

Local Plan Committee

4th April 2016

Item
11

Report of	Head of Commercial Services	Author	Karen Syrett 01206 506477
Title	Local Plan – Draft Policies		
Wards affected	All		

The Local Plan Committee is asked to approve a limited number of draft policies for inclusion in the Local Plan Preferred Options.

1. Decision(s) Required

- 1.1 To approve the first tranche of policies which will form part of the Local Plan Preferred Options document which is scheduled for public consultation in the summer.

2. Reasons for Decision(s)

- 2.1 The Committee are asked to review and approve those policies which do not relate to site specific allocations for land as this will allow for a detailed discussion and consideration of those policies in June.

3. Alternative Options

- 3.1 The Committee could choose to amend the policies and explanatory text or could defer a decision until the whole Local Plan is presented to the Committee in June.

4. Supporting Information

- 4.1 The Council is working on a new Local Plan which will guide development in the Borough between 2017 and 2032 or even beyond. Once adopted this will replace the 2008 Core Strategy (amended 2014), the Development Policies (adopted 2010 and amended 2014), the 2010 Site Allocations and the Tiptree Jam Development Plan Document 2013.
- 4.2 As well as providing allocations for new development, an essential part of the Local Plan will be to provide the strategic and detailed policies on which all planning applications in the Borough are considered against.
- 4.3 National guidance in the Planning Practice Guidance (PPG) sets out what Local Plans should contain at paragraph 10 "While the content of Local Plans will vary depending on the nature of the area and issues to

be addressed, all Local Plans should be as focused, concise and accessible as possible. They should concentrate on the critical issues facing the area – including its development needs – and the strategy and opportunities for addressing them, paying careful attention to both deliverability and viability.....In drafting policies the local planning authority should avoid undue repetition, for example by using generic policies to set out principles that may be common to different types of development. There should be no need to reiterate policies that are already set out in the National Planning Policy Framework”. Policies in the Local Plan should therefore cover the main issues in a concise way that does not repeat national government policy or other policies within the Plan.

- 4.4 The draft Local Plan will follow the layout of the Issues and Options document, consultation on which took place in 2015. There will be chapters covering the following;
- Sustainable Development
 - Housing
 - Centres and Employment
 - Rural Colchester
 - The Environment
 - Healthy Communities
 - Transport and Accessibility
 - Heritage and Townscape.
- 4.5 The Draft Local Plan will be much larger than previous documents because it will incorporate the Core Strategy, Development Policies and Site Allocations. There will also be a Sustainability Appraisal. The new local plan will incorporate policies for the whole Borough including site allocations and development management policies. Due to the range and complexity of issues it will be a comprehensive and detailed document. To assist with the process of considering the full plan, there are advantages to reviewing some policies in advance of the full preferred options plan.
- 4.6 Only those policies which do not have consequential implications on other generic or strategic policies, and are likely to be non-contentious can be considered in advance of the full plan. These are generally the more operational policies which deal with specific detailed matters as listed below.
- 4.7 The starting point for the formation of the new policies is to look at the existing policies which are set out in the existing Local Plan documents detailed above. This exercise has identified the need for the retention and review of policies, as well as the need for any additional policies if any gaps are identified. Some of the policies listed were subject to the Focussed Review (FR) in 2014, but are reviewed again here to ensure they remain fit for purpose. The policies have been updated as appropriate to take into account changing local evidence and circumstances such as planning approvals and appeals, any changes

to national government policy or guidance and comments received during the Issues and Scoping consultation. Policies have also been the subject of consultation with appropriate internal stakeholders.

- 4.8 All policies and the alternative options of policy formation are currently subject to a Sustainability Appraisal. The results of this appraisal will be reported to Members before the final draft Preferred Options Local Plan is agreed for consultation in June 2016.
- 4.9 The policies as set out in this report are subject to minor changes by officers to ensure legibility and accuracy. The supporting text which sits alongside the policy is provided as background information for members and may be subject to additional revisions before the final draft Preferred Options Local Plan is published.
- 4.10 It should be noted that no policies which relate to site specific allocations for land for a specific purpose are included within the chapters at present. These will be subject to detailed consideration in June when specific sites are considered.
- 4.11 The table below summarises when policies will be reported and the main changes;

Policy Ref / topic	Policy gaps – new policy needed
DP2 Health assessments	Amended policy to add clarity and broaden scope
DP4 community facilities	Consolidate policy with SD3 and amend to add clarity. New policy on education provision
SD3 Community Facilities	Consolidate policy with DP4 and amend to add clarity
DP12 Dwelling standards	Minor amendments and updating
H2 Housing Density	Minor amendments update and improve clarity
DP14 Historic Environment assets	Amendments to update and improve clarity
DP15 retention of open space and indoor facilities	Amendments to update and improve clarity
DP16 private amenity	Retain policy wording for Amenity space and update and improve clarity.

space and open space provision for new residential development	Consolidate open space provision with other policy
PR1 Open Space	Consolidate existing policy and incorporate into policies cover protection and provision of open space
PR2 people friendly streets	Consolidate with other policies- principally transport and design (covered in the full plan)
TA1 Accessibility and changing travel behaviour	Consolidate with Walking and Cycling, Public Transport and Roads and Traffic policies.
TA2 Walking and cycling	Consolidate with Accessibility and changing travel behaviour, Public Transport and Roads and Traffic policies.
TA3 Public Transport	Consolidate with Accessibility and changing travel behaviour, Walking and Cycling and Roads and Traffic policies.
TA4 Roads and Traffic	Consolidate with Accessibility and changing travel behaviour, Walking and Cycling and Public Transport policies.
DP17 accessibility and access	Amendments to update and improve clarity and reflect current guidance.
ENV1 Environment and rural communities	Consolidate with other topic specific policies. Rural communities element to be reviewed in the full plan
DP20 Flood Risk and management of surface water drainage	Amendments to update and improve clarity and reflect current evidence and guidance. New policy providing detailed guidance on SuDs
DP21 nature conservation and protected lanes	Amendments to update and improve clarity
DP22 Dedham Vale Area of Outstanding Natural Beauty	Amendments to update and improve clarity

DP23 coastal areas	Amendments to update and improve clarity and reflect current evidence and guidance
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5. Proposals

- 5.1 It is proposed that the Committee agree the draft policies set out in Appendix 1 and agree that they form part of the Draft Local Plan – Preferred Options document which will be subject to public consultation in the summer.

6. Strategic Plan References

- 6.1 Effective strategic planning supports the Strategic Plan Action Plan which includes a commitment to make Colchester a vibrant, prosperous, thriving and welcoming place.

7. Consultation

- 7.1 The draft Policies will form part of the Local Plan – Preferred Options, which will be consulted on in the summer. The Local Plan is covered by a comprehensive consultation programme as set forth in the Council's Statement of Community Involvement (SCI).

8. Publicity Considerations

- 8.1 The information contained in some of the policies may warrant press attention but the policies contained in this report are those considered to be more straightforward.

9. Financial Implications

- 9.1 There are no direct financial implications.

10. Equality, Diversity and Human Rights Implications

- 10.1 An Equality Impact Assessment has been prepared for the Local Plan and is available to view by clicking on this link:-
<http://www.colchester.gov.uk/article/4962/Strategic-Policy-and-Regeneration>
or go to the Colchester Borough Council website www.colchester.gov.uk and follow the pathway from the homepage: Council and Democracy > Policies, Strategies and Performance > Equality and Diversity > Equality Impact Assessments > Strategic Policy and Regeneration and select Local Development Framework from the Strategic Planning and Research section.
- 10.2 There are no particular Human Rights implications.

11. Community Safety Implications

11.1 None

12. Health and Safety Implications

12.1 None

13. Risk Management Implications

13.1 Timely production of a Local Plan will avoid the potential risk of Government intervention to take over plan production.

14. Disclaimer

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

Appendix 1 – Draft Policies

Appendix 1

Review of Development Policies – Approach

The new local plan will incorporate policies for the whole Borough including site allocations and development management policies. Due to the range and complexity of issues it will be a comprehensive and detailed document. To assist with the process of considering the full plan, there are advantages to reviewing some policies in advance of the full preferred options plan.

Only those policies which do not have consequential implications on other generic or strategic policies, and are likely to be non-contentious can be considered in advance of the full plan. These are generally the more operational policies which deal with specific detailed matters as listed below.

As part of the new local plan it is necessary to check against any relevant updates, in respect of the NPPF, planning decisions (and appeals) and other evidence prepared since the focused review. This exercise will identify the need for the retention and review of policies, as well as the need for any additional policies if any gaps are identified. Some of the policies listed were subject to the Focussed Review in 2014, but are reviewed again here to ensure they remain fit for purpose.

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space and open space provision for new residential development	provision with other policy
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Policy Review (4th April 2016 Local Plan Committee)

Health Impact assessments and health and well being

Topic Area	What are the key national policy requirements to address?	Other Guidance / Evidence and Priorities	Policy Objectives based on guidance / Evidence	Relevant Policy in Current Local Plan
Health and Wellbeing / Health Impact Assessments	<p>NPPF/PPG</p> <p>Paragraph 69 sets out the need for planning policies to help facilitate healthy life styles through promoting walking and cycling, open spaces and safe well connected and integrated communities. The importance of open spaces is further recognised in paragraph 73</p> <p>Pollution / air quality requiring management and mitigation where adverse impacts on health are evidenced at Paragraph 120</p> <p>Community cohesion Paragraph 171 refers to the need for Local Authorities to work together with public health leads and health organisations.</p> <p>PPG States A health impact assessment may be a useful tool to use where there are expected to be significant impacts.</p> <ul style="list-style-type: none"> •the local plan should promotes health, social and cultural wellbeing and supports the reduction of health inequalities; •the local plan should consider the local health and wellbeing strategy and other relevant health improvement strategies in the area; 	<p>Evidence and technical supporting information update</p> <p>Joint Health and Wellbeing Strategy</p> <p>Essex Guidance on HIA 2008</p> <p>Corporate priorities/other corporate objectives</p> <p>Under the key aim “Thriving”;</p> <p>Cultivate Colchester's green spaces and opportunities for health, wellbeing and the enjoyment of all.</p> <p>Development Management – effectiveness and use of policy</p>	<p>Work together with health providers and organisations to minimise, manage and mitigate any adverse impacts of development on health;</p> <p>Promote opportunities for healthy lifestyles in new developments through facilitating good connectivity, open space and safe environments which support sustainable movement options;</p> <p>Enable development to help create healthy living environments which should, where possible, include making physical activity easy to do and create places and spaces to meet to support community engagement and social capital;</p> <p>Prevent development which is likely to have adverse impacts on the health and wellbeing of communities</p>	<p>DP 2 Health Impact Assessments</p>

Review of Existing Policy DP2

The current Local Plan Policy is generally compliant but clarity and guidance could be added with some amendments. Reflecting on the use of the policy it is considered that the requirement threshold could be increased, with an exception proviso as some small scale proposals may have higher impact.

It is also considered that although the policy refers to Planning Obligations to secure mitigation where necessary, it does not relate outputs of HIA to the planning decision. Rewording the policy will add clarity and provide a more definitive decision advice in cases where unacceptable impacts could result.

New Local Plan Policy

Health and Wellbeing

All development should be designed to help promote healthy lifestyles and avoid causing adverse impacts on public health through;

- **Ensuring good access to health facilities and services;**
- **Providing a healthy living environment where healthy lifestyles can be promoted including green space and creating attractive opportunities for activities including walking and cycling;**

Health Impact Assessments (HIA) will be required for all residential development in excess of 100 units and non-residential development in excess of 2500 square metres and for other developments where the proposal is likely to have a significant impact on health and wellbeing. The purpose of the HIA will be to identify the potential health consequences of a proposal on a given population, maximise the positive health benefits and minimise potential adverse effects on health and inequalities. Any HIA must be prepared in accordance with the advice and best practice for such assessments.

Measures to mitigate any adverse impacts of the development will be provided and / or secured by planning obligations, Section 106 contributions or CIL.

Development which will have an unacceptable significant impact on health and wellbeing which cannot be mitigated will not be permitted.

Explanation

In recent years there has been a growing acknowledgement that the quality of the built environment and its sustainability are key factors in both the direct health of and the life style choices affecting the health of residents, workers and visitors of new developments.

Most development has a potential impact upon the health services and facilities that are provided in the Borough. Likewise, through the design of new development, healthy living can be promoted. The extent of these impacts needs to be assessed to ensure that adequate health services continue to be provided for the community as a whole. For developments which have relatively little impact upon health services, an initial assessment may be sufficient to satisfy the requirements of this policy. For developments where an initial assessment indicates more significant health impacts, a comprehensive Health Impact Assessment will be required. The Borough Council will liaise with the East of England NHS and Local Primary Care Trust when assessing the scope and scale of likely impacts. HIA should be prepared following the current best practice advice and reflect the most up to date evidence. Further details on preparing Health Impact Assessments can be found in the Guidance Note on HIAs produced by the Essex Planning Officers Association (March 2008).

Alternative Options considered

No change to existing policy - Whilst the policy may be adequate, reviewing the wording enables a clearer steer against which to determine applications where there are adverse impacts on the health and wellbeing of the community.

Relate requirement for HIA to EIA development - It may emerge in the future that an HIA is incorporated into Environmental Health Impact Assessment (EIA) so by implication will be required only when an EIA is triggered. The revised EU EIA Directive provides an opportunity for an integrated impact assessment to be undertaken, incorporating HIA within the EIA process. Provided this is undertaken thoroughly, then the EIA may be an adequate vehicle for consideration of the effects of projects on human health. However, the mechanisms for dealing more comprehensively with health in EIA have not been tested through practitioners' best practice, public consultation, the decision-making processes, or the courts. HIA is much more of a subjective and qualitative process and currently does not lend itself well to specific predicted outcomes or levels of significance in terms of community health impacts. It is therefore considered premature for the requirement for an HIA to be linked to an EIA, furthermore there may still be

smaller proposals which do not trigger the requirement for an EIA, but that there is justification to assess the health impacts and therefore require an HIA.

No requirement for HIA - This would leave the Council open to challenge since it would not have any means to seek supporting information to measure the potential impacts of proposed development on health and wellbeing which in turn may lead to non-compliance with national policy

Community Facilities

Topic Area	What are the key national policy requirements to address?	Other Guidance / Evidence and Priorities	Policy Objectives based on guidance / Evidence	Relevant Policy in Current Local Plan
Community Facilities including education.	<p>NPPF/PPG</p> <p>Paragraph 70 requires LPA to plan positively for provision and use of community facilities, to safeguard against unnecessary loss of existing community facilities that such facilities are sustained and modernised. It also requires an integrated approach to new development delivering new housing employment and community facilities.</p> <p>In Paragraph 72 the Government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. They should:</p> <ul style="list-style-type: none"> • give great weight to the need to create, expand or alter schools; and • work with schools promoters to identify and resolve key planning issues before applications are submitted. <p>Planning For Schools Policy Statement</p>	<p>Evidence and technical supporting information update</p> <p>Parish Profiles for all parishes outside the Urban area of Colchester provide an account of current level of provision of community facilities as well as information about the profile of the existing settlements.</p> <p>Infrastructure Delivery Plan will set out infrastructure requirements to support proposals for growth at a strategic level which will include key community facilities.</p> <p>The Essex County Council Developers' Guide to Infrastructure Contributions (Revised Edition 2015) Provides guidance in respect of requirements and costs related to</p>	<p>Ensure existing community facilities are safeguarded and if exceptional circumstance lead to a loss that replacement provision is secured;</p> <p>Enable new development to be well integrated with the delivery of new housing and employment development;</p> <p>Require new development to provide for a range of community facilities where a need is evidenced and to mitigate the impacts of the development.</p> <p>Facilitate community partners to plan and manage community facilities and encourage ownership of the quality of life of the local community.</p> <p>Safeguard existing school sites and ensure that a sufficient choice of school places is available to meet the needs of existing and new communities.</p>	<p>SD3 Community Facilities</p> <p>DP4 Community Facilities</p>

Topic Area	What are the key national policy requirements to address?	Other Guidance / Evidence and Priorities	Policy Objectives based on guidance / Evidence	Relevant Policy in Current Local Plan
	<p>(DCLG 2011) states; There should be a presumption in favour of the development of state-funded schools, as expressed in the National Planning Policy Framework.</p> <p>Local authorities should give full and thorough consideration to the importance of enabling the development of state-funded schools in their planning decisions.</p> <p>Significant weight should be attached to the need to establish and develop state-funded schools when determining applications</p>	<p>various community facilities.</p> <p>Corporate priorities/other corporate objectives</p> <p>Develop a strong sense of community across the Borough by enabling people and groups to take more ownership and responsibility for their quality of life;</p> <p>Be clear about the major opportunities to work in partnership with public, private and voluntary sectors to achieve more for Colchester than we could on our own;</p> <p>Improve sustainability, cleanliness and health of the place by supporting events that promote fun and wellbeing.</p>		

Review of Existing Policies SD3 and DP4

The current Local Plan has two policies covering community facilities which could be rationalised and combined as one policy to reduce repetition and add clarity. The key objectives which the policy is required to fulfil in order to be compliant with national policy are generally covered in the existing policies (Policy SD3 was subject to the Focused review and revised in 2014) however, consolidation of the policies will provide the opportunity to improve the clarity of wording and ensure it reflects the most up to date position. Policy SD3 also incorporates a table of specific community facilities to be delivered. It is suggested that key delivery projects will continue to be identified and tied to policy, but that this will be provided in the later policies which include more location / site specific topics. The type of facilities which are referred to as community facilities includes schools which will continue to be the case in respect of protection / enhancement of existing facilities. A new additional policy specifically covering new education provision is also considered necessary in order to cover the Government requirements as set out in paragraph 72 of the NPPF which seeks a presumption in favour of proposals to meet an identified need for new state-funded schools. Although covered in the NPPF, a local plan policy on this matter is helpful; particularly as the NPPF sets a permissive context further guidance in relation to applying this locally is important.

New Local Plan Policies – Community Facilities

Community Facilities

The Council will seek the retention of all existing community facilities and services and allocations for such uses shown on the proposals map, or identified in other policies in the Local Plan, where they meet / will meet an identified local need.

Any proposal that would result in the loss of a site or building currently or last used for the provision of facilities, services, leisure or cultural activities for the community, will only be supported in cases where the Council is satisfied that:

- (i) An alternative community facility to meet local needs is, or will be, provided in an equally or more accessible location within walking distance of the locality (800 m); or**
- (ii) It has been proven that it would not be economically viable to retain the site/building for a community use; and**
- (iii) The community facility could not be provided or operated by either the current occupier or by any alternative occupier, and it has been marketed to the satisfaction of the Local Planning Authority in order to confirm that there is no interest and the site or building is genuinely redundant; and**

(iv) A satisfactory assessment has taken place that proves that there is an excess of such provision and the site or building is not needed for any other community facility or use.

New development will be required to provide, or contribute towards the provision of community facilities including education to meet the needs of new and expanded communities and mitigate impacts on existing communities, which will be secured by planning obligations, section 106 contributions or CIL. Safe, direct routes for walking and cycling and appropriate bus services will be established to serve existing and new pre-school, primary, and secondary school sites.

Where existing facilities can be enhanced to serve new development, the Council will work with developers and local partners to audit existing facilities and assess the requirement for additional facilities to deliver comprehensive provision of services to serve these extended communities.

The Council will work with local partners, such as Parish Councils or Community Associations, to plan and manage community facilities.

Explanation

Community facilities are an essential element of sustainable communities providing for education, child care, health, culture, recreation, religion and policing (see Glossary). Policies elsewhere in the plan also cover protection and provision of open space and recreation facilities.

The Council needs to deliver a comprehensive range of high quality and accessible community facilities to meet the needs of new and existing communities in Colchester. Community projects which have been delivered, such as the Community Stadium and Firstsite, have regional and national significance. Local facilities such as schools and health centres also need to be delivered to support new and existing communities. Table xx (*included in the full plan*) sets out key community facilities to be delivered in Colchester during the plan period; additional facilities will also be delivered as part of new developments and to meet existing deficiencies.

The Borough Council will safeguard existing facilities and will work with partners including the local community to bring together funding from a variety of public and private sources to deliver new community facilities. Development proposals will be required to

review community needs and provide community facilities to meet the needs of the new population and mitigate impacts on existing communities.

The Council wishes to protect viable community facilities and services that play an important role in the social infrastructure of the area and support sustainable communities. In communities where access to alternatives may be very limited, the presence of key facilities may be very important in maintaining the quality of life. Examples of community sites and buildings include amenity open space, children's play areas, sports fields, village halls, local shops, leisure and cultural centres, public houses, community centres, churches, allotments, post offices, petrol stations, doctor's surgeries, libraries and schools, etc. In line with the NPPF (paragraph 70) the Council will guard against unnecessary loss of important facilities using processes such as listing / registering facilities as Assets of Community Value where appropriate (under the provisions the Localism Act 2011).

The release of any community facilities must be fully justified. The Council will require any application involving the loss of a facility to be supported by written evidence and applicants should contact the Council at the earliest stage to discuss the details. The level of detail to be submitted will vary according to the level of access to alternative facilities and the extent to which the facility contributes towards sustainable communities but could be expected to include such evidence as:

- (i) In the case of a business, the current and projected trading performance;
- (ii) In the case of a community facility, the current and projected patterns of use;
- (iii) The nature and condition of the building and the cost of repairs, renovations or improvements needed to allow the facility to continue in operation;
- (iv) The extent of the local catchment including the location of the premises in relation to local settlement pattern and accessibility;
- (v) The nature and location of comparable facilities;
- (vi) The potential to relocate the use into other premises in the community;
- (vii) In respect of public houses, the approaches and attempts to transfer from a chain of tied pubs to a free house;

- (viii) In the case of a business, evidence that it has been offered on the open market as a whole (parts having not been identified for separate sale) and at a realistic market value. This should be for a period of not less than six months by a competent agent. Evidence should include sales literature, details of approaches, and details of offers; and
- (ix) Evidence that the local community has been notified in writing of the intention to close the facility and has not, within a period of six months come forward with a realistic proposal to assume operation of the facility, including its proposals to finance and operate the facility.

The importance of particular facilities will vary between communities, and it is essential that the community is involved in considering the importance of any facility and the suitability of any proposals for alternative forms (and locations) of provision, and in developing means of retaining facilities, should their continued viability of operation be in doubt. Applicants proposing to redevelop or convert facilities valued by the community will be expected to consult local communities about the relative importance of the facilities which could be lost. Not all facilities satisfactorily meet the needs of local communities, and it may be that combining or rationalising facilities might be appropriate. This will be informed by the most up to date relevant evidence such as the Community Facilities Audit and Open Space, Sport and Recreation Facilities.

Support will be given to the provision of additional facilities where this will enhance the sustainability of community life and will meet the anticipated needs of a growing and changing population. The use of developer contributions and/or the Community Infrastructure Levy may well be appropriate in this respect. Further details of appropriate contributions can be found in the Community Facilities SPD and the Provision of Open Space, Sports and Recreation Facilities SPD.

New Education Provision

Sites proposed, or in current educational use, are protected on the Proposals Map for that use. The change of use, or re-development of educational establishments and their grounds, will not be permitted unless:

- It can be clearly demonstrated that the use of the site is genuinely redundant and no other alternative educational, or community use can be found;
- Satisfactory alternative and improved facilities will be provided;
- The area of the site to be redeveloped is genuinely in excess of Government guidelines for playing field provision, taking into account future educational projections.

The Council will respond positively to and support appropriate and well-designed applications regarding the creation of

new school and education facilities. As expressed in the NPPF, the Council will use a presumption in favour of the development of state-funded schools and educational uses. The Council will engage in pre-application discussions with promoters to develop a collaborative approach to suitable applications. Where necessary, the Council will utilise planning obligations to help to mitigate any adverse impacts of an educational development and assist in delivering development that has a positive impact on the community.

The Council recognises the differences in location and design requirements between rural and urban based education proposals in the District, and will assess applications accordingly. For example, a rural based school application in particular must promote adequate and reliable public transport provision for its students.

Explanation

Expansion to existing as well as new primary schools, secondary schools and early years provision will be needed in the Borough to support the new homes and communities that are being created. The NPPF (paragraph 72) sets out that great importance should be placed on the need to provide new school places. It also states that local planning authorities such take a proactive, positive and collaborative approach to meeting this requirement, giving great weight to the need to create, expand or alter schools. Land for education is allocated on the proposals map, and the amounts of land required is noted in site specific policies. These designations will be subject to further design and master planning to locate the schools in the best positions for new communities.

Existing schools and education facilities, including early years, higher and further education will be supported to ensure they are able to deliver high quality educational provision and act as hubs for their local community. Remodelling and expansion of schools and education facilities will be supported wherever possible. The loss of school grounds or school buildings themselves will only be supported where it has been proven that there is no longer an educational need for the site, now or in the future, or that improved accommodation is being provided in an alternative location. Applications for existing schools are often dealt with by the County Council, but in some circumstances the Borough Council will be the relevant local planning authority. The new policy will apply for decisions made by Colchester Borough Council, and will be used to inform any consultation responses submitted to applications which are determined by Essex County Council, or any other appropriate agency.

Alternative options considered

No Policy / Rely on the NPPF - Whilst the NPPF provides support for the principles set out in the policy it is necessary to add more specific guidance to enable policy guidance to respond to the local priorities and context. In respect of policy on education, a strong permissive steer is to support new academies and free schools in the NPPF, so it is therefore important that a policy provides further guidance to provide the opportunity to inform proposals and seek appropriate mitigation if required.

Housing

Topic Area	What are the key national policy requirements to address?	Other Guidance / Evidence and Priorities	Policy Objectives based on guidance / Evidence	Relevant Policy in Current Local Plan
Housing density and housing standards	<p><i>NPPF/PPG</i></p> <p>Paragraph 47 LPAs should set out their own approach to housing density to reflect local circumstances.</p> <p>Paragraph 53 - Local planning authorities should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area.</p>	<p><i>Evidence and technical supporting information update</i></p> <p>Technical housing standards – nationally described space standard (DCLG March 2015)</p> <p>The Town and Country Planning (General Permitted Development) (England) Order 2015</p> <p><i>Corporate priorities/other corporate objectives</i></p> <p>Provide opportunities to increase the number of homes available including those that are affordable for local people and to build and refurbish our own Council houses for people in significant need</p>	<p>To provide locally set densities for housing developments</p> <p>To ensure that new housing is delivered in accordance with the most up to date standards.</p> <p>To provide clear guidance for applicants wishing to extend, alter or convert dwellings for proposals which require planning permission.</p> <p>To provide an appropriate development management framework to ensure that proposals affecting existing residential dwellings does not cause harm to the local area.</p>	<p>DP12 Dwelling standards</p> <p>H2 Housing Density</p>

Review of Existing Policy H2

The NPPF requires that Local Authorities set their own densities for housing developments to reflect local circumstances in Local Plans. In considering what densities may be appropriate to the Colchester Borough area it is necessary to have regard to other influencing factors including sustainability, accessibility, travel behaviour, local character, development land take and residential amenity. Although policy H2 goes some way to informing appropriate density influenced by these factors, it is suggested that the policy could provide further guidance and add clarity in respect of other key principles set out in the NPPF. Later policies covering site allocations and specific proposals may include further site specific guidance in relation to densities. Where this is the case the overall principles indicated in the policy drafted below will be adhered to.

New Local Plan Policy

Housing Density

The Borough Council will seek housing densities that make efficient use of land and relate to the context. All residential development will need to be at an appropriate density and massing for the area having regard to;

- **The character of the site and its immediate surroundings, as well as the wider locality**
- **The adequacy of the access and the local road network to accommodate the traffic likely to be generated by the proposed development as well as the level of access to sustainable modes of transport;**
- **The existing landscaping, trees and hedgerows on the site and the need for further landscaping;**
- **Provision of appropriate on site amenity to serve the development in accordance with Policy xx and any relevant adopted guidance;**
- **Provision of appropriate parking to serve the development in accordance with relevant standards and Policy xx**

The density of the residential development also needs to ensure an adequate standard of residential accommodation is provided for the occupants which is appropriate to the mix and type of housing provided informed by Policy xx

Explanation

The density of housing development can have significant implications for sustainability, local character, travel behaviour, development land take, and residential amenity.

New developments must enhance local character and optimise the capacity of accessible locations. Locations with good access to centres, particularly the Town Centre, are more suited to higher density development, although a flexible approach will be important to ensure that densities are compatible with the surrounding townscape. Higher density developments in these locations can accommodate more people at locations with good access to employment, shops and education, and allow residents to easily access their needs by walking, cycling and public transport. This in turn supports the provision of local business, services and infrastructure. However, high density development that is poorly located or poorly designed can have adverse impacts on the local community, built character, traffic and sustainability. High density developments need to have regard to biodiversity and open spaces provided within urban areas and on brownfield sites.

Densities therefore may need to be moderated at less accessible locations and to reflect local character. The provision of open space, parking and a mix of housing will also have moderating effect on densities. The density of developments also needs to be informed by the provision of open space and parking, the character of the area, and the mix of housing.

Alternative options considered

Set Minimum / Maximum Densities - The policy could specify a minimum or maximum density for all sites in the Borough. This may address the efficient use of land, however, it will not allow for the density to have regard to the character of the area and respond directly to site specific characteristics.

Leave to NPPF - This would not be a compliant approach as the NPPF requires LPAs to set their own densities which reflect local circumstances

Review of Existing Policy DP12

The existing Policy DP12 provides guidance which goes beyond housing standards as it also covers design considerations which influence the standard of new residential development. The new policy below is largely unchanged since the principles it is seeking to cover remain relevant. Amendments which reflect the most up to date position with regard to regulations, advice and guidance are required, but this does not change the intention of the policy.

The issue of requiring residential development to be provided to a higher standard than the statutory minimum as currently required by the Building Regulations Part M (revised 2015), is reliant on provision of sufficient evidence in the first instance which may not be readily available. Furthermore there is difficulty in enforcing planning conditions which specify a certain standard of internal requirements, particularly over the long term as this would mean that alterations which change these requirements are not permitted in the future. The difficulties in implementing and enforcing such an approach are evident.

There may be specific types of housing developments which justify seeking a higher standard. If this is the case this will be covered in other policies referring to specific housing types/ developments if appropriate, which will be included in the full plan.

New Local Plan Policy

Housing Standards

Residential development will be guided by high standards of design, construction and layout. In considering proposals for new residential development, the Council will have regard to the following:

- (i) The avoidance of adverse overshadowing between buildings or over neighbouring land uses, and of other adverse microclimatic effects resulting from medium and high rise buildings at a high density;**
- (ii) Acceptable levels of daylight to all habitable rooms and no single aspect north-facing homes;**
- (iii) Acceptable levels of privacy for rear-facing habitable rooms and sitting-out areas;**
- (iv) A management and maintenance plan to be prepared for multi occupancy buildings and implemented via planning conditions to ensure the future maintenance of the building and external spaces;**
- (v) Flexibility in the internal layout of dwellings to allow adaptability to different lifestyles incorporating the design principles of Lifetime Homes wherever appropriate to do so;**
- (vi) Internal space standards to be in accordance with the National described space standard (DCLG 2015) or any future replacement of this**
- (vii) Vehicle parking (including secure cycle and motorcycle parking) to an appropriate standard, as set by Essex County**

Council and policy (or replacement guidance if appropriate) and provided in a visually acceptable manner. In the case of flats, secure cycle storage should be incorporated into flat blocks and readily located at the building entrances;
(viii) An accessible bin and recycling storage area, and external drying areas, and;
(ix) Electric car charging points.

Explanation It is important to strike an appropriate balance between providing freedom and flexibility for the housing market to operate and ensuring that a range of sites are available for different areas of the housing market. However, the different types of dwelling should be suitably designed to consider the potential needs of their perspective occupiers and the Design and Access statements submitted with planning permissions should cover this point. It is expected that new residential development will address the requirements of Lifetime Homes standards, which incorporate 16 design features providing a flexible blueprint for accessible and adaptable housing to meet the needs of people at all stages of life. While Lifetime Homes can be converted to full wheelchair accessibility, there is a particular need for housing that is wheelchair accessible from the outset. The revised Part M building regulations require the minimum standard for all new dwellings which makes them suitable to be visited by a wheelchair user. Anything over and above this baseline standard will only be permitted where the council has demonstrated a clearly evidenced need, and where their impact on viability has been considered, in accordance with the National Planning Policy Framework and Planning Guidance.

Accessible, well-designed and easy to use waste and recycling facilities will be needed in new developments to help the Council meet its recycling targets. High quality sustainable development also includes adequate arrangements for servicing and refuse vehicles, storage, and parking for cars and cycles. Development at any scale and location should make a positive contribution to making places better for people. This should include adequate internal space which is now guided by the Government's National described space standard.

Alternative options considered

No Policy / Rely on National Guidance - If there was no policy included in the Local Plan there would be a reliance on the NPPF and Building Regulations which at best will only enable the "minimum" standard to be achieved. Although implementation of a policy requiring a standard which may strive for above the minimum in some cases relies on evidence, where this is available and appropriate a Local Plan Policy is required to seek to secure this.

Historic Environment Assets

Topic Area	What are the key national policy requirements to address?	Other Guidance / Evidence and Priorities	Policy Objectives based on guidance / Evidence	Relevant Policy in Current Local Plan
Historic environment assets	<p><i>NPPF/PPG</i></p> <p>Paragraph 126. Local planning authorities should set out in their Local Plan a positive strategy for the conservation and enjoyment of the historic environment, including heritage assets most at risk through neglect, decay or other threats. In doing so, they should recognise that heritage assets are an irreplaceable resource and conserve them in a manner appropriate to their significance.</p> <p>Local planning authorities should take into account:</p> <ul style="list-style-type: none"> • the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation; • the wider social, cultural, economic and environmental benefits that conservation of the historic environment can bring; • the desirability of new development making a positive contribution to local character and distinctiveness; and • opportunities to draw on the contribution made by the historic environment to the character of a place. 	<p><i>Evidence and technical supporting information update</i></p> <p>Historic Environment Characterisation Project Report (2009)</p> <p>Townscape Character Assessment (2006)</p> <p>Colchester's Archaeology and Development Strategy</p> <p>Colchester Local Development Framework Supplementary Planning Document Adopted 2015 and Archaeology and Planning in Colchester A guide for planning applicants (2015)</p> <p><i>Corporate priorities/other corporate objectives</i></p> <p>Make more of Colchester's great heritage and culture so that people can enjoy</p>	<p>Conserve and enhance heritage assets and their settings appropriate to their significance;</p> <p>Prepare a positive strategy for the conservation and enjoyment of the assets within the historic environment</p> <p>Manage development positively to make a positive contribution to the historic environment.</p> <p>Ensure significant irreplaceable historic assets are not lost through neglect, decay or development.</p>	DP14 Historic Environment Assets

Topic Area	What are the key national policy requirements to address?	Other Guidance / Evidence and Priorities	Policy Objectives based on guidance / Evidence	Relevant Policy in Current Local Plan
	<p>Where a site on which development is proposed includes or has the potential to include heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.</p> <p>Heritage in local plans: how to create a sound plan under the NPPF (Guide by English Heritage (Historic England))</p>	<p>them and draw inspiration for their creative talents</p> <p>Promote Colchester's heritage and wide ranging tourism attractions to enhance our reputation as a destination</p>		

Review of Existing Policy DP14

The existing policy is generally compliant with the NPPF and the requirements for planning policies in Local Plans. The Council has updated its evidence and approach in respect of some heritage assets including adopting SPD on Archaeology and introducing a planning guidance note and charging schedule to support proposals which may have a potential impact on heritage assets. This recent evidence enables the policy to be enhanced and made more robust. Amendments to the policy are therefore suggested which reflects this and ensures clarity in respect of the consideration of proposals in relation to the significance of the heritage asset. They will also ensure proposals can be adequately assessed.

New Local Plan Policy

Historic Environment

Development will not be permitted that will adversely affect a listed building, a conservation area, historic park or garden or important archaeological remains (including development that adversely affects the setting of heritage assets).

Development affecting the historic environment should seek to conserve and enhance the significance of the heritage asset and any features of specific historic, archaeological, architectural or artistic interest. In all cases there will be an expectation that any new development will enhance the historic environment or better reveal the significance of the heritage asset, in the first instance, unless there are no identifiable opportunities available. In instances where existing features have a negative impact on the historic environment, as identified through character appraisals, the Local Planning Authority will request the removal of the features that undermine the historic environment as part of any proposed development. The Local Planning Authority will request the provision of creative and accessible interpretations of heritage assets impacted by development.

Conservation of the historic environment will also be ensured by:

- (i) Identifying, characterising, protecting and enhancing Conservation Areas;**
- (ii) Protection and enhancement of existing buildings and built areas which do not have Listed Building or Conservation Area status but have a particular local importance or character which it is desirable to keep. Such buildings or groups of buildings will be identified through a Local List which will be adopted by the Council;**
- (iii) Preserving and enhancing Listed Buildings, Scheduled Monuments, Historic Parks and Gardens, including their respective settings, and other features which contribute to the heritage of the Borough; and**
- (iv) Sites of archaeological interest will be clearly identified and protected, and sites that become known, whether through formal evaluation as part of a Planning Application or otherwise, will similarly be protected according to their importance.**

Heritage Statements and/or Archaeological Evaluations will be required for proposals related to or impacting on the setting of heritage assets and/or known or possible archaeological sites, and where there is potential for encountering archaeological sites so that sufficient information is provided to assess the significance of the heritage assets and to assess the impacts of development on historic assets together with any proposed mitigation measures.

Explanation

Colchester's importance as a historic town warrants a policy detailing and reinforcing the need to protect and enhance the historic environment. The policy is also applicable to heritage assets in rural areas of the Borough and will help to protect and enhance assets in these areas. In the local area there are a number of buildings which detract from the appearance of heritage assets and the opportunities for redevelopment should be encouraged.

There will be a presumption in favour of the physical preservation *in situ* of nationally important archaeological remains (whether scheduled or not). The more important the asset, the greater the weight will be for preservation *in situ*. In accordance with national legislation, preservation of remains may require the refusal of development that could be detrimental.

Developers will be required to make provision for the recording of any heritage assets adversely impacted by development and to make provision for full analysis and reporting, and to ensure this, and any archive generated, this is publically accessible. Provision will be required to enhance the Urban Archaeological Database and to provide for the long term curation of the archive.

Where appropriate, provision will be required for interpretation and access *in situ*, where public access is possible without detriment to the site, or at a suitable off-site location, and for realising the social, cultural, economic and environment benefits of the historic environment.

There are a number of existing buildings and built environments within the Borough, which do not have a statutory basis for protection, but which nevertheless retain a distinctive historical or architectural character that it is considered desirable to keep. The Council, working with local experts, will prepare a Local List of buildings and groups of buildings, which are considered to be of particular historic or architectural merit; this will be used to ensure that when assessing applications for planning permission their particular character is considered. Conditions will be applied to allow for the inspection and recording of buildings on the Local List.

There are also a number of neighbourhoods within the Borough that are characterised by spacious properties built at low density within a well treed setting, or else that retain a particular "period" character. Context appraisals will be required for all development and where a proposal is within a neighbourhood with a distinctive character which it is desirable to keep, the proposal will need to demonstrate that it protects and enhances the special qualities of the area.

Alternative options considered

No Change to Policy - The policy would not reflect the most up to date position regarding available evidence and also would not provide clarity in relation to the importance of the significance of the heritage asset as required by the NPPF.

Public Realm

Topic Area	What are the key national policy requirements to address?	Other Guidance / Evidence and Priorities	Policy Objectives based on guidance / Evidence	Relevant Policy in Current Local Plan
Public Realm	<p><i>NPPF/PPG</i></p> <p>Paragraph 70 under Planning for Health and wellbeing requires Local Plans to plan positively to deliver the social, recreational and cultural facilities and services the community needs. This includes the protection of existing provision, the sustainability and enhancement of the quality and the integrated approach for planning for new provision in accordance with development growth.</p> <p>Paragraph 73 refers to the need for an up to date assessment of needs for open space, sport and recreation to enable comprehensive planning and safeguarding of provision for the benefit of the local communities;</p> <p>Paragraph 74 specifies that existing open space, sport and recreation facilities should not be lost to development unless they are;</p> <ul style="list-style-type: none"> • Proven to be surplus to requirements or; • the loss would be replaced by equivalent or better provision in terms of quantity and quality in a suitable 	<p><i>Evidence and technical supporting information update</i></p> <p>Indoor Sports Facilities Strategy and Action Plan (2015)</p> <p>Playing Pitch Strategy and Action Plan (2015)</p> <p>PPG17 Sport and Recreation Study (2007)</p> <p>Colchester Parks and Green Space Strategy</p> <p>Colchester Play Strategy</p> <p>Playing Pitch Strategy and Action Plan (2015)</p> <p>Backland and infill guidance SPD (revised 2010)</p> <p>Manual for streets</p> <p>Essex Design Guide</p>	<p>To protect existing provision for open space, sport and recreation and maintain and enhance the quality of facilities and space for the benefit of the community;</p> <p>To ensure new provision for open space, sport and recreation facilities keeps pace with growth of development to ensure communities are well balanced and integrated in a way to promote healthy lifestyles;</p> <p>To ensure that any justified loss of facility is replaced by alternative provision as good or better than the facility lost, unless there is clear evidence which demonstrates that the space / facility is not needed.</p> <p>Use quantitative and qualitative evidence to support enhancement / new provision from all development and to ensure communities are well balanced and integrated in a way to promote healthy lifestyles.</p>	<p>DP15 Retention of open space and indoor sports facilities</p> <p>DP 16 Private amenity space and open space provision for new residential development</p> <p>PR1 Open space</p> <p>PR2 people friendly streets</p>

Topic Area	What are the key national policy requirements to address?	Other Guidance / Evidence and Priorities	Policy Objectives based on guidance / Evidence	Relevant Policy in Current Local Plan
	<ul style="list-style-type: none"> location; or the development is for an alternative sports and recreational provision which clearly outweigh the loss. 	<p>Corporate priorities/other corporate objectives</p> <p>Cultivate Colchester's green spaces and opportunities for health, wellbeing and the enjoyment of all.</p> <p>Develop a strong sense of community across the Borough by enabling people and groups to take more ownership and responsibility for their quality of life</p> <p>Generating opportunities for growth and supporting infrastructure.</p>	<p>Ensure adequate amenity space for public and private enjoyment is provided and designed into the layout of new developments optimising the use of space and serving the needs of the community it serves.</p>	

Review of Existing Public Realm Policies

There is scope to consolidate these 4 policies into fewer policies as there is currently an element of repetition. Policy PR2 also crosses over other topics including design and traffic management which also results in some further repetition in these other policy topics. It is suggested that these elements of policy are incorporated into other relevant transport or design policies. Policy PR1 includes a table listing specific facilities and locations for delivery of new sport, recreation and open space provision. It is intended that site specific proposals or projects remain part of the policy in the new local plan, but these will be set out elsewhere in the plan

other than as part of the generic policy which is set out here. In consolidating these policies to add clarity, there are a number of amendments which don't alter the intention of the original policy, but will enable an easier understanding and application in the new plan. Further amendments are necessary in relation to the reference currently set out in policy DP16 regarding specific amenity space and density requirements to ensure consistency with the housing density policy contained in this document which resists specifying a number, but rather uses criteria to ensure the density is appropriate to the surrounding character of the area.

The public realm policies for the new local plan are illustrated below. The variations from existing policy are summarised as follows;

- Consolidate Policy PR1 together with relevant public realm policies as appropriate and amend to update and remove repetition;
- Identify site specific proposals and public realm projects elsewhere in local plan policy;
- Incorporate Policy PR2 with other policies in the Plan as relevant to other topics;
- Retain and amend Policy DP16 in relation to open space provision and update as required. Amend the section on Private amenity space and retain the elements relating to provision in this policy and incorporate wording relating to design and layout elsewhere within other relevant policies.
- Further policy guidance relating to the impacts on the character on the surrounding area of infill and backland development will be provided in countryside policy which will be set out in the full plan.

New Local Plan Public Realm Policies

Retention of Open Space and outdoor and indoor sport and recreation facilities

The Council will protect and enhance the existing network of green links open space and-sports facilities and secure additional areas and facilities where deficiencies are identified. The provision of public open space in developments should be informed by an appraisal of local context and community need and up to date evidence, with a particular regard to the impact of site development on biodiversity.

Development, including change of use, of any existing or proposed public or private open space, outdoor sports ground,

school playing field forming part of an educational establishment and allotments (as identified on the Proposals Map) will not be supported unless it can be demonstrated that:

- (i) Alternative and improved provision will be created in a location well related to the functional requirements of the relocated use and its existing and future users;**
- (ii) The proposal would not result in the loss of an area important for its amenity or contribution to the green infrastructure network or to the character of the area in general; and**
- (iii) It achieves the aims of any relevant prevailing strategy relating to open space, sport and / or recreation**

Development proposals resulting in a loss of indoor recreation or sporting facilities must additionally demonstrate that:

- (iv) There is an identified excess provision within the catchment of the facility and no likely shortfall is expected within the plan period; or**
- (v) Alternative and improved recreational provision will be supplied in a location well-related to the functional requirements of the relocated use and its existing and future users. In all cases, development will not be permitted that would result in any deficiencies in public open space requirements or increase existing deficiencies in the area either at the time of the proposal or be likely to result in a shortfall within the plan period. Additionally, development that would result in the loss of any small incidental areas of open space, not specifically identified on the Proposals Map but which contribute to the character of existing residential neighbourhoods, and any registered common, heathland or village green or which contribute to green infrastructure will not be permitted.**

Provision for Public Open Space, sport and recreation

New development must provide for the recreational needs of new communities and mitigate impacts on existing communities. This open space provision as well as alleviating recreational pressure on sites of high nature conservation value (e.g. Natura 2000) from the growing population will also increase opportunities for participation in healthy lifestyles.

All new residential development will be expected to provide new public areas of accessible strategic or local open space. Precise levels of provision will depend on the location of the proposal and the nature of open space needs in the area but as a guideline, at least 10% of the gross site area should be provided as useable open space. This will be secured through planning obligations, section 106 or CIL. Where the Council accepts commuted sums in lieu of open space, the

commuted sums will be used to provide additional open space or to improve existing open space in the locality of the development. Contributions may be pooled (within pooling restrictions that apply at the time) to provide larger areas of strategic open space where a need has been identified. A commuted sum is only likely to be acceptable in the following circumstances:

- (i) smaller developments of less than 0.5 ha, or where for some other reason strategic open space requirements cannot be met within the site;
- (ii) developments of dwellings for the elderly (where some compensating increase in private amenity space may be required);
- (iii) in a town centre location or where it is justified by an outstanding urban design approach based on site constraints and opportunities.

Private Amenity Space

The Borough Council will expect all new homes to provide easy access to private/communal open space. The area of open space should be informed by the needs of residents and the accessibility of the location. Private/communal open space must be designed to optimise its use and meet the recreational needs of residents.

All new residential development shall provide private amenity space to a high standard, where the siting, orientation, size and layout make for a secure and usable space, which has an inviting appearance for residents and is appropriate to the surrounding context. All private amenity spaces shall be designed so as to avoid significant overlooking. For the most accessible developments where, in accordance with Policy xx, a higher density may often be appropriate, a minimum of 25m² of useable private amenity space shall be provided for each home (either as gardens, balconies or roof gardens/terraces). Elsewhere, the following standards shall apply:

For houses:

- One or two bedroom houses – a minimum of 50m²
- Three bedroom houses – a minimum of 60m²

- **Four bedroom houses – a minimum of 100m²**

For flats:

- **a minimum of 25m² per flat provided communally (where balconies are provided the space provided may be taken off the communal requirement)**

A higher standard of private amenity space may be required for small infill (including backland) schemes, to reflect the character of the surrounding area, further guidance is contained in policy xx.. Development will not be permitted if it unacceptably reduces the level of existing private amenity space provision for existing buildings, particularly dwellings.

Explanation

Existing open spaces, sports facilities and green link networks provide the people of Colchester with opportunities for passive and active recreation and encourage healthy and active lifestyles. It is important that all residents have access to open space within walking distance of their home. Strategic green links provide valuable corridors for the movement of people. The green spaces along the Colne River, for example, connect the town centre, suburbs, countryside, villages and the coast. These corridors provide alternative means for people making journeys into and across Colchester. The Council will therefore seek to protect and enhance these important links. The boundaries of strategic green links are identified in relation to allocated sites as appropriate. (ref xx)

The Council has undertaken an Open Space Study in accordance with the NPPF to identify areas with deficiencies of open space and recreational facilities. Development will be required to make contributions towards meeting these deficiencies in accordance with Council's adopted SPD for Open Space, Sport and Recreation (updated as required). This guidance document sets specific targets to guide the provision of different types of open space / recreation facilities across the borough. Any needs identified in the Appropriate Assessment, for this open space provision to alleviate the growing recreational pressures on Natura 2000 sites are also reflected in specific site allocation policies as required xx. Impacts on these sites will also need to be monitored and further site management measures will be employed by the Council as necessary.

All housing developments, including higher density development, should provide new residents with access to private and/or communal open space, in addition to public open space requirements. At least 25sqm per dwelling of private/communal open

space will be sought for flats and maisonettes, whilst houses should provide larger private garden. Higher density schemes will be encouraged to utilise innovative design solutions to provide open space on difficult sites.

The existing sport, leisure, public and private open spaces including allotments within the Borough, represent important assets serving the communities in which they are located (or in some instances wider areas). This importance can relate not only to their function, but also to the amenity value and contribution to the character of an area in general in providing 'green lung', opportunities for a well-designed and inclusive public realm, and visual breaks in the built environment. If such provisions are lost to other uses it can be extremely difficult to find alternative locations particularly as open land is scarce and, therefore, at a premium.

Against this background, it is intended to secure the retention of existing facilities unless a case can be made that alternative provision will be provided in a wholly acceptable manner. Alternative provision could comprise existing provision in the locality of the type of open space as defined by the National Planning Policy Framework, providing there is not a deficiency in that type of open space in the locality. A number of documents including the PPG17 Audit and Assessment of the Borough's public open space and sports and recreational facilities (2007); Colchester Parks and Green Spaces Strategy (2008); Colchester Green Infrastructure Strategy (2011); and Playing Pitch Strategy (2008) and any updated evidence as appropriate will be used by the Council when assessing planning applications relating to proposed development of open space and sports facilities. Sport England should be consulted on any application that is likely to prejudice the use of or lead to the loss of use of land used as a playing field (whether presently used, or used within the last 5 years, or allocated for such use).

Well designed open spaces can deliver multiple functions. As well as their value for wildlife, quality of life, health and recreation, they also provide opportunities for Sustainable Drainage Systems (SuDs) for surface water runoff management.

The Essex Design Guide sets standards for amenity space provision for new residential developments. The Urban Place Supplement recognised these standards were not always helpful for producing good quality development in compact urban developments and this evaluation has informed the requirement of this policy that generally seeks the provision of 25m² of high quality, private amenity space for each dwelling. It is important that new developments avoid the piecemeal provision of small areas of open space and instead provide sufficiently large areas of open space to serve as accessible and attractive zones for residents' leisure activity and recreation. Green links alongside existing hedgerows and tree lines can also have high amenity value.

New development can place increasing pressure on existing open spaces. Developments therefore will be expected to deliver areas of either local or strategic open space to meet the varying needs of residents for recreation and leisure and also deliver attractive high quality neighbourhoods for people to live in. At least 10% of the total gross site area should be provided as local open space as an integral part of new development proposals. Where this is not possible, particularly where a development site is small, the site developer will be expected to provide a commuted sum towards the provision of open space off site subject to this being within any pooling restrictions which apply at the time. As a guideline, local open space comprises accessible parcels of land 2.0 ha and under, while strategic open space comprises larger parcels of over 2.0 ha and tend to serve a wider catchment area.

Developments should help contribute to the accessibility, quantity and quality standards set out in Appendices N, P and Q in the Borough Council's PPG17 Open Space, Sport and Recreation study (or updates as required).. All open space shall be provided in a timely manner (so as to enable reasonable and appropriate access by new residents to this facility); should be fully equipped in a satisfactory manner as agreed by the Local Planning Authority; and, laid out at the expense of the developer and where appropriate, dedicated to the Council with suitable provision for ongoing maintenance. Further guidance on the level of contributions for commuted sums and the methodology for their calculation is set out in the Supplementary Planning Document on Provision of Open Space, Sports and Recreation Facilities, (or update as required).

Alternative options considered

No Change to Policies - This would retain elements of unnecessary repetition and also include some references which are no longer relevant;

No policies and Rely on NPPF - This would not be compliant with national policy as there is a requirement for Local Plans to cover the local application of evidence to ensure adequate protection and provision of open space, sport and recreation to meet the needs of the local community.

Transport

Topic Area	What are the key national policy requirements to address?	Other Guidance and Priorities	Policy Objectives based on guidance	Relevant Policy in Current Local Plan
Promoting Sustainable Transport	NPPF para 29 <ul style="list-style-type: none"> • Smarter use of technologies can reduce the need to travel • Giving people a choice about how they travel • Encourage solutions which support reductions in greenhouse gas emissions and reduce congestion 	Strategic Plan: Allocate developer funding to sustainable transport projects in the borough which improve the balance between different modes of transport. ECC Cycling Strategy	The spatial strategy should be aimed at making the most of sustainable modes of transport that exist and focussing development in areas where sustainable modes could be enhanced. Transport policies can be used to encourage smarter use of technologies.	TA1, TA2, TA3, TA4
Air Quality: Reduce greenhouse gas (Carbon?) emissions and reduce congestion	NPPF para 30 <ul style="list-style-type: none"> • Support pattern of development which, where reasonable to do so, facilitates the use of sustainable modes of transport. 	ECC Walking and Cycling Strategies	As above, the spatial strategy and policies relating to development should be aimed at making the most of sustainable modes of transport that exist and focussing development in areas where sustainable modes can be enhanced.	SD1, TA1
Sustainable Access for All: New Developments	NPPF paras 32, 34, 35, 36, 37, 38 <ul style="list-style-type: none"> • All developments that generate significant amounts of movement should be supported by a Transport Assessment or Statement. • Plans should take account of whether the opportunities for sustainable transport modes have 	ECC Development Management Guidance	These issues need to be addressed as they are fundamental to sustainable development. The requirement for travel plans and assessments is covered in ECC development management policies. The spatial strategy should be aimed at making the most of	SD1, TA1, DP17

Topic Area	What are the key national policy requirements to address?	Other Guidance and Priorities	Policy Objectives based on guidance	Relevant Policy in Current Local Plan
	<p>been taken up; ensure safe and suitable access to the site can be achieved by all people; and improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development.</p> <ul style="list-style-type: none"> Plans should ensure developments that generate significant movement are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised. This should take account of other policies particularly in rural areas. Developments should be located and designed where practical to accommodate the efficient delivery of goods and supplies; give priority to pedestrian and cycle movements and have access to high quality public transport facilities; create safe and secure layouts which minimise conflicts between traffic and cyclists or pedestrians; incorporate facilities for charging plug-in and other ultra-low emission vehicles; consider the needs of people with disabilities by all modes of transport. Planning policies should aim for a balance of uses within their area so that people can be encouraged to 		<p>sustainable modes of transport that exist and focussing development in areas where sustainable modes could be enhanced.</p> <p>Opportunities to mix land uses will also be promoted through the spatial strategy.</p> <p>All developments should seek to enhance sustainable modes of transport for everyone.</p>	

Topic Area	What are the key national policy requirements to address?	Other Guidance and Priorities	Policy Objectives based on guidance	Relevant Policy in Current Local Plan
	<p>minimise journey lengths for employment, shopping, leisure, education and other activities.</p> <ul style="list-style-type: none"> Where practical, particularly within large-scale developments, key facilities such as primary schools and local shops should be located within walking distance of most properties. 			
Parking	<p>NPPF para 39, 40 and Planning Update 25/03/15</p> <ul style="list-style-type: none"> Maximum parking standards abolished in 2011. If setting local parking standards for residential and non-residential development, local planning authorities should take into account: accessibility of the development; the type, mix and use; the availability of public transport; local car ownership levels; and an overall need to reduce the use of high-emission vehicles. POLICY AMENDMENT March 2015 to further support provision of car parking spaces: LPA's should only impose local parking standards for residential and non-residential development where there is clear and compelling justification that it is 	ECC Parking Guidance – Vehicle Parking Standards	Refer to Essex Vehicle Parking Standards. Policy DP19 refers to existing standards adopted as SPD in 2009. ECC are revising the vehicle parking standards.	TA5, DP19

Topic Area	What are the key national policy requirements to address?	Other Guidance and Priorities	Policy Objectives based on guidance	Relevant Policy in Current Local Plan
	<p>necessary to manage their local road network.</p> <ul style="list-style-type: none"> Seek to improve the quality of parking in town centres so that it is convenient, safe and secure, including appropriate provision for motorcycles. 			
Provision of viable infrastructure to support sustainable development	<p>NPPF para 31</p> <ul style="list-style-type: none"> Develop strategies for the provision of viable infrastructure necessary to support sustainable development <p>NPPF para 41</p> <ul style="list-style-type: none"> Identify and protect where there is robust evidence, sites and routes which could be critical in developing infrastructure to widen transport choice. 		The Infrastructure Delivery Plan will prioritise projects including transport infrastructure requirements for new developments.	TA4, DP18

Review of Existing Transport Policies TA1, TA2, TA3 and TA4

NPPF guidance requires policies to support patterns of development which, where reasonable to do so, facilitate the use of sustainable modes of transport and give people a choice about how they travel. Existing policies TA1, TA2, TA3 and TA4 are all generally compliant with NPPF and other requirements to promote sustainable modes of transport. However, it is felt that they can be consolidated into one policy which promotes sustainable travel and reduces carbon emissions.

Parts of policies TA2, TA3 and TA4 which refer to infrastructure requirements will be contained in other policies in the Local Plan. Tables TA3 and TA4 will be updated and moved where relevant into the detailed site allocations sections of the Local Plan and into the Infrastructure Delivery Plan.

Reference needs to be added to include smarter use of technologies to promote sustainable travel and reduce the need to travel and to solutions which support reductions in carbon emissions.

New Local Plan Transport Policy

Promoting Sustainable Transport

The Council will work with developers and other partners to increase modal shift towards sustainable modes by improving accessibility of development through the promotion of walking and cycling as an integral part of development and further improving public transport. We will encourage forms of development that reduce the need to travel. Sustainable transport will be improved to provide better connections between the community and their needs. This will be achieved by:

- (i) Safeguarding existing and proposed routes for walking, cycling and public transport, including rapid transit and park and ride, from development. New development will be expected to contribute towards maintaining and enhancing these connections where appropriate.**
- (ii) Focusing new walking and cycling improvements on areas of employment, education and health facilities, and on public transport interchanges.**
- (iii) Ensuring new developments are supported by quality public transport linking them to the main urban areas and major centres of employment, health and education. Access to public transport should be within walking or cycling distance of any new development.**
- (iv) Enhancing public transport gateways to Colchester to provide attractive entry points to, and excellent onward connections from, the rail stations in urban Colchester and Marks Tey and Colchester Bus Station.**

The Borough Council will also work with partners to accommodate necessary car travel making the best use of the existing network and managing the demand for road traffic. The Council will support improvements to the strategic road, rail and cycle network where appropriate evidence is provided and local consultation undertaken.

Improvements will be made to the road network to support sustainable development and to reduce the impact of congestion. The demand for car travel will be managed to prevent adverse impacts on sustainable transportation, air quality, safety, local amenity and built character by:

- (v) Encouraging a reduction in through traffic in the town centre to encourage trips to be undertaken by more sustainable modes;**
- (vi) Encourage use of new technology to better manage traffic, provide alternatives and reduce the need to travel, particularly at peak times.**

We will encourage where appropriate the use of sustainable travel in rural areas to minimise the impact of transport on sensitive rural areas.

Explanation

The Local Plan Strategy ensures that development is located to reduce the need to travel or development is of a scale that promotes sustainable transport that is accessible for all.

The NPPF requires the transport system to be balanced in favour of sustainable transport modes while recognising that different policies and solutions will be necessary in different areas. 2011 Census data shows that car ownership is highest in the rural areas of the Borough and lower in urban areas. However, the car is still the highest mode of travel used for journeys to work, even in urban areas, and congestion and air quality affect many of the roads within the urban areas. Therefore sustainable transport will continue to be encouraged where possible, particularly where growth is planned.

Good accessibility and access to a high quality and efficient transport network is essential to support new development and ensure that it is sustainable, enabling the community to access their needs (eg employment, shopping, schools) easily and without always needing a car. The Council will continue to work closely with Essex County Council, as the highway authority, Highways England, public transport infrastructure providers and operators to deliver projects in the Borough.

Active modes such as walking and cycling are a high priority, being an essential and highly sustainable means of transport which also support a healthy lifestyle. Census data shows that 69% of people who live within Colchester borough work within the borough. The majority of Colchester residents live within 5km of the town centre and therefore walking and cycling have great potential. To encourage walking and cycling within Colchester, and to the town centre, the Council will seek to make improvements

to the network to remove barriers to pedestrians and cyclists and enhancing the environment to provide people-friendly streets which give priority to sustainable modes of transport. Priority, safety and convenience for walking and cycling should be ensured at the design stage of any road schemes and all users should be considered.

Public transport has a crucial role to play in Colchester. Providing a quality public transport network that offers a genuinely attractive alternative to the car is vital. Transit corridors that prioritise public transport over other traffic will attract people to use public transport. Park and Ride facilities that offer easy access to the town via transit corridors will also help reduce congestion. For this reason it is important to safeguard land for new public transport infrastructure, such as bus lanes, interchange facilities and junction improvements.

The Council will also seek to deliver improvements to transport interchanges and public transport gateways. At present there are over 5million passenger movements at Colchester's railway stations each year. Enhancing transport interchanges such as the railway and bus stations will present a more attractive gateway to businesses, commuters, tourists and local residents. The Colchester Station Travel Plan aims to manage congestion in the area by investing in infrastructure; increasing accessibility; encouraging access by sustainable travel and encouraging a high level of connectivity linking the station to the town centre and other key destinations.

The private car will continue to be a major mode of transport. However, growth in car travel and traffic needs to be managed to reduce congestion, improve air quality and promote a high quality of life and economic growth in Colchester. Car travel demand can be more carefully managed in urban areas through the use of alternatives and new technologies. Combining demand management of car traffic with improvements to sustainable alternatives and improved street design can greatly benefit the local community, businesses and the environment.

Road freight and servicing will be facilitated where appropriate to promote economic and employment growth. Support will be given for improvements to the strategic road and rail network to accommodate growth.

Alternative Options considered

Retain existing policies as separate policies.

Review of Existing Policy DP17: Accessibility and Access

This policy is generally compliant with NPPF guidance. It is suggested it is updated to include reference to plug-in and other ultra-low emission vehicles and to update ECC guidance references. The policy should be retained in an updated form to provide specific criteria against which access and accessibility implications of proposals for development can be considered.

Sustainable Access to Development

All new developments should seek to enhance accessibility for sustainable modes of transport, by giving priority to people walking, cycling and accessing public transport, to ensure routes are safe, convenient and attractive and linked to existing networks. Proposals for development should:

- (i) Give priority to the movement of people walking and cycling;**
- (ii) Create safe and secure layouts which minimise conflicts between traffic, cyclists and pedestrians;**
- (iii) Link the development to the surrounding walking, cycling and public transport networks taking into consideration the Cycle Strategy SPD;**
- (iv) Provide and give access to quality public transport facilities;**
- (v) Ensure streets and junctions are designed to provide people-friendly street environments and to give priority to sustainable transport;**
- (vi) Incorporate charging facilities for electric and other ultra-low emission vehicles;**
- (vii) Ensuring accessibility for those with impaired mobility;**
- (viii) Accommodate the efficient delivery of goods and services.**

Access to all development should be created in a manner which maintains the right and safe passage of all highway users. Where development requires a new road or road access it should be designed to give high priority to the needs of pedestrians and cyclists.

Development will only be allowed where there is physical and environmental capacity to accommodate the type and amount of traffic generated in a safe manner. Developments that generate significant amounts of movement will require a Transport Statement or Transport Assessment in line with the thresholds set in the latest Essex County Council Development Management Policies and guidance. A masterplan approach to assess cumulative impacts maybe required in complex locations with closely related developments.

All commercial developments that generate significant amounts of movement i.e. where there are 50 or more employee's, will also be required to produce a Travel Plan or Residential Travel Pack in accordance with Essex County Council Travel Plan Framework guidance and become members of the Colchester Travel Plan Club.

Explanation

Good easy access to a high quality and efficient transport network is essential to support new development and ensure that it is sustainable. The NPPF sets out the Government's approach to the location and design of developments to ensure that plans protect and exploit opportunities for the use of sustainable transport modes for the movement of goods or people. The Council will work closely with Essex County Council as the highways authority to help promote good access to high quality, sustainable modes of travel within and from new developments.

One of the best ways to encourage sustainable modes is to fully consider them at design stage. Public transport has a crucial role to play in encouraging sustainable travel patterns at an early stage from new developments. Walking and cycling are also a high priority being healthy, affordable sustainable modes of travel and priority, convenience and safety for both modes should be ensured through design layout and the provision of on-site facilities. The needs of all users should be considered as part of a planned approach to inclusive design. The Colchester Cycling Delivery Strategy was adopted as SPD in January 2012. This should be taken account in the design stage of new development to ensure cyclists and cycling facilities are taken into consideration through the provision of quality infrastructure and funding promotion and cycle training to increase levels of cycling and create more sustainable and healthy travel patterns. The infrastructure appendix to the SPD illustrates the network of existing and planned routes in Colchester.

Electric vehicle charging points and facilities for other ultra-low emission vehicles, or the infrastructure to ensure their future provision, should be provided within a development where appropriate to help reduce carbon emissions from transport.

Any proposals must include sufficient information to assess the likely impact of the development. Transport Assessments or Transport Statements will be required for all development likely to generate significant amounts of movement. The Essex County Council Development Management Policies and Guidance provide further detail on the thresholds for Transport Assessments and Statements. Developers will need to demonstrate that the opportunities for sustainable transport modes have been taken up, safe

and suitable access for all can be achieved and the impacts can be effectively mitigated within the transport network. Where significant impacts are identified, development will not be permitted when the residual cumulative impacts are severe.

Developers will also be required to provide a Travel Plan for developments that generate significant amounts of movement in accordance with Essex County Council Travel Plan guidelines. Developments that generate significant amounts of movement will also be required to become members of the Colchester Travel Plan Club which provides a range of resources to promote travel behaviour change for local business and organisations in Colchester.

Alternative Options Considered Retain existing policy

Review of Existing Policies TA5 Parking and DP19 Parking Standards

Existing policies TA5 and DP19 cover issues relating to parking standards, car parking and car parks in the Borough. The general aims of the existing Local Plan policies are consistent with NPPF guidance but the standards may need reviewing in line with guidance. Both policies relate to parking and it is therefore suggested to avoid repetition in the Local Plan that these policies are combined to form one Parking Policy.

ECC are currently reviewing the Essex Parking Standards and it is anticipated that these will be published for consultation towards the end of March 2016. It is therefore suggested that these policies are reviewed following consideration of the draft Essex Parking Standards and considered in the full plan. Issues including the increase in sales of electric vehicles requiring greater direction to the provision of electric vehicle charging in developments and a policy context for the consideration of expansion of car parks and the need for evidence and whether this need could be addressed through greater take up of sustainable travel will be considered at that time.

Environment

Topic Area	What are the key national policy requirements to address?	Other Guidance / Evidence and Priorities	Policy Objectives based on guidance / Evidence	Relevant Policy in Current Local Plan
Environment, including landscape and coastal areas.	<p>NPPF/PPG</p> <p>Paragraph 17 sets out a set of core land-use planning principles should underpin both plan-making and decision-taking. This includes, contributing to conserving and enhancing the natural environment and reducing pollution.</p> <p>Paragraphs 109 – 119 are concerned with the natural environment, AONB's, biodiversity etc.</p> <p>Paragraph 157 requires local plans to contain a clear strategy for enhancing the natural, built and historic environment, and supporting Nature Improvement Areas where they have been identified.</p> <p>Paragraph 170 refers to landscape character indicating where appropriate; landscape character assessments should also be prepared, integrated with assessment of historic landscape character, and for areas where there are major expansion options assessments of landscape sensitivity.</p>	<p><i>Evidence and technical supporting information update</i></p> <p>Draft Review of the Coastal Protection Belt (Chris Blandford Associates) Feb 2016</p> <p>Developing a Landscape for the Future- A Strategy for Landscape Planning of Development Sites within (Colchester Borough Major Developments Team Commercial Services September 2013).</p> <p>Landscape Character Assessment (2005)</p> <p>Review of Local Wildlife Sites (Feb 2016) EECOS</p> <p>UK Biodiversity Action Plan</p> <p>Essex Biodiversity Action Plan (updates if</p>	<p>The natural environment should be protected and enhanced wherever possible.</p> <p>Areas identified by evidence as being of significant environmental value for their landscape, ecological or nature conservation value, should not be favoured for development other than in exceptional circumstances.</p> <p>Proposals for development should be supported by assessments which enable consideration of potential impacts on the environment appropriate mitigate measure to be secured if required.</p>	<p>ENV1 Environment</p> <p>DP21 Nature Conservation and Protected Lanes</p> <p>DP22 Dedham Vale Area of Outstanding Natural Beauty</p> <p>DP23 Coastal Areas</p>

Topic Area	What are the key national policy requirements to address?	Other Guidance / Evidence and Priorities	Policy Objectives based on guidance / Evidence	Relevant Policy in Current Local Plan
		<p>appropriate)</p> <p>Assessment of open countryside between settlements in the Borough of Colchester - Final Report November 2009.</p> <p>Colchester Green Infrastructure Strategy</p> <p>Dedham Vale Management Plan</p> <p><i>Corporate priorities/other corporate objectives</i></p> <p>Create the right environment for people to develop and flourish in all aspects of life both business and pleasure.</p> <p>Cultivate Colchester's green spaces and opportunities for health, wellbeing and the enjoyment of all.</p>		

Review of Existing Environment Policies

ENV1 Environment – It is suggested that the current policy ENV1 covers a generic overarching position for a number of key environmental policy considerations. This results in some repetition which can be removed by incorporating the relevant elements into each of the specific policies on the landscape, coast and areas of flood risk. The second half of the current policy relates to development in the countryside outside of settlement boundaries. It is suggested that this will sit best within a countryside policy which addresses a range of issues in relation to development outside of defined settlement boundaries,. Amendments to take account of the above are suggested to the current policy wording.

DP21 Nature Conservation and Protected Lanes - The current policy requires little review other than to incorporate the generic element from Policy ENV1. In addition it is suggested that the part of the existing policy which refers to Protected Lanes would be best covered in the countryside policies which will be included in the full plan. The new policy relating to nature conservation is indicated below.

DP22 Dedham Vale Area of Outstanding Natural Beauty– this policy needs to have a section added in about the need to consider to development proposals in terms of their impact(s) on the setting of the AONB. The need to strengthen the policy wording to cover this arose during the consideration of Horkesley Park proposals. Amended wording to reflect this is provided in the new local plan policy set out below.

DP23 Coastal Areas As part of the updated evidence base for the local plan a review of the coastal protection belt has been carried out by Chris Blandford Associates. This has highlighted the opportunity to update the policy wording which is included in the new local plan policy set out below. It also incorporates the generic elements from the current policy ENV1 which relate to the Coastal Protection Belt. Further consideration of site specific issues within coastal areas will be required which will be reflected in the full plan.

New Local Plan Environment Policies

Natural Environment

The Borough Council will conserve and enhance Colchester's natural and historic environment, countryside and coastline. The Council will safeguard the Borough's biodiversity, geology, history and archaeology through the protection and enhancement of sites of international, national, regional and local importance. In particular, developments that have an adverse impact on Natura 2000 sites or the Dedham Vale Area of Outstanding Natural Beauty will not be supported. Development proposals within designated areas or the Coastal Protection Belt will also need to comply with Policies xx

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 acceptable ecological surveys where appropriate. Where there is reason to suspect the presence of protected species, applications should be accompanied by a survey assessing their presence and, if present, the proposal must be sensitive to, and make provision for, their needs;**
- (ii) Will conserve or enhance the biodiversity value of greenfield and brownfield sites and minimise fragmentation of habitats;**
- (iii) Maximises opportunities for the restoration, enhancement and connection of natural habitats in accordance with the Essex Biodiversity Action Plan or future replacement; and**
- (iv) Incorporates beneficial biodiversity conservation features and habitat creation where appropriate.**

Additionally, proposals for development that would cause direct or indirect adverse harm to nationally designated sites or other designated areas or protected species will not be permitted unless:

- (a) They cannot be located on alternative sites that would cause less harm;**
- (b) The benefits of the development clearly outweigh the impacts on the features of the site and the wider network of natural habitats; and**
- (c) Satisfactory prevention, mitigation and compensation measures are provided.**

Explanation

Colchester's countryside and coastline is extremely diverse and important in terms of its natural environment, biodiversity, landscape character, archaeology and cultural heritage. The countryside provides the attractive landscape setting that defines and characterises the villages and rural communities of Colchester Borough. 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 extends into the northern part of the Borough and has the highest status of protection in relation to landscape and scenic beauty.

The Council has statutory obligations under the Habitats Directive to protect important habitats and species designated as Natura 2000 sites. This policy aims to protect the undeveloped areas of the Colne Estuary and coast and support regeneration that enhances the river's recreation and nature conservation values.

The Coastal Protection Belt is a county-wide designation that protects the sensitive character of the undeveloped coastline which could be harmed by development that might otherwise be acceptable in a countryside area. The original designation of 1984 has been reviewed with some amendment. The revised boundary based on 2016 evidence will be shown on the Proposals Map.

The green infrastructure network of open spaces and links is important in providing alternative areas of accessible natural green space to alleviate pressure on Natura 2000 sites as well as contributing to the landscape character of Colchester Borough. The Local Plan will make a major contribution towards achieving the objectives of the Essex Biodiversity Action Plan (BAP) (or any future replacement).

A major threat to these low lying coastal and estuary areas is rising sea levels as a result of climate change. This will be addressed through increasing the network of green corridors and sites to aid the dispersal of species that will need to move as climate change renders their existing habitat unsuitable. Climate change will also be addressed by accommodating future flood waters without harm to the built environment.

The risk from flooding to property and people will be minimised by applying the sequential test in accordance with the NPPF and National Technical Guidance. New developments will be directed away from areas at risk from fluvial and coastal flooding, as identified in the Strategic Flood Risk Assessment (SFRA). Where development occurs in areas with a known flood risk, practical and safe mitigation measures will need to be adopted to alleviate risk to people and property.

The policy aims to control development outside settlement boundaries to protect open stretches of countryside around and between existing settlements to prevent coalescence and retain settlement identity. The Landscape Character Assessment (updated as required) will inform the detailed application of the relevant policy criteria.

The historic environment will be protected across the Borough with reference to studies including the Townscape Character Assessment, the Urban Archaeological Database and Historic Environment Characterisation Study and updated evidence as required.

Dedham Vale Area of Outstanding Natural Beauty

Development will only be supported in or near to the Dedham Vale Area of Outstanding Natural Beauty (AONB) that:

- (i) Makes a positive contribution to the special landscape character and qualities of the AONB, including tranquillity;**
- (ii) Does not adversely affect the character, quality views and distinctiveness of the AONB or threaten public enjoyment of these areas, including by increased vehicle movement;**
- (iii) That there are no adverse impacts on the setting of the AONB which cannot reasonably be mitigated against and,**
- (iv) Supports the wider environmental, social and economic objectives as set out in the Dedham Vale AONB & Stour Valley Management Plan.**

Where exceptionally development is essential, landscape enhancements, mitigation or compensation measures must be provided to the Local Planning Authority's satisfaction. Any proposals affecting existing development that adversely affects the landscape qualities of the AONB, or its setting will be expected to satisfactorily mitigate this impact as part of any new development proposals.

Explanation

The Dedham Vale AONB has been designated for its national importance in terms of landscape quality, and is further enhanced through its close association with the works of artist John Constable. The quality of the landscape is defined by its natural beauty

and the integration of the man-made elements within it, and the primary aim of the designation is to conserve and enhance this character.

It is essential that AONBs and their setting are conserved and enhanced. However it is acknowledged that the Dedham Vale is a 'living' landscape which needs to be able to adapt, change and respond positively to changing social, economic and environmental issues (climate change, declining agricultural sector, recreational pressures) to meet the needs of the local community and visitors to the area. In exceptional cases development proposals that help maintain the economic and social wellbeing of the AONB will be supported where these do not detract from the special character/quality of the AONB or its setting. Minor house extensions may have little opportunity to enhance the landscape qualities of the AONB and accordingly will not be exclusively rejected on this basis where otherwise acceptable. Proposals outside of the AONB will not be supported where, in the opinion of the Local Planning Authority, they will have an impact on the public enjoyment of the AONB.

Coastal Areas

Within the Coastal Protection Belt and along the undeveloped coast an integrated approach to coastal management will be promoted and development will only be supported where it can be demonstrated that it:

- (i) Requires a coastal location and is located within the developed area of the coast;**
- (ii) Will be safe from flooding over its planned lifetime and will not have an unacceptable impact on coastal change;**
- (iii) Will not be significantly detrimental to conserving important nature conservation, historic environment assets, maritime uses and the landscape character of the coast;**
- (iv) Will deliver or sustain social and economic sustainability benefits considered important to the well-being of the coastal communities; and**
- (v) Provides opportunities and scope for adaptation to climate change; and**
- (vi) Will not hinder the potential future creation and maintenance of a continuous signed and managed coastal access route.**

In exceptional circumstances, development may be permitted where it is proven that the proposal provides an overwhelming public or community benefit that outweighs all other material considerations. In such instances applications must demonstrate that the site is the only available option and be acceptable in terms of its other planning

merits.

Explanation

The open, undeveloped and rural landscape character of the coastal area of Colchester Borough is an extremely rich, diverse and irreplaceable natural asset in terms of its natural and cultural features. It includes substantial parts of the Colne and Blackwater Estuaries. The ecological importance of the Colne and Blackwater Estuaries is reflected by the variety of international and European designations covering them i.e. Ramsar sites, Special Protection Areas (Birds Directive), and the Essex Estuaries Special Area of Conservation (SAC) designated under the Habitats Directive. There are also a number of Sites of Special Scientific Interest and Local Wildlife Sites designated around the estuaries.

The Borough's coastline is also home to a number of sizeable communities in West Mersea, Rowhedge, and Wivenhoe. As a consequence there are a number of diverse and competing interests which all need to be managed in an integrated way within the Borough's coastal belt. These include internationally important habitats, land and water-based recreation, fishing, archaeological and historic environment assets. Obligations to protect the important natural and cultural assets have to be balanced against the wider socio-economic needs of the Borough's coastal communities. Climate change including sea level rise is likely to present increasing pressure on the management of coastal habitats and coastal communities along Colchester's coastal fringe. The National Planning Policy Framework highlights the need to identify 'Coastal Change Management Areas'. The Essex and South Suffolk Shoreline Management Plan (October 2010) has shown that the coastal frontage within the Borough is highly vulnerable to the effects of climate change and coastal processes. It will be important that future land uses and developments along this frontage, in particular built-up frontages, can demonstrate a high level of resilience in response to changing local climatic conditions.

In 1984, Essex County Council produced the Essex Coast Protection Subject Plan. This defined a Coastal Protection Belt, which was reviewed and updated in 2016 by the Borough Council. The Coastal Protection Belt aims to protect the rural and undeveloped coastline from inappropriate development that would adversely affect its rural, undeveloped and open character and irreplaceable assets, landward and marine sites of nature conservation importance, and buildings and areas of special architectural, historic or archaeological importance. The Belt's rural and undeveloped coastline is of international, national and regional significance for its historic environment assets, and nature conservation interest. These multiple assets are strongly focussed and interrelated within the defined area, including between the coastline and adjoining inland areas. The Belt has a unique and irreplaceable character which should be strongly protected and enhanced.

Because the Coastal Protection Belt has a unique and irreplaceable character, there is a local need for greater priority to be given to the restraint of potentially damaging development than is normally possible under national planning policies. The Coastal Protection Belt adopts the precautionary principle and seeks to restrict development to within the built up areas of the coast. Some developments however require a coastal location and cannot be located elsewhere or are needed to help sustain the socio-economic base of a coastal area or serve the needs of the local coastal community. This may include sustainable tourism or leisure related developments, where they meet the requirements of policies elsewhere in the Plan.

Alternative Options Considered

No Policy/Rely on the NPPF - The NPPF provides the high level protection but Local Plan policies are required in respect of all the identified environmental issues to provide the appropriate local context and detailed policy guidance against which proposals for development should be considered.

Flood Risk and water management

Topic Area	What are the key national policy requirements to address?	Other Guidance / Evidence and Priorities	Policy Objectives based on guidance / Evidence	Relevant Policy in Current Local Plan
Flood risk and water management	<p>NPPF/PPG NPPF, NPPG and Technical Guidance to NPPF (2015)</p> <p>Ministerial Statement December 2014 (Sustainable Drainage Systems)</p> <p>National Guidance summary of approach;</p> <p>The National Planning Policy Framework sets strict tests to protect people and property from flooding which all local planning authorities are expected to follow. Where these tests are not met, national policy is clear that new development should not be allowed.</p> <p>In plan-making, local planning authorities apply a sequential approach to site selection so that development is, as far as reasonably possible, located where the risk of flooding (from all sources) is lowest, taking account of climate change and the vulnerability of future uses to flood risk.</p> <p>Paragraph 100 of the National Planning Policy Framework states that local</p>	<p>Evidence and technical supporting information update Surface Water Management Plan (2013)</p> <p>Colchester Strategic Flood Risk Assessment (2015)</p> <p>Water Cycle Study (2016)</p> <p>Corporate priorities/other corporate objectives Create the right environment for people to develop and flourish in all aspects of life both business and pleasure.</p>	<p>Assess flood risk in plan making and decision making;</p> <p>Apply a sequential test to development in flood risk areas, avoiding locating the most vulnerable development in highest areas of flood risk;</p> <p>Manage and mitigate to reduce the causes and impacts of flooding including through the use of Sustainable Drainage Systems where ever possible.</p> <p>(Simplified objectives; Assess. Avoid, Manage and Mitigate)</p>	<p>ENV1 Environment</p> <p>DP 20 Flood Risk and Management of Surface Water Drainage</p>

Topic Area	What are the key national policy requirements to address?	Other Guidance / Evidence and Priorities	Policy Objectives based on guidance / Evidence	Relevant Policy in Current Local Plan
	<p>planning authorities should take advice from the Environment Agency and other relevant flood risk management bodies such as lead local flood authorities and internal drainage boards.</p> <p>Required to seek flood risk management opportunities (e.g. safeguarding land), and to reduce the causes and impacts of flooding (e.g. through the use of sustainable drainage systems in developments).</p> <p>Where development needs to be in locations where there is a risk of flooding as alternative sites are not available, local planning authorities and developers ensure development is appropriately flood resilient and resistant safe for its users for the development's lifetime, and will not increase flood risk overall.</p>			

Review of Existing Local Plan Policies ENV1 and DP20

It is suggested that the relevant part of Policy ENV1 is incorporated into the topic specific policies and that the sentence relating to flood risk be included in a new policy addressing this issue. The current policy DP20 dedicated to Flood Risk and Management of Surface Water Drainage is now informed by a number of updated evidence documents which require the policy to be amended to

reflect the current position. The policy below has also been written to refer to the updated advice contained in the NPPF, Technical Guidance and Ministerial Statement of the 18th December 2014. It also takes account of the fact that The Lead Local Flood Authority has prepared a Surface Water Management Plan for Colchester.

New Local Plan Policies

Flood Risk and Water Management

The Council will seek to direct development away from land at risk of flooding in accordance with the National Planning Policy Framework and Technical Guidance (or any future national policy /guidance), including areas where the risk of flooding is likely to increase as a result of climate change. The sequential test as set out in this national guidance has informed the allocation of sites in the Local Plan and will also be applied in determining planning applications on new sites coming forward outside of those allocated.

Development will only be supported where it can be demonstrated that the proposal meets requirements set out in the NPPF and most recent Technical Guidance; recommendations in Colchester's Strategic Flood Risk Assessment, and includes satisfactory flood defence measures or flood mitigation measures such as Sustainable Drainage Systems (SuDS) to minimise the risk of increased flooding both within the development boundary and off site in Flood Zones 2 and 3. Proposals that include measures to enhance the flood resilience of new or renovated buildings will be encouraged, particularly in areas with a history of local flooding.

All development proposals shall incorporate measures for the conservation and sustainable use of water. These measures shall include appropriate SuDS for managing surface water runoff within the overall design and layout of the site and measures to conserve water within individual building designs. The use of SuDS will be particularly important as part of green field developments (but not exclusively).

Where Proposals which require planning permission include driveways / hardstanding or paving, the use of permeable materials and landscaping will be sought to minimise the cumulative impacts of flooding from such developments.

Developments are required to comply with the following as indicated in the Surface Water Management Plan (or updates if appropriate);

- **All developments across the catchment (excluding minor house extensions less than 50m²) which result in a net**

increase in impermeable area are to include at least one 'at source' SuDS measure (e.g. water butt, rainwater harvesting tank, bioretention planter box etc). This is to assist in reducing the peak volume of runoff discharging from the site.

- Proposed 'brownfield' redevelopments of more than one property or area greater than 0.1 hectare are required to reduce post-development runoff rates for events up to and including the 1 in 100 year return period event with an allowance for climate change (in line with NPPF and UKCIP guidance) to that of its greenfield condition.
- Developments located in Critical Drainage Areas (CDAs), Local Flood Risk Zones (LFRZs) and for redevelopments of more than one property or area greater than 0.1 hectare should seek betterment to a greenfield runoff rate. It is recommended that a SuDS treatment train is utilised to assist in this reduction.

Sustainable Urban Drainage Systems

All new development of 10 dwellings or more and major commercial development, car parks and hard standings should incorporate Sustainable Drainage Systems (SUDs) appropriate to the nature of the site. Such systems shall provide optimum water runoff rates and volumes taking into account relevant local or national standards and the impact of the Water Framework Directive on flood risk issues. SUDs design quality will be expected to conform with standards encompassed in the relevant BRE, CIRIA standards and Essex County Council SUDs Design Guide (and as updated) to the satisfaction of the Lead Local Flood Authority.

Maximum use should be made of low land take drainage measures such as rain water recycling, green roofs, permeable surfaces and water butts. Appropriate pollution control measures shall be incorporated where necessary to manage surface water run-off rates, and in areas close to underground aquifers and landfill sites to reduce the risk of pollution. Surface water should be managed as close to its source as possible and on the surface where practicable to do so.

Opportunities shall be taken to integrate sustainable drainage with the development, creating amenity and enhancing biodiversity.

Only where there is a significant risk of pollution to the water environment, inappropriate soil conditions and/or engineering difficulties, should alternative methods of drainage be considered. It will be necessary to demonstrate why it is not achievable. If alternative methods are to be considered, adequate assessment and justification should be provided

and consideration should still be given to pre and post runoff rates.

SUDS design should be an integral part of design proposals and clear details of proposed SuDS together with how they will be managed and maintained will be required as part of any planning application. Only proposals which clearly demonstrate that a satisfactory SUDs layout with appropriate maintenance is possible, or compelling justification as to why SUDs should not be incorporated into a scheme, or are unviable, are likely to be successful. Contributions in the form of commuted sums may be sought in legal agreements to ensure that the drainage systems can be adequately maintained into the future. The sustainable urban drainage system should be designed to ensure that the maintenance and operation requirements are economically proportionate.

Explanation

National policy categorises zones of flood risk as Zone 1 (low probability), Zone 2 (medium probability), Zone 3a (high probability) and Zone 3b (functional floodplain). These flood zones are defined in Table 1 of the Technical Guidance to the National Planning Policy Framework and are illustrated by the flood maps produced by the Environment Agency (EA) and available from their website.

The national guidance states that the overall aim should be to steer new development to Flood Zone 1 (low risk), however it does set out a flood risk vulnerability classification for different land uses and provides a 'compatibility' table for allowing particular land uses in the different flood zones (including 3a and 3b in certain circumstances). It identifies the importance of assessing flood risk early in the planning process. It requires the production of Strategic Flood Risk Assessments to assess flood risk at a strategic level and individual Flood Risk Assessments in certain circumstances to assess flood risk at the site specific level. Accordingly Colchester Borough Council commissioned a Strategic Flood Risk Assessment to support the development of the Local Plan.

The national guidance stipulates that site specific Flood Risk Assessments should be submitted with planning applications for development proposals on sites of 1ha or more in Flood Zone 1 or for all development proposals in Flood Zone 2 or 3. It also sets out the requirements for the use for Sustainable Drainage Systems (SuDS) to minimise the risk of flooding from new development. These and the Council's most up to date SFRA will be used to consider planning applications where relevant.

Development in higher risk flood zones will be restricted to certain categories where an identified need for that type of development in that location exists. The Exception Test allows for development in high risk areas but is only to be applied where there is no other option i.e. where there are large areas of land in Flood Zones 2 and 3 and the Sequential Test cannot deliver acceptable alternative sites, but where some continuing development is necessary. Advice on the Exception test is included in the Technical Guidance to the National Planning Policy Framework.

Small sites (less than 1ha) in Flood Zone 1 that are surrounded by Flood Zone 2 or 3 land, i.e. dry islands, are likely to be treated in the same way as the surrounding land. Each area will have its unique characteristics and a site specific Flood Risk Assessment may be required even for those sites less than 1ha to ensure that safe access / egress exists for the development and that the land will be sustainable for the duration of the flood period.

The use of SuDS to manage water run-off can be an important tool in minimising flooding by increasing permeable surfaces in an area that allows water to seep gradually into the ground rather than running directly into a drainage network, thereby reducing the risk of overloading the system.. SuDS can also help reduce the impact of diffuse pollution from run-off and flooding. The effective use of permeable surfaces, soakaways and water storage areas or SuDS should be incorporated in all new development where technically possible. Early consideration should be given to the potential to use SuDS to identify when/where the use of such technologies is feasible and to also identify which type of SuDS is most appropriate to local site conditions. Developers will be encouraged to enter into early discussions with the Council and the Lead Local Flood Authority and as part of discussions maintenance and long term adoption responsibilities should be explored and agreed where possible as part of the the SuDS approval process, prior to the start of development.

The Colchester Surface Water Management Plan (Urban Colchester) has identified Critical Drainage Areas (CDAs) and Local Flood Risk Zones (LFRZs). This delineates the areas where the impact of surface water flooding is expected to be greatest, although it is acknowledged that the CDAs (and LFRZs) do not account for all the areas that could be affected by surface water flooding. It is therefore important that the policies seek to reduce the risk from surface water flooding throughout the whole Borough. The SWMP also encourages Essex County Council also to implement similar policies, so that both authorities promote and apply Best Management Practises to the implementation of SuDS and the reduction of runoff volumes.

Ensuring a continual supply of water in the Borough is likely to become increasingly important in light of climate change. It will be important that water resources continue to be protected for present and future generations. They should be used efficiently to make the maximum use of the resource and to reduce the need for major new water storage facilities and related infrastructure.

New development should be directed to locations where adequate water resources already exist, or where the provision of new water resources can be made without adversely affecting the environment, and where it coincides with the timing of the development. Every opportunity should be taken to build water efficiency measures into new developments, and innovative approaches should be encouraged. This can range from low flow taps and water butts to advance rainwater harvesting for larger developments and the Council will support developments incorporating the use of such features.

Minor developments such as driveways and the paving of front gardens can increase flooding. However, this can also contribute towards sustainable drainage where permeable materials are used. Further guidance on permeable surfacing of front gardens can be found on the Communities and Local Government website www.communities.gov.uk. The Council will seek the use of permeable materials and soft landscaping to minimise the cumulative impact of flooding as well as creating better streetscapes.