ecological emergencies must be addressed together and not in isolation.</p> <p>We would also recommended in this introductory section that reference is made to the Essex Climate Action Commission (ECAC) which was established in 2020 to promote and guide climate and biodiversity action in the county and move Essex to net zero by 2050. It is an independent, voluntary, and crossparty body bringing together groups from the public and private sector, as well as individuals from other organisations. The Commission published its report Net Zero: Making Essex Carbon Neutral in July 2021 and its recommendations are relevant to all Essex local authorities, parish and town councils, as well as Essex businesses, residents, and community groups. The report covers a wide range of topic areas including land use, energy, waste, transport, plus the built and natural environments. It also provides key recommendations and actions related to biodiversity. The report's recommendations are now incorporated into a Climate Action Plan and a focused</p>	<p>The first suggested addition, which makes a link between biodiversity loss and climate change, has been added to the introduction.</p> <p>A paragraph (taken from the draft Climate Change SPD) has been added about the Essex Climate Commission.</p> <p>'Multifunctional' has been added to the reference to green infrastructure.</p> <p>As the SPD does not include guidance on BNG, the additions about BNG will not be added to the SPD. The Council is working with other Essex local authorities to prepare a template BNG SPD.</p>
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		<p>work programme over the coming years to ensure the effects of climate change can be mitigated.</p> <p>We recommend reference is made to multifunctional green infrastructure (GI) at the end of the first paragraph under the green box (starting “The 3 climate emergency SPDs...”), to ensure that in both rural and urban locations GI interventions are designed, planned, and implemented to improve multifunctionality and provide numerous benefits to people and wildlife:</p> <p>“An increase in biodiversity and multifunctional green infrastructure is good for people’s mental wellbeing.”</p> <p>Last paragraph, page 7  We welcome the commitment from CCC to produce a standalone guidance note on the secondary guidance and legislation to be released by the government. We agree that this will make it easier to adapt and adopt any guidance and legislation that is introduced by the government in the coming months.</p> <p>The SPD does not refer to the scale of the developments and we would recommend that it makes reference to BNG as follows:</p> <p>Major and large sites over 0.5 ha or 5,000sqm+, 10+ dwellings  At present, the Environment Act identifies a minimum 10% gain required in biodiversity. Mandatory BNG is to become law in November 2023 including the following key components:</p> <ul style="list-style-type: none"> <li>• Minimum 10% gain required calculated using Biodiversity Metric 3.1. and approval of net gain plan</li> </ul>	
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		<ul style="list-style-type: none"> <li>• It is anticipated that Defra will be publishing the finalised statutory Biodiversity Metric, version 4.0 before November 2023.</li> <li>• Habitat secured for at least 30 years via obligations/ conservation covenant</li> <li>• Habitat can be delivered on-site, off-site or via statutory biodiversity credits</li> <li>• There will be a national register for net gain delivery sites</li> <li>• The mitigation hierarchy still applies of avoidance, mitigation and compensation for biodiversity loss</li> <li>• Will also apply to Nationally Significant Infrastructure Projects (NSIPs) o NSIPs will broadly follow the same process as TCPA and BNG requirement will come into force no later than November 2025.</li> <li>• Does not apply to marine development</li> <li>• Does not change existing legal environmental and wildlife protections</li> </ul> <p>The following guidance has already been produced to assist the calculation and delivery of biodiversity net gain:</p> <ul style="list-style-type: none"> <li>• an updated Biodiversity Metric 3.1 was published in April 2022.</li> <li>• Essex BNG Guidance Pack published in the Essex Design Guide, produced by the Essex Local Nature Partnership, BNG and Planning Working Group</li> <li>• CIEEM, IEMA and CIRIA have set out Good Practice Principles for Development and an associated Practical Guide and Case Studies</li> <li>• a British Standard on biodiversity net gain and development projects: BS 8683:2021 Process for designing and implementing BNG</li> </ul>	
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		<p>For small scale sites (1-9 dwellings, sites area less than 0.5 ha or less than 5,000sqm or no priority habitat present within the development area (excluding hedgerows and arable margins))</p> <p>For residential sites less than 5,000sqm/ 0.5ha and for non-residential floor space is &lt;1,00sqm it is recommended that the small sites metric – a simplified version of the Biodiversity Metric 3.1 is applied to take biodiversity into account.</p> <p>The Small Sites Metric are the standard methods for measuring biodiversity change which result from new development and will assist in demonstrating whether net gains in biodiversity have been achieved. The metrics are designed to quantify biodiversity to inform and improve planning, design and decision-making. They can support planning applications to calculate the losses and gains in biodiversity from their development.</p> <p>The consultation response document released by Defra in February 2023 confirmed that there would be an extension to the transition period to April 2024 for mandatory BNG on small sites. This gives LPAs such as Colchester an opportunity to learn from large sites, and allows systems for monitoring, offsite provision and any other complexities to be ironed out.</p>	
<b>Background and Context</b>			
Colchester Natural History Society	Comment	<p>Page 13C(i) – “Appropriate ecological surveys” should read “independent ecological surveys by suitable qualified experts”.</p> <p>Page 13C(ii) – Proposed sites should all have an ecology report which reflects presence of species, both flora and fauna, across optimum times during the annual cycle, taking into account</p>	<p>These comments relate to Policy ENV1 of the Local Plan. The plan is adopted and so the policy cannot be changed. However, these points will be taken into</p>

		<p>appropriate weather conditions. Planning applications must evidence that this has been done as prescribed at 13(Ci) above.</p> <p>Page 13C(iv) – This key element refers to connectivity which is essential. There should be a hyperlink to an overarching map of the sensitive sites and their connectivity (see ‘general point’ below).</p> <p>Page 13D – Add flower-rich grasslands and some brownfield sites as examples of ‘irreplaceable habitats’. As compensation (i.e. off-setting) rarely works “wholly exceptional” should be emphasised as the absolute last resort by underlining.</p>	<p>account as part of the review of the Local Plan.</p>
Anglian Water	Comment	<p>We would welcome an approach that recognises the critical importance of providing water supply and water recycling infrastructure for existing communities and future/planned growth. As such we consider that it is essential infrastructure that should be positively determined as beneficial to new and existing homes and businesses and protecting the environment.</p>	<p>The Council agree that it is critically important to provide water supply and water recycling infrastructure for existing and planned communities. The Council consulted Anglian Water on the Local Plan and they were a key partner in the Water Cycle Study, which was part of the evidence base for the Local Plan. The Council will work with Anglian Water on the Local Plan Review to ensure that essential infrastructure is planned for.</p>
Essex County Council	Comment	<p>The Environment Act 2021</p>	<p>The comments on the Local Nature Partnership (LNP) are useful and the Council</p>

		<p>We welcome the way in which the Environment Act 2021 was introduced in chapter 2 and provide the following comments on some of the key aspects of the Act.</p> <p>Local Nature Recovery Strategies (LNRS) and the Essex Local Nature Partnership (LNP) page 10, box on LNRS We welcome the section that highlights the importance of LNRS in enhancing and protecting biodiversity within Colchester and beyond. We also welcome the addition of an information box about the Essex LNP. We do feel that there could be stronger emphasis on the importance of LNRS and the partnership with LNP. Commentary is provided below that could be included in the SPD.</p> <p>Essex has now established a LNP. The LNP contains three working groups – a community engagement group, a planning and biodiversity net gain working group, and a LNRS group. Moving forward, the studies, works and findings of these groups have the potential to influence and support the direction of nature recovery through the Neighbourhood/ Local Plan, and therefore through this SPD.</p> <p>The Essex LNP has committed to the delivery of four key targets: -</p> <p>1. 25% of all land in Essex will enhance biodiversity and the natural environment by creating natural green infrastructure. (This is an Essex Climate Action Commission (ECAC) target that has been adopted by the LNP). Note: We welcome the reference to this objective within chapter 6, page 27, (creating space for nature design principles) of the SPD.</p>	<p>are keen to be involved in the preparation of the Local Nature Recovery Strategy. Reference has been made in the SPD to the LNP biodiversity net gain guidance.</p> <p>A target higher than 10% BNG cannot be set in SPD and the Local Plan target is ahead of mandatory BNG. However, a higher target is something the Council will consider as part of the Local Plan Review.</p>
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		<p>2. 50% of all farmland in Essex will adopt sustainable land stewardship practices by 2030 (This is an SCAC target that has been adopted by the LNP).</p> <p>3. Adopt the Wildlife Trust's 1-in-4 programme to engage residents with nature and achieve a 25% engagement level.</p> <p>4. Accessible Natural Green Space Standards (ANGSt) target for everyone to have access to high quality natural space close to home and work.</p> <p>ECC is committed to ensuring these targets are embedded into relevant planning documents as they come forward.</p> <p>The Essex LNP Biodiversity and Planning Working Group are currently reviewing and exploring the feasibility for 20% Biodiversity Net Gain. CCC may wish to consider adopting a higher figure than the minimum 10% requirement within the Environment Act (2021).</p> <p>The LNP has published a very useful BNG Guidance pack, which can be accessed through the Essex Design Guide, or available here. It would be beneficial to sign post towards this and use its advice where necessary.</p> <p>Biodiversity Net Gain We welcome further references to 10% BNG within this chapter 2. Please see previous comments on how mandatory BNG can be addressed in this SPD.</p>	
<b>Colchester Context</b>			

Colchester Natural History Society	Comment	<p>Page 17 – The limited number of Local Nature Reserves is a concern. Opportunity should be taken to review this (see ‘general point’ below).</p> <p>Page 18 – Noted, there are more Local Wildlife sites. Need to try and link LNR’s, and LoW’s into green, blue infrastructure policies so conservation embraces connectivity (see ‘general point’ below).</p>	This is an important point and embracing connectivity is something the Planning Policy team is working on through a Green-Blue Infrastructure Strategy as evidence for the Local Plan Review.
Essex County Council	Comment	<p><b>Environmental Designations</b> It is positive to see a chapter dedicated to environmental designations and the contextualisation for Colchester. We recommend that the SPD reference the Climate Focus Area that is a recommendation by the ECAC – see page 62. Relevant text is provided below.</p> <p><b>Climate Focus Area</b> Much of the Colchester LPA falls within ECAC’s recommended CFA, which is formed of the Blackwater and Colne River catchment areas (please see Figure 1 map on attachment). The objective of this recommendation is for the CFA to “accelerate [climate] action and provide exemplars, for learning and innovation: adopting Sustainable Land stewardship practices: 100% by 2030 and Natural Green Infrastructure: 30% by 2030” (ECAC, 2021). Among the objectives of the CFA are to achieve net zero carbon, biodiversity net gain, improve soil health and air quality, reduce flooding and urban heat island effect, and enhance amenity, liveability and wellbeing of Essex communities. It will achieve this by wholesale landscape change in rural areas and urban areas. The CFA will look to developments to contribute to these targets.</p> <p>Figure 1: Map of ECACs Climate Focus Area (see attachment)</p>	Reference has been made to the Climate Focus Area but a map of the area has not been added to the Colchester context section as this section includes maps of nature conservation designations.

		<p>CFA require local plans and neighbourhood plans to encourage developments and landowners to take into account the following requirements in line with meeting the requirements outlined in NPPF and Environment Act, 2021:</p> <p>a) biodiversity net gain to enhance biodiversity and the natural environment by creating Natural Green Infrastructure contributing to the CFA 30% by 2030 target and the wider Local Nature Recovery Network/Strategy.</p> <p>b) flood and water management, for those properties at risk of flooding to include Integrated Water Management and Natural Flood Management techniques.</p> <p>c) In order to achieve urban greening of our towns and villages, new developments are necessary in terms of increasing greenspace creation, naturalizing existing green spaces, greening the public realm, and implementing sustainable drainage systems (SuDS).</p> <p>d) It is important to adopt sustainable land stewardship practices on arable land so that farmers will be able to produce public goods such as environmental protection, biodiversity, animal welfare, and climate change mitigation, in addition to food production.</p>	
<b>Protected species and ecological survey</b>			
Crest Nicholson	Comment	We would expect the scope of ecological material to be agreed at the pre-application stage and if necessary pay for external input via the pre-application / PPA process. Subject to this we would not expect to make additional contributions to external consultants post-submission unless it specifically forms part of a PPA.	Noted, the SPD explains that where external expertise is required to review and validate ecological survey reports, applicants may be

			requested to reimburse the Council, arrangements will be discussed at the pre-application stage and may be secured through a Planning Performance Agreement.
Colchester Natural History Society	Comment	<p>Page 19 – What counts as ‘important species’ etc, is not entirely clear. Are locally significant ones relevant or does this just mean Defra/ Natural England designations at national level? There should be a local/county designation as ‘protected’, e.g., Essex Field Club red data species. Hyperlinks should be used in the SPD for such sites.</p> <p>Page 19 – 4th line from bottom in penultimate paragraph, good that ‘compensation’ is last resort. This should be clearly emphasised.</p> <p>Page 20-22 Table 1 – Almost all of the examples are vertebrates. The significance of invertebrates is mentioned elsewhere and some should be mentioned here.</p>	<p>The word ‘important’ has been removed as it is accepted that this is not clear. Officers have spoken to the CNHS about preparing a list of locally important species, which will be published alongside this SPD. Reference has been made to this list in the SPD. Locally important species will also be considered as part of the LNRS and BNG Guidance. An addition has been made to refer to the need for invertebrate and botanical surveys and other surveys where the need is identified in the preliminary ecological appraisal. Invertebrates have been added to the protected species table, including a link to Natural England’s standing advice.</p>

Essex Wildlife Trust	Comment	<p>Where the applicant's ecology report indicates that further surveys are required to support a planning application, the results of all such surveys and associated details of necessary mitigation measures need to be submitted prior to determination. This is necessary to provide the local authority with certainty of likely impacts and that effective and deliverable mitigation can be secured either by a condition of any consent or with a mitigation licence from Natural England. Where recommended protected species surveys have not been completed, the ecology report should not be regarded as sufficient to support a planning application.</p> <p>Table 1 Protected species, suitable habitats, and further advice Breeding birds (p. 21) Nesting habitat should be retained wherever possible and/or new nesting opportunities created</p> <p>Other protected species (p. 22) Further information needed here:</p> <ul style="list-style-type: none"> <li>• Dean, M., Strachan, R., Gow, D. and Andrews, R. (2016). The Water Vole Mitigation Handbook (Mammal Society Mitigation Guidance Series). Eds Fiona Matthews and Paul Chanin. Mammal Society, London.</li> <li>• <a href="http://www.gov.uk">Water voles: advice for making planning decisions - GOV.UK (www.gov.uk)</a></li> <li>• <a href="https://www.gov.uk/guidance/otters-advice-for-making-planning-decisions">https://www.gov.uk/guidance/otters-advice-for-making-planning-decisions</a></li> </ul>	The comments made have been added to this chapter.
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		Protected species decision checklist (p. 23) For statutory designated sites consult Natural England. For non-statutory local wildlife sites, please consult Essex Wildlife Trust.	
Anglian Water	Comment	<p>We would endorse a positive and proportionate approach to determining planning applications for critical water and water recycling infrastructure and EIA (Environmental Impact Assessment) screening by the Council, particularly in determining whether a proposal falls within the remit of the EIA regulations and subject to the EIA threshold table.</p> <p>As stated by Planning Practice Guidance, EIA should not be a barrier to growth and will only apply to a small proportion of projects under the T&amp;CPA regime and consequently only a very small proportion of Schedule 2 development will require an EIA. We recognise the need for EIA where it is applicable to our capital projects and ensure we submit a robust Environmental Statement that is appropriate and proportionate to the proposal.</p>	Noted, the Council will consider the need for EIA on a case by case basis.
Essex County Council	Comment	<p>Biodiversity Check list, pages 23 – 24</p> <p>To further support the biodiversity checklist the SPD could also signpost and make reference to the <a href="#">Biodiversity Validation Checklist</a> within this chapter and included under Further Reading (page 35). This checklist, produced by Place Services, is used for all planning applications considered a major development as defined by Article 8(7) of The Town and Country Planning (General Development Procedure) Order 1995.</p>	Reference, with a link, has been included to the Essex Biodiversity Validation Checklist.
<b>Mitigation Hierarchy</b>			
Crest Nicholson	Comment	Whilst we would seek to implement all the recommendations of ecology reports, it should be acknowledged that this is not always possible due to delivery constraints. We would suggest text be	This chapter refers to the mitigation hierarchy and the need to follow that, which includes ensuring that all

		<p>amended to state recommendations to be implemented “subject to deliverability”</p> <p>We recognise the mitigation hierarchy. However, where compensatory measures are required the SPD does not reference a preference to these being on-site or off-site. We suggest that the SPD recognises that in some cases off-site provisions can be targeted to locations that will have the most positive beneficial impacts.</p>	<p>appropriate avoidance, mitigation, or compensation measures are designed into the development.</p> <p>It is accepted that in some cases compensation measures may be more beneficial offsite. This is something that will be explored on a case by case basis, compensation is a last resort and as such reference will not be made to this in the SPD.</p>
Colchester Natural History Society	Comment	<p>Page 25 – Raise awareness by emphasising ‘species-rich’ habitats’ which are almost always irreplaceable and the hierarchy must take account of that.</p> <p>Page 26 – Need to clarify what features of a site, or status of a species (or assemblage/community) are accorded protection by the SPD? That they are of ‘principal importance’ according to UK biodiversity action plan or Natural England designation leaves a lot of locally significant species/habitats without protection (see point at 19 above on ‘important species’).</p>	<p>Reference to ‘species rich’ habitats has been added to the SPD.</p> <p>Protected species and species/ habitats of principal importance are defined nationally. However, the CNHS make the good point that there are locally significant species and habitats that are not protected. Officers have spoken to the CNHS about preparing a list of locally significant species/ habitats. This list will be published</p>

			<p>alongside this SPD and reference has been made to the list in the SPD. Policy ENV1 says that “development will only be supported where it ... will conserve or enhance the biodiversity value of greenfield and brownfield sites and minimise fragmentation of habitats...” (Part C, criteria iii). Locally significant species will also be considered as part of the LNRS and BNG Guidance.</p>
Essex Wildlife Trust	Comment	<p>To meet national policy requirements, submitted ecological reports must be expected to explain how the hierarchy of mitigation measures (Avoid, Mitigate, Compensate) has been embedded into the design of the development. Where impacts on habitats and species cannot be avoided, a clear explanation of why alternative sites are not feasible, and what proposed mitigation, and compensation measures are necessary to address all likely significant adverse effects should be required. Applicants must demonstrate that, in the design of their proposals, they have followed the mitigation hierarchy with respect to ecological impacts.</p> <p>The mitigation hierarchy aims to prevent net biodiversity loss and strict adherence to its principles is essential. This approach is included in the NPPF and also in ecological best practice guidelines. The approach to following the hierarchy should be informed by the ecological value of the habitats and species to be affected. Impacts to Priority habitats and species should always be</p>	<p>Paragraphs about irreplaceable habitats and more detail about the British Standard, as detailed in the representation, have been incorporated into the SPD.</p>

		<p>avoided, if possible, but mitigation or compensation for any species or habitats degraded or destroyed through the development process is also required.</p> <p>The easiest way to avoid a negative impact on species and habitats and to maximise the gain for biodiversity that can be achieved from a development is to select a site that has low existing ecological value and high strategic potential for habitat creation, buffering or connectivity. This could include sites that have been intensively managed or where land use has resulted in degraded habitats. Ecological value should be assessed by a suitably qualified professional and not judged on appearance, as sites that may appear to be degraded could include features of particular significance to certain species.</p> <p>Developers should be expected to avoid direct and indirect impacts on irreplaceable habitats and embed measures to achieve this within the design of any development proposal. Local authorities should refuse applications that would result in the loss, deterioration or fragmentation of irreplaceable habitats unless the need for, and benefits of, the development clearly outweigh the loss, and a suitable compensation strategy exists. In these situations, biodiversity net gain is not achievable. As per NPPF 2021, there would have to be wholly exceptional reasons for this to be the case with the burden of proof for these falling to developers to provide irrefutable evidence of these exceptional reasons.</p> <p>Irreplaceable habitats are defined in the National Planning Policy Framework as “habitats which would be technically very difficult (or take a very significant time) to restore, recreate or replace once destroyed, taking into account their age, uniqueness, species diversity or rarity.” In addition to Ancient Woodland and veteran</p>	
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		<p>trees, other types of habitat such as unimproved grassland, lowland acid grassland and ancient hedgerows are also considered to be irreplaceable. The loss of these habitats cannot be compensated for by gains elsewhere and so they are excluded from Biodiversity Net Gain calculations.</p> <p>All development predicted to result in impacts on irreplaceable habitat should be accompanied by detailed survey information and clear evidence to support the exceptional reasons that justify such a loss. Compensation strategies should include contribution to the enhancement and management of the habitat.</p> <p>BS42020:2013 Biodiversity – Code of practice for planning and development (p. 26)</p> <p>This British Standard gives guidance on how development might affect biodiversity, provides recommendations on how to integrate biodiversity into all stages of the planning, design and development process, and provides a rigorous framework for assessing impacts and for securing mitigation, compensation and appropriate biodiversity enhancements. Compliance with the standard in the ecological information submitted by applicants can be seen as an indication of its validity and relevance to the determination process and should be encouraged.</p> <p>BS42020 states that high quality ecological information is important for effective decision making as well as for compliance with legal obligations and policy requirements and successful implementation of the practical conservation and biodiversity enhancement measures identified in the ecological reports submitted with planning applications. The standard identifies the ecological data required and considerations for its assessment, and its use in the</p>	
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		<p>design of mitigation measures, to give certainty, clarity and confidence to those involved at all stages of the planning process.</p> <p>Compliance with this standard is an important and credible way to demonstrate the validity of ecological information provided in support of planning applications. Any deviations from this British Standard should be fully justified and open to challenge by the local authority or external consultees, which can lead to delays in the decision-making process.</p>	
Essex County Council	Comment	<p>We welcome the inclusion that underlines the mitigation hierarchy. It is positive that you are requesting evidence of management and maintenance for 30 years, although, the wording could be stronger to emphasise the importance of ensuring steps are taken to encourage biodiversity gain and reduce adverse ecological impacts. The SPD could be strengthened to highlight and emphasise this hierarchy by elevating, or emboldening the key words - avoid, mitigate, offset/compensate.</p> <p>We would expect development sites to deliver BNG in line with the Environment Act. The delivery of BNG is expected to take place on-site where possible, via the protection and retention of existing GI and provision of new features. However, it is recognised that this might not always be conceivable, and that off-site delivery could provide additional benefits and be used to protect areas of land that are of local natural and wildlife value.</p>	It is not considered that the words avoid, mitigate, and compensate need to be highlighted. Reference is made in the representation to BNG but this is not included in this SPD.
<b>Creating space for nature design principles</b>			
Cllr Andrew Ellis	Comment	With regard the point on avoidance of use of artificial grass. Include after Why? Artificial grass delivers no biodiversity benefits whatsoever, delivers poor drainage, requires regular cleaning (often with chemicals), overheats in hot weather and destroys the	Amendments have been made to the SPD as suggested.

		<p>soil life beneath it. Then under Core Requirements... Do not use Artificial turf.</p> <p>See...</p> <p><a href="#">17 reasons to avoid fake lawns – how bad is artificial grass for the environment?   Jack Wallington Garden Design Ltd.</a></p>	
Crest Nicholson	Comment	<p>We acknowledge this as a useful tool to achieve biodiversity net gain. However, new hedges will not be preferable in all locations such as rear garden boundaries due to security issues.</p> <p>We recognise many of the core requirements and their biodiversity benefits. However, the SPD should recognise that these won't be required in all circumstances as certain species may not be present on site</p>	<p>It is accepted that not all of the design principles will be suitable for all developments. A range of design principles is included in the SPD to suggest measures that could be incorporated into the design of development, some are very simple and low cost. The point about security and rear garden boundaries is understood and the words 'where appropriate' have been added.</p>
Colchester Natural History Society	Comment	<p>Page 27 – Bullet point 5, should be nectar and pollen and include nesting habitat for pollinators too – bee banks, bee 'hotels' etc.</p> <p>Page 28 – Tree planting and street trees are important but strong precaution needed regarding the application of the minimum 10% tree cover on open spaces. What counts as an important grassland site is open to interpretation, as is 'suitability' for tree planting. In general amenity and flower meadow creation should take precedence over arbitrary quantitative targets (95-97% of wildflower meadows have been lost in UK). Permanent grassland</p>	<p>The suggestions made have been incorporated into the SPD. Caution is raised about the 10% increase in tree canopy cover, however this target is set in the adopted Local Plan.</p>

		<p>is also important for Carbon storage, and new ‘whip’ planting offers little benefit for carbon sequestration in the short-term (especially when they don’t survive).</p> <p>Where possible hedgerows should retain or have added a biodiversity buffer zone of at least 10m both sides of the hedgerow.</p> <p>Page 29 – Reference to solitary bee nesting habitat, yes to bee hotels but also habitat for ground nesting bees, including south-facing banks, e.g., along edges of car parks or on verges.</p> <p>Page 30 – Grass, not ‘artificial grass’ agreed, but better still wildflower mix. Good to see brownfield sites mentioned but may need expansion to help public understanding what they are and how they can become important for biodiversity.</p>	
Essex Wildlife Trust	Comment	<p>Policy ENV1 (Part C) (v) Biodiversity net gain (p 27) Pre-development biodiversity value must be calculated before any site clearance or other habitat management work has been undertaken, by the applicants or anybody else. However, if this is known to have happened on or after 30th January 2020, the condition of the site must be taken as the habitat baseline stated in Schedule 14 Part 1 paragraph 6 of the Environment Act 2021. This is consistent with existing good practice guidelines for ecological assessment, including CIEEM and BREEAM guidelines.</p> <p>Where previous surveys are not available, this should be established through existing biological records and habitat areas identified through aerial photographs. Where habitat conditions are not known, a precautionary approach must be applied as per CIEEM guidelines and a BNG score of ‘good condition’ should be assumed.</p>	<p>The comments made have been incorporated into the SPD where appropriate. The SPD does not include advice or guidance on SuDS as the Council have adopted the ECC SuDS Design Guide. Nor does the SPD include advice or guidance on BNG. The Council is working with other Essex LPAs on a BNG SPD template and will take into account the comments made in this representation.</p>

		<p>The local authority should secure measures to conserve and enhance biodiversity by applying a planning condition requiring the submission and approval of an Ecological Design Strategy or a species-specific Biodiversity Mitigation Strategy, which should include:</p> <ul style="list-style-type: none"> <li>a) The purpose and conservation objectives of the proposed works.</li> <li>b) A review of baseline conditions, site potential and constraints.</li> <li>c) Detailed designs and/or working methods to achieve stated objectives.</li> <li>d) The specific extent and location of proposed works shown on maps and plans at an appropriate scale.</li> <li>e) The type and source of materials to be used, where appropriate, such as specifying native species of local provenance or the type of bird box to be used.</li> <li>f) A timetable for implementation, demonstrating that works are aligned with any proposed phasing of development.</li> <li>g) The persons responsible for implementing the works.</li> <li>h) Details of initial aftercare and long-term maintenance.</li> <li>i) Details for monitoring and remedial measures.</li> <li>j) Details for disposal of any wastes arising from works.</li> </ul> <p>All development must already demonstrate measurable net gain for biodiversity, in line with the requirements of the National Planning Policy Framework. Although a mandatory requirement for 10% net gain in biodiversity value is mandated by the Environment Act 2021 and is expected to become law in November 2023, we recommend that a value of 20% is encouraged by local authorities as best practice in order to meet the Government's commitment to protect 30% of land by 2030.</p>	
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		<p>Biodiversity Net Gain plans must include a mechanism for delivery of the target habitats, management, and monitoring of their condition, and an approach to remediation in the event of targets not being met.</p> <p>Core requirements (p. 27) Inclusion of sustainable drainage systems within a development site is the preferred approach to managing rainfall from hard surfaces and can be used on any site. They provide an opportunity to reduce the effects of development on the water environment. Good design and management of multi-functional open spaces can mitigate drainage impacts on wetlands via drains and ordinary watercourses as well as delivering biodiversity enhancements and attractive green spaces that can support Biodiversity Net Gain on site. SUDs should be designed to provide natural habitats appropriate to the surrounding landscape, using locally native species and managed to combine functionality and opportunities for biodiversity.</p> <p>The Royal Society for the Protection of Birds and the Wildfowl and Wetlands Trust have produced a guide to maximising the benefit to <a href="#">biodiversity from Sustainable Drainage Systems</a> alongside other functions. The <a href="#">ARGUK Toads – Advice for Planners</a> provides guidance on road, kerb and gully designs to limit impacts on amphibian populations.</p> <p>Developers should check details of <a href="#">Registered Toad crossings</a> listed by Froglife, the national amphibian &amp; reptile charity, in relation to the development site location and layout. This will help avoid direct impacts on known toad breeding populations from the discharge of the sustainable drainage systems constructed for the development. Similarly, well designed sustainable drainage</p>	
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		<p>systems features are likely to attract breeding amphibians and future migration routes should be considered to avoid creating new road or drain fatality hotspots.</p> <p>While it can be possible to combine positive nature conservation management with public access, it should be noted that the potential impact of public access must be fully considered in determining the likely target condition of the biodiversity habitat and its value to any existing species populations.</p> <p>The use of low nutrient status soils to support diverse habitat mosaics with low maintenance requirements should be encouraged and applications within the B-Lines identified by Buglife should be expected to include sustainable landscaping features of value to invertebrates, especially pollinators, including flowering lawns.</p> <p>Natural timber and aggregate waste from the construction site should be retained and repurposed for habitat creation such as hibernacula and low nutrient banks wherever possible. Paving of surfaces is likely to contribute to surface water flooding. We advise local authorities to seek to avoid unnecessary paving of gardens by householders and encourage good design to ensure permeable surfaces remain and that there is no net loss in biodiversity. Any trees should be retained within paving and permeable surfaces used, potentially including planting within the design.</p> <p>Integral swift bricks (p. 28)  There should be an equal number of integrated bird box features as dwellings for building-dependent birds (breeding Swifts, House Sparrows, Starlings and House Martins) provided individually or clustered in appropriate locations within the development. On</p>	
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		<p>constrained sites, particularly those with a large number of apartments, practical consideration should be given to prioritising bird, bat or insect boxes in optimum areas of the site.</p> <p>All suitable commercial and community building applications should include integrated bird box features in keeping with the scale of development, i.e. minimum of 10 boxes for the first 1000 sqm footprint and one additional box for every 100 sqm. On residential housing developments, 25% of the dwellings/units should have integrated bat box features with provision for them to be clustered next to appropriate foraging habitats.</p> <p>Artificial grass (p. 30) Artificial grass does not provide any resources for wildlife. It restricts access to the soil beneath for burrowing insects and to the ground above for soil dwellers such as worms. It also restricts access to natural materials like leaf litter and grass clippings – essential for feeding soil organisms like worms and microscopic animals and for keeping the soil healthy.</p> <p>Artificial grass can reach significantly higher temperatures than natural grass under the same weather conditions. It can contribute to global warming by absorbing significantly more radiation than living grass and, to a lesser extent, by displacing living plants that could remove carbon dioxide through photosynthesis.</p> <p>Soil is a natural carbon store, especially if plants are growing in it, slowly taking carbon from the atmosphere and putting it back into the plants and the ground. Removing a large area of planting that is actively locking carbon into the ground releases that locked carbon back into the atmosphere. Artificial grass creates a large carbon footprint during a journey that includes the manufacturing,</p>	
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		<p>transportation and installation of the product, while replacing soil with sand to create a stable bed for artificial grass releases more carbon dioxide stored in the earth. It is also more likely to cause surface run off after significant rainfall which may contribute to flooding.</p> <p>Artificial grass is made from polyethylene, polypropylene or nylon (polyamide), and fragments from this material can make their way into the soil, and beyond, in the form of microplastic pollution. The shelf life for artificial grass is estimated to be 10-20 years and the product is difficult to reuse. Although it can be recycled, this is not easy and can only be done at specialist plants after a specific cleaning process. Artificial grass is not totally maintenance free. It still needs to be cleaned of litter and moss growth, potentially replacing mowing with vacuuming.</p>	
Anglian Water	Comment	<p>We support the design principles for creating space for nature. We work in partnership with a number of environmental organisations to deliver positive outcomes for nature and nature recovery, including through our Get River Positive commitments.</p> <p>We particularly welcome reference to connections to green-blue infrastructure and the over-arching multi-functional benefits that can be achieved. Designing green and blue infrastructure as a framework for new development proposals should enable net gains in biodiversity whilst including minimising the risk of surface water flooding, and the integration of Sustainable Drainage Systems (SuDS) - including opportunities to retrofit SuDS in existing urban areas. We would welcome the SPD making reference to SuDS as part of the multi-functional benefits that can be achieved through the provision of well-designed green and blue infrastructure, whilst providing biodiversity net gains.</p>	<p>The SPD does not include advice or guidance on SuDS as the Council have adopted the ECC SuDS Design Guide. However, the SPD has been updated to make reference to SuDS as part of the multifunctional benefits that can be achieved through the provision of green-blue infrastructure and a link is include to the ECC SuDS Design Guide under the green-blue infrastructure design principle.</p>

Essex County Council	Comment	<p>Page 27 Further reference to 'multifunctional' green infrastructure should be made to the first creating space for nature design principle (second sentence).</p> <p>"Create new multifunctional green-blue infrastructure that is appropriate and proportionate to the size and location of the development proposal."</p> <p>We welcome the reference to the Essex GI Standards. It is noted that Colchester have not adopted, but rather recommend that developers have regard to these standards. The standards have now been added to the Essex Design Guide and please note the new link to update page 27 of the SPD and under further reading on page 34.</p> <p>Page 28 Under "Why?" reference can be made to the NPPF. Paragraph 131 states "Planning policies and decisions should ensure that new streets are tree-lined, .....that appropriate measures are in place to secure the long-term maintenance of newly-planted trees...".</p> <p>Another sustainable design principle to consider is the installation of dual-purpose street furniture /seating i.e., a bench or cycle rack including a planter/s. The design of street furniture and bin stores can contribute to the landscape character, reduce clutter of an area or street and act as small park/green corridor to the wider landscape scale GI network and enhance biodiversity.</p>	The suggested additions have been incorporated into the SPD.
<b>Householder Applications</b>			
Essex Wildlife Trust	Comment	Householders and developers of small sites, where there may be unexpected risks of impacts to habitats and species, need to ensure that planning applications are supported by adequate	This chapter only applies to householder applications. The rest of the SPD is

		<p>ecological information, using up to date desk studies and site assessment to inform survey methodologies sufficient in scope to allow the impact of a proposal to be appropriately assessed.</p> <p>Pre-development biodiversity value must be calculated before any site clearance or other habitat management work has been undertaken, by the applicants or anybody else. However, if this is known to have happened, on or after 30th January 2020 the condition of the site must be taken as the habitat baseline stated in Schedule 14 Part 1 paragraph 6 of the Environment Act 2021. This is consistent with existing good practice guidelines for ecological assessment, including CIEEM and BREEAM guidelines. Where previous surveys are not available, this should be established through existing records and habitat areas identified through aerial photographs. Where habitat conditions are not known, then a precautionary approach should be applied.</p> <p>Biodiversity net gain measures should be clearly identified in supporting information and illustrated on the relevant plans. Measures should be appropriate to the site's location and surroundings and should be focussed on supporting recognised nature conservation priorities. The Defra "small sites" Biodiversity Metric should be used to demonstrate net gain in these circumstances. Small sites should also include integrated bird, bat or insect box provision, hedgehog friendly fencing and habitats.</p>	applicable to small scale development.
<b>Planning application expectations</b>			
Feering Parish Council	Comment	Feering Parish Council do not have specific comments to make on the consultation, however we have noted that the third paragraph, first sentence, of this section appears to have confusing wording and should be looked at again to give clarity to the sentence.	The wording has been reviewed and the grammar has been slightly amended.

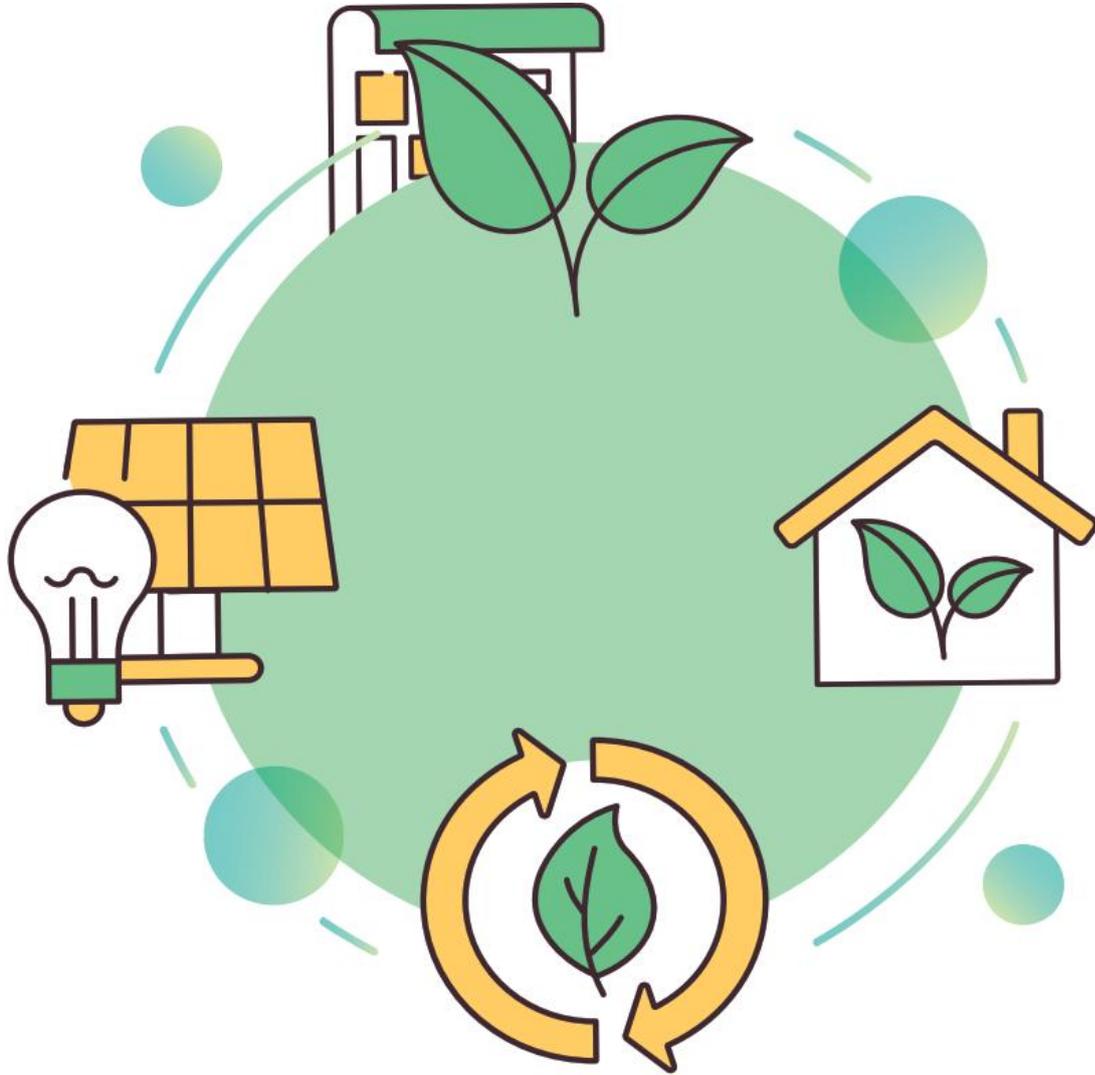
Crest Nicholson	Comment	<p>Where a Biodiversity Net Gain assessment has been started with a previous version of the metric and as the biodiversity units generated by each version of the metric are unique, it is important that the same metric is used across all elements / stages of a project. In these instances, it would be prudent to continue the assessments with the previous version of the metric. This is in line with current Natural England guidance.</p> <p>The monitoring period should reflect the 'time to target condition' of the relevant habitats e.g. where the time to target is 15 years, the monitoring period should also be 15 years.</p>	<p>Agree that there should be consistent use of a version of the metric and a sentence has been added to the SPD to make this clear.</p> <p>The Environment Act requires monitoring and maintenance of BNG for a period of 30 years. The Council has applied this 30 year period to mitigation measures too. However, it is accepted that there may be times when a shorter time to target may be appropriate, a sentence has been added to the SPD to acknowledge this.</p>
Essex Wildlife Trust	Comment	<p>The construction process often involves clearance of vegetation on site which has the potential for impacts on biodiversity and there is therefore a need to manage the risks to wildlife. A process is also needed to ensure that all of the essential mitigation measures identified within the Ecological Impact Assessment are put in place in the right way and at the right time.</p> <p>A Construction Environment Management Plan should be required by condition. It should include details of all necessary ecological mitigation measures, including protection of retained habitats and requirements for ecological supervision during works on site using a suitably experienced Ecological Clerk of Works.</p>	<p>The SPD has been updated to include the suggested text about Construction Environment Management Plans.</p>

		<p>Where habitats are retained and created within a development site boundary, local authorities should seek to secure their protection during the construction process and their long-term management via conditions of any consent. This should require relevant details to be provided within a Landscape and Ecological Management Plan, either at submission or secured by condition. This type of planning condition will need details of all ecological mitigation measures and should be illustrated together with other landscape measures and there should be no conflict between objectives.</p> <p>All management plans should include appropriate monitoring to ensure effectiveness and should include a process for remediation and review for any measures that have not been effective.</p>	
Essex County Council	Comment	<p>We welcome the guidance within chapter 8, which also signposts to DEFRA's 3.1 metric, as well as the biodiversity mitigation plan checklist. There is further opportunity to encourage the inclusion of other documents with planning applications that could improve future development proposals and encourage GI to be incorporated within phase 1 of development, which in turn can have a positive impact on biodiversity in Colchester. Therefore, we recommend that further documents/conditions are required to be submitted (and included within CCCs Validation Checklist), depending on the type and size of a development.</p> <ul style="list-style-type: none"> <li>• Green Infrastructure Strategy/Landscape Strategy (large 250+ dwellings / strategic sites)</li> <li>• CEMP (sites under 250 dwellings – can form part of a design and access or an environmental statement)</li> <li>• Green Infrastructure Plan (Projects 250+)</li> <li>• Landscape and Ecological Management and Maintenance Plan (to cover minimum 10 years+, however it will be required through</li> </ul>	This SPD does not include guidance on BNG. The other plans suggested, whilst helpful, are not directly related to this SPD.

		<p>mandated biodiversity net gain that the habitat be safeguarded for at least 30 years through obligations/conservation covenant)</p> <ul style="list-style-type: none"> <li>• Yearly Maintenance Logs</li> <li>• Biodiversity enhancement/gain/net gain plans</li> </ul> <p>Biodiversity Gain Plans</p> <p>There will be a requirement for a BNG statement at planning application stage. Further, planning applications subject to mandatory BNG shall require a Biodiversity Gain Plan to be submitted to and approved in writing by the local planning authority. The Environment Act sets out that the biodiversity gain plan should cover:</p> <ul style="list-style-type: none"> <li>• How adverse impacts on habitats have been minimised</li> <li>• The pre-development biodiversity value of the onsite habitat</li> <li>• The post-development biodiversity value of the onsite habitat</li> <li>• The biodiversity value of any offsite habitat provided in relation to the development</li> <li>• Any statutory biodiversity credits purchased, plus</li> <li>• Any further requirements as set out in secondary legislation.</li> </ul> <p>Biodiversity Gain Plans (subject to guidance made available) set out the key ecological considerations relevant to the development proposals, the biodiversity management principles for new habitat creation areas and the enhancements that are likely to be achieved through such management. Like Landscape and Ecology Management Plan it aims to:</p> <ol style="list-style-type: none"> <li>1. Verify the ecological baseline features of interest.</li> <li>2. Identify ecological mitigation requirements; and,</li> <li>3. Identify management and enhancement requirements relevant to the application area.</li> </ol>	
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		4. To enhance Protected and Priority Species/habitats and allow the LPA to discharge its duties under the s40 of the NERC Act 2006 (Priority habitats & species).	
<b>Conclusion</b>			
Colchester Natural History Society	Support	<p>On a general point, this submission refers to the importance of connectivity between sites of biodiversity value, it is suggested that CCC, with other organisations takes the opportunity to review the relationships between designated LNR's, LoW's and SSSI sites to evaluate enhanced connectivity and if necessary add to those sites. A good example would be to highlight the Roman River Valley living landscape from Copford to the Colne which has two SSSI's and 20 LoW's along its length. Hyperlinks from the SPD to overarching maps of sites and their connectivity would further enhance the impact of the SPD.</p> <p>CNHS welcomes this very good, very necessary document and considers its implementation vital to the protection and enhancement of biodiversity in the landscape.</p>	This is an important point and embracing connectivity is something the Planning Policy team is working on through a Green-Blue Infrastructure Strategy as evidence for the Local Plan Review.
Anglian Water	Comment	We are supportive of the Council's ambitions to becoming carbon neutral by 2030 and driving forward a significant programme of environmental stewardship to sustain and enhance biodiversity and invest in cleaner, greener, renewable energy projects. Anglian Water has a voluntary 10% biodiversity net gain on all our capital projects and ensuring environmental prosperity is a fundamental part of our duty and is embedded in our Articles of Association. We have a routemap to become net zero by 2030 and reduce our capital (embodied) carbon by 70% against a 2010 baseline. This means we look for innovative ways to reduce the embodied carbon in our projects whilst providing a robust and resilient infrastructure for water supply and water recycling for our customers.	Comment noted and support welcomed. The Council will continue to liaise with Anglian Water on all planning documents.





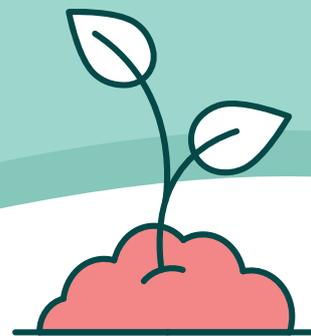
Colchester City Council's

# **Biodiversity SPD**



Colchester  
City Council

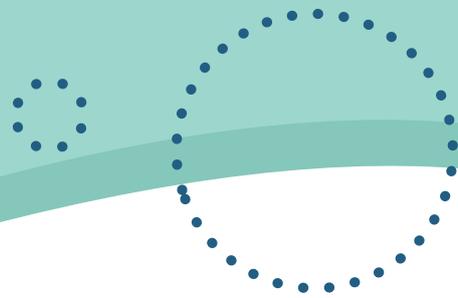
# Contents



Glossary .....	<a href="#">3</a>
<b>Chapter 1:</b> Introduction .....	<a href="#">4</a>
<b>Chapter 2:</b> Background and Context .....	<a href="#">8</a>
Legislation .....	<a href="#">9</a>
Environment Act and 25 Year Environment Plan .....	<a href="#">10</a>
State of Nature .....	<a href="#">12</a>
Biodiversity .....	<a href="#">12</a>
Colchester's Local Plan .....	<a href="#">13</a>
<b>Chapter 3:</b> Colchester context .....	<a href="#">15</a>
<b>Chapter 4:</b> Protected species and ecological surveys .....	<a href="#">20</a>
<b>Chapter 5:</b> Mitigation hierarchy .....	<a href="#">27</a>
<b>Chapter 6:</b> Creating space for nature design principles .....	<a href="#">30</a>
<b>Chapter 7:</b> Householder applications .....	<a href="#">35</a>
<b>Chapter 8:</b> Planning application expectations .....	<a href="#">36</a>
<b>Chapter 9:</b> Conclusion .....	<a href="#">38</a>
Further reading and references .....	<a href="#">39</a>
<b>Appendix 1.</b> Ecological Survey Seasons .....	<a href="#">41</a>



# Glossary



## **Biodiversity**

The word ‘biodiversity’ comes from the term ‘biological diversity’. It refers to the variety of all living organisms, including animals, insects, plants, bacteria, and fungi.

## **Biodiversity gain plan**

A consistent document explaining how a project has followed the mitigation hierarchy and also then achieved biodiversity net gain.

## **Biodiversity net gain**

An approach to development, and/or land management, that aims to leave the natural environment in a measurably better state than it was beforehand.

## **Green-blue infrastructure**

Green-blue infrastructure is a network of multi-functional green spaces and other green features, and blue (water) features, which can deliver quality of life and environmental benefits for communities.

## **Habitat**

A habitat is the area and resources used by a living organism or assemblage of animals and plants.

## **Habitat banks**

Sites where habitat is created in advance, prior to any loss occurring. This habitat will need to be secured and managed long-term.

## **Local Nature Recovery Strategy (LNRS)**

will set out locally agreed priorities and opportunities for nature recovery.

## **Mitigation hierarchy**

The principle that environmental harm resulting from a development should be avoided, adequately mitigated, or, as a last resort, compensated for (NPPF, 2021).

## **Nature Recovery Network**

A national network of wildlife-rich places.

## **Protected species**

Many species of plants and animals in England and often their supporting features and habitats are protected. What you can and cannot do by law varies from species to species.

## **Standing advice**

General advice that Natural England, as a statutory consultee, gives to LPAs. It avoids the need to consult Natural England on every planning application.

## **Irreplaceable habitat**

Habitats which would be technically very difficult (or take a very significant time) to restore, recreate or replace once destroyed, taking into account their age, uniqueness, species diversity or rarity. They include ancient woodland, ancient and veteran trees, blanket bog, limestone pavement, sand dunes, salt marsh and lowland fen.



# Chapter 1: Introduction



Climate change is a global issue affecting everyone. Co-ordinated action from all sectors, national and local governments, and individuals is needed to mitigate and adapt to climate change. The science tells us that to avoid catastrophic effects we need to limit the increase in global temperature to 1.5oC. Mitigation measures are required to significantly reduce greenhouse gas emissions and limit global temperature rise. However, even with efforts to limit the cause of global warming, further climatic changes are inevitable in the future and the UK will need to adapt to the growing risks from climate change.

Colchester City Council declared a climate emergency in 2019 and since then have carried out numerous pieces of work across the organisation and city to respond to the climate emergency. The infographics, below, highlight the key areas of work undertaken in 2019/20, 2020/21 and 2021/22.



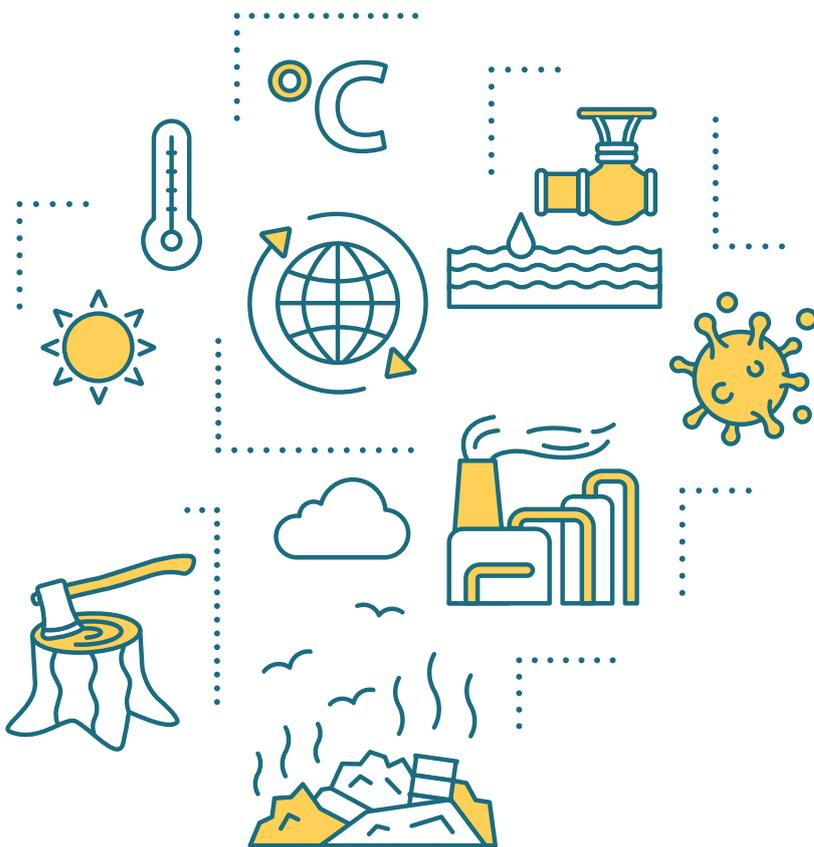


The Council is drafting 3 Supplementary Planning Documents (SPDs) to communicate Colchester City Council's ambitions in respect of the climate emergency for all development within the city. SPDs are material considerations in planning decisions. They build on adopted planning policy and provide guidance on how policy requirements should be implemented. The 3 climate emergency SPDs build on the adopted Local Plan and explain how development proposals should respond to the climate and ecological emergency. The SPDs are: Active Travel, Biodiversity, and Climate Change. All development proposals should strive to achieve ambitious carbon reductions, biodiversity enhancement and promotion of active travel to contribute towards Colchester becoming a greener city that is resilient to the climate and ecological emergency.

# We are in a climate and ecological emergency - the time to act is now

The 3 climate emergency SPDs will bring multiple benefits including benefits to health and wellbeing. A healthy environment plays a role in improving health and wellbeing. Many of the actions proposed in the 3 SPD's will also achieve health benefits for our communities. An increase in active travel will lead to more walking and cycling. More energy efficient homes will be good for people's wellbeing and reduce heating costs. An increase in biodiversity and multifunctional green infrastructure is good for people's mental wellbeing.

The [Royal Society](#) say that "Biodiversity is essential for the processes that support all life on earth, including humans. Without a wide range of animals, plants and microorganisms, we cannot have the healthy ecosystems that we rely on to provide us with the air we breathe and the food we eat. And people also value nature itself."



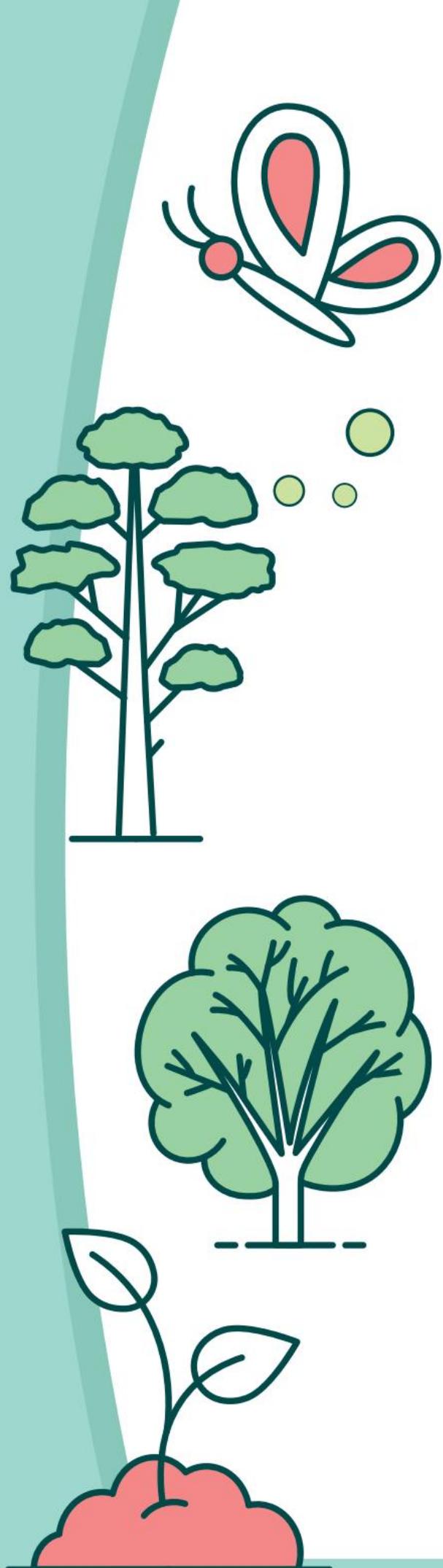
Many people agree that one of the causes of biodiversity loss is climate change. Few people are aware, however, that the decline in biodiversity is also hastening climate change by undermining nature's ability to regulate greenhouse gas (GHG) emissions and protect against extreme weather, altering weather patterns throughout the world. The earth's climate is influenced by almost every natural ecosystem (i.e. habitat, and animal). This explains why climate and ecological emergencies must be addressed together and not in isolation.

There is a wealth of information, guidance, toolkits, and best practice available. The climate emergency SPDs do not attempt to distill all this information and guidance into one document – what the SPDs attempt to do is provide a summary of guidance on what is most important to the Council. Links are provided throughout the SPDs to more detailed guidance.

This is the Biodiversity SPD. Biodiversity protection and provision is a duty that public bodies, developers, landowners and society generally all share. This SPD aims to clearly set out the principles the Council expects to ensure that development proposals create space for nature. Chapter 2 of the SPD sets out the background and context and chapter 3 sets out the Colchester context, including maps of Colchester's environmental designations. Chapter 4 includes advice on protected species as a check of what information is likely to be required, with links to guidance and Natural England's standing advice. Chapter 5 explains the mitigation hierarchy, which must be followed. Chapter 6 includes creating space for nature design principles. These are principles the Council expects applicants to incorporate into their proposals to enhance biodiversity. Chapter 7 includes a list of advice for householder applications on measures householders can incorporate into their proposals to enhance biodiversity. Chapter 8 lists planning application expectations – what the Council will expect applicants to submit with their application.

This SPD is intended to be concise and includes references and links to numerous other documents that DM Officers and applicants should read where appropriate. For example, the chapter on protected species and ecological surveys includes links to Natural England's standing advice and guidance from specialist conservation organisations.

A separate guidance note will be prepared on biodiversity net gain. Biodiversity net gain is a requirement of the Environment Act. At the time of drafting this SPD, secondary legislation and guidance is being prepared. The Council decided to include the biodiversity net gain guidance in a stand-alone guidance note rather than within this SPD to make it easier to update the biodiversity net gain guidance to reflect secondary legislation, guidance, and good practice. The Essex Local Nature Partnership has prepared biodiversity net gain guidance.



# Chapter 2: Background and Context



## Legislation

There are numerous legislation and Conventions of relevance to the environment and Policies ENV1-ENV5 of the Colchester Local Plan, which are listed below. The list includes European Directives, the Trade and Co-operation Agreement includes reciprocal commitments not to reduce the level of environmental or climate protection or fail to enforce its laws in a manner that has an effect on trade.

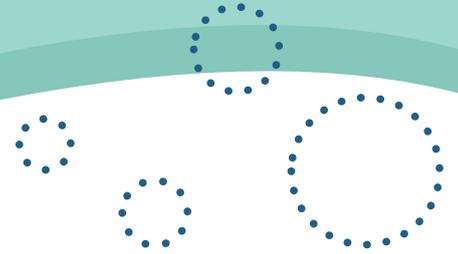
- [Council Directive 92/43/EEC](#) on the conservation of natural habitats and of wild fauna and flora aims to promote the maintenance of biodiversity, taking account of economic, social, cultural and regional requirements (the Habitats Directive).
- The [Birds Directive](#), which is the oldest piece of EU legislation on the environment (amended in 2009) and aims to protect all of the 500 wild bird species naturally occurring in the EU.
- The [Strategic Environmental Assessment \(SEA\) Directive](#), which requires the integration of environmental assessment into plans and programmes at the earliest stages to lay down the groundwork for sustainable development.
- The [Water Framework Directive](#), which aims to improve EU water legislation by expanding on the scope of water protection to all waters and sets out clear objectives with specified dates.
- The [Convention on Biological Diversity](#), signed by 150 government leaders at the Rio Earth Summit in 1992 and is dedicated to promoting sustainable development and translates the principles of Agenda 21.
- The [European Landscape Convention](#), which provides a people centred and forward looking way to reconcile management of the environment with the social and economic challenges of the future and aims to help people reconnect with place.
- The [Wildlife and Countryside Act](#), which provides national protection for SSSIs and protected species, in addition to a range of other measures. There have been numerous amendments to the Act, most significantly through the [Countryside and Rights of Way \(CRoW\) Act 2000](#) and [Natural Environment and Rural Communities Act 2006](#) (NERC). It implements the Convention on the Conservation of European Wildlife and Natural Habitats and Council Directive 2009/147/EC on the conservation of wild birds.
- The [Countryside and Rights of Way Act \(CRoW Act\)](#), which provides for public access on foot to certain types of land, amends the law relating to public rights of way, increases measures for the management and protection for Sites of

Special Scientific Interest (SSSI), strengthens wildlife enforcement legislation, and provides for better management of Areas of Outstanding Natural Beauty (AONB). The Act places a duty on government departments to have regard for the conservation of biodiversity.

- The [Natural Environment and Rural Communities Act \(NERC\)](#), which was designed to help achieve a rich and diverse natural environment and thriving rural communities. The Act implements key elements of the government's Rural Strategy (2004). Section 40 places a duty on public authorities to have regard to conserving biodiversity.
- The [Conservation of Habitats and Species Regulations 2017](#), which consolidate the 2010 regulations with amendments and transpose Council Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora and elements of the EU Wild Birds Directive into national law. The Habitat Regulations provide for the designation and protection of European Sites. Under the Habitat Regulations, Councils may only give consent to a plan or project where it can be ascertained that it will have no adverse effect on the integrity of a European Site, unless the exceptional requirements set out in the Regulations can be met.
- The [Flood and Water Management Act 2010](#), which requires flood and coastal erosion risk management authorities to aim to contribute towards the achievement of sustainable development when exercising their flood and coastal erosion risk management functions.
- The [Hedgerow Regulations](#), which protect countryside hedgerows.
- [The Environment Act 2021](#), which brings into UK law environmental protections and recovery. It includes targets, plans and policies for improving the natural environment. It includes details on creating a new governance framework for the environment, a new direction for resources and waste management, improving air quality, securing water services, enhancing green spaces, and updating laws on chemicals. It introduces mandatory biodiversity net gain and at the time of writing, secondary legislation and guidance is expected.



# Environment Act and 25 Year Environment Plan



The [25 Year Environment Plan](#) was published in 2018. The Environment Plan sets out the government's goals for improving the environment within a generation. It aims to leave the environment in a better state and details how government will work with communities and businesses to do this over the next 25 years.

The [Environment Act 2021](#) puts the 25 Year Environment Plan into law and creates a statutory framework for environmental principles. The Act introduces a Nature Recovery Network and Local Nature Recovery Strategies, which will establish priorities and map proposals for specific actions to drive nature's recovery and provide wider environmental benefits. Under the Environment Act 2021, all planning permissions granted in England (with a few exemptions) will have to deliver at least 10% biodiversity net gain. Biodiversity net gain will be measured using Defra's biodiversity metric and habitats will need to be secured for at least 30 years. In addition, and of relevance, the Environment Act includes a strengthened legal duty for public bodies to conserve and enhance biodiversity and new biodiversity reporting requirements for local authorities.

A Nature Recovery Network is a strategy to tackle biodiversity loss. 500,000 hectares of additional wildlife habitat will be created. Wildlife sites will be connected, and opportunities will be provided for species conservation and the reintroduction of native species. Green infrastructure will be an important part of the Nature Recovery Network. The government intends that as well as helping wildlife thrive, the Nature Recovery Network could be designed

to bring a wide range of additional benefits, including public enjoyment, pollination, carbon capture, water quality improvements and flood management.

Local Nature Recovery Strategies are spatial strategies that will establish priorities and map proposals for specific actions to drive nature's recovery and provide wider environmental benefits. Local Nature Recovery Strategies aim to actively restore the natural world and halt the decline in species abundance by 2030. Local Nature Recovery Strategies will apply at county level.

## The Essex Local Nature Recovery Strategy will act as a tool to:

- reverse nature's decline
- support nature recovery
- guide future habitat creation
- help deliver biodiversity net gain
- support the delivery of the UK-wide nature recovery network
- support the delivery of nature-based solutions

The LNRS Working Group will work together to deliver the Local Nature Recovery Strategy as part of the Essex [Local Nature Partnership](#).

## State of Nature

The [UK State of Nature](#) report 2019 found that the UK's biodiversity is declining and 15% of species are threatened with extinction from Great Britain. It found that climate change is having an increasing impact on nature in the UK. The State of Nature report was produced by a partnership of more than 70 organisations involved in the recording, researching and conservation of nature in the UK and its Overseas Territories. The State of Nature identified the most significant pressures acting on terrestrial and freshwater nature in the UK are: agricultural management, climate change, urbanisation, pollution, hydrological change, invasive non-native species and woodland management. Urbanisation has direct consequences for wildlife in terms of land use changes, but also fragments landscapes by creating barriers between habitats, thus isolating some populations. Increases in air, light and noise pollution, human disturbance and predation by domestic animals particularly affect biodiversity in urbanised areas. However, the State of Nature recognises that urbanisation does not always result in biodiversity loss: the conversion of an intensively managed arable field to a housing estate with gardens, a community orchard and a pond may provide net gain for species diversity and abundance.

## Essex Climate Action Commission

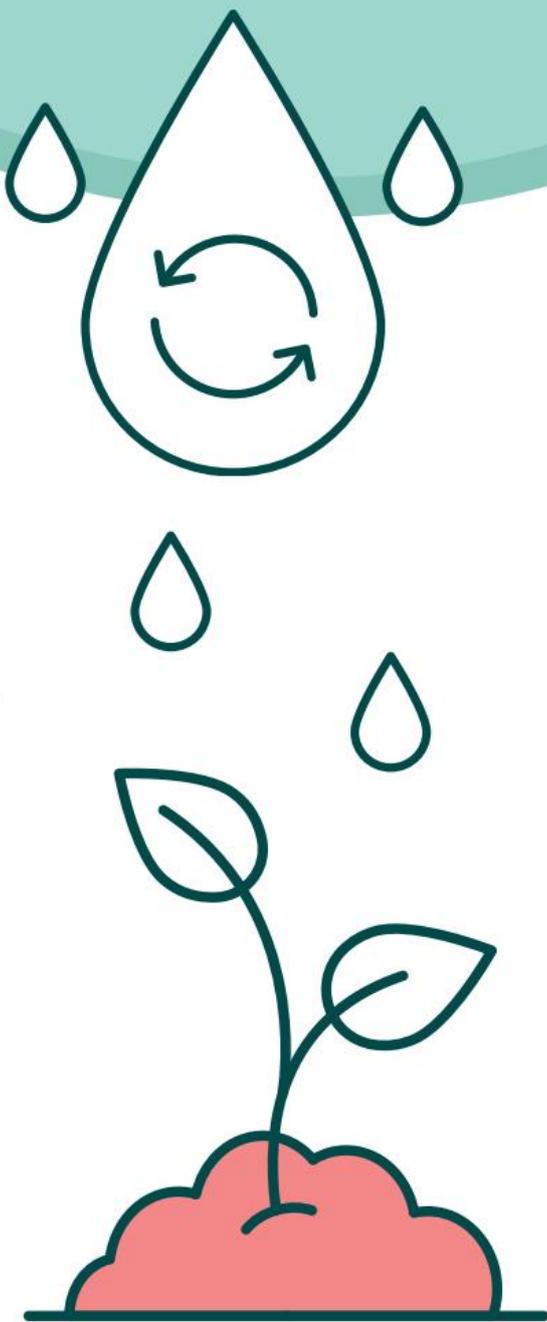
Essex County Council (ECC) has formed an Essex Climate Action Commission, which recognises the role of planning in mitigating and adapting to climate change. The first report – Net Zero: Making Essex Carbon Neutral was published in July 2021.

The plan brings together the work of the Commission across the past year. The

Commission recognise that the natural world is our best ally in reversing climate change – it is key to absorbing and storing carbon. Risks from already changing weather systems – more flooding, over-heating, soil degradation, subsidence and water shortage can be tackled by making space for green infrastructure and nurturing our natural world. The Commission's work is structured around the following six core themes: land use and green infrastructure, energy, the built environment, transport, waste, and community engagement.

The report says that if we are to succeed in our goal of Essex becoming a net zero county by 2050, the bulk of the work needs to be done in the next decade. In this report, the Essex Climate Action Commission, makes recommendations that they believe are both necessary for Essex to be net zero by 2050 as well as achievable. Many of them are for measures to be taken, or be well underway, by 2030. The Commission believe that the measures detailed in the report will also lead to an improved natural environment for people to enjoy and a vibrant economy for the benefit of local jobs and livelihoods. By transforming Essex into a net zero county, it can become a sustainable, thriving place to live, work and play.

Much of the city falls within the Essex Climate Action Commission's (ECAC) recommended Climate Focus Area (CFA), which is formed of the Blackwater and Colne River catchment areas. The objective of this recommendation is for the CFA to "accelerate [climate] action and provide exemplars, for learning and innovation: adopting Sustainable Land stewardship practices: 100% by 2030 and Natural Green Infrastructure: 30% by 2030" (ECAC, 2021). Among the objectives of the CFA are to achieve net zero carbon, biodiversity net gain, improve soil health and air quality, reduce flooding and urban heat island effect, and enhance amenity, liveability and wellbeing of Essex communities. It will achieve this by wholesale landscape change in rural areas and urban areas. The CFA will look to developments to contribute to these targets.



## Biodiversity

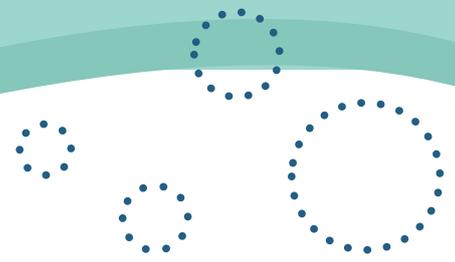
The word 'biodiversity' comes from the term 'biological diversity'. It refers to the variety of all living organisms, including animals, insects, plants, bacteria, and fungi. A habitat is the area and resources used by a living organism or assemblage of animals and plants. Biodiversity is a key factor in supporting life on earth.

The [Wildlife Trusts](#) say that a good nature-friendly development retains existing meadows, wetlands, hedgerows, trees and woods, and joins them up with wildlife-

rich gardens, verges, amenity green space, cycle paths and walkways. A green-blue infrastructure network connecting a development to the surrounding urban or rural landscape contributes to the wider ecological network. This approach improves air quality, reduces surface water flooding and makes developments greener and more attractive places to live. Residents have easy access to safe, beautiful, natural spaces for exercise, play and social interaction. Wildlife becomes part of everyday life.

All development proposals, even a single dwelling, regardless of size or location has the potential to benefit nature, and to benefit from nature, through integrating and creating space for nature into design and layouts. To create space for nature, the Council has, through engagement with local wildlife experts and following a review of best practice guidance, drafted **design principles**. The design principles are focused on specific design measures that will create space for nature. Each design principle is supported by justification explaining why it is important and core requirements. The Council expects applicants to have regard to these design principles and demonstrate as part of the application how the principles have been incorporated into the development proposal. This is in addition to the requirement for a minimum of 10% biodiversity net gain.

The SPD includes information on protected species and ecological surveys, the mitigation hierarchy, and householder applications. The SPD does not include information on sustainable drainage systems (SuDS) as the Council has adopted the [Essex County Council Sustainable Drainage Systems Design Guide](#) (2014). Nor does it refer to tree canopy cover assessments, separate guidance has



been prepared on this, or the [Essex Coast Recreational disturbance Avoidance and Mitigation Strategy](#) (RAMS) as the RAMS SPD was adopted in 2020.

The Council advises that specialist ecological consultant advice is sought at the earliest stage in terms of assessing and collating the scope of biodiversity information required to support an application and how to incorporate biodiversity enhancement and biodiversity net gain into development proposals.

## Colchester's Local Plan

Policy ENV1 of the adopted Section 2 Local Plan (see box, below) is the most relevant policy to this SPD. This SPD builds upon Policy ENV1 and in particular, Part C criteria (iv) and (v) of the policy, which state:

For all proposals, development will only be supported where it:

- (iv) Maximises opportunities for the preservation, restoration, enhancement and connection of natural habitats in accordance with the UK and Essex Biodiversity Action Plans or future replacements; and
- (v) Incorporates beneficial biodiversity conservation features, measurable biodiversity net gain of at least 10% in line with the principles outlined in the Natural England Biodiversity Metric, and habitat creation where appropriate.

The SPD sets out the opportunities for the preservation, restoration, enhancement, and connection of natural habitats. It explains how beneficial biodiversity conservation features and habitat creation should be incorporated into proposals. A separate guidance note will be prepared in relation to biodiversity net gain.

## Policy ENV1: Environment

The Local Planning Authority will conserve and enhance Colchester's natural and historic environment, countryside and coastline. The Local Planning Authority will safeguard the Borough's biodiversity, geology, history and archaeology, which help define the landscape character of the Borough, through the protection and enhancement of sites of international, national, regional and local importance. The Local Planning Authority will require development to be in compliance with, and contribute positively towards, delivering the aims and objectives of the Anglian River Basin Management Plan.

### A. Designated sites

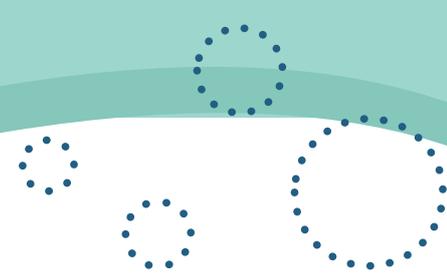
Development proposals that have adverse effects on the integrity of habitats sites, Sites of Special Scientific Interest or significant adverse impacts on the special qualities of the Dedham Vale Area of Outstanding Natural Beauty (including its setting) (either alone or in-combination) will not be supported.

### B. Essex Coast RAMS

A Recreational disturbance Avoidance and Mitigation Strategy has been completed in compliance with the Habitats Directive and Habitats Regulations. Further to Section 1 Policy SP2, contributions will be secured from qualifying residential development, within the Zones of Influence as defined in the adopted RAMS, towards mitigation measures identified in the Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS).

### C. Biodiversity and geodiversity

Development proposals where the principal objective is to conserve or enhance biodiversity and geodiversity interests will be supported in principle.



**For all proposals, development will only be supported where it:**

- (i)** Is supported with appropriate ecological surveys where necessary; and
- (ii)** Where there is reason to suspect the presence of a protected species (and impact to), or Species/Habitats of Principal Importance, applications should be accompanied by an ecological survey assessing their presence and, if present, the proposal must be sensitive to, and make provision for their needs and demonstrate the mitigation hierarchy has been followed; and
- (iii)** Will conserve or enhance the biodiversity value of greenfield and brownfield sites and minimise fragmentation of habitats; and
- (iv)** Maximises opportunities for the preservation, restoration, enhancement and connection of natural habitats in accordance with the UK and Essex Biodiversity Action Plans or future replacements; and
- (v)** Incorporates beneficial biodiversity conservation features, measurable biodiversity net gain of at least 10% in line with the principles outlined in the Natural England Biodiversity Metric, and habitat creation where appropriate.

Proposals for development that would cause significant direct or indirect adverse harm to nationally designated sites or other designated areas, protected species, Habitats and Species of Principle Importance, will not be permitted unless: **(i)** They cannot be located on alternative sites that would cause less harm; and

**(ii)** The benefits of the development clearly outweigh the impacts on the features of the site and the wider network of natural habitats; and

**(iii)** Satisfactory biodiversity net gain, mitigation, or as a last resort, compensation measures are provided.

The Local Planning Authority will take a precautionary approach where insufficient information is provided about avoidance, mitigation and compensation measures and secure mitigation and compensation through planning conditions/obligations where necessary.

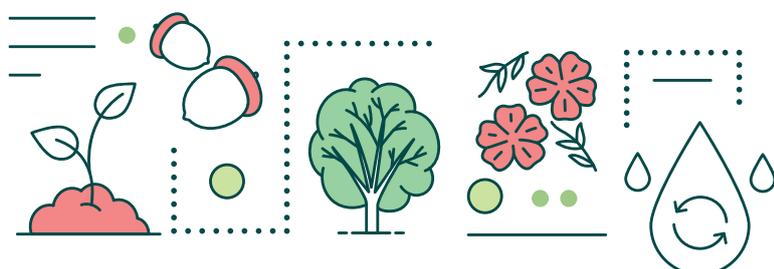
**D. Irreplaceable habitats**

Proposals that would result in the loss of irreplaceable habitats, such as ancient woodland, Important Hedgerows and veteran trees will not be permitted unless there are wholly exceptional reasons and a suitable compensation strategy, to the satisfaction of the local planning authority, exists.

**E. Countryside**

The local planning authority will carefully balance the requirement for new development within the countryside to meet identified development needs in accordance with Colchester’s spatial strategy, and to support the vitality of rural communities, whilst ensuring that development does not have an adverse impact on the different roles, the relationship between and separate identities of settlements, valued landscapes, the intrinsic character and beauty of the countryside and visual amenity.

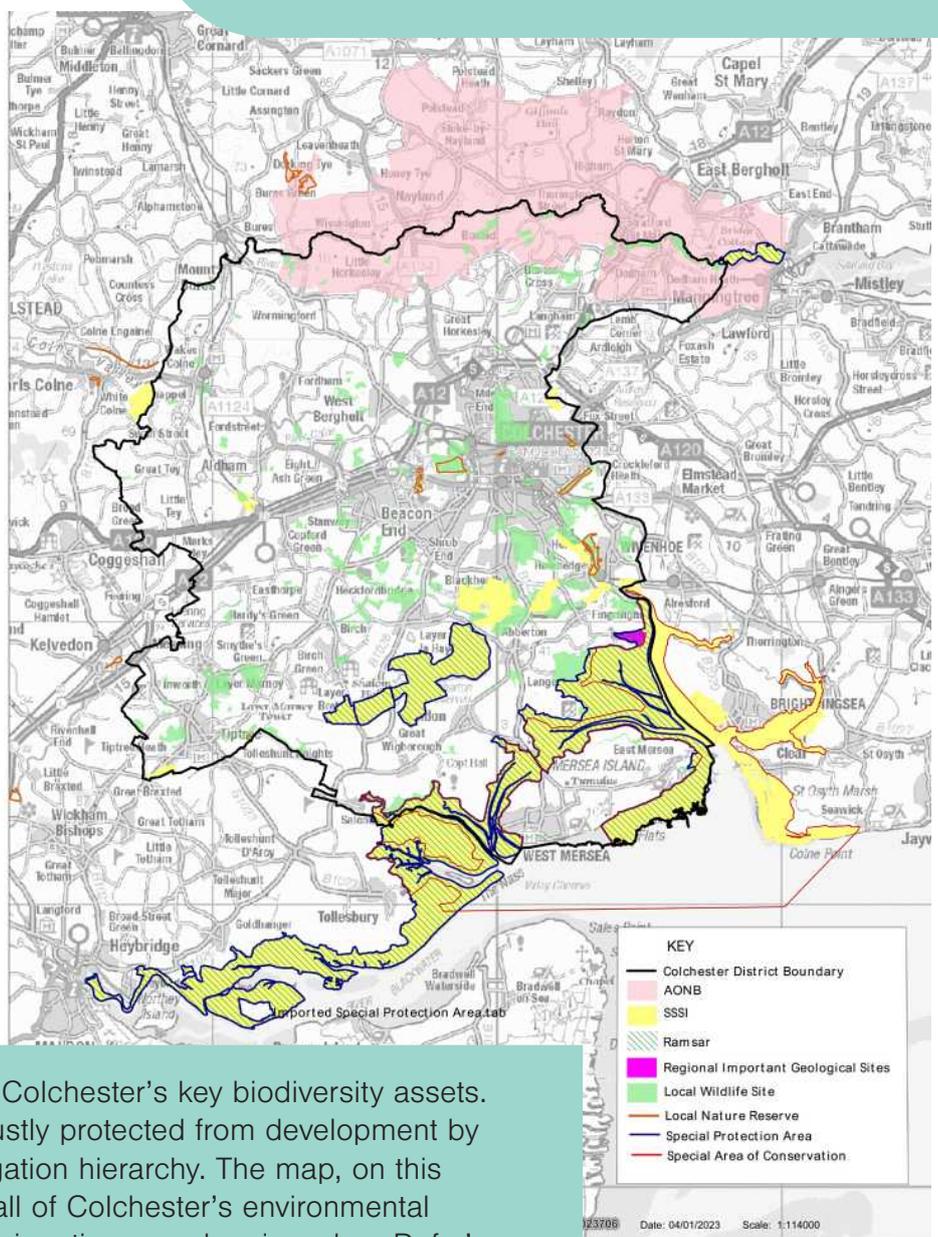
The intrinsic character and beauty of the countryside will be recognised and assessed, and development will only be permitted where it would not adversely affect the intrinsic character and beauty of the countryside and complies with other relevant policies. Within valued landscapes, development will only be permitted where it would not impact upon and would protect and enhance the factors that contribute to valued landscapes.



# Chapter 3: Colchester context

## ENVIRONMENTAL DESIGNATION

Colchester's natural environment is extremely diverse and important. The countryside provides the attractive landscape setting that defines and characterises Colchester's villages and rural communities. The countryside and coastal areas also provide important agricultural, tourism and recreational opportunities that support local economies and communities. The Dedham Vale Area of Outstanding Natural Beauty (AONB) is partly located within Colchester, this has the highest level of protection in relation to its natural beauty and special qualities.



The maps in this chapter show Colchester's key biodiversity assets. All designations should be robustly protected from development by rigorous application of the mitigation hierarchy. The map, on this page, provides an overview of all of Colchester's environmental designations. Environmental designations can be viewed on Defra's interactive nature on the map: [Magic Map Application \(defra.gov.uk\)](https://magic.defra.gov.uk/)

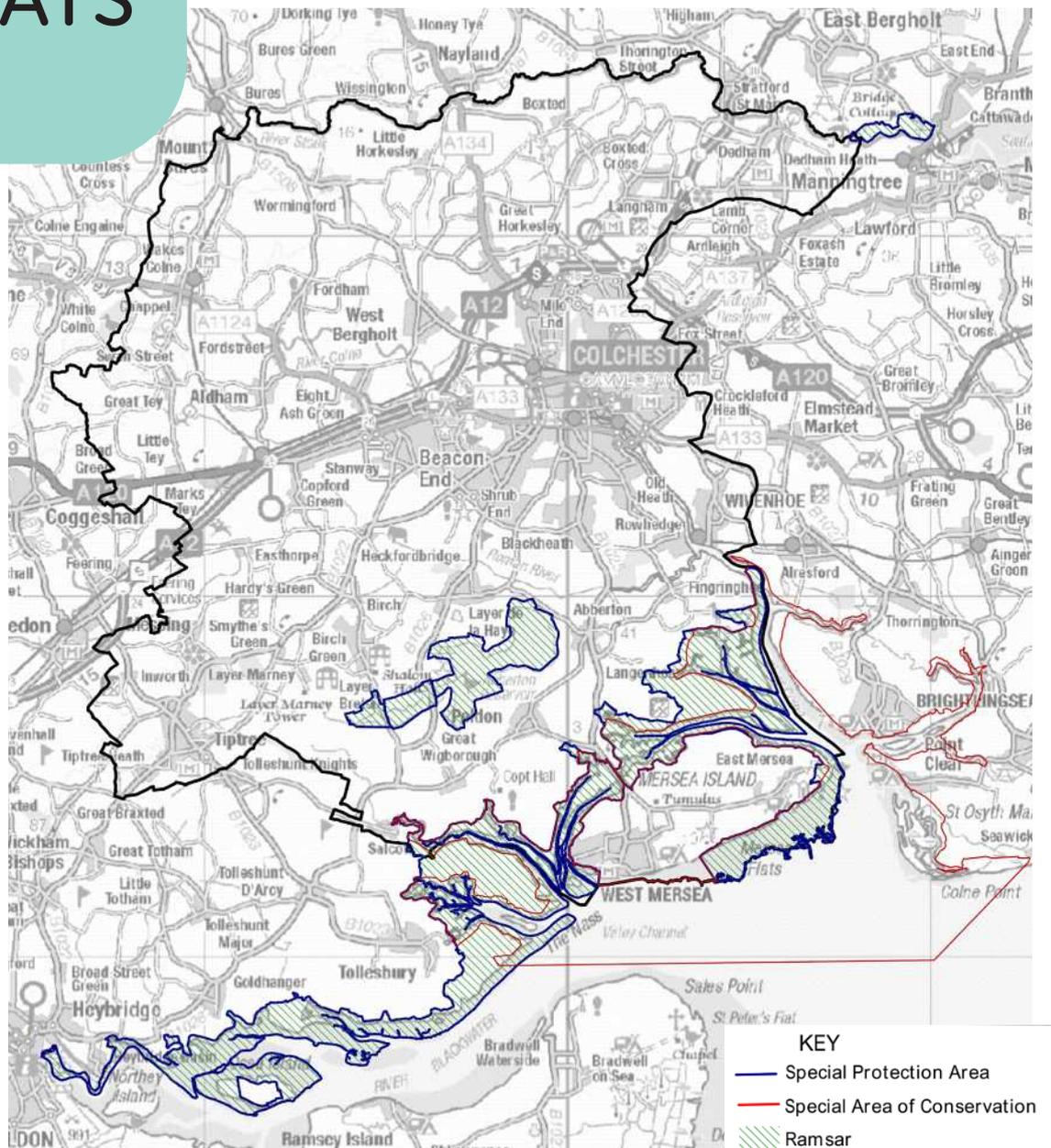
## Special Protection Areas and Ramsar sites

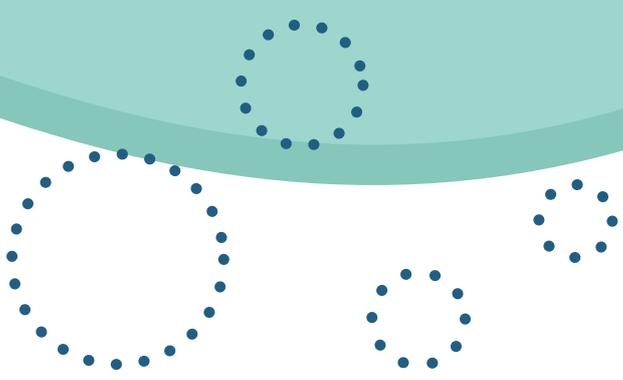
Special Protection Areas (SPAs) are sites designated under the Birds Directive by the member states where appropriate steps are taken to protect the bird species for which the site is designated. In Colchester there is the Colne Estuary, Blackwater Estuary and Abberton Reservoir SPAs. These SPAs are also designated as Ramsar sites, which are wetlands of international importance.

## Special Areas of Conservation

Special Areas of Conservation (SACs) are sites of European Community importance designated by the member states, where necessary conservation measures are applied for the maintenance or restoration, at favourable conservation status, of the habitats and/or species for which the site is designated. In Essex we have the Essex Estuaries SAC, which includes numerous SPAs, including those SPAs within Colchester. The map below shows the SPAs and Ramsar sites in Colchester and the Essex Estuaries SAC.

# HABITATS SITES

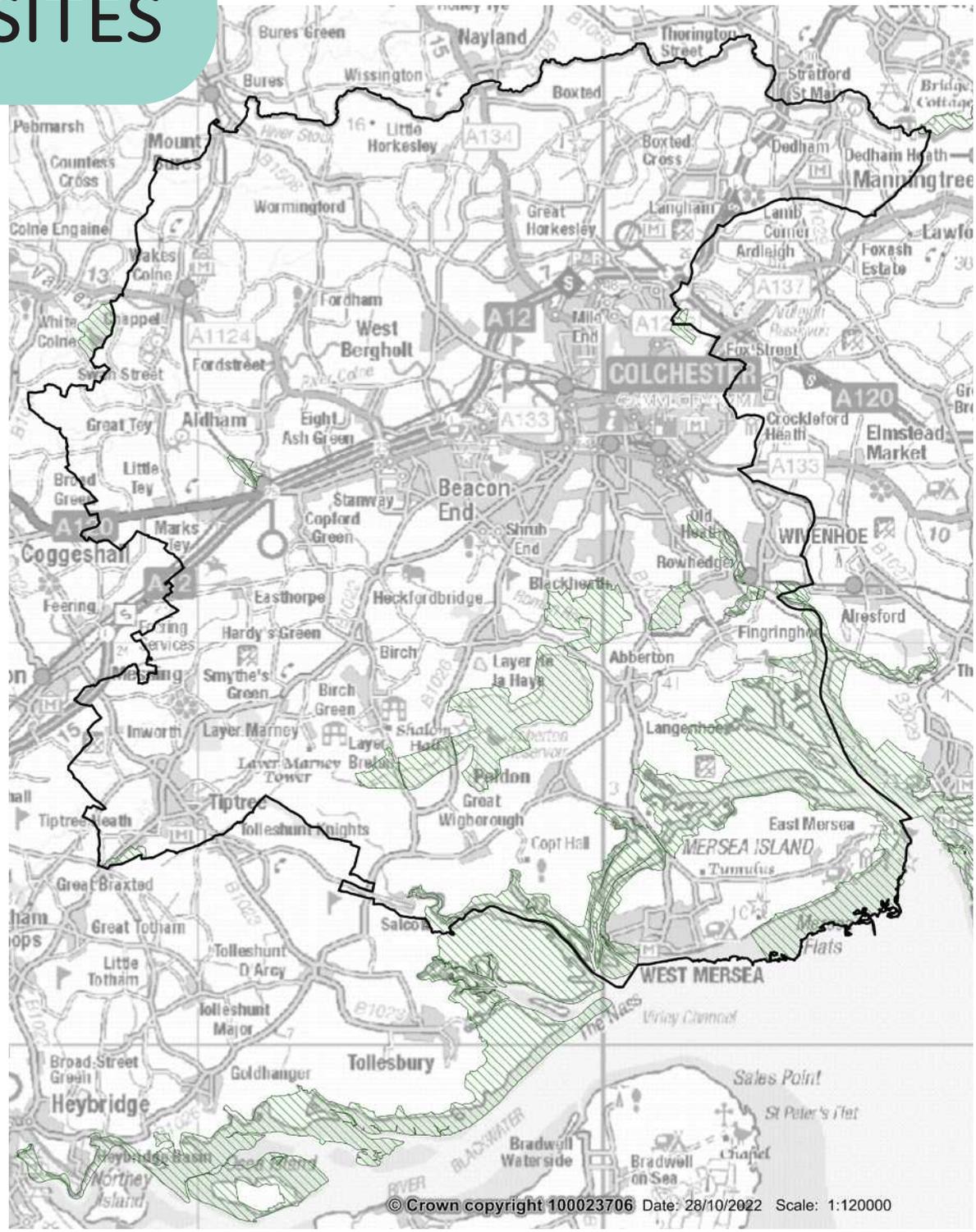




### Sites of Special Scientific Interest

Sites of Special Scientific Interest (SSSI) is land notified under the Wildlife and Countryside Act 1981 as an ecosystem of flora and/or fauna considered by Natural England to be of significant national value and interest to merit its conservation and management. The map below shows SSSIs in Colchester.

# SSSI SITES

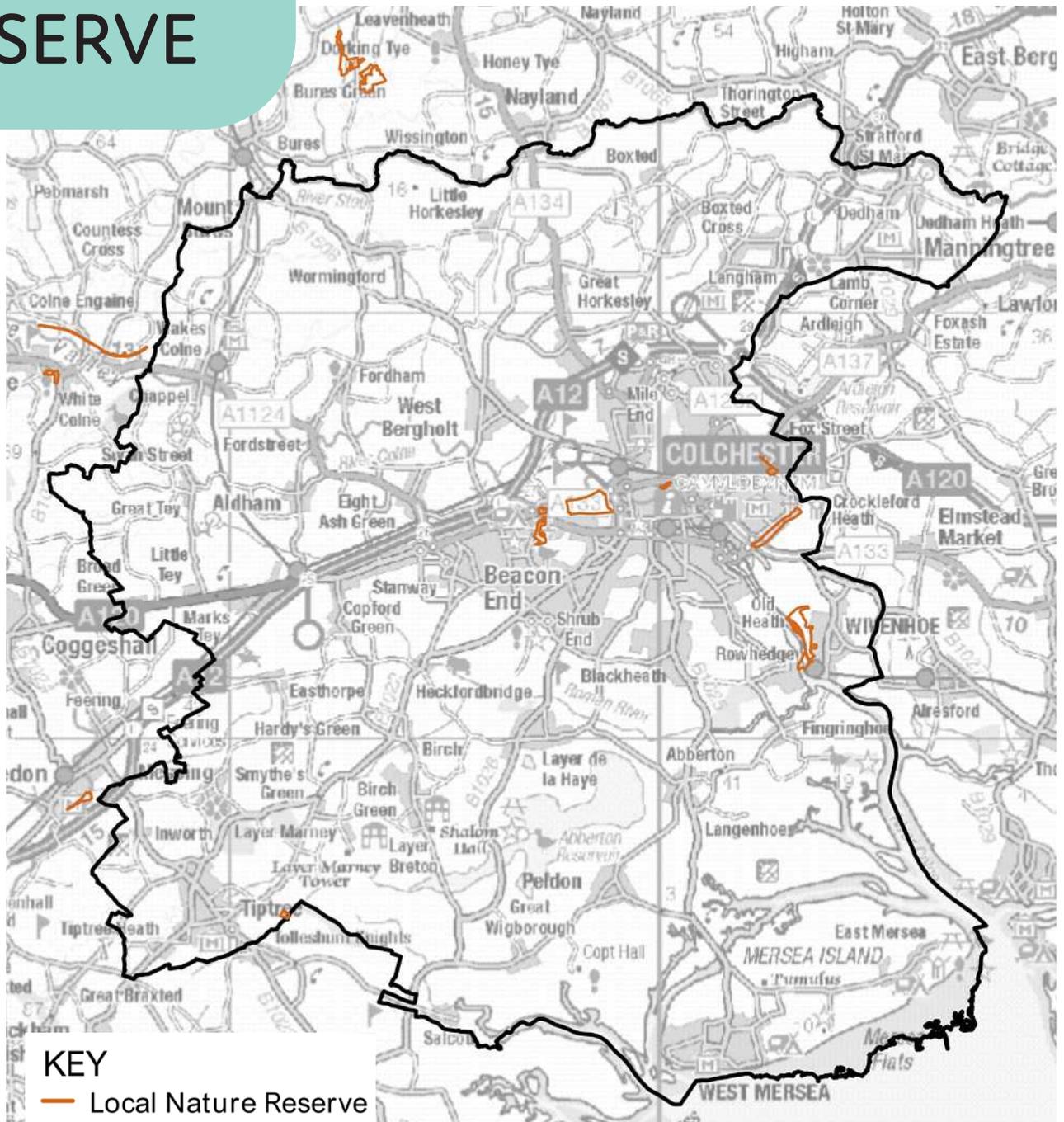


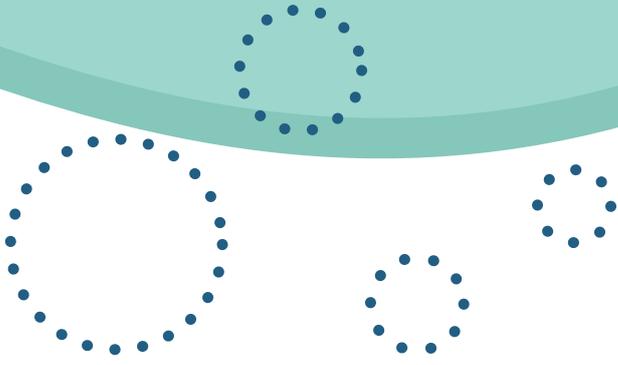
© Crown copyright 100023706 Date: 28/10/2022 Scale: 1:120000

## National and Local Nature Reserves

National Nature Reserves (NNRs) were established to protect some of our most important habitats, species, and geology, and to provide 'outdoor laboratories' for research. Local authorities can create local nature reserves (LNRs). LNR are important for biodiversity and nature conservation at the local level. The local authority must control the LNR land - either through ownership, a lease or an agreement with the owner. The natural features of the LNR must be cared for and it must be made accessible for visitors. The map below shows the LNRs in Colchester.

# LOCAL NATURE RESERVE

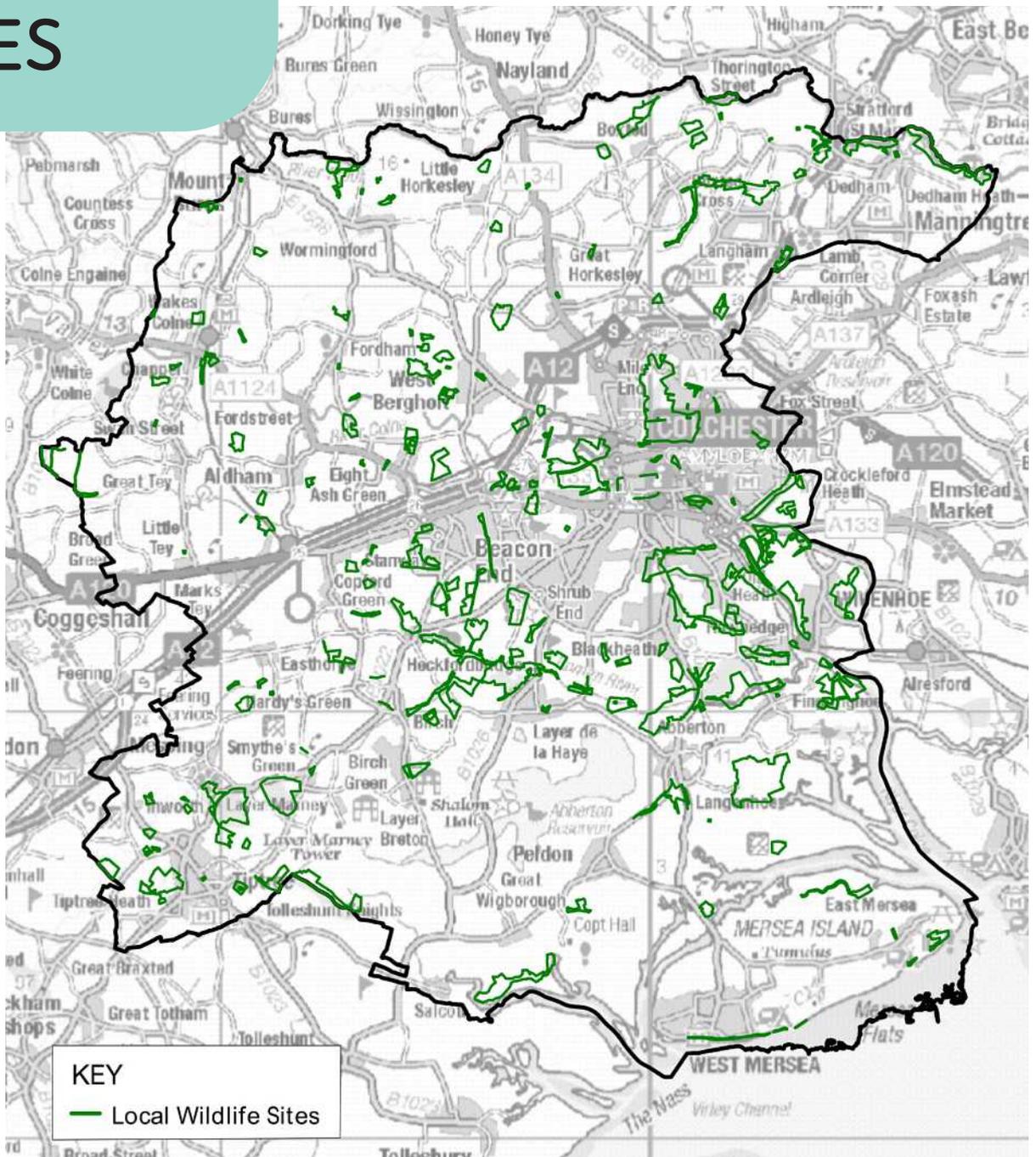




# LOCAL WILDLIFE SITES

## Local Wildlife Sites (LoWS)

LoWS are recognised as having nationally and regionally important habitats and species and are of fundamental importance in maintaining the current levels, and ensuring the long-term survival, of wildlife in Essex. LoWS help to buffer and connect areas of natural and semi-natural habitat, contributing to ecological networks and increasing the resilience of biodiversity to pressures of land use and climate change. LoWS represent vital core areas of habitat in the emerging Local Nature Recovery Network. The map below shows the LoWS in Colchester.



# Chapter 4:

## Ecological surveys and protected species



This chapter is aimed at DM Officers and applicants as a check of what information is likely to be required. The Essex Biodiversity Validation Checklist provides a useful checklist of what ecological surveys and information may be required and applicants are encouraged to work through this checklist. Full consideration should be given to the extent of ecological surveys required for each site and applicants should seek the advice of a suitably qualified ecologist. Ecological surveys should be independent and carried out by suitably qualified experts. Fit for purpose desk studies should be submitted by applicants in order for crucial information to be available to DM Officers to enable them to effectively validate planning applications and make informed decisions. The Essex Field Club datasearch system is the main source of species records in the county. The Essex Biological and Geological Records Centre Service helps applicants undertake ecological desk studies and obtain specialist species reports from the Essex biological and geological records database.

This chapter is only intended to provide a concise guide to protected species surveys and links to further guidance and information is included in the table, below, and the final chapter of this SPD. Natural England have issued standing advice, which should be referred to. Natural England must be consulted if an application might affect a Site of Special Scientific Interest (SSSI), needs an Environment Impact Assessment (EIA) and/or needs an appropriate assessment under the

Habitat Regulations. For development affecting non-statutory local wildlife sites, Essex Wildlife Trust should be consulted.

Adequate information about species, habitats and geological features, and appropriate design solutions, must be provided by applicants when submitting planning applications. The Council will take a precautionary approach when deciding on the level of information required. Where external expertise is required to review and validate ecological survey reports submitted with the application, which may be the case for larger or complex applications, applicants may be requested to reimburse the Council. Arrangements for this will be discussed at the pre-application stage and may subsequently be secured through a Planning Performance Agreement.

The first ecological survey undertaken on a site is usually a Preliminary Ecological Appraisal (PEA) or an Extended Phase 1 Habitat Survey. These surveys identify the habitats present on site and whether there is potential for protected species to be present. Species specific surveys are often recommended within a PEA or Extended Phase 1 Habitat survey. Where the applicant's ecology report indicates that further surveys are required to support a planning application, the results of all such surveys and associated details of necessary mitigation measures need to be submitted prior to determination. This is necessary to provide certainty of likely impacts and that effective and deliverable mitigation can be secured either by a condition of any consent or with a

mitigation licence from Natural England. Where recommended protected species surveys have not been completed, the ecology report will not be regarded as sufficient to support the planning application. The Council expects any species specific surveys to be completed prior to submitting a planning application and at the optimal time of year (see appendix 1 for details of optimal surveys for each species). The table, below, provides a checklist to help consider what surveys may be required. If the answer to any of the questions is yes, the applicant should include a survey report detailing the population level at the site, the direct and indirect effects of the development upon the species, full details of any avoidance, mitigation or, as a last resort, compensation required, whether the impact is acceptable and whether Natural England is likely to grant a license.

If surveys find that the development proposal would affect a protected species

the avoidance, mitigation or compensation measures must be secured as part of the planning consent by condition or legal agreement. To avoid harm or disturbance, development proposals could reduce the size of the development or alter its layout to retain the sites important habitat features; and plan for construction work to be carried out at specific times to avoid sensitive times for the species present. Mitigation measures should be agreed in a mitigation strategy, which should remove or reduce the negative effects of the development proposal and show how mitigation measures will be carried out. A legal agreement will be needed to ensure that the mitigation measures can be maintained long-term. **Compensation measures should only be used as a last resort.** Compensation measures should provide a better alternative in terms of quality of area compared to the habitat that would be lost; provide like-for-like habitat replacements next to or near existing species populations; provide alternative habitats further away from the impacted population if the natural range of the species is not going to be adversely affected; provide connections with similar habitats to allow



species movement; provide alternative habitats in advance of the harm caused. Protected species licenses are subject to separate process and specific policy and legal tests.

A Preliminary Ecological Appraisal and Extended Phase 1 Habitat Survey may also identify the need for botanical, invertebrate and other surveys for sites where these initial surveys indicate significant invertebrate assemblages, plants and rare or threatened species are present in the search areas. Invertebrate surveys

should follow Natural England’s Invertebrate Standard Advice for Essex as well as Natural England’s standing advice for the wider country as a whole.

Colchester Natural History Society have prepared a list of locally important species. This list will be published alongside this SPD and updated accordingly. Applicants should have regard to this list of locally important species and follow the mitigation hierarchy to firstly avoid and then mitigate harm.

**Table 1. Protected species, suitable habitats, and further advice**

Protected species: questions	Suitable habitats for protected species
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**Bats**

**Further advice:** Bat Conservation Trust: Home - Bat Conservation Trust ([bats.org.uk](http://bats.org.uk)) Natural England’s standing advice for bats: Bats: advice for making planning decisions - GOV.UK ([www.gov.uk](http://www.gov.uk))

<p>Are there any structures on site which have the potential to support roosting bats?</p>	<p>Structures with high potential include:</p> <ul style="list-style-type: none"> <li>• all agricultural buildings</li> <li>• buildings with weather boarding</li> <li>• tunnels</li> <li>• ice houses</li> <li>• bridges</li> <li>• cliff faces with crevices</li> <li>• woodland</li> </ul>
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Are there any trees on the site which have the potential to support roosting bats?

Trees with high potential to support roosting bats include old and veteran trees and any trees with cracks or crevices. Where appropriate, foraging and community routes should be incorporated into the design of the scheme.

**Barn owls**

**Further advice:** The Barn Owl Trust (2015) Barn Owls and Rural Planning Applications – a Guide. [Barn-Owls-and-Rural-Planning-Applications-a-Guide-2015.pdf](http://Barn-Owls-and-Rural-Planning-Applications-a-Guide-2015.pdf) ([barnowltrust.org.uk](http://barnowltrust.org.uk))

<p>Is there any evidence of barn owls nesting on or near the site or are there suitable nesting areas on the development site?</p>	<p>Barn owls often nest in:</p> <ul style="list-style-type: none"> <li>• farm buildings</li> <li>• dovecotes</li> <li>• hollow trees</li> <li>• derelict buildings.</li> </ul> <p>Barn owls require habitat which supports high numbers of small mammals including pasture, hedgerow and woodland.</p>
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## Protected species: questions

## Suitable habitats for protected species

### Breeding birds

Will areas of hedgerow/scrub/woodland/trees or other features likely to be used by nesting birds be affected by the proposal?

If yes, details of the mitigation measures to ensure occupied nests are protected, especially during the breeding season, should be included with the application. Nesting habitat should be retained wherever possible and/or new nesting opportunities created.

### Badgers

**Further advice:** Natural England's standing advice for badgers: Badgers: advice for making planning decisions - GOV.UK ([www.gov.uk](http://www.gov.uk)) Badger Trust Badger protection guidance for developers: Badger Trust Guidance for developers - 2022 - DIGITAL

Is there any evidence of badgers on or near the site?

Are badgers commuting through the site to foraging areas?



Badgers use a wide variety of habitats and setts can be found in:

- hedgerows
- woodlands
- scrub and field margins
- brownfield land.

Where appropriate, safe routes to foraging areas should be incorporated into the development proposals.

### Dormice

**Further advice:** English Nature (now Natural England) The dormouse conservation handbook: EN DORMOUSE HANDBOOK (4663) ([cieem.net](http://cieem.net))

Is there suitable habitat for dormice on or close to the site?

Dormice are found in a variety of habitats including:

- ancient, semi-natural woodland
- scrub
- young plantations hedgerows.

### Great crested newts

**Further advice:** Natural England's Great crested newts: district level licensing for local planning authorities guidance Great crested newts: district level licensing for local planning authorities - GOV.UK ([www.gov.uk](http://www.gov.uk))

A district level licensing (DLL) scheme is in place for great crested newts in Essex. This means that developers can make a financial contribution to strategic, off-site habitat compensation instead of applying for a separate license or carrying out individual detailed surveys. Applicants need to apply for an impact assessment and conservation payment certificate (an IACPC) from Natural England and DM Officers need to check that a signed IACPC is submitted as part of the planning application and the site boundary matches the application boundary.



## Reptiles

**Further advice:** Natural England's standing advice for reptiles: Reptiles: advice for making planning decisions - GOV.UK ([www.gov.uk](http://www.gov.uk))

Is there suitable habitat on site for reptiles?

Reptiles use a variety of habitats including:

- rough grassland
- heathland
- allotments
- scrub
- brownfield sites
- field margins abandoned gardens.

## Invertebrates

**Further advice:** Natural England's standing advice for invertebrates: Invertebrates: advice for making planning decisions - GOV.UK ([www.gov.uk](http://www.gov.uk))

Is there suitable habitat on site for invertebrates?

Invertebrates exist in all habitats, but certain habitat types are of very high value and should be considered in survey plans. These include:

- woodland that supports mature and ancient trees
- semi-natural vegetation
- wetland
- coastal areas
- open mosaic habitat on previously developed land.

Small areas of habitat can be of high value to all invertebrates, whether they are protected or not. This means even small-scale developments can harm species such as:

- large blue butterflies
- Fisher's estuarine moths
- little ramshorn whirlpool snails.

## Other protected species, e.g. otters, water voles, white-clawed crayfish

**Further advice:** Dean, M., Strachan, R., Gow, D. and Andrews, R. (2016). The Water Vole Mitigation Handbook (Mammal Society Mitigation Guidance Series). Eds Fiona Matthews and Paul Chanin. Mammal Society, London. Water voles: advice for making planning decisions - GOV.UK ([www.gov.uk](http://www.gov.uk)) <https://www.gov.uk/guidance/otters-advice-for-making-planning-decisions>

Has the site been surveyed for other protected species?

# Protected species decision checklist

The following protected species decision checklist flowchart will help DM Officers in decision making related to protected species.

**Is the application within or close to a designated site?**

**YES**  
Consult Natural England

**NO**  
Has the survey report confirmed that there's suitable habitat for the species on or next to the application site or within a known range of the species?

**NO**  
Accept the findings and require a minimum of 10% biodiversity net gain

**YES**  
Has the applicant and specialist advice confirmed that it's unlikely the development will have an adverse effect on the species?

**YES**  
Accept the findings.

- Planning permission may be granted (subject to other material considerations)
- Secure working methods and programme using planning conditions where necessary to avoid impacts.
- Require a minimum of 10% biodiversity net gain.
- Add an informative to the planning decision notice regarding the action to be taken if protected species are encountered during development.

**NO**  
Has the species survey been carried out at the right time of year and using appropriate survey techniques covering an adequate search area?

**NO**  
inadequate survey. Advise the applicant, planning permission can be refused.

**YES**  
Has evidence of the species been found in the application site or in the study area?

**NO**  
Could the proposals indirectly impact on the species, for example prevent species movement between habitats?

**NO**  
Accept the findings and require a minimum of 10% biodiversity net gain

**YES**

Will the species and/or their habitat be impacted by the planning application?

**YES**

Does the mitigation proposed make sure:

- there isn't a net loss of quantity or quality of habitat
- habitat links will be kept
- there's a long-term management strategy for the site for the benefit of the species

**NO**

Request further or more appropriate mitigation or compensation and reconsider the question.

If the applicant fails to provide satisfactory information, consider refusal of the application as it does not adequately consider protected species or comply with the Wildlife and Countryside Act 1981 (as amended) or The Conservation of Habitats and Species Regulations 2017.

**NO**

Accept the findings and require a minimum of 10% biodiversity net gain

**YES**

Is the species a European protected species?

**NO**

Accept the findings and require a minimum of 10% biodiversity net gain

**YES**

Do you think the mitigation measures are adequate and Natural England is likely to grant a license?

**NO**

Request further or more appropriate mitigation or compensation and reconsider the question.

If the applicant fails to provide satisfactory information, consider refusal of the application as it does not adequately consider protected species or comply with the Wildlife and Countryside Act 1981 (as amended) or The Conservation of Habitats and Species Regulations 2017.

**YES**

Planning permission may be granted subject to appropriate planning conditions and obligations. This may include a detailed mitigation and monitoring strategy.

# Chapter 5: Mitigation hierarchy

The design of all development proposals should reflect the findings and recommendations in the ecological surveys carried out for the site and incorporate measurable biodiversity net gain of at least 10%. The mitigation hierarchy should also be applied. The mitigation hierarchy is a widely used tool that guides users towards limiting harm to features of biodiversity value through avoiding harm, minimizing and mitigating harm and, as a last resort, compensating or offsetting harm. Ecological reports must explain how the hierarchy of mitigation measures (Avoid, Mitigate, Compensate) has been embedded into the design of the development. Where impacts on habitats and species cannot be avoided, a clear explanation of why alternative sites are not feasible, and what proposed mitigation, and compensation measures are necessary to address all likely significant adverse effects should be required. Applicants must demonstrate that, in the design of their proposals, they have followed the mitigation hierarchy with respect to ecological impacts.

The first step is avoid – harm to features of biodiversity value should be avoided. The Council has a supply of deliverable housing sites with allocations in the adopted Local Plan and a 5 year housing land supply. Development on sites that are not allocated

in the Local Plan and likely to harm features of biodiversity value should be avoided by locating development on an alternative site. Another way of avoiding harm is to consider an alternative layout which will avoid harm to features of biodiversity value. It could be as simple as retaining trees and hedgerows on site. Avoiding harm is often the easiest and cheapest way of reducing harm and can make it easier to achieve a minimum of 10% biodiversity net gain.

If harm cannot be avoided, any harm should be minimized and mitigation measures incorporated into the design of the development proposal. A mitigation strategy should be prepared and submitted with the planning application which includes details of how the mitigation measures will be managed and maintained for a period of at least 30 years.

As a last resort, if despite mitigation there would still be harm, compensation measures should be incorporated into the design of the development. The applicant will need to demonstrate how these measures will be managed and maintained for a period of at least 30 years. Compensation measures should provide alternative habitat of higher quality and a greater area to the habitat lost. This is the exception and must be fully justified.



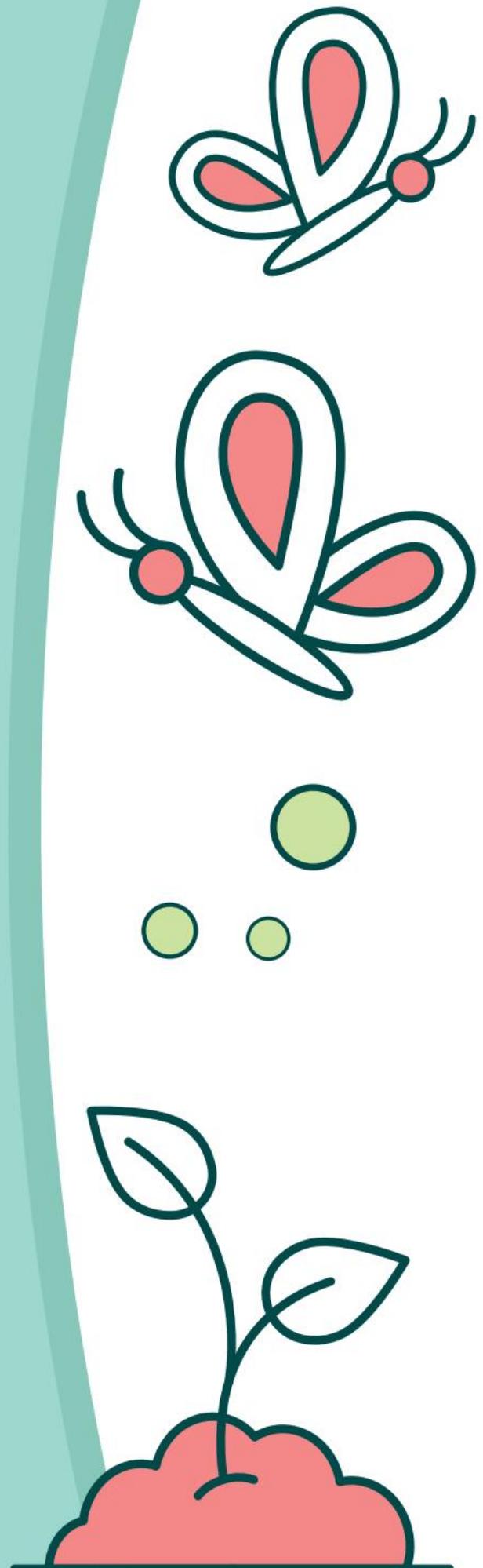
Where species rich habitat will be lost or damaged, habitat creation should take place before the existing species rich habitat is lost or damaged to help maximise habitat coverage. This will be especially important in situations where the habitat supports species that are particularly sensitive to temporal effects. For example, ground dwelling bees having one generation per year will not be able to persist in areas devoid of suitable habitat while awaiting restoration post loss.

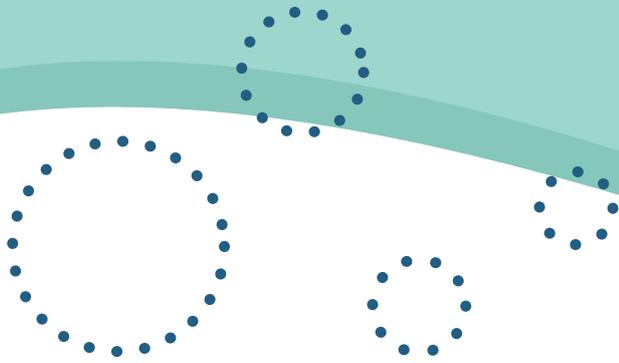
Developers should be expected to avoid direct and indirect impacts on irreplaceable habitats and embed measures to achieve this within the design of any development proposal. In accordance with Policy ENV1, proposals that would result in the loss of irreplaceable habitats will not be permitted unless there are wholly exceptional reasons and a suitable compensation strategy.

Irreplaceable habitats are defined in the NPPF and a definition is expected in biodiversity net gain guidance. The loss of irreplaceable habitats cannot be compensated for by gains elsewhere and so they are excluded from biodiversity net gain calculations.

Any proposals that are likely to result in impacts on irreplaceable habitat should be accompanied by detailed survey information and clear evidence to support the exceptional reasons that justify such a loss. Compensation strategies should include contribution to the enhancement and management of the habitat.

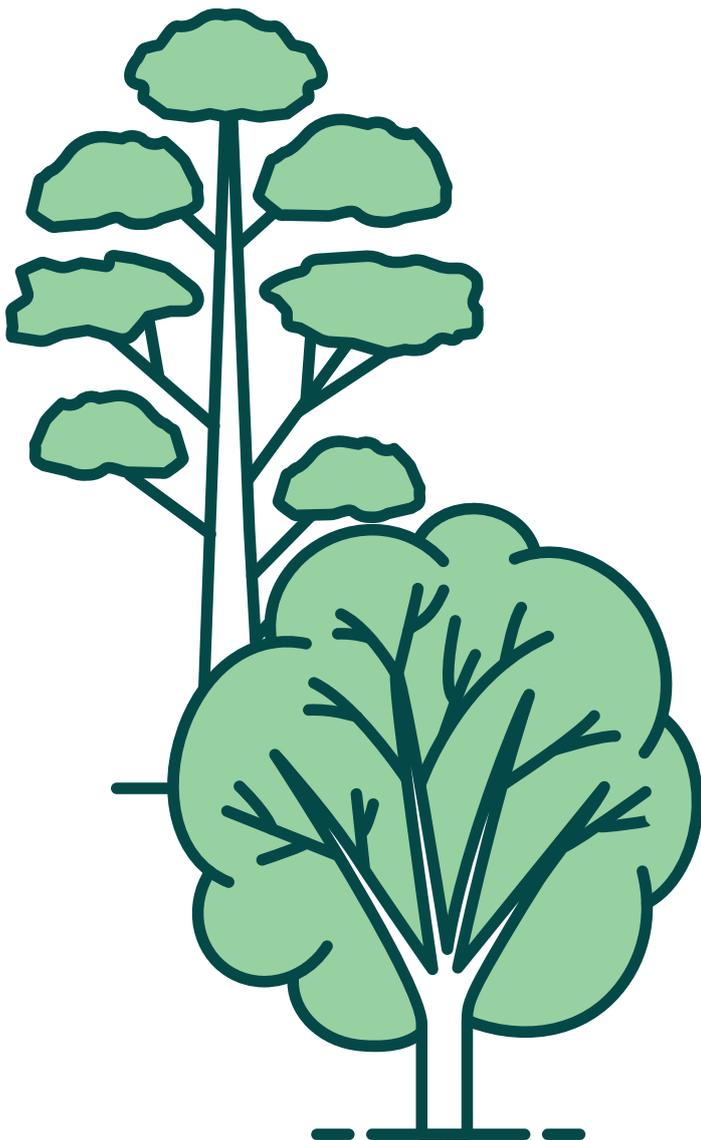
The approach to following the mitigation hierarchy should be informed by up-to-date survey and assessment of the ecological value of the habitats and species likely to be affected, aligned to best practice standards as set out in [BS42020:2013 Biodiversity – Code of practice for planning and development](#). This British Standard gives guidance on how development might affect biodiversity, provides recommendations on how to integrate biodiversity into all stages of the planning, design, and development process, and provides a rigorous framework for assessing impacts and for securing mitigation, compensation, and appropriate biodiversity enhancements. Compliance with this standard is





an important and credible way to demonstrate the validity of ecological information provided in support of planning applications. Any deviations from this British Standard should be fully justified

Where a development proposal cannot satisfy the requirements of the mitigation hierarchy, development will not be supported in accordance with Policy ENV1 (Environment) Part C, criteria (ii) and Part C (i)-(iii) of the Colchester Local Plan, which states:



“For all proposals, development will only be supported where it: (ii) Where there is reason to suspect the presence of a protected species (and impact to), or Species/Habitats of Principal Importance, applications should be accompanied by an ecological survey assessing their presence and, if present, the proposal must be sensitive to, and make provision for their needs and demonstrate the mitigation hierarchy has been followed.” [Part C, criteria (ii)]

“Proposals for development that would cause significant direct or indirect adverse harm to nationally designated sites or other designated areas, protected species, Habitats and Species of Principle Importance, will not be permitted unless:

- (i) They cannot be located on alternative sites that would cause less harm; and
- (ii) The benefits of the development clearly outweigh the impacts on the features of the site and the wider network of natural habitats; and
- (iii) Satisfactory biodiversity net gain, mitigation, or as a last resort, compensation measures are provided.

The Local Planning Authority will take a precautionary approach where insufficient information is provided about avoidance, mitigation and compensation measures and secure mitigation and compensation through planning conditions/obligations where necessary.” [Part C (i)-(iii)]

# Chapter 6:

## Creating space for nature design principles

This chapter includes creating space for nature design principles. Each principle includes a description of why it is important and has been included in this SPD and core requirements. These principles set out how the Council expects biodiversity to be incorporated into development proposals to create space for nature in accordance with Policy ENV1 (Part C):

- (iii) Will conserve or enhance the biodiversity value of greenfield and brownfield sites and minimise fragmentation of habitats; and
- (iv) Maximises opportunities for the preservation, restoration, enhancement and connection of natural habitats in accordance with the UK and Essex Biodiversity Action Plans or future replacements; and
- (v) Incorporates beneficial biodiversity conservation features, measurable biodiversity net gain of at least 10% in line with the principles outlined in the Natural England Biodiversity Metric, and habitat creation where appropriate.

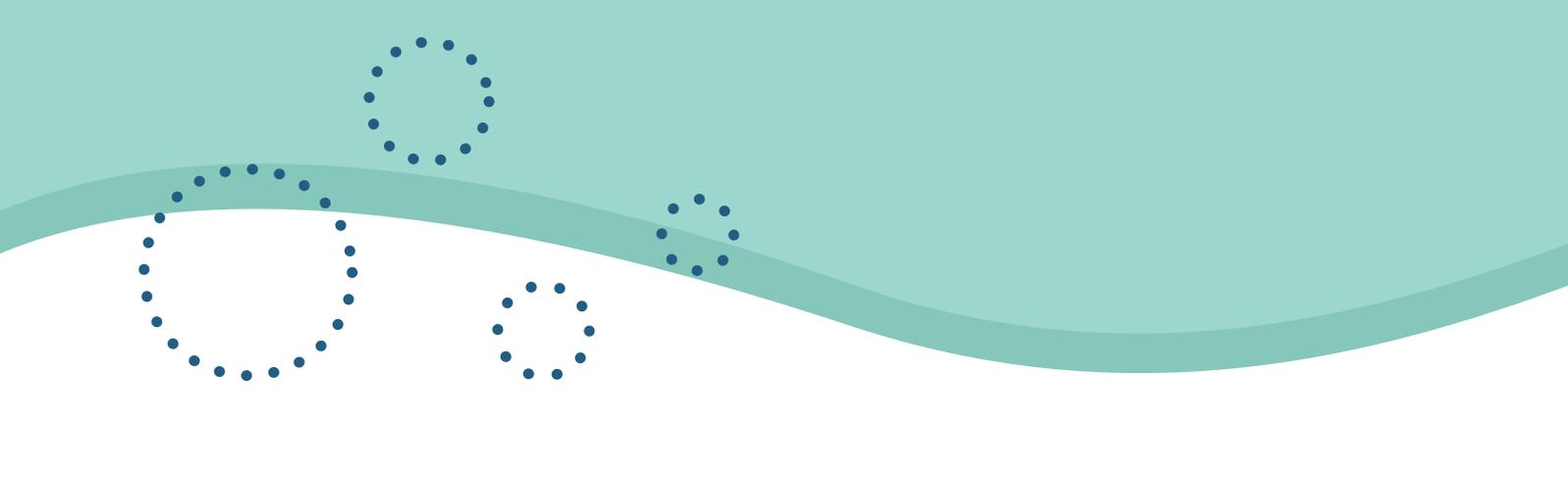
### Creating space for nature design principle

**Contribute to Colchester’s green-blue infrastructure network. Create new multifunctional green-blue infrastructure that is appropriate and proportionate to the size and location of the development proposal. Create connections to existing green-blue infrastructure.**

**Why?** Green-blue infrastructure has multiple benefits including benefits for biodiversity, recreation, climate change resilience, SuDS and health and wellbeing. The Essex Local Nature Partnership have targets for the current 14% of green infrastructure coverage of Essex to be increased to 25% green infrastructure coverage by 2030; and access to high quality green space for all.

### Core requirements

- Include at least 10% of the gross site area as usable open space in accordance with policy DM18.
- Large areas of habitat are better than smaller, fragmented areas.
- Avoid including all activities in a small area, i.e. recreational activities intermixed with biodiversity space.
- Take opportunities to connect new open spaces with existing open spaces and other green-blue infrastructure.
- Wherever possible, wildflower nectar and pollen providers should be embedded within the landscape including grass verges. This includes nesting habitat for pollinators such as bee banks and bee hotels.
- Whilst not adopted by the Council, applicants should have regard to the advice in the [Essex Green Infrastructure Standards Guidance](#) and [Building with Nature Standards](#)
- [Consider ECC SuDS Design Guide.](#)



## Creating space for nature design principle

### **Plant new trees across the development site, including street trees.**

**Why?** Trees help improve air quality, enhance ecological connectivity, and help reduce the urban heat island effect. Street trees can act as natural traffic management measures. The NPPF(paragraph 131) states that 'planning policies and decisions should ensure that new streets are tree lined.

### **Retain and enhance existing hedges and create new hedges. Hedges should be used in preference to fences as boundaries to properties where appropriate. New hedges are usually best when they comprise mixed native species. Buffers should be included on either side to retain, encourage, introduce species movement, foraging, nesting.**

**Why?** Good quality hedges provide food, shelter, and safe breeding sites for wildlife.

### **Deadwood from veteran trees should be kept in situ where possible or moved to a safe place onsite with no or minimal processing.**

**Why?** Deadwood is a valuable habitat and food source for a range of wildlife.

## Core requirements

- In accordance with Policy CC1 of the Local Plan, a minimum of 10% increase in canopy cover is required on all major development sites.
  - The Council has prepared a Tree Canopy Cover Assessment [guidance note](#).
  - Consider the suitability of the site for tree planting, including the species to be planted.
  - Tree planting on important grassland habitat should be avoided.
  - Trees should be locally sourced from reputable suppliers.
  - Natural regeneration of scrub and trees should generally be the default option.
  - Consideration should be given for accompanying undergrowth as habitat provision.
- 
- Identify existing hedgerows in the landscape plan and indicate where new hedges are to go to provide connectivity.
  - Carry out remedial works to rejuvenate neglected hedges, including gapping up with additional plants.
  - Provide buffer strips of wildflower grassland, cut every other year on rotations.
  - Where possible, hedgerows should have a biodiversity buffer of at least 10 metres both sides of the hedgerow.
  - Clearly show buffer strips and the size of these in the landscape plan.
- 
- Retain natural timber and aggregate waste from construction and re-purpose for habitat creation such as hibernacula and low nutrient banks wherever possible.

## Creating space for nature design principle

### Fit integral swift bricks and house martin nest boxes in all new developments.

**Why?** Swifts, house sparrows, starlings and house martins depend on buildings for nesting and roosting and have been significantly affected by changes to buildings.

## Core requirements

- Include at least one nest brick or 'universal brick' per house or one brick per 100sqm of commercial development.
- Nests should be clustered in suitable areas of the development.
- On constrained sites, consideration should be given to prioritising bird, bat and insect boxed in optimum areas of the site.
- Nest bricks should be fitted adjacent to the roofline in the cold loft space of a gable or tight to the eaves of hipped roofs.
- Elevations exposed to particularly sunny, or driving wind and rain are better avoided.
- The [British Standard BS42021](#) sets out details on nest box installation.
- Further information available through various sources, including [Swift Conservation](#).

### Fit integral bat bricks in appropriate locations in all new developments.

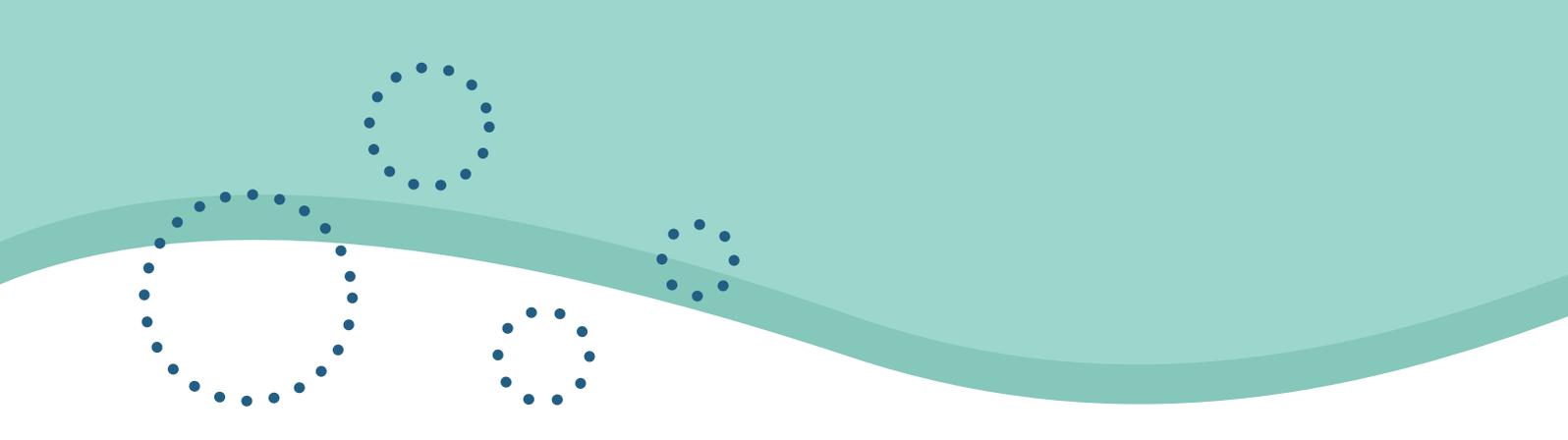
**Why?** A number of species depend on buildings for nesting and roosting.

- Retain and enhance existing mature landscape features e.g. trees, hedges, ponds and streams, within the development as these are favoured foraging areas.
- Ensure good connectivity between roosts and foraging areas by providing native hedges and trees.
- Locate integral roost bricks where they are warmed by the sun.
- Design the lighting plan to avoid illuminating roost entrances or the areas between the roost and foraging areas.
- Diversify roost provision: some species roost in boxes on trees, others in boxes integrated into buildings.
- It is usually best to locate bricks in / around clusters of houses.
- On constrained sites, consideration should be given to prioritising bird, bat and insect boxed in optimum areas of the site.
- Further information available through various sources, including the [Bat Conservation Trust](#).

### Create solitary bee nests including habitat for ground-nesting bees.. A bee hotel is designed to provide a home to solitary bees that live naturally in cracks, hollows, and holes instead of hives.

**Why?** To provide habitat for solitary bees. In Britain there are around 250 species of solitary bees. These bees are effective pollinators. Unlike honeybees and bumblebees, solitary bees do not live in colonies.

- Include holes and other materials for the bees to live in.
- Include habitat for ground-nesting bees, including south-facing banks, e.g. along the edges of car parks or on verges.



## Creating space for nature design principle

### Create wildlife highways in boundary walls and fences.

**Why?** Hard boundaries such as walls and fences form a barrier to ground dwelling animals such as hedgehogs, reptiles, and amphibians, inhibiting their movement around a housing development. Hedgehogs have undergone massive long-term declines (State of Nature). Hedgehogs roam across large areas in search of food, shelter, and mates. Connecting as many gardens as possible is key.

## Core requirements

- Create small 13cm diameter or 13cm square holes in garden fences or walls to allow small ground dwelling animals to pass between gardens. This will be too small for most pets.
- Avoid making holes that lead directly onto roads.
- The [Hedgehog Street](#) campaign list simple ways to help hedgehogs in our gardens and green spaces.
- Check details of Registered Toad crossings listed by Froglife.

### Watercourses should be protected for cleanliness and retained and have a biodiversity green buffer margin for aquatic species.

**Why?** Buffers retain, encourage, introduce species movement, foraging, nesting.

### Include green roofs and green walls where possible.

**Why?** Green roofs and walls insulate buildings, attenuate water run-off, provide habitat for wildlife, and pale renders reflect rather than absorb heat so reduces heating of the building. They can also benefit invertebrates and birds.

- Include a mix of fine grasses and wildflowers, sown on a shallow nutrient-poor substrate. Wildflower turfs may also be used instead of seed.
- Include a diversity of surface topography with piles of stones and even small ephemeral water features.
- Consider green roofs and green walls on communal bin areas, bus shelters and bike stores.

### Include flowering lawns and avoid artificial grass.

**Why?** Artificial grass delivers no biodiversity benefits, delivers poor drainage, requires regular cleaning (often with chemicals), overheats in hot weather, creates a large carbon footprint and destroys the soil life beneath it. The use of low nutrient status soils supports diverse habitat mosaics with low maintenance requirements.

- Use grass rather than artificial grass.
- Include a wildflower mix and landscaping features of value to invertebrates, especially pollinators.

## Creating space for nature design principle

**Artificial lighting, including floodlighting, should avoid spill on to ‘dark corridors’ such as hedgerow networks, railway embankments, waterways, parkland, woodland edge habitat or trees and buildings supporting bats or owls.**

**Why?** Artificial lighting affects bats and owls. Lighting in the vicinity of a bat roost causes disturbance and potential abandonment of the roost.

## Core requirements

- A lighting design plan will need to be submitted and should include the specification, number, orientation, dimming and control (timing, sensing) arrangement for each luminaire and a lux contour plan if appropriate.
- Guidance on lighting is available from the [Bat Conservation Trust](#).

**Create underpasses and green bridges to enable wildlife to span roads otherwise presenting a barrier to free movement.**

**Why?** To enable wildlife to safely cross roads and avoid becoming isolated. Install dual-purpose street furniture. Seating, cycle racks etc can also include planters.

**Why?** The design of street furniture and bin stores can contribute to landscape character, reduce clutter of an area of street and act as a small park/ green corridor to the wider landscape scale green infrastructure network and enhance biodiversity.

- Plant with a variety of local trees or shrubs and other vegetation.
- Take opportunities to connect habitats.

**Brownfield sites of high biodiversity value must be recognised with a presumption in favour of protection of such sites.**

**Why?** Brownfield sites can have high ecological value but can be overlooked.

- Applicants need to understand and consider the ecological value of brownfield sites.

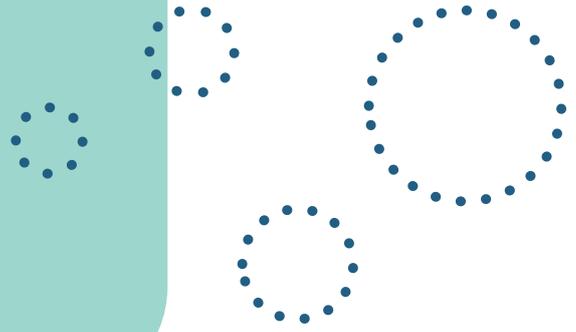
**Make new homeowners aware of the wildlife within and nearby the development site.**

**Why?** Making new and prospective homeowners aware of the wildlife they might find on a development will help generate interest and make householders aware of the uniqueness and sensitivity of the area. It can be used to help market the new homes.

- Produce leaflets or digital information for householders making them aware of the biodiversity features of the development.
- Include interpretation signs at appropriate locations.

These design principles set out the Council’s expectations. The core requirements list some of the requirements, but full requirements/ details are not included in the table, above. Applicants should discuss the principles in this SPD with an ecologist at an early stage to ensure the principles are fully understood and integrated into the design of the development.

# Chapter 7: Householder applications



All development proposals, even householder applications, can benefit nature, and benefit from nature through integrating and creating space for nature into design and layouts. The [State of Nature](#) 2019 recognises that there is enormous potential for engaging people to take action in their own gardens and the Essex Local Nature Partnership has a target of 1 in 4 people in Essex taking action for Nature Recovery, which is a target adopted from the Essex Wildlife Trust.



## Some examples of ways a householder application can create space for biodiversity are:

- Provide bird and bat boxes and bricks
- Put up a bird feeder
- Include a bee or bug hotel in your garden
- Leave an area of your garden to grow wild. Leaving grasses and wildflowers to grow provides shelter and food for insects and small mammals.
- Plant wildflowers
- Create insect habitats
- Add a hole in your garden fence to contribute to a hedgehog highway
- Create a pond
- Grasscrete driveways
- Plant native trees, shrubs, and flowers
- Green roofs and walls

[Naturehood](#) provides lots of step-by-step guides, information and inspiration for positive actions people can take to support wildlife in their gardens.

# Chapter 8:

## Planning application expectations

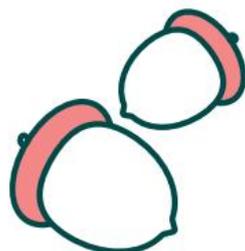


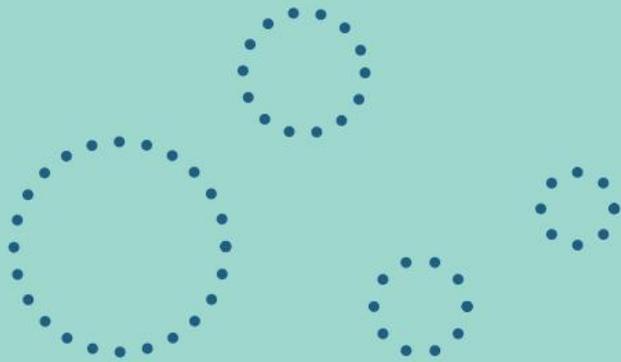
The Council expects applicants to demonstrate how the creating space for nature design principles have been incorporated into the design of the development proposal. Where relevant, compliance with the principles set out in this SPD should be shown on the Landscaping Plan, e.g. the location of bat and bird boxes. The Council expects that a section should be included in the Design and Access Statement detailing the biodiversity enhancement measures and details of how these will be managed and maintained long-term.

In order to validate all major applications, the Council requires submission of the latest Defra Biodiversity Metric. The Defra metric calculator supporting this metric output will also need to be submitted to allow an understanding of the habitats being lost and gained. Please see the Natural England website for the latest [Defra Metric Calculator Tool](#) and its User Guide Ecology surveys. Where a Biodiversity Net Gain assessment has been started with a previous version of the metric, the same metric should be used across all elements / stages of a project.

Independent ecological surveys, carried out by suitably qualified experts and carried out within the last 12 months, will be required where a Preliminary Ecological Appraisal or Extended Phase 1 Habitat survey recommend species specific surveys. Ecological surveys must be submitted with the application and follow best practice and guidance.

If there is a need for mitigation, or as a last resort compensation, a mitigation strategy must be submitted with the application, which complies with Natural England's [Biodiversity mitigation plan checklist](#). The mitigation strategy must show how the mitigation measures will be managed and maintained over a 30-year period, unless a shorter time period is agreed as appropriate.



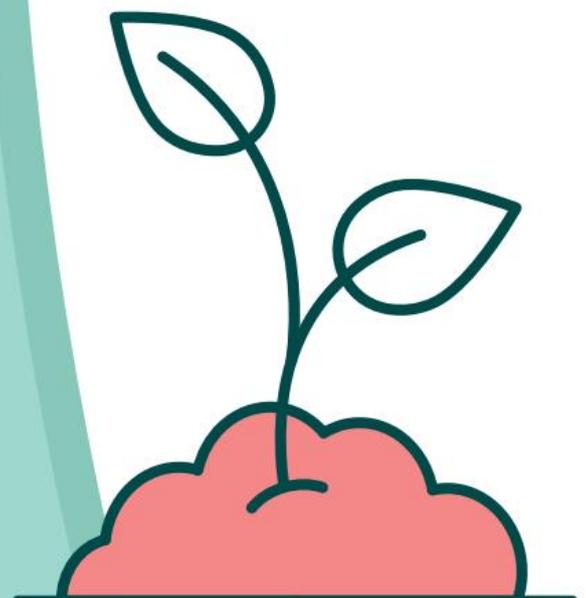
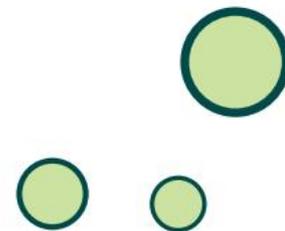


A Construction Environment Management Plan should be required by condition. It should include details of all necessary ecological mitigation measures, including protection of retained habitats and requirements for ecological supervision during works on site using a suitably experienced Ecological Clerk of Works.

Where habitats are retained and created within the site boundary, their protection during the construction process and their long-term management will be secured via conditions of any consent. This should require relevant details to be provided within a Landscape and Ecological Management Plan, either at submission or secured by condition. This type of planning condition will need details of all ecological mitigation measures and should be illustrated together with other landscape measures and there should be no conflict between objectives.

All management plans should include appropriate monitoring to ensure effectiveness and should include a process for remediation and review for any measures that have not been effective.

Applicants must submit the Climate Emergency Checklist in support of their application. This Checklist covers the issues included in this SPD, the Active Travel SPD and the Climate Change SPD. It is a means for applicants, DM Officers, and Planning Committee Members to understand the measures that have been incorporated into a development proposal to address the climate and ecological emergency and ensure compliance with the three Climate Emergency SPDs and the policies they build upon and to demonstrate that the climate and ecological emergency has been considered.



# Chapter 9: Conclusion



We are in a climate and ecological emergency and the time to act is now. All development proposals should strive to achieve ambitious carbon reductions, biodiversity enhancement and promotion of active travel to contribute towards Colchester becoming a greener city that is resilient to the climate and ecological emergency. The Council is committed to firm action, from setting an ambitious target to be carbon neutral by 2030 to driving forward a significant programme of environmental stewardship to sustain and enhance biodiversity and invest in cleaner, greener, renewable energy project.

The UK governments 25 Year Plan and Environment Act 2021 show the direction we are headed nationally in terms of driving nature's recovery and providing wider environmental benefits. Colchester City Council will lead the way in supporting nature's recovery, biodiversity enhancement and biodiversity net gain through the principles in this SPD and through the policy requirement for measurable biodiversity net gain of at least 10% now – ahead of the national mandatory requirement.

Specialist ecological advice from a suitably qualified expert should be sought at the earliest stage in terms of assessing and collating the scope of biodiversity information required to support an application and how to incorporate biodiversity enhancement and biodiversity net gain into development proposals.

Colchester's natural environment is extremely diverse and important. The Council encourages applicants to maximise opportunities for the provision and connection

of green-blue infrastructure, including wildlife corridors, and the incorporation of the biodiversity design principles.

All development proposals must follow the mitigation hierarchy. Adequate information about species, habitats, and geological features, through independent ecological surveys carried out by suitably qualified experts, must be provided by applicants when submitting planning applications. The Council will take a precautionary approach when deciding on the level of information required.

To create space for nature, the design principles set out in this SPD should be included in all development proposals. These design principles will ensure that beneficial biodiversity conservation features are incorporated into development and opportunities for the preservation, restoration, enhancement, and connection of natural habitats are maximised, in accordance with Policy ENV1 of the Colchester Local Plan. These design principles will also result in high quality design that has positive outcomes on health and wellbeing.



# Further reading and references



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Essex County Council (2022) Essex Green Infrastructure Standards Guidance. [Essex Green Infrastructure Standards 2022 \(ctfassets.net\)](#)

Essex County Council (2014) Sustainable Drainage Systems Design Guide. [suds\\_design\\_guide.pdf \(windows.net\)](#)

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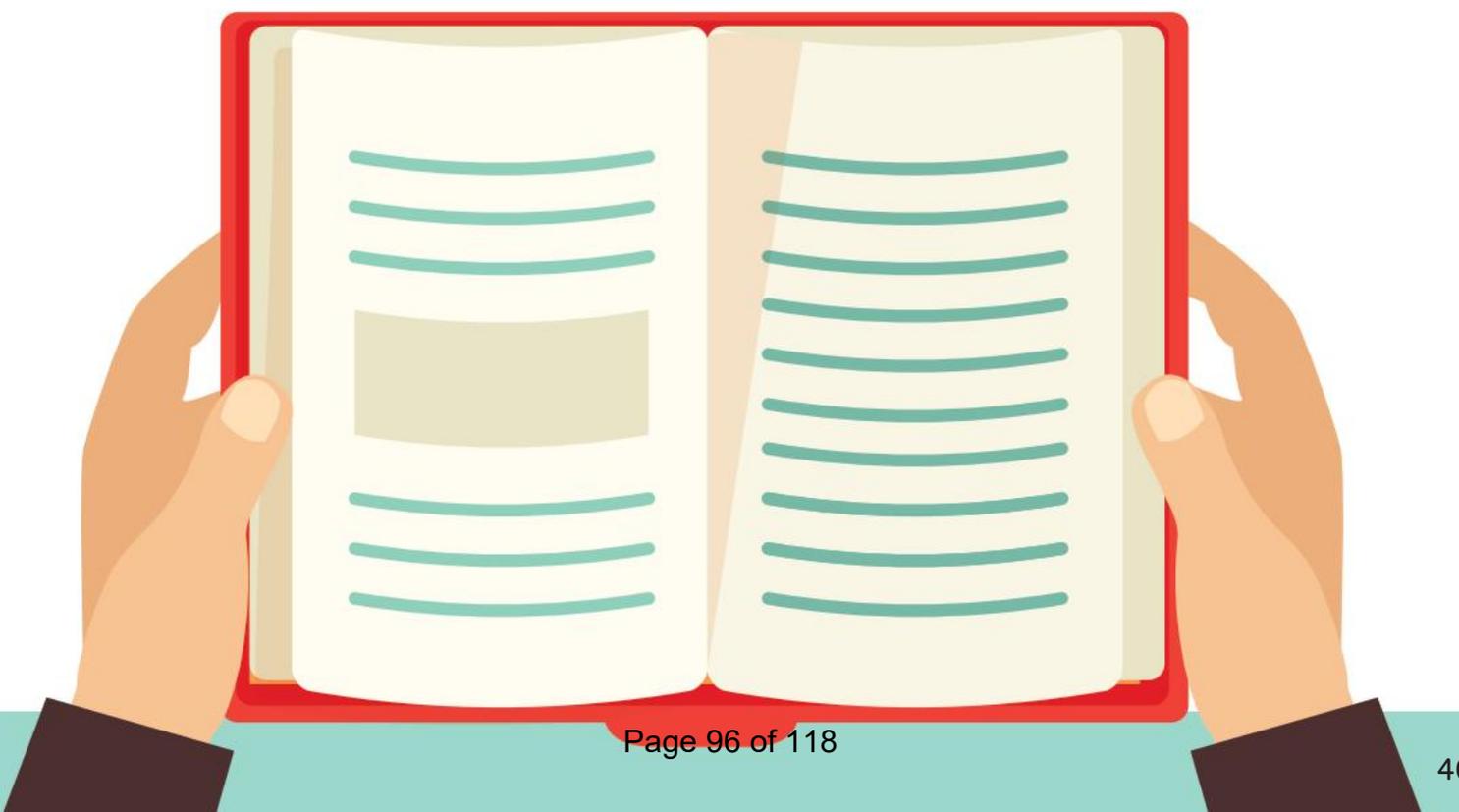
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## Appendix 1. Ecological Survey Seasons

The table, below, sets out the optimal survey times for each species.

	JAN	FEB	MAR	APR	MAY	JUNE	JULY	AUG	SEP	OCT	NOV	DEC
<b>Badgers</b>												
<b>Badgers</b> (bait marking surveys to establish territories)												
<b>Bats</b> (hibernation roosts)												
<b>Bats</b> (summer roosts)												
<b>Bats</b> (foraging/ commuting)												
<b>Birds</b> (breeding)												
<b>Birds</b> (overwintering)												
<b>Dormice</b>												
<b>Great crested newts</b>												
<b>Invertebrates</b>												
<b>Otters</b>												
<b>Reptiles</b>												
<b>Water voles</b>												
<b>White clawed crayfish</b>												

The shading indicates the optimal survey time



**12 June 2023**

<b>Report of</b>	<b>Laura Goulding</b> <b>Planning Policy Officer</b> 0330 053 8063
<b>Title</b>	<b>Neighbourhood Planning Update</b>
<b>Wards affected</b>	All

## **1. Executive Summary**

- 1.1 Neighbourhood planning has remained high on the national government's agenda since regulations were introduced in 2012. Revisions to the Neighbourhood Planning Regulations in January 2018, the revised National Planning Policy Framework (NPPF) (July 2021) and changes to the national planning practice guidance (PPG) in June 2021 continue to demonstrate the importance of Neighbourhood Plans for housing provision and local planning matters.
- 1.2 Neighbourhood planning remains active across the City, with a number of parish and town councils and local communities positively engaging with the planning process, stakeholders and officers at CCC.
- 1.3 Currently 8 Neighbourhood Plans have been 'made' in Colchester – Wivenhoe, Boxted, Myland and Braiswick, West Bergholt, Eight Ash Green, Marks Tey, West Mersea and most recently Tiptree which was made in May 2023 after a successful referendum. It is anticipated that the Copford and Easthorpe Neighbourhood Plan will be made (adopted) later this year, along with the Myland and Braiswick review.
- 1.4 Great Tey and Great Horkesley are at the evidence gathering and plan preparation stage and Myland and Braiswick have commenced their review and recently completed the regulation 16 consultation. This will be the first neighbourhood plan to undertake a review in Colchester City Council.

## **2. Recommended Decision**

- 2.1 No decision is required as this report is for information only.

## **3. Reason for Recommended Decision**

- 3.1 The report provides an update of the overall neighbourhood plan activity across the City.

## **4. Alternative Options**

- 4.1 Not applicable as the report is for information only. Keeping the Local Plan Committee informed of progress and of any concerns or obstacles is beneficial to the Council and the Neighbourhood Plan Groups.

## 5. Background Information

- 5.1 Since the Neighbourhood Planning Regulations came into force in 2012, the commitment from national government and the appetite of local communities towards neighbourhood planning has not diminished. At a national level the most intensive activity has been in South England to date, although the government are trying to increase uptake of neighbourhood planning particularly in urban areas and North England through additional funding opportunities.
- 5.2 The Neighbourhood Planning Regulations provides the backbone of the legislative framework for Neighbourhood Plans. The NPPF was updated in 2021 which introduces guidance in respect of the significance of neighbourhood plans in the context of the presumption in favour of sustainable development and housing delivery. Where the presumption in favour of sustainable development applies the adverse impact of allowing development that conflicts with the neighbourhood plan is likely to significantly and demonstrably outweigh the benefits. Developers will frequently try to challenge local authorities 5-year housing supply position to trigger the presumption in favour of sustainable development. For neighbourhood plans made within 2 years or less of the planning decision being made, the bar for this challenge is now set higher, only requiring the local authority to demonstrate a 3-year supply of deliverable housing sites. This is proposed to be amended to 5 years in the draft changes to the NPPF recommended in February 2023.
- 5.3 Updates to the national planning practice guidance in May 2019 recognise the importance of neighbourhood planning, with one of the updates being that an emerging neighbourhood plan 'is likely' to be a material consideration in many cases, as opposed to 'may be' in the previous version. Similarly, the NPPF enables weight to be given to emerging plans, including neighbourhood plans. A recent appeal for up to 56 dwellings was dismissed in West Mersea, where the Inspector said that: *"The West Mersea Neighbourhood Plan (WMNP) was subject to referendum on 17 March 2022 when 88% of those voting supported it. That plan has not yet been formally made but it can be given significant weight as forming part of the development plan."*
- 5.4 Neighbourhood plans have statutory weight and status and once adopted ('made'), they become part of the development plan for the designated area and are used to help determine planning applications, where relevant. A recent appeal for a residential development was dismissed in Wivenhoe where the Inspector concluded that *"the proposed built development, partially outside the settlement boundary defined in the Wivenhoe Neighbourhood Plan, would be unacceptable in principle, despite a certain degree of detailed policy compliance, and would undermine the plan-led system. This factor weighs substantially against the appeal."* And continues that *"the proposed development is not capable of being regarded as compliant with the development plan as a whole."*
- 5.5 Within Colchester there has been considerable neighbourhood planning activity within a number of parishes, most of whom are continuing to progress with the challenging task of plan making. Members may recollect that the making of the Boxted Neighbourhood Plan and Myland and Braiswick Neighbourhood Plan in 2016, were the first in Essex to reach the final stage. They also benefitted from central government funding following their designation as Frontrunners (with an additional £20,000 being awarded towards the preparation of each). Similar funding is no longer available, and each Parish council has to apply for funding as they progress, from bodies such as Locality.

5.6 The overview of activity across the City is summarised in the table below and a more detailed progress update for each the neighbourhood plans follows.

<b>Neighbourhood Plan</b>	<b>Date of Area Designation</b>	<b>Stage of progress</b>	<b>Comments</b>
<b>Made/Adopted</b>			
Boxted	October 2012	Adopted 2016	Part of the Development Plan and used for decision making
Myland and Braiswick	January 2013	Adopted in 2016	Part of the Development Plan and used for decision making
Wivenhoe	April 2013	Adopted May 2019	Part of the Development Plan and used for decision making
Eight Ash Green	June 2015	Adopted December 2019	Part of the Development Plan and used for decision making
West Bergholt	July 2013	Adopted December 2019	Part of the Development Plan and used for decision making
Marks Tey	September 2015	Adopted March 2022	Part of the Development Plan and used for decision making
West Mersea	September 2016	Adopted March 2022	Part of the Development Plan and used for decision making
Tiptree	October 2014	Adopted May 2023	Successful referendum held 4 <sup>th</sup> May 2023 and part of the Development Plan and used for decision making
<b>Emerging</b>			
Copford with Easthorpe	May 2015	Examination concluded May 2023.  Decision Statement issued – intention to proceed to Referendum (date TBC)	The Examiner issued his final report on 8 May 2023 which concluded that subject to his recommendations, the plan meets the basic conditions and can proceed to referendum.

Myland and Braiswick Review	January 2013	Review the adopted plan. Regulation 16 ran from 27 March to 16 May 2023	Proceeding to examination
Great Tey	May 2017	Finalising Draft Plan	Preparing for regulation 14 Consultation
Great Horkesley	June 2022	Evidence gathering and plan preparation	Evidence gathering
Messing	July 2013	Work abandoned	No active NHP group currently
Stanway	June 2014	Work abandoned	No active NHP group currently

### 5.7 Tiptree

The Tiptree Neighbourhood Plan has successfully completed the process of examination, approval at referendum and was presented to Council on 24 May to officially be made (adopted) as part of the Colchester Development Plan. The NHP area was designated in 2015 and after an unsuccessful examination in 2020, the Tiptree Neighbourhood plan recommenced work at the Regulation 14 stage. It later progressed to Regulation 16 consultation in October 2022. The examiner issued his final report on 15 December 2022 concluding that subject to modification the Tiptree Neighbourhood plan meets the basic conditions and can proceed to referendum. The Referendum was held on 4 May 2023 with 2,087 votes recorded in favour of the plan and 382 against, or 84% in favour.

### 5.8 Copford with Easthorpe

The Copford with Easthorpe Neighbourhood Plan commenced examination in October 2022. The Examiner issued his [final report](#) on 8 May 2023, which concluded, provided the recommendations set out are followed, that the Copford with Easthorpe Neighbourhood would meet the basic conditions, and recommend that, as modified, it should proceed to referendum. Following this, the Council have published the [decision statement](#) outlining the intention to proceed to referendum. Further details regarding the referendum will be published on the Council's website in due course.

### 5.9 Myland and Braiswick Review

The Myland and Braiswick Neighbourhood plan was the first plan in Colchester to undergo a review. Originally made in 2016, being one of the first neighbourhood plans in Essex to be made. The review commenced in 2021 and the first stage of consultation (Regulation 14) was undertaken in Autumn 2022. Following this, the Review Plan was submitted to the Council and the second round of consultation (Regulation 16) commenced on 27 March 2023 and ended 15 May 2023. Following the completion of the consultation, an Independent Neighbourhood Plan Examiner will be appointed to examine the Plan and determine whether the Plan satisfies the Basic Conditions. All responses received will be sent directly to the Examiner. The Examiner will also consider whether the amendments to the Myland and Braiswick Neighbourhood Plan are minor (non-material), material modifications (which do not change the nature of the plan) or material modifications (that do change the nature of the plans). This will then determine whether the plan would need to proceed to referendum.

### 5.10 Great Tey

Great Tey carried out an informal preliminary consultation and have prepared an evidence base. A consultant has been appointed and a call for sites was carried out in summer 2019. A draft plan has been finalised and preparations are underway for a regulation 14 consultation.

#### 5.11 **Great Horkesley**

The Great Horkesley Neighbourhood plan area was designated in June 2022 and the plan is currently undergoing evidence and plan preparation.

#### 5.12 **Messing**

There is no active Neighbourhood Plan Group currently; work on the Messing Neighbourhood Plan has been abandoned.

#### 5.13 **Stanway**

There is no active Neighbourhood Plan Group currently; work on the Stanway Neighbourhood Plan has been abandoned.

#### 5.14 **Updated guidance and website**

Officers have produced an updated [guidance document](#) explaining the NHP process from the area designation stage through to adopted and reviewing a made plan. The document also explains the support available from the council and other technical support such as [Locality](#). The neighbourhood plan pages on the CCC [website](#) have recently been updated, making it much more user friendly and efficient. Officers continue to provide significant support to the neighbourhood planning groups providing them with a named officer to advise and assist with problem solving when necessary, attend meetings where appropriate, direct them to good practice and serve the role of critical friend. Specialist help is also offered in relation to Strategic Environmental Assessment (SEA) and Habitat Regulations Assessment (HRA), where possible. In addition, the Council is responsible for the procedural work at Designation, Submission, Examination, Referendum and Adoption stages. This is resource intensive, but an important element of the Planning Policy framework for Colchester.

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

6.1 An Equality Impact Assessment has been prepared for the Local Plan, and is available to view by clicking [here](#).

### 7. **Strategic Plan References**

7.1 The Strategic Plan is relevant in particular contributing to priorities under the themes:

- Improve health, well-being, and happiness;
- Deliver Homes for those most in need;
- Grow our economy so everyone benefits.

### 8. **Consultation**

8.1 The Neighbourhood Planning Regulations set out required stages of consultation as part of the neighbourhood plan process.

### 9. **Publicity Considerations**

9.1 None

**10. Financial implications**

10.1 The Council is awarded funding at the final stage of neighbourhood plan production where a Plan proceeds to a referendum to help cover costs such as those associated with the examination and holding a referendum.

**11. Health, Wellbeing and Community Safety Implications**

11.1 None

**12. Health and Safety Implications**

12.1 None

**13. Risk Management Implications**

13.1 None

**14. Environmental and Sustainability Implications**

14.1 The Council has declared a Climate Emergency and has committed to being carbon neutral by 2030. The purpose of the planning system is to contribute to the achievement of sustainable development as defined in the National Planning Policy Framework. Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways. These are economic, social and environmental objectives.



## Local Plan Committee

Item  
**9**

**12 June 2023**

**Report of Sandra Scott, Place Strategy Manager,  
Planning Service**

01206 282975

**Title Colchester Local Plan – Update and Future Work.**

**Wards affected** All

### **1. Executive Summary**

- 1.1 The Local Plan Committee's primary focus is to oversee the production and adoption of a Local Plan for Colchester and ensure that it remains up to date. This report sets out a summary of the current position for Colchester City Council and an overview of the next steps for Local Plan making in Colchester. As a new Local Plan Committee under a new Administration, this serves as a reminder for many Members and an introduction for others.
- 1.2 A Local Plan is a statutory requirement as outlined in Section 19 of the Planning and Compulsory Purchase Act 2004. The Local Plan contains policies to guide development by identifying a spatial strategy, site allocations for employment and housing development and seeks to protect the environment, land and buildings for certain uses to ensure delivery of sustainable communities.
- 1.3 Colchester has always maintained an up to date Local Plan. Currently this comprises;
- Section 1 Local Plan (adopted February 2021);
  - Section 2 Local Plan (adopted July 2022);
  - Tiptree Jam Factory DPD (adopted 2013);
  - Neighbourhood Plans.
- 1.4 There is a statutory requirement for the Local Plan to be reviewed every 5 years, which in the case of Colchester means a new Local Plan will be required by February 2026.

### **2. Recommended Decision**

- 2.1 This report is for Members information.

**3. Reason for Recommended Decision**

- 3.1 To provide an update on the current position in respect of the Local Plan for Colchester

**4. Alternative Options**

- 4.1 The alternative is not to provide an update which is not considered appropriate as bringing a report to a new Local Plan Committee which provides an overview of the Local Plan will assist with effective consideration of future reports and decisions in the coming year.

## 5. Background Information

### Where we are now

- 5.1 Local Plans are the key documents through which local planning authorities can set out a vision and framework for the future development of the area, engaging with their communities in doing so. Plans set out a vision and a framework for the future development of the area, addressing needs and opportunities in relation to housing, the economy, community facilities and infrastructure – as well as a basis for conserving and enhancing the natural and historic environment, mitigating and adapting to climate change, and achieving well designed places. The Local Plan provides a degree of certainty for communities, businesses and investors, and a framework for guiding decisions on individual planning applications.
- 5.2 Local Plans are a key component of the planning system. They shape how land use and places will change and develop in the future. The current Development Plan for Colchester comprises;
- Section 1 Local Plan (adopted February 2021)
  - Section 2 Local Plan (adopted July 2022)
  - Tiptree Jam Factory DPD (adopted 2013)
  - Neighbourhood Plans for;
    - Myland and Braiswick;
    - Boxted;
    - Wivenhoe;
    - West Bergholt;
    - Eight Ash Green;
    - Marks Tey;
    - West Mersea;
    - Tiptree.
- 5.3 Further Neighbourhood Plans, and in the case of Myland and Braiswick, a review, are underway in a number of Parishes including Copford with Easthorpe, Great Horkesley and Great Tey. Once made these will also form part of the Development Plan. More information about Neighbourhood Planning and current progress is provided in the Report also on the agenda for this Local Plan Committee.
- 5.4 The development plan is at the heart of the planning system with a requirement set in law that planning decisions must be taken in line with the development plan unless material considerations indicate otherwise. It is essential that plans are in place and kept up to date.
- 5.5 Section 19(1B) - (1E) of the Planning and Compulsory Purchase Act 2004 sets out that each local planning authority must identify their strategic priorities and have policies to address these in their development plan documents (taken as a whole).

- 5.6 The Colchester Local Plan forms the core part of the Development Plan along with other statutory Planning Documents including the;
- Essex Mineral Local Plan (2014)
  - Essex and Southend-on-Sea Waste Local Plan (2017)
- 5.7 The importance of having an up-to-date Local Plan cannot be overstated. Without a Local Plan to identify where and how the City and areas beyond should develop, planning applications are determined in accordance with national policy which does not provide the local context for Colchester. Without a Local Plan, Colchester would be at significant risk from speculative development. A Local Plan provides certainty of where development can be delivered sustainably across the City area.
- 5.8 The section 1 Local Plan requires a DPD to be produced to provide more detail in relation to the Tendring Colchester Borders Garden Community (TCBGC). This is being produced jointly with Tendring District Council and is overseen by a Joint Committee.
- 5.9 In addition to the Policies provided in the Local Plan and other Development Plan Documents, the Council is able to provide more detailed guidance on key policy matters or development proposals through Supplementary Planning Documents (SPDs). The full list of the current SPDs is set out in the [Local Plan Background Information](#) attached to this Report.
- 5.10 A new Supplementary Planning Document, concerned with Biodiversity is the subject of another report to this committee. It is recommended for adoption. There are a number of other SPDs being progressed or updated including the City Centre Masterplan; Climate Change; Active Environments and Shop Front Design. The updated Affordable Housing SPD was adopted by the Council in February 2023.

#### What happens next?

- 5.11 To be effective plans need to be kept up-to-date. The National Planning Policy Framework states policies in local plans and spatial development strategies, should be reviewed to assess whether they need updating at least once every 5 years, and should then be updated as necessary.
- 5.12 Under regulation 10A of The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) local planning authorities must review local plans, and Statements of Community Involvement at least once every 5 years from their adoption date to ensure that policies remain relevant and effectively address the needs of the local community. Most plans are likely to require updating in whole or in part at least every 5 years. Reviews should be proportionate to the issues in hand.
- 5.13 The National Planning Policy Framework is clear that strategic policies should be prepared over a minimum 15 year period and a local planning authority should be

planning for the full plan period. Policies age at different rates according to local circumstances and a plan does not become out-of-date automatically after 5 years. The review process is a method to ensure that a plan and the policies within remains effective. Applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. Due weight should be given to relevant policies in existing plans according to their consistency with the National Planning Policy Framework. It will be up to the decision-maker to decide the weight to give to the policies.

- 5.14 When determining whether a plan or certain policies within a plan should be updated there are many factors to consider, including the following;
- conformity with national planning policy;
  - changes to local circumstances; such as a change in Local Housing Need;
  - Housing Delivery Test performance;
  - whether the Council can demonstrate a 5 year supply of deliverable sites for housing;
  - whether issues have arisen that may impact on the deliverability of key site allocations;
  - appeals performance;
  - success of policies against indicators in the Development Plan as set out in their Authority Monitoring Report;
  - plan-making activity by other authorities, such as whether they have identified that they are unable to meet all their housing need;
  - significant economic changes that may impact on viability.; and
  - whether any new social, environmental or economic priorities may have arisen.
- 5.15 The Local Plan is underpinned by an extensive evidence base which provides the justification for the policy approach taken and is considered as part of the Independent Examination which all Local Plans are subject to, as part of the plan making Regulations.
- 5.16 A local planning authority may need to gather new evidence to inform their review. Proportionate, relevant and up-to-date evidence should be used to justify a decision not to update policies.
- 5.17 Preparing an up-to-date Local Plan is a significant undertaking and the lead in time commences with the updating and gathering of evidence. The timing for review of the Colchester Plan stems from the Section 1 Local Plan as it is the plan which sets out the Strategic Policies for the area. A new Local Plan will therefore be required by February 2026, as indicated in the Local Development Scheme agreed by the Local Plan Committee in February 2023.

- 5.18 It is recognised that some policies will be in need of review within 5 years, including those which set housing targets. Officers are now starting to plan for the next Local Plan, commencing with an initial scoping of a review of the evidence base and other existing policies.
- 5.19 Early work on some key areas of evidence has commenced such as important updates on environmental evidence including green infrastructure, open space and waterways. Initially this will include a mapping exercise to audit the current location and condition of all types of green and blue spaces. This will include engagement with stakeholders and local communities including Town and Parish Councils to provide an important local perspective on this evidence. A full scope and estimated timescale of all of the evidence base work required will be set out in a future report to this Committee.
- 5.20 Building upon the timescale set out in the Local Development Scheme for a Local Plan review by February 2026, a future Report will also provide a more detailed proposed timescale and an approach for carrying out the review of the Local Plan. This will include early consideration of the scope and methodology for a Strategic Land Availability Assessment and Call for Sites as well as the approach to plan preparation, engagement and consideration of the approach to initial Issues and Options as the first part of the Plan making process.
- 5.21 The Council could decide to review specific policies on an individual basis. Updates to the plan or certain policies within it must follow the plan-making procedure; including preparation, publication, and examination by the Planning Inspectorate on behalf of the Secretary of State. If a local planning authority decides that they do not need to update certain policies, they must publish the reasons for this decision. The requirement to review local plans at least every 5 years, does not apply to neighbourhood plans.
- 5.22 The Levelling Up and Regeneration Bill (LURB) was introduced to Parliament in May 2022. It will put the foundations in place for delivering the Government's agenda and deliver against some of the ambitions and planning reforms set out in the Levelling Up White Paper. This includes some changes to the plan making system intended to speed up the production of Local Plans and ensure Plans are effective and deliverable. Although LURB is progressing through Parliament to Royal Assent, further details and timings for implementation are yet to be confirmed. Any work on the next Local Plan will therefore follow the existing processes until any changes or transition arrangements are formally in place.

### **Engagement and Consultation**

- 5.22 The Local Plan Documents which are currently adopted have been subject to extensive consultation and engagement in accordance with the relevant Planning Regulations and the Council's [Statement of Community Involvement](#). Future work planned for the Local Plan review will also be subject to significant engagement and consultation. A future report to this Committee will provide more details on planned timings and scope for engagement in the various stages of work associated with plan making.

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

- 6.1 An Equality Impact Assessment has been prepared for the Local Plan, and is available to view by clicking on this link:

<https://cbccrmdata.blob.core.windows.net/noteattachment/Equality%20Impact%20Assessment%20June%202017.pdf>

## **7. Strategic Plan References**

- 7.1 The current Local Plan provides a key strategic delivery vehicle for many Strategic Objectives in the Council's Strategic Plan (April 2023-April 2026). In particular the following Strategic Objectives are particularly relevant; Respond the Climate Emergency through policies which seek to conserve and enhance biodiversity; Improve health, wellbeing and happiness, through placemaking and provision of appropriate infrastructure; Deliver homes for those most in need, through housing targets, site allocations and policies providing for affordable housing and a mix of evidenced housing needs; and Grow our economy so everyone benefits, through policy seeking to provide and manage economic growth throughout existing and new communities.

## **8. Consultation**

- 8.1 No consultation on matters in this report is required at this stage but future consultation will be undertaken at appropriate stages on preparation of evidence and plan making in accordance with the Planning regulations and Statement of Community Involvement.

## **9. Publicity Considerations**

- 9.1 None at this stage.

## **10. Financial implications**

- 10.1 There are no financial implications beyond the budgetary provision for the Local Plan.

## **11. Health, Wellbeing and Community Safety Implications**

- 11.1 There are no specific health, wellbeing and community safety implications.

## **12. Health and Safety Implications**

- 12.1 No direct implications.

## **13. Risk Management Implications**

- 13.1 No direct implications.

## **14. Environmental and Sustainability Implications**

- 14.1 The Council has declared a Climate Emergency and has committed to being carbon neutral by 2030. The purpose of the planning system is to contribute to the achievement of sustainable development as defined in the National Planning Policy Framework. Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways. These are economic, social and environmental objectives.
- 14.2 The Local Plan review will take account of any updated evidence and changes in legislation that help contribute towards achieving carbon neutral by 2030. Further consideration of future policy development on the environment, climate change, biodiversity, place making and active environments will seek opportunities towards Colchester becoming a greener city that is resilient to the climate change challenges.

## **Background Documents**

[Local Plan Background Information](#)

[Local Development Scheme](#) (February 2023)

## **Local Plan Committee - Background Information**

### **What is a Local Plan?**

A Local Plan is the strategy for the future development of a local area, drawn up by the Local Planning Authority (LPA) in consultation with the community. The Local Plan sets out the vision, objectives, spatial strategy and planning policies for the entire Colchester Borough. A Local Plan provides the overall framework for the borough in terms of employment and housing growth, infrastructure needs and identifying areas that require protection i.e., open space and community uses. The plan making process includes several rounds of public consultation with local communities, stakeholders and statutory consultees.

The Local Plan usually covers a 15-year period and identifies how communities will develop over the lifetime of the Plan.

In law, this is described as the Development Plan Documents adopted under the Planning and Compulsory Purchase Act 2004. A Local Plan must be prepared in accordance with national policy and guidance.

The National Planning Policy Framework (NPPF) states at paragraph 15 that *“The planning system should be genuinely plan-led. Succinct and up to date plans should provide a vision for the future of each area, a framework for addressing housing needs and other economic, social and environmental priorities; and a platform for local people to shape their surroundings”*.

Planning involves making decisions about the future of our cities, towns and countryside. This is vital to balance our desire to develop the areas where we live and work with ensuring the surrounding environment is not negatively affected for everyone. It includes considering the sustainable needs of future communities.

Independent Planning Inspectors must examine all Local Plans that local authorities in England prepare. This examination is the last stage of the process for producing a Local Plan. The process should have fully involved everyone who has an interest in the document, and they should have had the chance to comment.

### **Why is a Local Plan important?**

A Local Plan is a statutory requirement as outlined in Section 19 of the Planning and Compulsory Purchase Act 2004.

The Local Plan contains policies to guide development by identifying a spatial strategy, site allocations for employment and housing development and protecting the environment, land and buildings for certain uses to ensure delivery of sustainable communities.

Without a Local Plan to identify where and how the borough should develop, planning applications are determined in accordance with national policy which does not provide

the local context of Colchester. Without a Local Plan, the borough would be at significant risk from speculative development. A Local Plan provides certainty of where development can be delivered sustainably across the Borough.

### **What is a Neighbourhood Plan?**

The Localism Act 2012 devolved greater powers to neighbourhoods and gives local communities more control over housing and planning decisions.

A Neighbourhood Plan is a planning document that communities can put together to set out how they would like their town, parish or village to develop over the next 15 years. The Neighbourhood Plan is prepared by the local community for a designated neighbourhood area, usually this is undertaken by the Parish/Town Council or a Neighbourhood Plan Development Forum can be established for areas without a parish/town council.

A Neighbourhood Plan enables communities to identify where new homes and other developments can be built and enables them to have their say on what those new buildings should look like and what infrastructure should be provided. This provides local people the ability to plan for the types of development to meet their community's needs.

A Neighbourhood Plan must undergo a number of formal processes to ensure it is robust and well-evidenced. This includes two formal consultation periods, independent examination and a public referendum.

A Neighbourhood Plan is subject to examination where the Examiner must determine if the Neighbourhood Plan complies with the Basic Conditions as set out in the Town and Country Planning Act 1990 (as amended). Following an Examination, the Neighbourhood Plan must be subject to a referendum. In order for the Neighbourhood Plan to pass a referendum and be 'made' (adopted) the majority of voters (more than 50%) must be in favour of the Neighbourhood Plan.

If a Neighbourhood Plan passes the referendum, this becomes part of the Statutory Development Plan for that area. Where a Neighbourhood Plan has been 'made', both the Neighbourhood Plan and Local Plan are used when determining planning applications alongside national policy.

## **What is included in the Development Plan for Colchester?**

The Development Plan is a suite of documents that set out the LPAs policies and proposals for the development and use of land and buildings in the authority's area. This includes Local Plans, Neighbourhood Plans and is defined in section 38 of the Planning and Compulsory Purchase Act 2004.

Within Colchester Borough this currently includes:

- Section 1 Local Plan (adopted February 2021);
- Section 2 Local Plan (adopted July 2022);
- Tiptree Jam Factory DPD (adopted 2013);
- Neighbourhood Plans.

Section 1 of the Colchester Local Plan sets out the overarching strategy for future growth across Braintree, Colchester and Tendring, including the Tendring Colchester Borders Garden Community as well as including policies setting the overall housing and employment requirements for North Essex up to 2033. Section 2 provides the policy framework, site allocations and development management policies for Colchester Borough up to 2033.

In Partnership with Tendring District Council, a Development Plan Document (DPD) is being prepared to further guide development on the Tendring Colchester Borders Garden Community. This process is being governed by the Tendring Colchester Borders Garden Community Joint Committee.

There has been considerable neighbourhood planning activity within Colchester with seven 'made' (adopted) Neighbourhood Plans across the borough. These are:

- Myland and Braiswick
- Boxted
- Wivenhoe
- West Bergholt
- Eight Ash Green
- Marks Tey and
- West Mersea

Four further Neighbourhood plans are at various stages of the plan making process. These include Copford with Easthorpe, Great Horkeley, Great Tey and Tiptree.

For minerals and waste matters, Essex County Council are the authority responsible for production of the Waste and Minerals Local Plans, which forms part of the Colchester Development Plan. At present the adopted plans for Essex are:

- Essex Minerals Local Plan (2014)
- Essex and Southend-on-Sea Waste Local Plan (2017)

## **What is included within the Development Framework for Colchester?**

The Local Development Framework (LDF) is a non-statutory term used to describe a folder of documents, which includes all the local planning authority's local development documents. A Local Development Framework is comprised of:

### **1. Development Plan**

Currently for Colchester this includes:

- Section 1 Local Plan (adopted February 2021)
- Section 2 Local Plan (adopted July 2022)
- Neighbourhood Plans (Myland and Braiswick, Boxted, Wivenhoe, West Bergholt, Eight Ash Green, Marks Tey and West Mersea)
- Essex Minerals Local Plan (2014)
- Essex and Southend-on-Sea Waste Local Plan (2017)

### **2. Supplementary Planning Documents (SPD)**

An SPD is a document produced by the Local Planning Authority to add further detailed guidance and information on a particular subject such as Sustainable Construction or Open Space, Sports and Recreational Facilities. An SPD is subject to a formal consultation period and then is used as a material consideration when determining planning applications.

Currently for Colchester these are:

- Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy (RAMS) – August 2020
- Affordable Housing – August 2011
- Backland and Infill – December 2010
- Better Town Centre – December 2012
- Cycling Delivery Strategy – January 2012
- Provision of Community Facilities – July 2013
- Provision of Open Space, Sport and Recreational Facilities – July 2006, updated April 2019
- Shopfront Design Guide – June 2011
- Street Services Delivery Strategy – October 2012 revised February 2016
- Sustainable Design and Construction – June 2011
- Sustainable Drainage Systems Design Guide – April 2015
- Vehicle Parking Standards – September 2009
- ABRO Development Brief SPD (December 2021)
- Archaeology and Planning (2015)

A number of these will be reviewed and updated along with new SPDs to be compliment with new policies in the Adopted Local Plan.

### **3. Local Development Scheme (LDS)**

The LDS is a project plan for a three-year period for the production of all documents that will comprise the Development Plan. It identifies each Local Development Plan Document and establishes a timescale for preparing each.

### **4. Authority Monitoring Report (AMR)**

The AMR is a report published annually by the LPA, monitoring progress in delivering the Local Plan policies and allocations. The report covers the financial year from 1 April to 31 March and for Colchester is published in December.

### **5. Statement of Community Involvement (SCI)**

The SCI sets out the standards that the Local Planning Authority (LPA) intend to achieve in relation to involving the community and all stakeholders in the preparation, alteration and continuing review of all Local Development Plan documents and in significant planning applications. The SCI also outlines how the LPA intends to achieve those standards. The SCI itself, is not a development plan document, but is subject to independent examination. A consultation statement showing how the LPA complies with its SCI should accompany all Local Development Plan documents.

### **What are housing targets and why do we have them?**

The Government have committed to delivering 300,000 new homes per year across England to significantly boost the supply of homes.

A Local Plan identifies the minimum number of homes needed through policies which are informed by a local housing need assessment produced in accordance with the Standard Methodology as outlined in national planning guidance, unless exceptional circumstances justify an alternative approach. The Standard Method was introduced through the National Planning Policy Framework (NPPF) in 2019.

For Colchester, the minimum housing requirement has been established in the Section 1 Local Plan. Policy SP4 set out the minimum housing requirement figure for Colchester as 920 dwellings per annum and 18,400 new homes over the period 2013 to 2033. This number was based on the previous assessment method outlined in the NPPF 2012 known as the Objectively Assessed Need. The Local Plan has been examined in accordance with the transitional arrangements outlined in the NPPF 2019, which requires examination of the Plan under the NPPF 2012.

The Council are required to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement figure as set out in the Local Plan, this is often referred to as the five year housing land supply (5YHLS).

The Council publish annually a Housing Land Supply Statement. This sets out Colchester's housing land supply position over a five-year period from 1 April of each year and explains how this position complies with the requirements of national policy and guidance. The Statement is prepared by the LPA with engagement from developers and agents regarding expected delivery of new homes.

### **What happens if the borough does not meet their housing target?**

If an LPA cannot demonstrate a five-year supply of housing, national planning policy takes precedence over the Local Plan. The '*presumption in favour of sustainable development*' as outlined in national policy (NPPF paragraph 11d) will be triggered.

This means that if a planning application is considered to deliver sustainable development, then planning permission should be granted, even if the site is not identified for development in the Local Plan. In effect, the Council would have little control over where new homes are built and would be required to approve planning applications for sites that they may not have chosen for development. Many authorities can reject these schemes, but the decision can be overturned, and planning permission granted on appeal.