

Local Plan Committee Meeting

**Grand Jury Room, Town Hall, High Street,
Colchester, CO1 1PJ
Monday, 13 August 2018 at 18:00**

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

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COLCHESTER BOROUGH COUNCIL
Local Plan Committee
Monday, 13 August 2018 at 18:00

The Local Plan Committee Members are:

Councillor Christopher Arnold
Councillor Lewis Barber
Councillor Nigel Chapman
Councillor Phil Coleman
Councillor Nick Cope
Councillor John Elliott
Councillor Andrew Ellis
Councillor Adam Fox
Councillor Gerard Oxford
Councillor Martyn Warnes

The Local Plan Committee Substitute Members are:

All members of the Council who are not members of the Cabinet, the Planning Committee or this Panel.

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

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

1 Appointment of Chairman

To appoint a Chairman for the forthcoming Municipal Year

2 Appointment of Deputy Chairman

To appoint a Deputy Chairman for the forthcoming Municipal Year

3 Welcome and Announcements

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

4 Substitutions

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

5 Urgent Items

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

6 Declarations of Interest

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

7 Have Your Say!

The Chairman will invite members of the public to indicate if they wish to speak or present a petition on any item included on the agenda or any other matter relating to the terms of reference of the meeting. Please indicate your wish to speak at this point if your name has not been noted by Council staff.

8 Minutes of 19 March 2018

7 - 26

The Councillors will be invited to confirm that the minutes are a correct record of the meeting held on 19 March 2018.

9 National Planning Policy Framework July 2018

27 - 32

A report by the Assistant Director Policy and Corporate giving details of the finalised version of the revised National Planning Policy Framework (NPPF) was issued by the Ministry of Housing, Communities and Local Government (MHCLG) on 24 July 2018.

10 Local Plan Examination Options

33 - 50

A report by the Assistant Director Policy and Corporate giving details of the issues raised by the Inspector for the strategic Section 1 of the Local Plan prepared jointly with Braintree and Tendring which required further work and proposing three options for progressing the Local Plan.

11 Housing Land Supply Statement June 2018

51 - 76

A report by the Assistant Director Policy and Corporate giving details of the Housing Land Supply Statement which had been prepared in line with the National Planning Policy Framework (NPPF) requiring Local Planning Authorities to identify and update annually, a five year supply of housing land. The document considers the relevant five year housing land supply period 1 April 2018 to 31 March 2023, demonstrates that there is a sufficient supply of homes for the forthcoming five year period within the Borough and includes two new sections that relate to windfall allowance and emerging allocations.

- 12 **Statement of Community Involvement – Consultation Summary and Adoption Request** 77 - 108
- A report by the Assistant Director Policy and Corporate giving details of the completed consultation on the Statement of Community Involvement, summarising the responses from stakeholders during the six week consultation that was conducted predominantly due to changes within emerging national policy that needed to be reflected at the Borough level.
- 13 **Colchester Local List – Review 2018** 109 - 116
- A report by the Assistant Director Policy and Corporate giving details of the review of the Colchester Local List and explaining its role in safeguarding selected heritage assets that, although not suitable for designation nationally as a Listed Building or Scheduled Monument, are considered historically or architecturally important at a local level, are valued by the local community and make a significant contribution to the character and setting of Colchester and the surrounding villages.
- 14 **Exclusion of the Public (not Scrutiny or Executive)**
- In accordance with Section 100A(4) of the Local Government Act 1972 to exclude the public, including the press, from the meeting so that any items containing exempt information (for example confidential personal, financial or legal advice), in Part B of this agenda (printed on yellow paper) can be decided. (Exempt information is defined in Section 100I and Schedule 12A of the Local Government Act 1972).

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

Local Plan Committee

Monday, 19 March 2018

Attendees: Councillor Lewis Barber, Councillor Nick Barlow, Councillor Nigel Chapman, Councillor Andrew Ellis, Councillor Adam Fox, Councillor Martin Goss, Councillor Dominic Graham, Councillor John Jowers, Councillor Martyn Warnes

Substitutes: No substitutes were recorded at the meeting

Also Present:

131 Have Your Say!

Giles Coode-Adams addressed the Committee pursuant to the provisions of Meetings General Procedure Rule 5(3). He referred to the outcome of that part of the recent planning inspection relating to West Tey and was of the view that the Council's viewpoint had not been supported because of factors including insufficient contingency levels, interest on land purchases, inflated employment figures, modal shift, no clear decision about Marks Tey railway station, the new route for the A12 closer to Easthorpe and Copford, the lack of space for patients and car parking at Colchester General Hospital, questionable viability based on current inflated house prices and low interest rates, the failure of the Council to publish details relating to Monks Wood on the website and failure to take account of the complexities of compulsory purchase arrangements.

The Chairman thanked the speaker, referred to the ongoing nature of the planning inspection process, that Part 2 of the Local Plan would be subject to review later this year and, as such, he explained that he was unable to comment further on the points made.

Christopher Lee addressed the Committee pursuant to the provisions of Meetings General Procedure Rule 5(3). He asked the committee to address what he considered to be repeated false remarks made by Conservative councillors in relation to the delivery of the Local Plan. He acknowledged that the Conservative members of the Committee had voted against the Local Plan but on the basis that they were opposed to the inclusion of the Colchester Braintree Borders garden community proposals, whilst supportive of the published housing target of 920 per year as well as development to the East of the town. He considered that a failure to deliver the Plan properly would have a massive impact on everyone in the Borough. He referred to the offence of misconduct in public office and quotes on social media by Conservative members which were, in his view, intended to deliberately mislead the public. He further speculated whether a failure to act on these matters by the Council could be deemed to be wilful negligence. He further referred to

the Country Park and sought clarification in relation to support for a garden community on the Colchester Tendring Border whilst at the same time advocating the creation of a 1.5 km wide Country Park in the same location. He further questioned whether this apparent anomaly would mean that the Inspector would deem the Plan to be unsound.

The Chairman thanked the speaker whilst reminding him that the Committee was a quasi-judicial body. He referred the speaker to the extensive information that he had voluntarily provided at the start of the previous meeting of the Committee which was a fact based list of issues intended to provide definitions and an explanation of the Local Plan process and an outline of which parameters the Committee was trying to work within.

Councillor Scott attended and, with the consent of the Chairman, addressed the Committee. She referred to the Statement of Community Involvement (SCI) and sought clarification in relation to the status of Wivenhoe Neighbourhood Plan which had been extensively consulted upon, with clear evidence that residents wishes for the community was for it to remain separate and for its rural character to be safeguarded. She requested confirmation that the Neighbourhood Plan would not be affected by the SCI update.

The Planning and Housing Manager confirmed that the Wivenhoe Neighbourhood Plan had advanced sufficiently to proceed to the examination process.

Councillor Cope attended and, with the consent of the Chairman, addressed the Committee. He referred to the children's' play area adjacent to Cavalry Road in the Quadriga estate which had been unusable for some five years. He considered the situation had consequences in terms of planning policy and, as such, was not entirely a matter for the Planning Committee. He explained that the area had been contaminated and, as such, the developers, Bovis, were required to submit information to the planning department. Permission for the development included a condition requiring a trigger point of 75% occupancy prior to the play area being released. He questioned the use of trigger points on the grounds that developers were able to restrict occupancy by use of the phasing of development so that the trigger is not activated. He had sought advice as to how this matter could be resolved and had been assured that officers were actively negotiating with the developer to bring the matter to a satisfactory conclusion. However, he considered that residents were becoming impatient that the matter would be resolved on the basis that the policy and its administration by officers were both at fault. He considered the continuation of this matter had become unacceptable.

The Chairman acknowledged the unsatisfactory situation but confirmed that, unfortunately, it wasn't unique.

The Planning and Housing Manager explained that the original decision had probably been made by the Planning Committee and subsequent reserved matters had followed.

She did not consider that it was a matter for the Local Plan Committee as it would not be appropriate to include a policy about trigger points in the Local plan. An approach of not including trigger points would mean there would be no flexibility and, as such, would be deemed to be unreasonable. She confirmed the Government was moving away from pre-commencement conditions, whilst a development of the scale of the Garrison development meant that not all of the infrastructure could be provided up-front. Certain elements would also suffer in terms of not being fit for purpose if provided too early, before sufficient residents had moved in. She confirmed that the officers were working with the developers to seek a satisfactory resolution.

132 Minutes of 18 December 2017

The minutes of the meeting held on 18 December 2017 were confirmed as a correct record.

133 National Planning Policy Framework Consultation

Councillor Jowers (in respect of his Vice-Chairmanship of Essex County Council and his substitute membership of Essex County Council's Development and Regulation Committee) declared a non-pecuniary interest in this item pursuant to the provisions of Meetings General Procedure Rule 7(5).

The Committee considered a report by the Assistant Director Policy and Corporate summarising proposed changes to the National Planning Policy Framework (NPPF) and providing committee members with the opportunity to feed in to the Council's response to the consultation.

Laura Chase, Planning Policy Manager, presented the report and, together with Karen Syrett, Planning and Housing Manager responded to members questions. She explained that the deadline for responses was 10 May 2018 and the Portfolio Holder for Business and Culture had agreed to consider individual comments from Local Plan Committee members submitted to him after the meeting but no later than 12 April 2018.

It was explained that the Ministry of Housing, Communities and Local Government had published draft revisions to the NPPF on 5 March 2018, together with a report which summarised the changes proposed and highlighted the questions asked in the consultation. The Planning Policy Manager confirmed that the consultation would not affect Colchester's draft Local Plan schedule.

The proposed changes to the framework, the first since the original version had been issued in 2012, included matters from the previous policy consultations and planning policy changes including the NPPF consultation in 2015, the Housing White Paper, Planning and Affordable Housing for Build to Rent, Planning for the Right Homes in the

Right Places, changes to planning policy implemented through Written Ministerial Statements, changes reflecting the effect of case law on the interpretation of planning policy and textual improvements to increase coherence and reduce duplication.

The consultation sought views on further changes to planning policy including those announced in the 2017 Budget. A number of supporting documents, government responses, and further consultations had also been published, including:

- Supporting Housing Delivery through Developer Contributions: consultation;
- Draft Planning Practice Guidance for Viability;
- Housing Delivery Test: draft measurement rule book;
- Government responses to the Housing White Paper and the Planning for the Right Homes in the Right Places consultations; and
- Section 106 Planning Obligations and the Community Infrastructure Levy in England, 2016 to 2017: report of study.

The NPPF was now set in 17 topic-based chapters which provided an overview of the planning framework and the relevance of different policies.

The review focused on ways to improve delivery to reach the Government's 300,000 homes per year target and how to increase affordable housing provision. The standardised methodology for calculating local housing need developed by the Local Plans Expert Group had been included, together with policies regarding design, densification, affordable home ownership expectations, the housing delivery test, making the most of town centre sites and small sites. A new proposed policy allowed the development of exception sites to provide entry-level housing for first-time buyers and renters.

Plans had been strengthened and provided with an even greater role, further underlining the Government's intention for the English planning system to be a plan-led one, with a focus on strategic policies. The plan-making chapter reflected previous announcements and/or changes, such as for local plan policies to be reviewed 'at least once every five years' as well as proposed revisions to the tests of soundness. The duty to co-operate would be bolstered by a requirement for the preparation of statements of common ground, documenting the cross boundary issues to be addressed, and progress in dealing with them.

The proposals clarified that when development proposals accorded 'with all the relevant policies in an up-to-date development plan' there would be no need to submit a viability assessment. Furthermore, there was a fundamental shift towards focusing viability assessments at the plan-making stage rather than the decision-making stage, but with the local plan setting out where further (publically available) viability assessments might be required at planning application stage.

The objectives of the proposed reform were to provide more clarity and certainty around

how developer contributions work, improve their relationship with market signals and changes through time, improve transparency, accelerate development, and allow the introduction of a Strategic Infrastructure Tariff by combined authorities. Proposals included the simplification of the process for reviewing Community Infrastructure Levy (CIL) charging schedules, lifting section 106 pooling restrictions, allowing CIL charging schedules to be set based on existing use of land, and for setting developer contributions nationally, which would not be negotiated. A separate consultation on supporting housing delivery through developer contributions had been launched alongside the NPPF consultation to deal with these proposed changes.

It was proposed that policies should look at least ten years ahead in allocating sites to meet the need for town centre uses but not necessarily over the entire plan period, in view of the difficulties of longer term forecasting. The changes proposed to the sequential test for main town centre uses would allow out-of-centre sites to be considered only if town centre or edge-of-centre locations were not available, or not expected to become available 'within a reasonable period', acknowledging that a suitable town centre site might be in the development pipeline. Whilst the requirement for office development outside of town centres to undertake and submit an impact assessment was proposed to be removed.

Consultation on the revised draft NPPF extended to 10 May and the government's intention was to produce a final version before the summer. The intention was also to consult on further planning reforms, particularly around new permitted development rights for upwards extensions, as well as around more effective ways of bringing agricultural land forward for housing. The transition period for plan-making would be six months following publication. However, there were no proposed transitional arrangements for either the amendments to the soundness test or for the introduction of statements of common ground as it was considered that the Housing White Paper, and other consultations, had provided enough time for local authorities to recognise the direction of travel and prepare for these potential future changes to the revised NPPF.

The Planning Policy Manager confirmed that the response to the consultation was likely to include comments in relation to the reference to Garden Community principles having been dropped and also in relation to viability and developer contributions.

Rosie Pearson addressed the Committee pursuant to the provisions of Meetings General Procedure Rule 5(3). She was making representations in relation to the views of the Campaign Against Urban Sprawl in Essex (CAUSE) on what the consultation would mean for the Colchester and North Essex Garden Community project. She considered there were positive changes including a platform for local people to influence changes in their local communities, a situation which she felt hadn't been the case currently in Colchester. She also welcomed proposals that strategic matters would be dealt with rather than deferred, provision for stricter rules on statements of common ground, Community Infrastructure Levy (CIL) being encouraged more strongly with a request that

this be considered again for Colchester and she referred to examples of infrastructure being delivered elsewhere by means of CIL, such as in Bristol and Norwich. She also welcomed brownfield land being given more priority. The main area of concern for CAUSE was the new Objectively Assessed Needs (OAN) housing formula which she considered would punish Colchester as it would not help affordability and Colchester would continue to grow at an increasing rate. She asked the Committee to consider again the benefits available through the adoption of a CIL as an approach to deliver infrastructure, whether the brownfield land register would be looked at again, including a call for sites particularly in relation to the village locations, and whether the Council's response to the consultation would include a robust argument against the OAN formula proposed and how will the Committee ensure that local people's views are listened to and taken into account.

The Chairman responded by explaining that the Committee had considered the issues relating to a CIL a number of times but had not yet progressed to this option pending more information from the Government as to what it intends to do in relation to CIL and Section 106 agreements. He was of the view that currently more benefits could be obtained through the use of Section 106 agreements. He also referred to Colchester's very good record in relation to the use of brownfield sites for development, the challenge now being that such sites were now in short supply. The Council had already compiled a brownfield sites register which had included a call for sites and the register was open to the submission of suggested sites from the public for inclusion in the future. He was aware that members of CAUSE did not feel their views had been listened to but he referred to previous consultation exercises, the duration of which had been extended, to enable the public to submit more comments. He also referred to information he had provided at the last meeting of the Committee, setting out the numbers of houses which were planned to be delivered in Colchester and in the neighbouring local authority areas and the timescales attached to that delivery.

Karen Syrett, Planning and Housing Manager, explained that CIL was still included in Colchester's Local Development Scheme and, as such, could be progressed if it proved to be more viable than the use of Section 106 agreements. She confirmed that, when there was more certainty from the Government, then the matter could be considered again by the Committee. She was aware of funds being made available for infrastructure delivery in Bristol and Norwich but was of the view that it was not clear whether they had been delivered through CIL or Section 106 agreements. She further explained that of the total £6 billion combined financial contribution delivered through CIL and Section 106 agreements in 2016-17, £5 billion of that had been through Section 106 agreements and she confirmed that any consideration of CIL would be in conjunction with the continued use of Section 106 agreements. She explained that the brownfield sites register had included a call for sites on two previous occasions, however, it was an open register and requests for sites to be included could be made at any time. She confirmed that the Council's response to the consultation would include an objection to the housing methodology if it recommended the same approach as the previous consultation. She

went on to welcome the recent recognition of the Council's current housing target of 920 homes per year, as well as the affordable element of that, by a planning inspector.

Councillor Graham referred to misconceptions in social media which had referred to 42,000 homes being built in Colchester and explained that the 42,000 homes were to be delivered in the whole of North Essex, not just Colchester.

David Cooper addressed the Committee pursuant to the provisions of Meetings General Procedure Rule 5(3). He referred to the NPPF consultation as well as many other consultations being undertaken by the government and considered this made it very difficult for members of the public to understand the planning process. He hoped that consultees would be listened to and co-operated with. He called for a multi-way consultation and meetings between consultees and the Council for a public discussion. He welcomed the NPPF consultation in terms of proposals for more houses on exception sites which would assist first time buyers and renters. He considered this may be of interest in Mersea. He noted the new NPPF would not be applicable to the draft Local Plan currently under review but asked whether it would apply to Neighbourhood Plans which were being developed in West Mersea. He referred to continuing concerns about two sites being identified in the draft Local Plan for development in Mersea, each with up to 100 dwellings, which he considered did not comply with the NPPF principles of making 'effective use of land' and asked why this hadn't been consolidated to just one site.

The Planning and Housing Manager explained that, until the new NPPF had been adopted, in whatever form, it would not apply to the Local Plan or Neighbourhood Plans. She confirmed that the Local Plan had been submitted to the inspector so no changes to its contents, such as the number of sites identified in Mersea, were being proposed.

Councillor Jowers agreed with the comments made by Mr Cooper in relation to the inclusion of two sites in Mersea, which he regretted. However, he considered the total number of houses needed to be seen as a commitment such that 200 dwellings was a maximum which would not be exceeded.

Councillor Barber sought clarification on the benefits or otherwise of CIL and asked whether it would be possible for more information to be provided to the Committee in the future. In terms of his own ward he considered that there were too many restrictions on development in the countryside, particularly in relation to proposals which were supported by residents. He also advocated the support of businesses in rural areas and regretted the use of the term unsustainable as he wished to see local employment measures encouraged. He also asked for clarification on the Strategic Infrastructure Levy and voiced his concerns about the removal of references to the Garden Community principles in the consultation document.

The Planning Policy Manager explained that CIL was a tariff which applied to all

development and, as such, one of its benefits was that it applied to small scale developments. It did provide for the pooling of contributions for large scale infrastructure, rather than each development only mitigating its own impact. However, once the Levy was set then the contributions were required to be paid which may be at the expense of the delivery of affordable housing when this element remains to be negotiated. She referred to a potential national standard for affordable housing which would be seen as a benefit as this element would then be a known front-loaded expectation of the developers. She went on to confirm that there were no unsustainable settlements in Colchester, as all settlements had been designated either other settlements or less sustainable. There was provision in local policies and the current and new NPPF for development in these villages, predominantly through rural exception sites.

The Planning Policy Manager explained that the Strategic Infrastructure Levy in London was the tariff to fund Crossrail.

Vincent Pearce, Planning Projects Specialist, explained that for communities with an adopted Neighbourhood Plan, there was a further benefit of CIL in terms the amount that community can take out of the financial contributions. He also reported that Colchester had managed £300m of planning gain through the Section 106 agreement system which had delivered significant benefits for the people of Colchester.

Councillor Barlow suggested, in the light of the growing number of consultations and changes to the legislation, the response to the consultation needed to include a request for stability within the planning regime, particularly if the government wished to move to plan based development.

Councillor Jowers recollected that the Committee had previously been on the verge of launching CIL but it had not been implemented when it was emerged that the Levy in Chelmsford was lower than that proposed for Colchester. He acknowledged that local authorities were able to use a combination of CIL and Section 106 agreements and recollected that on an average sized house the levy would amount to £15k to £19k whilst the actual amount required to provide all necessary infrastructure was £39k per house. He was therefore of the view that Section 106 provided more flexibility than CIL. He acknowledged the advantage of being able to pool CIL contributions and that CIL was often better in relation to larger scale schemes but he agreed that more information needed to be provided by government before the committee should consider it again.

Councillor Fox welcomed the report and the consistency of comments from the contributors. He referred to the dropping of the references to Garden Community principles in the consultation document and was hopeful that the draft Local Plan, including the joint garden community proposals would shortly receive the support of the planning inspector.

The Planning and Housing Manager confirmed that the Council had sought advice as to

why the Garden Communities principles had been removed from the consultation document and she confirmed that the quality and design aspects of the draft have been considered to be of predominant importance at a local level, whilst references to national standards had been removed. However because the Council's draft Local Plan included its own principles in relation to the Garden Communities then these would prevail.

Councillor Chapman asked about the proposed requirement for 20% of housing to be on half an hectare or less, presumably to encourage development in villages and whether this provision would be welcomed in the Council's response. He also asked whether there was any references to social housing in the document.

The Planning and Housing Manager confirmed she had not found anything specifically on social housing, more in terms of local authorities being innovative and to look at opportunities to increase social housing through rural exception sites and, as Colchester had done in the past, using local planning policies to deliver some market housing as part of an affordable housing development. She confirmed the intention to include a response to the consultation in relation to small sites.

Councillor A. Ellis commented that he found it difficult to differentiate the changes to the original NPPF proposed in the consultation document and speculated whether a version highlighting the changes was available. He indicated that he would welcome the adoption of a CIL if it meant that Colchester could take a more holistic approach to infrastructure delivery. He was aware that Chelmsford had adopted CIL but that the contributions had decreased from the levels achieved under a Section 106 agreement regime. He suggested that it would be helpful for committee members to be advised of neighbouring authorities who had adopted CIL and to what extent the change had affected the total financial contributions achieved. He questioned the 10% target level for affordable homes contained in the consultation document, given this was considerably below the 30% target identified by Colchester in the new Local Plan. He referred to the proposal regarding entry level homes that would be offered for discounted sale or affordable rent and queried that definition of affordable was being used. In terms of development in rural areas, he highlighted a clause within the document which supported the sub-division of existing residential property. He was also of the view, in relation to planning policies in rural areas being responsive to local circumstances and housing developments reflecting local needs, that this should also extend to local wishes. He also considered that the document made it patently clear that a Local Plan would, in future, only have a life of five years.

The Planning Policy Manager agreed to send a copy of a track changes version of the consultation document to Councillor Ellis and other members of the Committee, if this would be helpful.

The Planning and Housing Manager confirmed that the consultation did include a reference to the expectation of affordable housing levels being higher than 10%. The

definition of affordable housing was set out in the document as being at least 20% below local market rents.

Councillor Barber asked the Committee to consider having an in depth discussion about CIL in the new municipal year at which time the Government may have made its position more clearly.

Councillor Jowers asked whether the size of a village was applicable in relation to the development of exception sites in rural areas and queried the reference in the document to more effective ways to bring agricultural land forward for development which seemed to indicate an unwelcome relaxation of planning law. He also sought clarification on the viability assessment obligation on the part of developers and whether this was proposed to be a requirement for developers prior to development. He commented on the reference to areas defined as heritage coast and asked why Colchester had not taken the opportunity to look at this before now. He also mentioned planning policy for travellers sites and the need to initiate discussions with neighbouring authorities in order to agree a county wide solution sooner rather than later. He also asked for it to be made absolutely clear the distinction between green belt and green field.

The Planning and Housing Manager confirmed that the government was looking to introduce more viability testing at the plan making stage, rather than on individual applications, with a view to speeding up the application process. Also where viability discussions did take place, the detail of these could be made public. She agreed to look into the heritage coastline issue and confirmed that Roger Hirst, as Essex Police, Fire and Crime Commissioner was leading discussions on the traveller site issue and the transit site issue.

RESOLVED that –

- (i) The consultation on the National Planning Policy Framework be noted and the points raised as part of the Committee's discussions on the matter, together with any individual comments submitted direct to the Portfolio Holder for Business and Culture by Committee members prior to 12 April 2018, be considered for inclusion in Colchester Borough Council's response to the consultation, which would subsequently be finalised by means of a Portfolio Holder Report prior to submission to Government.
- (ii) That arrangements be made in the new municipal year for a training session on the issue of Community Infrastructure Levy – its benefits or otherwise and an invitation be extended to all councillors to attend.

134 Statement of Community Involvement

Councillor Jowers (in respect of his Vice-Chairmanship of Essex County Council and his substitute membership of Essex County Council's Development and

Regulation Committee) declared a non-pecuniary interest in this item pursuant to the provisions of Meetings General Procedure Rule 7(5).

The Committee considered a report by the Assistant Director Policy and Corporate seeking approval to consult with the public on the revised Statement of Community Involvement, new arrangements for which set out policies for involving communities and other interested parties in the preliminary stages of plan-making and would come into force on 31 July 2018.

Sean Tofts, Planning Policy Planner presented the report and, together with Karen Syrett, Planning and Housing Manager, responded to member's questions. The Planning Policy Planner explained that new arrangements for the production of Statements of Community Involvement (SCI), which set out policies for involving communities and other interested parties in the preliminary stages of plan-making, would come into force on 31 July 2018.

It was explained that the regulations would require all authorities to have up to date plans (and SCI) and commence the statutory duty for authorities to identify their strategic priorities and the policies to address them. Additional powers were also provided for the Secretary of State to intervene in plan-making where authorities were not planning effectively for the needs of communities. The regulations introduced a requirement to review Local Plans and SCI at least every five years from adoption. There was a requirement for local authorities to set out policies for giving advice or assistance to neighbourhood planning groups and their policies involving communities and other interested parties in the preliminary stages of plan-making. Also requirements to set out how Neighbourhood Plan Groups would be assisted within the process of reviewing matters which may be expected to affect the development of their area or the planning of its development and to set out how Neighbourhood Plan Groups would be assisted in relation to their plan preparation, timing and process.

Changes to the Colchester SCI as a result of the new requirements included:

- A new chapter with specific regard to Neighbourhood Planning
- A concise explanation of Neighbourhood Planning
- An explanation of the consultation process in relation to Neighbourhood Plans (including table of time frames)
- Support and guidance that will be provided by the Council.

Details were further provided in the SCI as to how this support and guidance were planned to be delivered. Preliminary work was being undertaken on producing a comprehensive Neighbourhood Planning Guide for the Borough.

It was explained that the requirement to update the Colchester SCI had also been taken as an opportunity to ensure that the information in relation to community involvement for the development management process was accurate, minor amendments had been

made to ensure the document accurately reflected the current procedures, restructuring to make the document clear and concise and reformatting to reflect the document style of other Local Plan documents.

Councillor Jowers welcomed the report and firmly supported the principle of local people being involved in the planning process. He referred to funding being made available in the early days of Neighbourhood Planning and two Parish Councils in Colchester had been able to benefit from this. However, he questioned whether funds from the New Homes Bonus could not have been used before now to assist the Neighbourhood Planning process. He was aware that there was a significant financial burden for Parish Councils and was hopeful these new arrangements would go some way to relieving this issue. He sought clarification in relation to certain specific consultation bodies quoted in the document and referred to how the council communicated with local communities, citing difficulties for Parish Councils in relation to their ability to comment on planning applications within required timescales due to cycles of meetings and the complexity of the Councillor call-in procedure for planning applications.

Councillor Barber welcomed the report and commented on the Neighbourhood Plan process and the length of time it took to come to a conclusion, asking whether it was possible to expedite the process as he considered that opportunities for speculative development proposals may take advantage of the protracted consultation process.

The Planning and Housing Manager explained that there was a meeting planned with West Bergholt Parish Council to take the matter forward. She explained that the consultant employed had been unwell which had slowed down the process. She explained that the Council only wished to support allocated sites especially in areas where a Neighbourhood Plan was under preparation and that this was recognised. It was necessary to get Neighbourhood Plans to a stage where they could carry weight and, as such, she gave an assurance to assist in this process wherever possible. She confirmed that there were statutory timescales and procedures which needed to be complied with but in the periods where there was discretion then they would offer support to maximise progress so far as possible.

RESOLVED that –

- (i) The Draft Statement of Community Involvement be approved and authorised for formal public consultation for a six week period commencing in March 2018; and,
- (ii) The results of that consultation be reported to a future meeting of the Local Plan Committee along with any proposed amendments to the content, where appropriate, with a view to the document being formally adopted.

Appraisals and Management Proposals

Councillor Jowers (in respect of his Vice-Chairmanship of Essex County Council and his substitute membership of Essex County Council's Development and Regulation Committee) declared a non-pecuniary interest in this item pursuant to the provisions of Meetings General Procedure Rule 7(5).

John Akker addressed the Committee pursuant to the provisions of Meetings General Procedure Rule 5(3). He was making representations in relation to the collection of reports on conservation. He congratulated the author of the reports as they were an excellent example of a very important subjects for the Borough, namely heritage and cultural issues. The three reports went into detail and depth in terms of what is involved in assessing a potential conservation area. He was interested to know what the selection process was for these area assessments and he was of the view that Mersea and Pyefleet would be worthy of special consideration in order to safeguard historic areas particularly the waterfront. He hoped to see a report in due course on Mersea and for it to be considered sympathetically as a very important part of North Essex.

The Chairman thanked Mr Akker for his comments and congratulated him on speaking up for and on behalf of his local community.

Councillor Jowers explained that the waterfront at West Mersea was already designated a Conservation Area, as demonstrated by narrower yellow lines on the roadsides. He agreed with the comments of Mr Akker and supported the expansion of the Conservation Area and it would be interesting to look back at the rationale for previous Conservation Area designations in order to help in the consideration of which areas would have the appropriate merit to be included. He referred to areas of terraced housing and examples of artisan housing which were of interest.

The Committee considered three reports by the Assistant Director Policy and Corporate seeking approval to consult with the public on three individual Consultation Draft Conservation Area Character Appraisals and Management Proposals Document for:

- North Station Road,
- Birch and
- Mill Field Estate.

Vincent Pearce, Planning Projects Specialist, presented the reports and responded to members questions. It was explained that the Management Proposals Documents analysed the key components that contributed to making the three areas area worthy of designation as Conservation Areas. Included in the document was an assessment of positive and negative features and key issues and the documents followed an established format for such documents.

In respect of the North Station Road area, the need for Conservation Area consideration

had been triggered by:

- The emergence of the embryonic North Bridge Conservation Enhancement project (refurbishing North Bridge and other environmental improvements) for which external funding was being sought,
- The initial delivered phases of the 'Fixing the Link' project and
- The longstanding objectives within the North Station Road Masterplan.

All of these had indicated that the area, which retains significant special heritage importance, was likely to be under considerable positive pressure for change. In this context it was considered necessary to give additional statutory conservation protection to the area by the designation of a new Conservation Area.

The area was on the cusp of potential largescale change and it was clear that there had been little recent investment in property maintenance, with many sites representing redevelopment opportunities. This appraisal recognised that the area was vulnerable and had special historic and architectural merit worthy of greater statutory protection. It was considered that as North Station Road functioned as a major pedestrian corridor into and out of the Town Centre, this could bring new energy, investment, public spend and a bright future for the area.

Despite much change, some of which had not been particularly sympathetic, it is still easy to visualise its past, more picturesque character. The area was important in the recreational life of people of the town in that it once housed the public open air swimming pool. The area also has strong links with the growth of the railway, in that it housed one of the earliest Railway Worker Missions and Colchester's first publicly funded school was built, in what is now John Harper Street, and which remains in almost all its original external form. It was proposed to build on existing initiatives to promote better interpretation of the history of the area and to sensitively signpost other attractions, destinations and nodes in the wider vicinity.

In respect of the Birch area, the possible demolition of the Church of St. Peter and St. Paul within the existing Conservation Area and a possible Public Inquiry had increased the need for an appraisal to support the Council's objection to the proposed demolition. The Birch Conservation Area had been designated in 1993, soon after the Church of St Peter and St Paul was closed for worship, with uncertainty about the future of the landmark building and it being a key component within the townscape of Birch, prompted the designation.

In respect of the Mill Field Estate area, it had seen largescale redevelopment immediately to its east in the Garrison Conservation Area and the appraisal recognised that the area was vulnerable and had special historic and architectural merit worthy of greater statutory protection.

It was considered that, as the area was on a major walking route into and out of the town

centre, it brought with it great pressure for change, whether that be from the demand for more homes in an attractive area or from the pressure from existing residents to alter or extend their homes. Being a Conservation Area would allow for a development management that would reconcile these competing demands with the need to preserve and enhance the area's special character. It is proposed to describe the new Conservation Area as the Mill Fields Estate to reflect its Victorian suburban origins and the former windmill that preceded the Victorian terraced housing.

The Chairman thanked the Planning Projects Specialist for the exceptional quality of his presentation.

Councillor Jowers wholeheartedly welcomed the report and congratulated the Planning Projects Specialist on his enthusiastic and passionate presentation. He supported the view that areas of North Station Road which he considered to be the most important cultural part of Colchester. It was where things got done and in parts it was stunning and beautiful. He understood the need to protect the church in Birch from demolition and supported the proposals to designate the area around Maldon Road and Butt Road, including Hamilton School. He acknowledged that it was hard to determine what would be aesthetically valuable in the future. He wholeheartedly supported all three proposals whilst acknowledging that it would put an onus on people living in the areas but that this was a price worth paying.

Councillor Barber the passion demonstrated by the Planning Projects Specialist in his presentation gave him confidence to support the proposals. North Station Road in particular, because this was a main route into the town centre from the railway station which was currently quite disappointing visually. He acknowledged it would take time and a lot of effort, with people needing to support the concept. He agreed that a lot of the signage was brash and garish and did not fit into the area. Business owners would also need to take responsibility to improve the area visually. He had looked at places where signage had been improved elsewhere and cited Great Yarmouth where a small amount of money had been provided to business owners in order to deliver improvements. He asked the Committee to consider the inclusion of Belle Vue Road in the North Station Road Conservation Area boundaries which he understood also demonstrated some good historic features. He fully supported the measures to retain the church in Birch as it would be devastating to the area if it were lost.

Councillor Barlow he had lived on the edge of the proposed North Station Road Conservation Area for 20 years and wholeheartedly welcomed that proposal as well as the ones for Birch and Mill Field Estate. He supported the request for Belle Vue Road to be included in the Conservation Area and also the section of North Station Road to the north of Cowdray Avenue which included houses with features identical to those highlighted in the Mill Field Estate area. He also asked, because of the commercial nature of the North Station area, for the consultation to encompass residents living adjacent to the designated area itself and who may use the services and shops in the

area which would therefore capture the wider community implication beyond the area itself. He further commented, in respect of the proposed name of Mill Field Estate for the residential roads between Maldon Road and Butt Road, that he had been unaware of the area's historic association with a mill and suggested this was a matter for discussion for people who lived in the area as part of the consultation.

Councillor Graham confirmed that he used to live on North Station Road, just north of the Albert Roundabout and agreed that this section of North Station Road up to the Essex Hall Roundabout should be included in the Conservation Area, as it had very good examples of Edwardian architecture and it was the first introduction to Colchester to people walking to the town centre from the railway station. He also supported the inclusion of Belle Vue Road in the Conservation Area. He had previously been involved as Portfolio Holder with the Fixing the Link project which had cost in the region of £35k but this had only scratched the surface of what could be done and he was pleased this was continuing. He wholeheartedly supported the refurbishment of North Bridge and supported further partnership working with Essex County Council to deliver improvements here. He questioned the planting of trees in the wide pavements near North Bridge on the basis that it would also be beneficial to introduce cycling infrastructure, which would supplement the link to the railway station although he would welcome the introduction of both trees and a cycleway, if possible. He was disappointed how much Colchester was reliant on support from Essex County Council to deliver improvements and was particularly concerned about the track record in terms of improvements which were also aesthetically pleasing. He sought clarification as to whether there was anything that could be done to build on existing partnerships to improve this situation for Colchester. He also requested further information on the background to the vulnerability of the church in Birch.

Councillor A. Ellis also wholeheartedly welcomed the presentation by the Planning Projects Specialist although he recollected previous presentations and proposals to deliver improvements to bring the town to life had not actually come to fruition mainly due to budgetary restrictions. He referred to utility companies undertaking work but not reinstating original materials such as flagstones and was of the view that the Council may have to commit to pay the difference in cost between the use of standard reinstatement materials and the reinstatement of higher quality materials fitting a Conservation Area location. He was concerned about the deliverability of the project associated with the North Station Road area should the funding applications prove to be unsuccessful. He explained that he had sent a copy of the report on the Birch area to the Parish Council but had yet to receive a response. However, he had received some further information from the Round family who indicated that they would welcome a meeting with the Planning Projects Specialist. He was aware that there were proposals to convert the church into a dwelling but the issues associated with that were very complicated and the matter was now the subject of a public inquiry. He considered the church spire was a very important landmark for both Birch and Colchester generally and hoped it would be possible to preserve that landmark for the future. He acknowledged

that some of the road infrastructure in the village was visually unattractive, although serving a practical purpose and welcomed any proposals for replacement with more visually appealing solutions. He welcomed all three of the the proposals as an overall concept but needed further reassurance in terms of their deliverability.

Councillor Chapman he strongly welcomed the recognition of Victorian and Edwardian architecture in the form of these proposals. He considered there may be challenges in attempting to improve the overall look of the areas and was aware of houses within the Mill Field Estate area which had undergone renovation using, for example, unsympathetic window replacements. He had been familiar with this area for many years but had not heard the term Mill Field Estate used to describe it at any time before now and hoped a better or more recognisable name may emerge from the consultation. He was aware of a scheme proposed by the Deputy Mayor to improve the Avenue of Remembrance wall as part of the commemoration of the centenary of the end of the First World War which would be an important contribution to the improvements to the North Station Road area. He commented that he had attempted to locate the various Conservation Areas within the Borough on the Council's website but had been unable to do so and asked that arrangements be made for the information to be made more accessible.

The Planning Projects Specialist acknowledged the problems with using the website for information on the Borough's various Conservation Areas but was hopeful this would be addressed in due course. He had included a Conservation Area list in the report but acknowledged this was also not entirely complete and would need to be updated.

Councillor Fox he welcomed the excellent reports and as a former resident of the North Station Road area he was pleased to see conservation and heritage being highlighted. He referred to previous work done by the Scrutiny Panel to make sure the town centre was accessible in terms of A Boards and other street furniture and wished to ensure that any work which does take place in the North Station Road area was accessible for people with disabilities, with pushchairs and wheelchairs. He fully supported the Mill Field Estate area designation as well. Being familiar with the area he was aware that the streets tended to have a uniform design but each house had individual characteristics and features. He also welcomed proposals to retain the church and its spire in Birch, which he considered to be of real value.

Councillor Barber urged the committee to look into the concept of living walls to help reduce pollution in run down areas and also consideration of the Council assuming some highway responsibilities from Essex County Council. He supported the proposal to look into the introduction of cycle ways for the North Station Road area but was of the view that these should not be shared with pedestrian routes.

Councillor Jowers explained that Essex County Council had provided funding for the Fixing the Link initiative and confirmed that he was aware of examples where the County

Council had responded positively to requests from District Councils for non-standard highway improvements. He further confirmed that a Conservation Area designation, once made, would greatly assist in delivering more aesthetically pleasing highway solutions. He also referred to the Community Initiative Fund which had delivered some innovative and community led projects.

The Chairman summarised the views expressed during the course of the Committee's discussions:

- That part of North Station Road, north of the Albert roundabout up to the Essex Hall roundabout, together with Belle Vue Road be included in the North Station Road Conservation Area boundary;
- Support for greater protection of traditional street furniture, such as lamp posts, as well as protection for traditional highway materials within the Conservation Areas;
- Consideration of a better working name for the area currently referred to as Mill Field Estate that would mean more to the people who lived in the area;
- In terms of trees on North Station Road, he was aware that a number had previously been subject to episodes of vandalism and some had been removed as a result due to the ongoing cost of maintenance and protection;
- The introduction of a Conservation Area designation would lead to the removal of permitted development rights for residents this may have an impact in relation to residents' ability to make the best energy efficiency choices;
- Support for the refurbishment of North Bridge with a need for clarification as to whether the funding would be available and sufficient to deliver the project;
- Support for using opportunities to be derived from the creation of Living Walls wherever possible;
- An overwhelming wish on behalf of all of the Committee for the church in Birch to be protected from demolition and for further investigations to be made by the Council to ensure all available measures had been pursued to prevent such an action.

Councillor T. Young, in his capacity as Portfolio Holder for Business and Culture (and Deputy Leader of the Council), attended and, with the consent of the Chairman, addressed the Committee. He agreed that the report and the presentation by the Planning Projects Specialist was exceptional and he supported all three Conservation Area designations. He acknowledged the benefits of the Fixing the Link project in the North Station Road area, agreed that the examples of street clutter needed to be improved urgently and hoped Colchester could work together with Essex County Council to improve the areas. He was very familiar with the Birch area, having been married in the church. Birch was an old fashioned village which, along with Layer Breton and Layer Marney, was a beautiful example of rural England and an important part of the Borough of Colchester. He agreed that the church itself was an important iconic landmark and welcomed the Committee's strong support for its protection. He also supported many of the issues raised by the Committee during its discussions.

The Planning Projects Specialist confirmed that he would be happy to extend the

boundaries of the North Station Road Conservation Area to include the additional part of North Station Road north of the Albert roundabout as well as Belle Vue Road and to do this before it went out to consultation. He confirmed that he had a very good dialogue with all the shop keepers in the North Station Road area and that they were on board with the project. However, he explained that he was mindful not to seek to completely refresh area as this may prompt many of the long term businesses to disappear. He confirmed some of the funding being applied for would be available to the local traders to assist with refurbishments. He confirmed that the consultation at North Station Road could be extended to include those living outside the strict boundaries of the proposed Conservation Area itself. He confirmed that he was working closely with colleagues in relation to cycling provision for the area with the intention of seeking measures to reduce traffic in the area to make it far more accessible for cyclists and pedestrians. In terms of deliverability, he confirmed that other sources of funding to support the projects would be actively pursued and that the Council had been working closely with Essex County Council and other partners to achieve the best outcomes. He confirmed he would be very happy to meet with the Round family in relation to the proposed Birch Conservation Area as well as representatives from the Parish Council. He also confirmed there may be funding available to look into improvements to the car park at the village hall and indicated his willingness to work with Councillor Jowers in order to put a good business case to Essex County Council in relation to the Community Initiative Fund. He supported the suggestion to investigate the creation of Living Walls to help reduce pollution and the need to work with Environmental Protection colleagues to pursue all pollution reducing measures. He confirmed that he would be happy to liaise with the Deputy Mayor in relation to the refurbishment of the Avenue of Remembrance memorial. He supported the need to ensure pavements were accessible for all. He also commenting that it was often statutory undertakers who were to blame for the use of inappropriate reinstatement materials, although he was of the view that there was likely to be a requirement for them to return to these sites to provide a better permanent solution at a later date. He acknowledged this needed to be looked at in more detail as it often had a huge and adverse impact, particularly in Conservation Areas. He was unclear as to what had led to the church in Birch being under threat of demolition but anticipated this would become known during the course of the public inquiry which was due to take place in October 2018.

RESOLVED (UNANIMOUSLY), bearing in mind the various points raised in the course of the Committee's discussion on these matters, that, –

(i) Subject to the extension of the proposed boundaries of the Conservation Area to include Belle Vue Road and North Station Road north of the Albert roundabout and the inclusion in the consultation of residents living in areas adjacent to the immediate Conservation Area boundaries, the Consultation Draft Colchester North Station Road Conservation Area Character Appraisal and Management Proposals be approved and authorised for formal public consultation for a six-week period commencing in March/April 2018;

- (ii) The Consultation Draft Birch Conservation Area Character Appraisal and Management Proposals be approved and authorised for formal public consultation for a six week period commencing in March 2018;
- (iii) The Consultation Draft Colchester Mill Field Estate Conservation Area Character Appraisal and Management Proposals be approved and authorised for formal public consultation for a six-week period commencing in March/April 2018;
- (iv) The results of the three consultations be reported to the Local Plan Committee at the earliest opportunity, along with any proposed amendments to the contents, where appropriate, with a view to the documents for North Station Road and Mill Field Estate being formally agreed to enable the statutory designation process to be legally pursued and the document for Birch being agreed as a formal Supplementary Planning Document (SPD).

Report of	Assistant Director: Corporate & Policy	Author	Karen Syrett
Title	National Planning Policy Framework July 2018		
Wards affected	All		

1. Executive Summary

- 1.1 The finalised version of the revised National Planning Policy Framework (NPPF) was issued by the Ministry of Housing, Communities and Local Government (MHCLG) on 24 July. There are a number of areas where the new NPPF has confirmed or altered key proposals and policies.
- 1.2 The document has been reformatted so there is not an opportunity to provide a tracked change version or an easily comparable report. Section 5 below therefore highlights the most significant areas of change.

2. Recommended Decision

- 2.1 The Committee is asked to note the publication of the revised National Planning Policy Framework July 2018.

3. Reason for Recommended Decision

- 3.1 To make members aware of the latest national planning policy.

4. Alternative Options

- 4.1 There are no alternative options – the report is for information only.

5. Background Information

- 5.1 The Government published draft revisions to the National Planning Policy Framework (NPPF) on 5 March this year. The Council, along with 29,223 others, responded to the consultation and the revised Framework was published on 24th July. This is the first revision of the National Planning Policy Framework since 2012. It implements around 85 reforms announced previously through the Housing White Paper, the planning for the right homes in the right places consultation and the draft revised National Planning Policy Framework consultation.
- 5.2 Alongside the NPPF the Government published a number of other documents including;
 - a press release, "Government's new planning rulebook to deliver more quality, well-designed homes",
 - James Brokenshire's short written ministerial statement, entitled "housing policy"
 - The Government response to the draft revised National Planning Policy Framework consultation, setting out its summary of consultation responses

received to the March draft and "the Government's view on the way forward". The document only identifies the main substantive changes.

- Updated Planning Practice Guidance on housing and economic development needs assessments (albeit with further guidance to come).
- Updated Planning Practice Guidance on Viability.
- The "Housing Delivery Test Measurement Rule Book", setting out the methodology "for calculating the Housing Delivery Test result".
- There is a call for evidence in relation to the Independent Review of Planning Appeal Inquiries chaired by Bridget Rosewell. The call for evidence is accompanied by some additional material.

- 5.3 Key issues and changes are summarised below, and further information on the potential implications for Colchester will be presented verbally at the Committee once officers have had time to analyse proposals in more detail.
- 5.4 The introduction of a housing delivery test for local authorities in November this year. The test will measure the number of homes created against local housing need and penalise councils that underdeliver against various thresholds over a three-year period. This includes applying the presumption in favour of sustainable development where delivery is below 75 per cent of the housing requirement from 2020. However, this year, the presumption penalty threshold is less than 25 per cent, rising to 45 per cent next years.
- 5.5 The introduction of a new standardised method of calculating housing need. The method takes the government's household growth projections and applies an affordability ratio, comparing local house prices with workplace earnings, to produce a need figure. The government hopes the method will end protracted wranglings on the issue during local plan examinations. However, the MHCLG, in its consultation response, said it will consider adjusting the methodology in order to meet its 300,000-homes-a-year target in light of the impending publication of new household growth projections that are likely to be lower than previous estimates. It will "consult on the specific details" when the new projection figures are published in September.
- 5.6 The reinstatement of "social rent" in the NPPF's definition of affordable housing. The term had been omitted from March's draft version prompting concerns from some sector bodies.
- 5.7 A controversial small sites requirement in the draft NPPF has been watered down in response to sector concerns. The new NPPF says councils must accommodate ten per cent of their housing requirement on small sites, as opposed to 20 per cent of sites under the draft version.
- 5.8 The importance of design standards is emphasised. The creation of high-quality buildings and places is 'fundamental' to what the planning and development process should achieve, the revised NPPF states. In particular, councils should try to "ensure that the quality of approved development is not materially diminished between permission and completion, as a result of changes being made to the permitted scheme.
- 5.9 The policy on green belt alterations has been revised. In new wording added to the draft, the new NPPF requires green belt reviews to be "fully evidenced and justified".
- 5.10 The new NPPF strengthens the requirement for councils to produce local plans compared to the draft version. The draft stated that local policies "may" come forward "either as part of a single local plan or as part of a subsequent local plan or neighbourhood plan", while the final version says that "non-strategic" policies "should be included in local plans".

- 5.11 The NPPF's policies come into effect straight away for decision making. However local plans submitted before the end of January 2019 will be examined against the 2012 framework. The revised NPPF's annex states that development plans submitted after 24 January - exactly six months after publication of the final revised NPPF - will be examined under the new document's policies.
- 5.12 The glossary confirms the revised definition of "deliverable" housing sites set out in the March draft, apart from one minor clarification. It says that "sites that are not major development" – rather than "small sites", as in the draft – and sites with detailed planning permission "should be considered deliverable until permission expires, unless there is clear evidence that homes will not be delivered within five years". Sites with outline planning permission, permission in principle, allocated in the development plan or identified on brownfield registers should only be considered deliverable "where there is clear evidence that housing completions will begin on site within five years", it says. For housing, the glossary defines "major development" as schemes where ten or more homes will be provided or the site has an area of at least 0.5 hectares.
- 5.13 The approach advocated in the 2016 written ministerial statement on neighbourhood development plans (NDPs) is enshrined in the finalised framework. Paragraph 14 says that where the presumption in favour of sustainable development would otherwise apply in the absence of relevant or up-to-date plan policies, the adverse impact of allowing housing schemes that conflict with NDPs is likely to "significantly and demonstrably outweigh the benefits" where the plan was adopted two years or less before the decision, it contains policies and allocations to meet its identified housing requirement and the local planning authority has at least a three-year supply of deliverable housing sites against its five year requirement, including any appropriate buffer against underdelivery. In addition, the planning authority's record must show that at least 45 per cent of homes required were delivered over the previous three years, the document says.
- 5.14 Policies on developer contributions should not undermine plans' deliverability, the finalised framework insists. Paragraph 57 says applications that comply with contributions policies "should be assumed to be viable". It adds: "It is up to the applicant to demonstrate whether particular circumstances justify the need for a viability assessment at the application stage." This is in contrast to the March draft, which suggested that where proposals for development accord with all the relevant policies in an up-to-date development plan, "no viability assessment should be required to accompany the application". The finalised framework explains: "The weight to be given to a viability assessment is a matter for the decision-maker, having regard to all the circumstances in the case, including whether the plan and the viability evidence underpinning it is up to date, and any change in site circumstances since the plan was brought into force."
- 5.15 Local plans and spatial development strategies must, as a minimum, "seek to meet the area's objectively assessed needs" to be declared sound. This phrase reinforces the soundness test laid down in paragraph 35 of the finalised framework, which requires plans that are positively prepared, justified, effective and consistent with national policy. A footnote adds that, for housing policies, such needs should be assessed using a clear and justified method. Paragraph 60 says that, in determining the minimum number of homes needed, strategic policies should be informed by a local housing need assessment conducted using a standard method to be prescribed in national planning guidance, "unless exceptional circumstances justify an alternative approach which also reflects current and future demographic trends and market signals". It adds: "In addition to the local housing need figure, any needs that cannot be met within neighbouring areas should also be taken into account in establishing the amount of housing to be planned for."

- 5.16 Larger-scale developments must be well located and designed and supported by the necessary infrastructure and facilities. This proviso appears in paragraph 72 of the finalised framework, which backs options such as new settlements and "significant extensions" to existing towns and villages as ways in which the supply of large numbers of new homes "can often be best achieved". Newly added guidance says that before proposing such development, strategic policy-makers should consider the opportunities presented by existing or planned investment in infrastructure, the area's economic potential and the scope for net environmental gains. It requires planning authorities to ensure that the size and location of such developments will support a sustainable community, make a "realistic assessment" of likely delivery rates and identify opportunities for supporting rapid implementation, "such as through joint ventures or locally led development corporations". It also reinserts a reference to garden city principles, controversially omitted from the March draft, as an example of how "clear expectations" for development quality can be laid down.
- 5.17 Planning performance agreements (PPAs) are likely to be needed for applications that are particularly large or complex to determine. This suggestion, contained in paragraph 46 of the finalised framework, did not appear in the March draft. The final version reiterates the government's view that applicants and local planning authorities should consider the potential for voluntary PPAs "where this might achieve a faster and more effective application process".
- 5.18 Plan reviews will be needed at least every five years where local housing need figures have or look set to "change significantly". Paragraph 33 of the finalised framework says: "Relevant strategic policies will need updating at least once every five years if their applicable local housing need figure has changed significantly; and they are likely to require earlier review if local housing need is expected to change significantly in the near future." This appears to be a less stringent review requirement than proposed in the March draft, which referred only to actual or anticipated "increases" in housing need figures.
- 5.19 The specific locational requirements of storage and distribution operations should be recognised in planning policies and decisions. This requirement, set out in paragraph 82 of the finalised framework, was absent from the March draft, which made no mention of the sector. The framework says policies and decisions should make provision for storage and distribution operations "at a variety of scales and in suitably accessible locations". Elsewhere, paragraph 20 reinstates employment in the list of land uses for which strategic policies will be required to set the pattern, scale and quality of development and make sufficient provision.
- 5.20 Free-standing veteran trees are accorded more protection in the finalised statement. Paragraph 175(c) says that development resulting in the loss or deterioration of irreplaceable habitats, such as ancient woodland and ancient or veteran trees, should be refused, "unless there are wholly exceptional reasons and a suitable compensation strategy exists". The glossary of the March specifically excluded draft individual aged or veteran trees found outside ancient woodland from its definition of irreplaceable habitat.
- 5.21 The revised NPPF includes several change to policies on planning for town centres compared to the draft version published in March. In particular, it drops a policy in the draft version that said authorities should "support diversification and changes of use where town centres are in decline". Chapter seven of the new NPPF, "Ensuring the vitality of town centres", says councils should "define a network and hierarchy of town centres and promote their long-term vitality and viability". In an addition to the draft, it says they should do this "by allowing them to grow and diversify in a way that can respond to rapid changes in the retail and leisure industries". March's draft version said councils should, when defining the extent of town centres and primary shopping areas, "identify primary and

secondary frontages" and make clear which uses will be permitted in such locations. The final version drops the frontages requirement but recommends that councils should carry out the exercise "as part of a positive strategy for the future of each centre".

- 5.22 Local Wildlife Sites have been reinstated in the document. The all-important new wording says that local councils will need to identify, map and safeguard components of the local ecological networks, including the hierarchy of international, national and locally designated sites of importance for biodiversity. Locally designated sites, as it explains in the glossary, means local wildlife sites. The wording doesn't go quite as far as recommending against development of these sites but the wildlife trusts have pledged to work with the government "to ensure that the guidance that accompanies the National Planning Policy Framework makes it clear how local wildlife sites should be safeguarded."
- 5.23 The Framework introduces Entry Level Exception Sites. These comprise of homes suitable for first time buyers (or those looking to rent their first home), unless the need for such homes is already being met within the authority's area. These sites should be on land which is not already allocated for housing and should:
- a) comprise of entry-level homes that offer one or more types of affordable housing as defined in Annex 2 of this Framework; and
 - b) be adjacent to existing settlements, proportionate in size to them, not compromise the protection given to areas or assets of particular importance identified in the Framework, and comply with any local design policies and standards.

6. Equality, Diversity and Human Rights implications

- 6.1 An Equality Impact Assessment has been prepared for the Local Plan, and is available to view by clicking on this link:-
<https://colch.sharepoint.com/:b:/s/Store/DyLi/EZA0GdflinZFsYaVaABNZigBvKSbQowOONFR-CqjyG4XAO>

7. Strategic Plan References

- 7.1 The Councils Strategic Plan 2018 – 2021 includes 4 themes under which are a number of objectives which are relevant to the NPPF.

8. Consultation

- 8.1 Consultation on the draft document took place earlier this year and the Council responded.

9. Publicity Considerations and Financial, Community Safety, Health and Safety and Risk Management Implications

- 9.1 There are no publicity implications or financial, community safety, health and safety or risk management for the Council.

13 August 2018

Report of	Assistant Director: Corporate and Policy	Author	Karen Syrett
			☎ 506477
Title	Local Plan Examination Options		
Wards affected	All		

1. Executive Summary

- 1.1 The Inspector for the strategic Section 1 of the Local Plan prepared jointly with Braintree and Tendring has written to the local authorities raising issues requiring further work and proposing three options for progressing the Local Plan.
- 1.2 The three options are as follows:
 - 1.2.1 Option 1 – Removal of the Garden Communities from the Plan, continue to examination and adoption of the rest of the section 1 and section 2 Plan before coming back to the Garden Communities under an early or focussed review of the Plan in 2-3 years' time.
 - 1.2.2 Option 2 – Continuation of Local Plan and examination following completion of further work
 - 1.2.3 Option 3 – Entirely new Local Plan.
- 1.3 Based on the detailed analysis covered below, officers have recommended Option 2 on the basis that Garden Communities continue to be part of the most appropriate and sustainable spatial strategy for the three local authorities.

2. Recommended Decision

- 2.1 The Committee is requested to agree Option 2 to be taken in progressing the Local Plan.

3. Reason for Recommended Decision

- 3.1 A jointly agreed decision from Braintree, Colchester and Tendring councils on the preferred option for plan-making is required to enable progress on the Local Plan. The officer decision to recommend Option 2 reflects detailed consideration by all three authorities and advice on options from the Council's legal advisor on Local Plan matters.
- 3.2 Both Braintree and Tendring councils have taken the decision to proceed with Option 2.

4. Alternative Options

- 4.1 The Inspector has set out three options which could be pursued.

5. Background Information

5.1 The Council submitted its Local Plan for examination to the Planning Inspectorate on the 9th October 2017. The plan comprises Section 1 (written together with Braintree and Tendring District Councils) which includes 10 policies which deal with cross border strategic issues and Section 2 which contains Colchester specific allocations and policies.

5.2 The Planning Inspectorate appointed Roger Clews to examine the plan and he held sessions in January this year, with a further session held in early May. Following his examination, the Council has now received two detailed letters from the Inspector commenting on aspects of the plan. The letters have been circulated previously and added to the examination website hosted by Braintree DC.

5.3 One letter considered housing requirement aspects of the plan and provided the Inspector's view that the Policy SP3 housing requirements were soundly based. This confirms our target of 920 dwellings per year.

5.4 The other letter contained the Inspector's main findings in respect of the Section 1 Local Plan including legal compliance, employment requirements and Garden Communities. The key findings are summarised below;

5.5 Legal compliance

The Inspector has found that the authorities have complied with the legal duty to cooperate, both in cooperating with one another and also wider adjoining authorities and other bodies. The Inspector also found that the failure to properly register a small number of representations no longer represented a legal compliance issue, thanks to the steps put in place to ensure that Lightwood Strategic and others were given full opportunity to participate in the hearings and were therefore not prejudiced in any way.

5.6 The Inspector found that whilst the authorities had complied with the European Habitats Regulations in the preparation of the plan, the Habitats Regulation Assessment would need to be updated to ensure compatibility with a recent judgement from the Court of Justice of the European Union. This is a matter that Officers consider to be easily resolved.

5.7 The Inspector concluded that the authorities undertook proper consultation in accordance with the planning regulations and their individual Statements of Community Involvement (SCI).

5.8 Garden Communities

The Inspector praised the authorities for their innovation and ambition in promoting three new Garden Communities in North Essex and stated that "if carried out successfully it has the potential to provide for housing and employment needs not just in the current Plan period but well beyond it. However, the Inspector found the evidence provided to support the Garden Communities was lacking in a number of respects. The areas of concern are as follows:

5.9 **Transport:** The Inspector raised concerns about the certainty of funding for the A120 and for the routing of the A12 as it travels north eastwards from Feering around Marks Tey. The Inspector also requested further work on the rapid transit system to serve the Garden Communities and wider area. The Inspector notes that since this would need to be accompanied alongside a step change in public transit further evidence was required on how this can be achieved, when it will be delivered and how it will be funded.

- 5.10 **Viability:** The Inspector asked for the inclusion of various other contingencies and sensitivity modelling for the garden communities so that he can be assured that they are a long term viable and deliverable project.
- 5.11 **Sustainability Appraisal of the Local Plan (SA):** The Inspector has asked for a consideration of whether there are other scenarios for growth that are reasonable to be considered within the Sustainability Appraisal (required to assess the spatial strategy and policies in the Local Plan along with reasonable alternatives). This would include looking at the scoring of those options. To carry out this exercise, the Inspector suggested that it may be better to appoint new consultants.
- 5.12 **Housing Delivery:** The Local Plan currently relies on Garden Communities to deliver a considerable number of new homes within the period up to 2033. This assumes that high annual rates of development would need to be achieved ranging from 250 to 350 homes a year in each location from 2023. The Inspector has raised concern that whilst it might not be impossible to achieve such high rates of delivery, an annual average of 250 homes a year might be more realistic.
- 5.13 **Employment Provision:** The Inspector notes the authorities' desire to create one new job per household within each Garden Community or within a short distance by public transport. However, because the plan contains no specific figures for employment land and floorspace in each Garden Community, the Inspector is unable to confirm whether or not this aspiration is achievable.
- 5.14 The Councils have been given a clear steer on the additional evidence required to achieve a sound plan and have initiated further work as highlighted below. It is important to note that completion of the work will be required irrespective of choices made on options given that it involves addressing issues that require clarification under any scenario. Action on the highways point will follow on from partnership work with Essex County Council, Highways England and the Department for Transport who are the key delivery agents for these elements of national infrastructure funding programmes. Further evidence base work will follow on rapid transport and viability, and Land Use Consultants (LUC) have been commissioned to carry out additional SA work. As part of the process for undertaking this work there would be engagement with local groups and statutory bodies as well as a formal period of consultation on the completed piece of work. The SA work could result in changes to the Local Plan and therefore would also need to be considered by Council.
- 5.15 Carrying out further evidence base work of course has implications for the existing timetable contained in the Local Development Scheme, which will require revision and approval by the Committee at a subsequent meeting. The Inspector's 8 June letter in paragraph 149-156 has provided three potential options for the way forward:

***Option 1** would be for the NEAs to agree to remove the GC proposals from the Section 1 Plan at this stage, and commit to submitting a partial revision of Section 1 for examination by a defined time, for example within two or three years. This would involve drawing up main modifications to remove the current GC proposals and address the other soundness issues identified above. The NEAs would also need to amend their Local Development Schemes [LDS] to include the proposed partial revision to Section 1.*

These steps should enable the Section 2 examinations to proceed, and subject to the findings of those examinations and to consultation on the main modifications to Section 1 and (potentially) to Section 2, each Local Plan should then be able to proceed to adoption. In preparing for the Section 2 examinations the NEAs would, of course, need to consider any implications of the removal of the current GC proposals – and any

implications of my forthcoming findings on policy SP3 – for housing land supply in each NEA in the years before the partial revision comes forward.

Following the Section 2 examinations, under Option 1 the NEAs would then carry out further work on the evidence base and Sustainability Appraisal, as outlined in my comments above on the GC proposals. That further work would provide the basis for revised strategic proposals to be brought forward for examination as a partial revision to the Section 1 Plan, within the timescale identified in the revised LDS. The revised strategic proposals could in principle include one or more GC(s), if justified by the further evidence and SA work.

***Option 2** would involve the NEAs carrying out the necessary further work on the evidence base and Sustainability Appraisal, and bringing forward any resulting revised strategic proposals, before the commencement of the Section 2 examinations. Due to the considerable length of time this is likely to take, it would be necessary to suspend the examination of Section 1 while the work is carried out and consultation on the SA and any revised strategic proposals takes place. Following the suspension, further Section 1 hearings would need to be held to consider the revised strategic proposals.*

It seems to me that in this option the Section 2 examinations could not sensibly proceed before the additional Section 1 hearings had taken place and the Inspector's initial views on the revised proposals were known, as any significant revisions to Section 1 would have consequences for the examination of Section 2.

It is also possible under Option 2 that other parts of the evidence base for both Section 1 and Section 2 might become out of date or overtaken by changes in national policy. Should this occur, there would be a risk of additional delay to the examination of both parts of the Plan while the relevant evidence is updated and any necessary modifications are brought forward.

All this means that even in the most favourable circumstances the adoption of the NEAs' Local Plans would be substantially delayed under Option 2, compared with Option 1. In turn this could give rise to continuity problems for all participants in the examinations of the plans.

***Option 3** would be to withdraw the Section 1 and Section 2 Plans from examination and to resubmit them with any necessary revisions, after carrying out the required further work on the evidence base and SA, and the relevant consultation and other procedures required by legislation.*

- 5.16 Following consideration and advice, council officers have sought clarification from the Inspector on the following aspects of Option 1 –

Sustainability Appraisal requirements –will a new SA be required to address whether the present allocations and patterns of development in Section 2 would be appropriate if the Garden Communities did not come forward as part of a future revision of Section 1? If the SA has to be updated then it will have to address the GC proposals as a realistic alternative. In order to do this, does the Inspector agree that it will need to address the limitations that he found in relation to the existing SA?

Examination –will further examination days be needed to deal with the objections from Garden Communities promoters if they make material objections to the deletion of the relevant policies?

Review of Section 1 - Do the implications that have to be considered include the possibility that the Garden Communities proposals will not be promoted in a revised future Section 1?

Implications for Section 2 – will the Section 2 plans need review to consider whether they still represent the most appropriate strategy and include replacement housing sites for the deleted Garden Community numbers? Will consideration of Section 2 need to wait to proceed until issues of soundness relating to Section 1 are addressed?

- 5.17 The letter is attached as Appendix 1 and the Inspector's replies to the questions will be circulated upon receipt and prior to the meeting.
- 5.18 Colchester, Braintree and Tendring officers have considered the options carefully, along with legal advice contained in Appendix 2 to this report, and are recommending that the Councils support Option 2. Option 3 has been discounted as it would entail abandoning all the valuable work completed to date on the Local Plan.
- 5.19 A detailed analysis of the pros and cons of Options 1 and 2 is attached as Appendix 3. In terms of timescale, on closer analysis Option 1 is considered to involve significant further delay that is not covered in detail in the Inspector's letter. Removal of the Garden Communities element of the plan would result in a fundamental change to the plan that would need to be reflected by revision of Section 1 to both remove the policies and make consequential changes; further Sustainability Appraisal work; consultation on the amended plan and SA; potential re-opening of the examination; and publication and consultation on Major Modifications on the new Section 1.
- 5.20 It is clear that partial removal of the Garden Communities or a change to the scale of them is not what is proposed by the Inspector as Option 1. He clearly defines this option as agreeing 'to remove the GC proposals from the Section 1 Plan at this stage'.
- 5.21 A key consequential change arising from removal of the Garden Communities would be a significant shortfall in the supply of housing sites to meet the needs up to 2033. The Councils would need to consider whether the present allocations and patterns of development in Section 2 remain appropriate given the garden communities are not coming forward at this time and assess additional sites for meeting the housing needs at the latter end of the plan period.
- 5.22 The Council's legal opinion identifies that pursuing Option 1 would involve two problematic choices – proceeding with a plan for the full fifteen years that does not meet objectively assessed housing need, or alternatively, approve a plan for a shorter period. As far as the first choice goes, it's noted that 'the NEAs could not, in good conscience, promote a Local Plan which has, before the examination commences, a known under-provision'.
- 5.23 Para 4.6 of the opinion evaluates the second choice as follows:
- The only way that we can see to avoid the need to assess additional sites is to shorten the plan period to the extent that the shortfall is not felt within the plan period. The new period would end at the point when the partial review is likely to be completed, perhaps in [2026/7]. This would mean a plan period of, say, 5 years post a 2022 adoption. That falls significantly short of the 15 year-time horizon required by paragraph 157 of the NPPF. We do not see how a plan for such a short period could be found sound.
- 5.24 A shorter plan period and earlier review would also have implications for the Objectively Assessed Housing need figure. The current plan was submitted prior to the introduction of the new methodology introduced for calculating housing need so it has relied on the

existing figure of 920 houses a year. The Inspector's letter of 27 June has confirmed that the Councils' approach is soundly based. A new review would, however, need to use the higher figure of 1095 resulting from the new methodology as its starting point and allocate sites accordingly. If the review also needed to find sites for the 2500 Garden Communities units, the plan could involve a total of 5,500 additional houses over a fifteen year period.

- 5.25 Bearing in mind the deficiencies identified with Option 1, Option 2 is supported by officers on the basis that, as summarised in the Appendix 2 Pros and Cons table, 'Option 2 provides a clear and agreed strategy for long term housing growth by the middle of next year, with the Section 2 plans following on to adoption in 2020. Although the Local Plan is delayed by 9/12 months it still allows the garden communities to start delivering houses in 2023/24, and make a contribution of 7,500 homes in the plan period. Clearly, this Option relies on the evidence base and SA work being carried out properly and satisfying the Inspector after a further open examination.'
- 5.26 A key factor weighing in favour of Option 2 is that it best sustains momentum on delivering the Councils commitment to innovative and sustainable new development via Garden Communities. The Inspector's letter to the Councils noted that 'my findings do not necessarily represent a rejection of their commendable ambitions for high-quality, strategic-scale development in North Essex.' The principle of Garden Communities accordingly has not been rejected and, to the contrary, has been gaining ever-greater support at Government level. This is evidenced by the following:
- The reinstatement of the garden city principles in the new NPPF (they were controversially removed from the draft version.)
 - New legislation supporting the creation of Garden Community Development Corporations
 - Financial support for the Councils' joint planning on Garden Communities
 - Support for infrastructure required to enable development of Garden Communities, i.e. HIF bids, and A12/A120 decisions
 - Growing national profile of North Essex Garden Communities
- 5.27 Braintree DC agreed to support Option 2 at their meeting held 23rd July. Similarly, the Leader of Tendring Council has written to all members stating that 'as progressing Option 2 follows through on the decision made by this Council when it approved the Local Plan, I have decided to therefore cancel the Local Plan Committee scheduled for 9th August 2018.' He will be making a further statement at the Council meeting on 11th September. A deviation from this option by Colchester BC would effectively introduce Option 3, abandonment of the current plan and development of a new plan, given that progress on the current plan relies on all authorities pursuing the same option.
- 5.28 Timetable – All of the options introduce varying levels of delay. Given that Option 1 is considered to entail further work not itemised in the Inspector's letter, it is estimated that it could involve a longer period of delay than envisaged by the Inspector (18 months).
- 5.29 Option 2 is considered to involve a lesser level of delay (9-12 months), with the proposed timetable as follows:
- July - October – Completion of additional evidence base work on transport and viability
 - July - November – Completion of further Sustainability Appraisal work
 - November/December – Consideration by Local Plan Committee of consultation on revised SA and evidence base

- January 2019 – Consultation on SA and additional evidence base
- February – submission of information to Inspector
- April – further hearing sessions
- May/June – Letter from Inspector proposing Modifications
- July/August – consultation on modifications
- September – Inspectors report on Section 1
- November – Section 2 examination begins
- January 2020 – Inspectors letter and modifications
- February/March – consultation on modifications
- April 2020 – adoption of Local Plan.

5.30 There is a lot of work already undertaken that the Councils can be proud of and this has been recognised at the highest levels. Only a few days ago Neil Stock, Leader of Tendring District Council, received a letter from James Brokenshire MP, the new Secretary of State for Housing, Communities and Local Government (MHCLG). In the letter he said, “The North Essex Garden Communities Scheme is one of the most ambitious of the garden town and village projects supported by MHCLG not just in terms of the scale and complexity of development proposed, but also the level of collaboration achieved between the North Essex local authorities including Tendring.”

6. Equality, Diversity and Human Rights implications

6.1 An Equality Impact Assessment has been prepared for the Local Plan, and is available to view by clicking on this link:-
<https://colch.sharepoint.com/:b:/s/Store/DyLi/EZA0GdflinZFsYaVaABNZigBvKSbQowOONFR-CqjyG4XAQ>

7. Strategic Plan References

7.1 Strategic planning and adoption of a Local Plan supports all four of the strategic goals in the 2018-21 Strategic Plan, including Growth, Responsibility, Opportunity and Wellbeing.

8. Consultation

8.1 While there are no direct consultation requirements concerning making a decision on options, in general terms consultation on the Local Plan is carried out in line with the Council’s Statement of Community Involvement and The Town and Country Planning (Local Planning) (England) Regulations 2012.

9. Publicity Considerations

9.1 Decisions on Local Plan issues create a high level of comment and will therefore need to be managed with press releases and other publicity measures.

10. Financial implications

10.1 A decision on Local Plan options will have an effect on the Council’s forward budgeting for Local Plan work.

11. Community Safety Implications

11.1 Development of a new Local Plan will address the community safety implications of creating sustainable communities.

12. Health and Safety Implications

12.1 Development of a new Local Plan will address the health and safety implications of creating sustainable communities.

13. Risk Management Implications

13.1 Progress in adoption of a new Local Plan will help to secure a plan led approach to development and to reduce the risk of inappropriate development being permitted.

Appendices

- Appendix 1 – Letter to Inspector on options
- Appendix 2 - Legal Advice on Options from Stephen Ashworth, Dentons
- Appendix 3 – Pros and Cons for Options 1 and 2

APPENDIX 1 Letter to Inspector on Options

Dear Mr. Clews,

Questions of clarification on the options set out in the post-examination letter

We thank you for your post-examination letters dated 8th and 27th June 2018 which, taken together, set out your advice to the North Essex Authorities [NEAs] as to the further steps necessary for the Section 1 Local Plan to be made sound and legally-compliant. Whilst we are naturally disappointed that you have found that the plan cannot proceed to adoption as quickly as we had originally hoped, we are none the less pleased with the way you have conducted the examination to date and the way in which you have clearly set out your concerns about the Garden Communities and the steps needed to address those concerns.

We would like to take up your offer in paragraph 158 of the first letter to seek your further advice.

We are clear about the implications of Options 2 and 3 so this letter just addresses Option 1.

“Option 1 would be for the NEAs to agree to remove the GC proposals from the Section 1 Plan at this stage, and commit to submitting a partial revision of Section 1 for examination by a defined time, for example within two or three years. This would involve drawing up main modifications to remove the current GC proposals and address the other soundness issues identified above. The NEAs would also need to amend their Local Development Schemes [LDS] to include the proposed partial revision to Section 1.

These steps should enable the Section 2 examinations to proceed, and subject to the findings of those examinations and to consultation on the main modifications to Section 1 and (potentially) to Section 2, each Local Plan should then be able to proceed to adoption. In preparing for the Section 2 examinations the NEAs would, of course, need to consider any implications of the removal of the current GC proposals – and any implications of my forthcoming findings on policy SP3 – for housing land supply in each NEA in the years before the partial revision comes forward.

Following the Section 2 examinations, under Option 1 the NEAs would then carry out further work on the evidence base and Sustainability Appraisal, as outlined in my comments above on the GC proposals. That further work would provide the basis for revised strategic proposals to be brought forward for examination as a partial revision to the Section 1 Plan, within the timescale identified in the revised LDS. The revised strategic proposals could in principle include one or more GC(s), if justified by the further evidence and SA work.”

Option 1 appears to be designed to enable the NEAs to proceed quickly to the adoption of a slimmed-down Section 1 and to progress to the Section 2 examinations so long as the NEAs commit to a partial review within two or three years – at which point Garden Communities could be re-introduced if justified by the further evidence and SA work.

In order to modify Section 1 to remove the Garden Communities we would need to carry out an updated Sustainability Appraisal and, given the scale of the change, advertise both. The Sustainability Appraisal would have to consider the Garden Community options as a realistic alternative to what would then be a decision not to have a spatial dimension to housing delivery. At the moment we have not identified any additional evidence required to support the Option 1 changes to Section 1. If there are objections from the promoters then we are assuming that there would need to be a further hearing into those objections before you can report and reach a conclusion on whether the modified Section 1 is sound.

We note that in preparing for the Section 2 examination the NEAs would need to consider any implications of the removal of the current GC proposals for housing land supply in each NEA in the years before the partial revision comes forward. If there is a partial review as you suggest then it is possible that that partial revision will not support the GC proposals and this is an implication that will have to be considered. As a new plan it would need to address the updated housing numbers in accordance with the NPPF. As you indicate the partial review would be submitted after the Section 2 plans have been adopted. If garden communities are still proposed in a partial review then some of the work that we were proposing be incorporated in the Garden Community DPDs could be included in the plan to reduce the time before delivery but given that there would be a 5 year+ delay before the adoption of Garden Community policies it is unlikely that any of the garden communities would be able to make a material contribution to housing supply in the period up to 2033.

As it stands, the NEAs collectively rely on the Garden Communities to deliver a proportion of the new homes required to meet the (now confirmed as sound) objectively assessed housing needs to the end of the plan period in 2033. Removing the GC proposals from the Section 1 Local Plan would result in a significant shortfall in the supply of housing sites in the Section 2s to meet needs up to 2033, particularly from year 6 onwards. An implication for the NEAs of removing GCs from Section 1 would therefore be a requirement to consider whether the present allocations and patterns of development in Section 2 would be appropriate if the GCs did not come forward as part of a future revision of Section 1.

Even if GCs are included in the Section 1 revision since they would not be able to make a material contribution to housing delivery in the period to 2033 other options for delivering housing would have to be explored within the Section 2 plans. We think that we would therefore also have to assess additional sites and potentially modify and re-consult on the Section 2s before progressing to the examinations. An updated Sustainability Appraisal would be required

With these issues in mind, we would be grateful if you could clarify what is envisaged through Option 1. Our questions are as follows:

- 1) Do you agree that the removal of the GC proposals from Section 1 will require an updated SA before Section 1 could be adopted?
- 2) If the SA has to be updated then it will have to address the GC proposals as a realistic alternative. In order to do so do you agree that it will need to address the limitations that you have found in relation to the existing SA?
- 3) If Section 1 is modified as proposed will you require further examination days to deal with the objections from the promoters of those sites if they make material objections to the deletion of the relevant policies?
- 4) Do you agree that the "implications" that have to be considered include the possibility that the GC proposals will not be promoted in a revised future Section 1?
- 5) Do you agree that the Section 2 plans will need to be reviewed to consider whether they still represent the "most appropriate strategy"?
- 6) In the submitted Local Plans, the garden communities begin delivering housing numbers from 2023/24. Do you agree that the Section 2 plans will need to be revised to include replacement housing sites given that under Option 1 the GC proposals (even if pursued

through a later review) will no longer be able to make a material contribution to housing supply in the plan period?

- 7) Do you agree that section 2 cannot proceed until the issues of soundness relating to Section 1 are addressed?

Please do not hesitate to contact us via the Programme Officer if you have any queries or concerns about the content of this letter.

Yours sincerely

Emma Goodings

Karen Syrett

Gary Guiver

Braintree District Council

Colchester Borough Council

Tendring District Council

APPENDIX 2 Considerations in respect of Option 1

1 Introduction

- 1.1 The Inspector's letter of 8 June 2018 included three options for taking the Section 1 Local Plan forward. This note sets out the implications for the North Essex Authorities ('NEAs') of adopting the partial review approach which is the basis of the Inspector's Option 1.
- 1.2 Option 1 would involve:
- (a) proposed modifications to Section 1 to:
 - (i) remove the garden communities from Section 1 and address any other soundness issues;
 - (ii) incorporate any other changes resulting from the removal of the garden community proposals;
 - (b) the preparation of a new Sustainability Appraisal¹ of the amended Section 1;
 - (c) consultation on the amended Section 1 and new Sustainability Appraisal;
 - (d) a potential re-opening of the examination to consider objections to the deletion of the garden communities;
 - (e) if Section 1 as proposed to be modified is found to be sound² then the Inspector would report on proposed Main Modifications to the plan which would have to be published for comment;
 - (f) assuming that Section 1 is sound and in the absence of garden communities, a review of Section 2 to consider whether:
 - (i) the present proposed allocation of sites and development in Section 2 is the most appropriate strategy. If not further evidence base material will be required;
 - (ii) additional sites need to be identified to meet the housing and employment needs in the plan period, and if so, the preparation of the evidence base to support that;
 - (g) a further Sustainability Appraisal for Section 2 (irrespective of the above) to consider the significant environmental effects;
 - (h) consultation on any amended proposals and on the Sustainability Appraisal ahead of fixing the Section 2 examination; and
 - (i) a partial review of Section 1 within 2-3 years at which point the garden communities could be re-introduced if that, judged against the revised NPPF test, is an appropriate strategy. That partial review would have to consider the then present evidence on housing numbers and run for 15 years, potentially requiring a partial reconsideration of the Section 2 plan.

¹ Note that the updated Sustainability Appraisal would have to consider the possibility of Garden Communities as one of the realistic alternatives. If the updated Sustainability Appraisal reaches the same conclusions as the original Appraisal then the strategy being adopted may not score best in terms of the significant likely environmental effects.

² The promoters of the Garden Communities may submit evidence persuading the Inspector that the original proposals remain the "most appropriate strategy".

2 Legislative test and soundness

- 2.1 The purpose of the independent examination into Section 1 is to determine:
- (a) that legal and procedural requirements have been satisfied³;
 - (b) whether it is sound; and
 - (c) whether the NEAs have complied with the duty to co-operate during the preparation of Section 1.
- 2.2 The starting point of the local plan examination is that the local planning authority have submitted a plan which it considers sound.⁴ To be sound the plan must be:
- (a) Positively prepared – being based on a strategy which seeks to meet objectively assessed development and infrastructure requirements;
 - (b) Justified – being the most appropriate strategy when considered against the reasonable alternatives, based on proportionate evidence;
 - (c) Effective – being deliverable over its period based on effective joint working on cross-boundary strategic priorities; and
 - (d) Consistent with national policy.
- 2.3 There are separate legal obligations in relation to the duty to co-operate. Care would need to be taken during the modification process that the duty to co-operate continues to be addressed, both as between the North Essex authorities and with those other authorities in the area who would be affected.

3 Soundness in respect of a revised Section 1

- 3.1 In terms of legislative compliance, it is open to the NEAs to have a purely strategic Section 1, provided that policies to address the identified strategic priorities are set out in the development plan documents, taken as a whole. Although not in the NPPF the NPPG provides that Local Plans may be found sound conditional upon a review in whole or in part within 5 years of the date of adoption.
- 3.2 The garden communities could be deleted from Section 1 without necessitating any further evidence base work. Under Option 1, an amended Section 1 could identify the strategic priorities, set the overarching vision, set housing numbers and employment floorspace figures, but leave the distribution of development to the Section 2s.
- 3.3 The Inspector can find an amended Section 1 to be sound if satisfied that:
- (a) the amended Section 1 approach of not having a spatial dimension to housing or employment delivery is the most appropriate strategy;
 - (b) the sustainability implications of that strategy have been considered in a Sustainability Appraisal including the possibility that that the garden communities will not come forward on a partial review; and

³ Including that it satisfies the requirements of sections 19 and 24(1) Planning and Compulsory Purchase Act 2004, Town and Country Planning (Local Planning) (England) Regulations 2012, and regulations

⁴ Para. 182 NPPF, which reflects section 20(2) Planning and Compulsory Purchase Act 2004

- (c) a strategy without garden communities is the most appropriate strategy when considered against the reasonable alternatives, including having regard to the garden communities proposals as a reasonable alternative.

3.4 The Inspector would have to consider whether the duty to co-operate had been met.

4 Soundness in respect of Section 2

4.1 The removal of the garden communities in an amended Section 1 would result in a significant shortfall in the supply of housing sites to meet the needs up to 2033.

4.2 The Inspector has suggested the inclusion of a review mechanism at 2-3 years in Section 1. It may be thought that an obligation to review remedies any potential deficiency sufficiently for Section 2 to be found sound. That is wrong for two reasons:

- (a) if not pursued in the present Section 1 the Garden Communities cannot deliver the anticipated houses in the plan period even if they reappear in a subsequent review. There is a shortfall that has to be made up;
- (b) it cannot be assumed that a partial review would necessarily choose to promote Garden Communities. The Inspector has indicated that further evidence is required to justify new communities. If there is confidence that the evidence is available then Option 2 should be followed; if there is doubt then that affects the approach to Section 2.

4.3 Absent the garden communities there would be a need for sites to accommodate the 'lost' 7,500 units (or at least a major part of them). The current Section 2, absent the garden communities, would fail the test of soundness given that:

- (a) it is not positively prepared as it fails to meet the entirety of the objectively assessed need;
- (b) there is no credible evidence base to support the rationale not to address the under-provision, and to instead defer the identification of sites to the review stage; and
- (c) in doing so it fails to comply with national policy.

4.4 In addition, the NEAs could not, in good conscience, promote a Local Plan which has, before the examination commences, a known under-provision.

4.5 As a result, the removal of the garden communities, even if a review mechanism were to be included in Section 1, would require the NEAs to:

- (a) consider whether the present allocations and patterns of development in Section 2 remain appropriate given the garden communities are not coming forward at this time; and
- (b) assess additional sites for meeting the housing needs at the latter end of the plan period.

4.6 The only way that we can see to avoid the need to assess additional sites is to shorten the plan period to the extent that the shortfall is not felt within the plan period. The new period would end at the point when the partial review is likely to be completed, perhaps in [2026/7]. This would mean a plan period of, say, 5 years post a 2022 adoption. That falls significantly short of the 15 year-time horizon required by paragraph 157 of the NPPF. We do not see how a plan for such a short period could be found sound.

- 4.7 If additional sites are identified to meet the shortfall there would be limited need for a partial review. In any event, there is no certainty that garden communities would still be an appropriate strategy (on the revised test which would then apply) at the point a review was carried out. As a result, whilst the introduction of a review mechanism appears to be a relatively straightforward solution, the scale of the under provision absent the garden communities means that the strategy for that shortfall cannot simply be deferred to a later review.

APPENDIX 3 Local Plan Section 1 SWOT Analysis of Inspector's Options 1 & 2 July 2018 draft at 23.07.18

	OPTION 1	OPTION 2	COMMENT
	Remove Garden Communities from the Local Plan and proceed to examination of Section 2 with a partial review of the Local Plan in 2-3 years.	Undertake further work to address the Inspector's concerns about Garden Communities and complete the examination of Section 1 before proceeding to Section 2 at a later date.	Both options have advantages and disadvantages which the three NEA's must consider.
Timetable	<p>Section 1 modifications process completed by Summer 2019 after consultation and further examination</p> <p>Adoption of Section 2, following consultation and examination, in 2022</p> <p>Revised Plan Review process completed by 2025/26 if Garden Communities pursued assuming 2023 start date</p>	<p>Section 1 modifications process completed by Summer 2019 after consultation and further examination</p> <p>Adoption of Section 2, following consultation and examination, in Autumn 2020</p>	<p>Option 2 provides a clear and agreed strategy for long term housing growth by the middle of next year, with the Section 2 plans following on to adoption in 2020. Although the Local Plan is delayed by 9/12 months it still allows the garden communities to start delivering houses in 2023/24, and make a contribution of 7,500 homes in the plan period. Clearly, this Option relies on the evidence base and SA work being carried out properly and satisfying the Inspector after a further open examination.</p>
Strengths	<ul style="list-style-type: none"> NEAs may be able to proceed to adopt a new Local Plan, fill the 'policy vacuum' that has existed (in Tendring) since 2011 and reduce the likelihood of continued speculative housing applications without settling the Garden Community issue. The review of the Local Plan can be 'partial' i.e. not starting from scratch, with the majority of policies and proposals confirmed as sound and capable of being 'carried forward' with limited cost. Removes some of the need to push forward Garden Communities and allows more time for them to be developed up in more detail and at a more manageable pace. Allows the Councils to fully take on board the requirements of the new NPPF when it comes to reviewing the plan. The key test for soundness becomes whether the plan is "an appropriate strategy" rather than the "most appropriate strategy" 	<ul style="list-style-type: none"> There should be no requirement to include any additional sites in Section 2 of the Local Plan. Maintains the agreed NEA Garden Community policy that delivers the best prospects of high quality sustainable development over the longer term in North Essex. Keeps Garden Communities firmly on the NEA's and Government agenda and maintains the momentum for the garden community vision, partners and potential funding bodies. Although the Local Plan is delayed by 9/12 months it still allows the garden communities to start delivering houses in 2023/24, and make a contribution of 7,500 homes in the plan period (subject to the revised SA and evidence base being agreed by the Inspector). Avoids having to formally consult on the removal of Garden Communities by way of a main modification or alternative locations for major housing locations, both of which are likely to lead to further objections/hearing sessions. Provides more certainty and enables progress to be made with the Housing Infrastructure Funding bids to support early delivery of infrastructure and delivery of A12/120 improvements. 	<p>In contrast and in accordance with the Inspector's timetable Option 1 means that garden communities will not be able to make a meaningful contribution to housing in the plan period even if that remains the preferred option.</p> <p>This means that the North Essex Authorities will have to make alternative provision for further housing. We will all have to review our Section 2 plans to consider whether the existing allocations are still the most appropriate choices in the absence of garden communities. We will also need to identify the broad locations (at least) for a further 7,500 homes before 2033. Like Option 2, this will require further evidence base work and an updated SA, with the SA this time covering not only the changes to Section 1 but also to the Section 2s of the Local Plans.</p> <p>Our advice is that the work required to promote the revised Section 2s would take 12/18 months to prepare and to consult upon. Given that those promoting the garden communities are likely to object to the changes to Section 1 (and may submit planning applications) there may well be a need for an examination into a revised Section 1, before any Section 2 examination can be progressed. As a consequence, it is unlikely that a revised Section 2 could be progressed to adoption until 2022/3. In the meantime the authorities would become exposed to the risk of opportunistic appeals.</p>
Weaknesses	<ul style="list-style-type: none"> If Garden Communities are removed from the Local Plan, the major modifications would be the subject of consultation and an updated sustainability assessment in their own right and could draw strong objections from landowners, developers, promoters and communities that support the Garden Communities concept. These objections would need to be re-examined, possibly requiring the examination to be re-opened, meaning the timetable will be no shorter than Option 2 to complete the Section 1 process. The SA work to accompany the removal of the garden communities would have to address the possibility of garden communities as one of the realistic alternatives. On the basis of the evidence to date the garden communities would perform better than an alternative strategy, and Councils may have to consider choosing a less environmentally acceptable alternative. Garden Communities will not form part of the Local Plan until a later date, if at all, and will not benefit from the clarity and certainty needed by funders to invest in the project in the shorter term. It would materially delay the start date for any new Garden Community, making it difficult for them to make a meaningful contribution to new houses in the period to 2033. Unless the plan period is shortened significantly the NEAs will need to review Section 2 Local Plans to consider whether the proposed strategy is most appropriate in the absence of Garden Communities. The NEAs 	<ul style="list-style-type: none"> Risk that the Inspector is not satisfied by the updated evidence base and/or the sustainability assessment outcome and still finds the plan unsound. Some of the evidence base will start to go out of date if the examination is delayed for too long, bringing into question the soundness of some elements of the Section 2 Local Plans. Continued pressure from speculative developments, with claims from developers that the emerging Local Plan cannot carry any weight because it is unsound and likely to be subject to substantial changes. Further objections to the plan are likely to be received through the additional consultation required. 	<p>When any further plan is proposed, to deal with garden communities as the Inspector suggests or otherwise, it would then have to look forward 15 years from that point and would have to use the housing figures required by the emerging the new NPPF requirement – potentially a significant increase.</p> <p>If the North Essex Authorities are still of the view that Garden Communities is the preferred approach to meeting housing need over the long term then Option 2 has clear advantages over Option1.</p>

	OPTION 1	OPTION 2	COMMENT
	<p>would also need to consider whether to include additional housing sites outside of Garden Communities to meet the shortfall. Additional sites would require further evidence base and sustainability appraisal and would be likely to generate concerns amongst a new set of stakeholders.</p> <ul style="list-style-type: none"> • The examination and adoption of Section 2 Local Plans will be delayed if additional housing sites are required). • Some of the evidence base will start to go out of date if the examination is delayed for too long, bringing into question the soundness of some elements of the Section 2 Local Plans. • In the absence of the garden communities in the emerging plan Housing Infrastructure Funding bids (for early delivery of infrastructure) will be lost. There may also be impacts on the timing, route and delivery of A12/120 improvements. • All of the evidence base for the garden communities would need to be updated for a new plan. Part of the costs and work to date would be wasted. • Any new local plan Section 1 will require an update of the Objectively Assessed Need for each authority which could result in an uplift of overall housing numbers. • When any further plan is proposed, whether it includes Garden communities or not, , it would have to look forward 15 years from that point which, together with the change in OAN will probably require significant revisions to Section 2. 		
Opportunities	<ul style="list-style-type: none"> • Upon adoption, NEAs can ‘bank’ the majority of policies and proposals in the Local Plan and the partial review can be more focussed, concentrating on longer-term growth aspirations which may include Garden Communities. • Potential to re-introduce Garden Communities into the Local Plan as part of the partial review with the benefit of a greater level of evidence and detail, as is proposed to be developed through the DPDs, possibly dispensing with the need for further DPDs. • If Garden Communities are not pursued as an option then no need for a partial review of the Local Plans (since Section 2s will have been modified to include the additional housing sites required pre-2033). 	<ul style="list-style-type: none"> • Opportunity to use the extra time to strengthen the NEA’s case for Garden Communities and evidence stronger commitment from government and statutory agencies such as Highways England and Network Rail . • Through undertaking further work there is an opportunity to address and reduce current objections and concerns over garden community approach. 	
Threats	<ul style="list-style-type: none"> • Change of direction to NEA’s policy on Garden Communities, resulting in a loss of momentum from the collective work of the local authorities, and reputational damage both locally and at national level <p>The level of objections to the plan may increase once the changes to Sections 1 & 2 are agreed for public consultation as the alternatives to Garden Communities may involve development in more controversial locations.</p> <ul style="list-style-type: none"> • There is a possibility that the good cooperation between the authorities might begin to wane if they start to take different positions, on the interim and longer-term approaches. The NEA’s may be required to review some of the evidence produced to demonstrate the Duty to Co-operate. • Landowners/promoters might make speculative applications for large scale developments without the need to secure early infrastructure and longer term stewardship, which are key principles of garden communities. 	<ul style="list-style-type: none"> • The updated evidence might still fail to convince the Inspector about Garden Communities and the NEAs could be left without an up to date Local Plan. • The Councils’ reputations would suffer if, after all the additional work, the Inspector still concludes that Garden Communities are unsound. 	

13 August 2018

Report of	Assistant Director: Corporate & Policy	Author	Sean Tofts
Title	Housing Land Supply Statement June 2018		☎ 503639
Wards affected	All		

1. Executive Summary

- 1.1 The Housing Land Supply Statement has been prepared in line with the National Planning Policy Framework (NPPF) which requires Local Planning Authorities to identify and update annually, a five year supply of housing land.
- 1.2 The document presents the position as of 1st April 2018 and considers the relevant five year housing land supply period; 1st April 2018 to 31st March 2023. The document demonstrates that there is a sufficient supply of homes for the forthcoming five year period within the Borough. The document includes two new sections that relate to windfall allowance and emerging allocations.

2. Recommended Decision

- 2.1 The Committee is asked to note the publication of the CBC Housing Land Supply Position Statement June 2018.

3. Reason for Recommended Decision

- 3.1 To make members aware of the latest housing supply position.

4. Alternative Options

- 4.1 There are no alternative options – the report is for information only.

5. Background Information

- 5.1 The Housing Land Supply Statement June 2018 (or Position Statement) has been prepared in line with the National Planning Policy Framework (NPPF) which requires Local Planning Authorities to identify and update annually, a five year supply of housing land.
- 5.2 Traditionally this information has been released within the Authority Monitoring Report (AMR) at the annual December committee. The information is however readily available to update the Council's position shortly after the end of each financial/monitoring year enabling more frequent updating if required. The updates will supplement the ongoing AMR publication with the potential for a mid-year assessment; for example in December 2018 the AMR may include the figures for the first 6 months of 2018/19.
- 5.3 The Housing Supply Statement now includes further information in relation to a windfall allowance and emerging allocations.

National Policy

- 5.4 On Tuesday the 24th of July 2018 the government published a revised National Planning Policy Framework, the first review of the original NPPF since its initial publication in 2012. The revised NPPF incorporates the changes that have been consulted on following last year's housing white paper and "planning for the right homes in the right places" consultation.
- 5.5 Where plans are being prepared under the transitional arrangements set out in Annex 1 to the revised National Planning Policy Framework, the policies in the previous version of the framework, published in 2012, continue to apply, as will any previous guidance which has been superseded since the new framework was published in July 2018.

Windfall Allowance

- 5.6 In simple terms windfall sites are those sites which are not included as allocations as part of the housing land supply, which subsequently become available for housing development. A windfall allowance is a calculation that can be included within future housing completion projections to allow for development that is likely to come forward from a currently unknown site or location.
- 5.7 Based on the evidence of historic trends of windfall within the Borough, the Council will be applying a windfall allowance going forward. Although there is no universally used formula to account for the anticipated windfall several considerations have been taken into account.
- 5.8 The housing position statement considers a criterion to define windfall which is considered to be in line with definition of windfall as set out in the 2018 revisions to the NPPF.
- 5.9 For the purposes of the position statement the criteria for a site to be considered windfall is that it should not form part of a current or emerging allocation; including the historic growth and regeneration areas unless the site was clearly not intended to be subject to the policy. An example of this could be a small infill site or an office to residential conversion brought forward through permitted development rights.
- 5.10 The position statement identifies past windfall development that has been completed within the borough. This has been seen to increase within recent years with an average in the last 5 years of 204 completions, within the last 3 years there has been 260 completions and if the predicted completions for 2018/19 are taken into account this rises further to 284 dwellings per year on average. As the completions for the current year, 2018/19, are probable, it has been considered that a conservative approach would be to allow for an average of 260 dwellings to be completed per year for the five year supply period.
- 5.11 There is no reason for the Council to believe that this level of windfall is not achievable and with office to residential conversions still prevalent within the Borough it is seen to be a conservative estimate of the windfall that will be realised in actuality.
- 5.12 The position statement offers further clarity on how an additional windfall allowance is calculated for the Borough from paragraph 5.5 to 5.9. It is important to note that the housing trajectory already includes sites that amount to windfall development and this can be termed 'known windfall'. It is important to note that these will not be double counted i.e.: included in the trajectory as a specific site and also used to justify an additional 'windfall allowance'.

- 5.13 The position statement highlights that there are 725 dwellings from 'known windfall' that are anticipated to be completed within the five year period and therefore this figure must be subtracted from anticipated average figure of 260 windfall dwellings a year. Furthermore it is noted that the year 2018/19 is unlikely to include any further windfall beyond that included within the trajectory from 'known windfall' permissions due to the short lead in time for completions and because the figure for the year already exceeds the predicted average windfall applied going forward.
- 5.14 Taking into account the above a further 315 dwellings are anticipated to be completed within last four years of the five year supply period from additional windfall sites that the Council is currently unaware of. This figure has been included in the five year housing supply calculation.

Emerging Allocations

- 5.15 Officers consider that a pragmatic approach should be taken in relation to the inclusion of emerging allocations within the housing position statement. A new section has been added to the document specifically considering the inclusion of emerging allocations within the five year housing supply calculations. The section notes deliberations within the National Planning Policy Framework (NPPF) and Planning Practice Guidance (PPGs) and relevant case law.

National Policy and Guidance:

- 5.16 Footnote 11 of the 2012 NPPF identifies that to be considered deliverable, sites should be available now, offer a suitable location for development now, and be achievable with a realistic prospect that housing will be delivered on the site within 5 years and in particular that development of the site is viable. Planning Policy Guidance gives guidance on what constitutes a deliverable site for the application of housing policy. In relation to emerging allocations the first sub-paragraph of Paragraph 031 is pertinent: "deliverable sites for housing could include those that are allocated for housing in the development plan ... unless there is clear evidence that schemes will not be implemented within 5 years"

Relevant Case Law

- 5.17 The Court of Appeal delivered judgment in *St Modwen v SSCLG & ERYC* 2017 concerning the meaning of the phrase "deliverable sites" in the context of the requirement in paragraph 47 of the National Planning Policy Framework for a five year housing land supply. Lord Justice Lindblom said that, to be deliverable in this sense, a site has to be capable of being delivered within five years, but it does not need to be certain or probable that the site actually will be delivered within five years. Sites can be included in the five year supply if the likelihood of housing being delivered on them within the five year period is no greater than a realistic prospect; just because a particular site is capable of being delivered within five years, it does not mean that it necessarily will be. In his view, there is a distinction between the identification of deliverable sites for the purpose of showing a supply of specific deliverable sites sufficient to provide five years' worth of housing against an authority's requirements and the expected rate of delivery to be reflected in a housing trajectory. The Judge also noted that the NPPF recognises that local planning authorities do not control the housing market.
- 5.18 The appeal case of *Wainhomes (South West) Holdings v SSCLG* 2013 clarified that inclusion of a site in an emerging Local Plan is at least some evidence that the site is deliverable. Judge Stewart-Smith J surmised that a site's deliverability is reliant on the evidence to support the proposed allocation on a site by site basis. The weight to be

attached to the quality of the authority's evidence base is a matter of planning judgment for an inspector.

Conclusion on the inclusion of emerging allocations

- 5.19 The inclusion of the sites within the emerging allocations highlights that the Council believes that the sites are deliverable and this will be further robustly critiqued through the Local Plan examination. All emerging sites within the 5 year trajectory are subject to early discussions and there are no known insurmountable constraints that will effect deliverability. Notwithstanding this, though the Council is not reliant upon emerging allocations to illustrate a sufficient 5 year supply they have been included within the calculations.

Five year Supply Position

- 5.20 As stated within the executive summary the Council is able to demonstrate sufficient housing for the five year period. The figure is dependent on 2 factors:
- The number of houses required for the five years and;
 - The supply of housing anticipated for the five year period.

Requirement

- 5.21 Colchester's five year housing land supply requirement is based on an annual housing target of 920. This figure is derived from an objectively assessed housing need study published in 2015 by Peter Brett Associates in full compliance with national guidance. This housing target equates to a requirement to deliver 4,600 new dwellings over a five year period. A further 39 dwellings must also be added to this figure to allow for a minor shortfall of delivery since 2013/14. Notably this shortfall has diminished significantly over the time period and the predicted completion figures for 2018/19 within the housing trajectory suggest the Council will have provided a small surplus of housing by the end of this financial year.
- 5.22 The Inspector of the Strategic (Section One) Plan, Roger Clews advised the Councils on 27 June 2018 that he considered that the housing requirement policies in Policy SP3 of Section 1 were soundly based. The letter is available in full on the [Braintree District Council website](#), where the examination webpages have been hosted.
- 5.23 Further to the 4,639 dwellings needed within the borough, national policy requires an additional contingency buffer to be added to this figure. A five percent buffer has been added to this figure which equates a total need of 4,871 dwellings to be deliverable within the borough within the five year period between 1st April 2018 and 31st March 2023.

Supply

- 5.22 The supply of housing within the Borough is predominantly anticipated to be from existing planning permissions. Combining permissions with existing allocations and the additional windfall allowance it is expected that 5045 dwellings will be delivered within the borough within the five year period. A further 1293 dwellings are expected to be delivered from the emerging allocations within the new Local Plan towards the latter part of the five year period.

Calculation

- 5.23 As set out on page 12 in section 7 of the position statement the council is able to provide a sufficient supply of housing for the five year period:
- **5.18 years** of housing from permissioned sites, existing allocations and additional 315 dwelling windfall allowance;
 - **6.51 years** when including the above and emerging allocations.

Monitoring

- 5.24 Section eight of the document highlights the monitoring process. The document will be updated annually with six month reviews as required.

6. Equality, Diversity and Human Rights implications

- 6.1 An Equality Impact Assessment has been prepared for the Local Plan, and is available to view by clicking on this link:-
<https://colch.sharepoint.com/:b:/s/Store/DyLi/EZA0GdflinZFsYaVaABNZigBvKSbQowOONFR-CqjyG4XAAQ>

7. Strategic Plan References

- 7.1 The Council's Strategic Plan 2018 – 2021 includes a key priority concerning housing delivery. The Housing Land Supply Position Statement includes information relevant to several corporate targets.

8. Consultation

- 8.1 None required.

9. Publicity Considerations

- 9.1 The Housing Land Supply Position Statement June 2018 is published on the Council's website via <https://www.colchester.gov.uk/info/cbc-article/?catid=housing-land-supply&id=KA-02033>.

10. Financial, Community Safety and Health and Safety Implications

- 10.1 There are no financial, community safety or health and safety implications for the Council

11. Risk Management Implications

- 11.1 Housing Land Supply Position Statement will reduce the risk of the Council being subject to planning application appeals with five year supply issues being main issues. It will also aid in receiving adverse appeal decisions.

Appendices

- Housing Land Supply Position Statement June 2018.

Housing Land Supply Position Statement

Colchester Borough Council's housing land
supply position

July 2018

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1. Status of this document

- 1.1 This document sets out Colchester's housing land supply position and explains how this position complies with the requirements of national policy and guidance.
- 1.2 The document represents the current housing land supply position as of 1st April 2018. The relevant five year housing land supply period therefore covers the period between 1st April 2018 and 31st March 2023.
- 1.3 The information contained in this document is correct in respect of the time period it covers but due to the nature of housing supply and delivery it is considered to be a 'live document'. It is therefore subject to change as and when new information is received which changes the housing supply and/or housing delivery position.

2. Local Context

- 2.1 Colchester Borough Council has an adopted Local Plan which consists of its Core Strategy (adopted in 2008 and subject to a Focused Review in 2014), Site Allocations DPD (adopted 2010) and Development Policies DPD (adopted 2008 and reviewed 2014). The Tiptree Jam Factory Plan DPD (2013) also forms part of the development plan. In addition there are two adopted Neighbourhood Plans within Colchester Borough in the form of the Myland and Braiswick Neighbourhood Plan and Boxted Neighbourhood Plan, both of which were adopted in 2016.
- 2.2 The adopted Local Plan set a minimum housing target of 19,000 new homes between 2001 and 2023 at an annual rate of 830 dwellings per year (2008 – 2021) and 855 dwellings per year (2022-23). Housing delivery over the period to date has exceeded expectations and the Council has overseen a cumulative surplus of housing delivery.
- 2.3 In 2017 the Council submitted a new Local Plan to direct future development and growth in the Borough and allocate sufficient land to meet objectively assessed housing needs over the plan period from 2017 to 2033. The plan preparation included the production of an up to date and robust evidence base, including a Strategic Housing Market assessment and Objectively Assessed Housing Need Assessment. Accordingly, the emerging Local Plan sets a housing target of 14,720 over the plan period at an annual rate of 920 dwellings per year. This target has been used to monitor delivery and supply since 2013. In order to meet this housing target, the new Local Plan allocates additional land to supplement sites already identified and committed for residential development.

3. National Policy

- 3.1 A core principle of the 2012 version of the National Planning Policy Framework (NPPF) is a commitment that planning should be genuinely plan-led and that planning should proactively set out to meet the growth needs of an area. This is re-enforced at paragraph 47 which sets the requirements of local planning authorities to ensure that objectively assessed housing needs are met through the identification of housing development sites.
- 3.2 Paragraph 47 also requires local planning authorities to identify and update annually a supply of specific deliverable sites sufficient to provide five years' worth of housing land against their housing requirements. A buffer is required to be added to this five year requirement, the level of which is determined by the local planning authorities' recent housing delivery record: a default 5% buffer is added to ensure choice and competition in the market for land; and in areas where the local planning authority has overseen a persistent under delivery of housing, this is increased to 20%. In both instances the buffer is brought forward from later in the plan period so that the overall housing target in the plan period is not affected.
- 3.3 For sites to be considered deliverable, footnote 11 of the NPPF states they should:
- be available now;
 - offer a suitable location for development now;
 - be achievable with a realistic prospect that housing will be delivered on the site within five years; and
 - development of the site is viable.
- 3.4 Sites with planning permission should be considered deliverable until permission expires, unless there is clear evidence that schemes will not be implemented within five years, for example if they will not be viable, there is no longer a demand for the type of units permitted or if sites have long term phasing plans.
- 3.5 Planning Practice Guidance (PPG) is clear that planning permission is not a prerequisite for a site being considered deliverable in respect of a five year supply of housing land. For example if there are no significant constraints (e.g. substantial infrastructure requirements, extensive contamination, etc.) to overcome, sites without planning permission can be considered capable of being delivered within the five year period.
- 3.5 Paragraph 48 of the NPPF states that local planning authorities may make an allowance for windfall sites in the five year supply if they have compelling evidence that such sites have consistently become available in the local area and will continue to provide a reliable source of supply.

Any allowance should be realistic having regard to historic windfall delivery rates and expected future trends. Current national policy also discounts the inclusion of residential garden sites. This is to an extent an arbitrary decision as there is clear evidence of suitable residential garden sites obtaining planning permission and there is no reason to believe that this trend will not continue going forward.

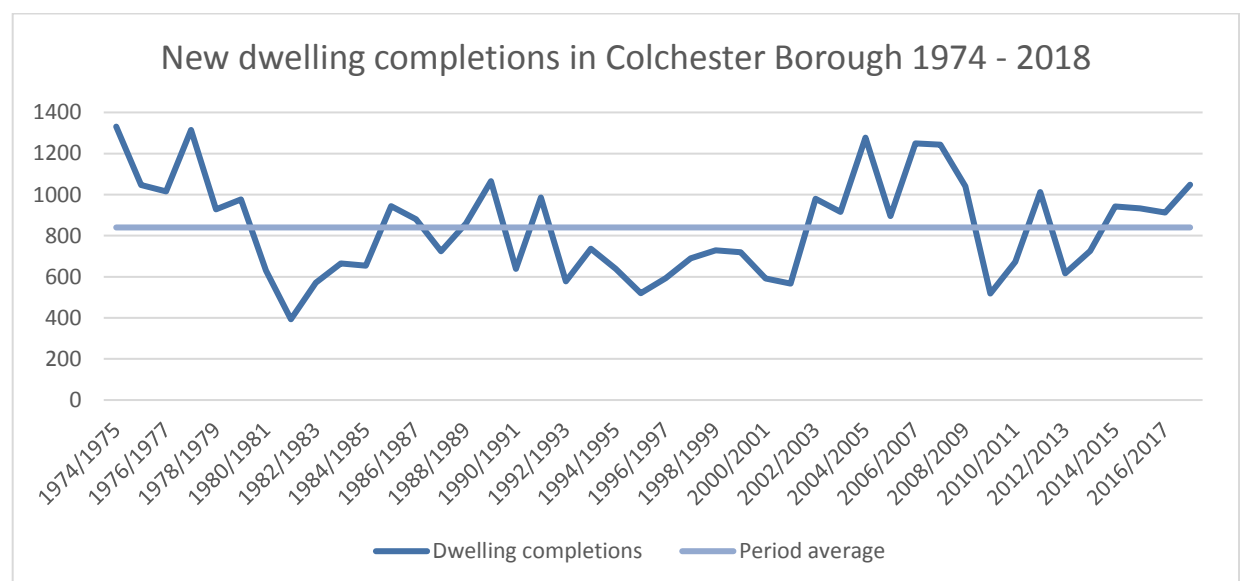
- 3.6 Paragraph 49 states that housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites.

The Revised NPPF

- 3.7 On Tuesday the 24th of July 2018 the government published a revised National Planning Policy Framework, the first review of the original NPPF since its initial publication in 2012. The revised NPPF incorporates the changes that have been consulted on following last year's housing white paper and "planning for the right homes in the right places" consultation.
- 3.8 Where plans are being prepared under the transitional arrangements set out in Annex 1 to the revised National Planning Policy Framework, the policies in the previous version of the framework, published in 2012, continue to apply, as will any previous guidance which has been superseded since the new framework was published in July 2018.
- 3.8 Paragraph 214 located within annexe one states that *"The policies in the previous Framework will apply for the purpose of examining plans, where those plans are submitted on or before 24 January 2019. Where such plans are withdrawn or otherwise do not proceed to become part of the development plan, the policies contained in this Framework will apply to any subsequent plan produced for the area concerned."*
- 3.9 In addition to the above, a new housing delivery test will come in to force as of November 2018. The housing delivery test could, when implemented, impose other sanctions on local planning authorities if the results indicate that there has been significant under delivery of housing, such as imposing a 20% buffer on their housing need and implementing an action plan to assess the causes of under-delivery. These changes are envisaged to ensure that local planning authorities not only need to ensure that their five-year supply of housing is up-to-date but also that housing delivery in their area is consistently meeting targets to retain the ability to determine applications in line with their development plans.

4. Housing Target for Colchester

- 4.1 Colchester's five year housing land supply requirement is based on an annual housing target of 920. This figure is derived from an objectively assessed housing need study published in 2015 by Peter Brett Associates¹ in full compliance with national guidance. This housing target equates to a requirement to deliver 4,600 new dwellings over a five year period.
- 4.2 As explained in the previous section, national policy states that where local planning authorities have a record of persistent under delivery of new housing, there is a requirement to apply a 20% buffer to its five year housing requirement. National policy does not define persistent under delivery but it is clear this would mean a prolonged period of under delivery; mere fluctuations in annual delivery, for example caused by adverse market conditions, are not sufficient to warrant the imposition of a 20% buffer.
- 4.3 The Council has an excellent record of housing delivery over a prolonged period. Since 1974 it has overseen the delivery of almost 36,000 homes at an average rate of 840 new dwellings per year.



Graph One: Completions in Colchester

- 4.4 Since 2001, the Council has exceeded its housing requirements by 852 dwellings, equivalent to almost an additional year's worth of housing growth, as illustrated in table one.

¹ Peter Brett Associates on behalf of Braintree District Council, Colchester Borough Council, Chelmsford City Council and Tendring District Council, *Objective Assessed Housing Needs Study* (2015) [available from colchester.gov.uk].

Year	Annual target	Completions per year	Cumulative target	Cumulative completions	Cumulative completions against target
2001/02	855	566	855	566	-289
2002/03	855	980	1710	1546	-164
2003/04	855	916	2565	2462	-103
2004/05	855	1277	3420	3739	+319
2005/06	855	896	4275	4635	+360
2006/07	830	1250	5105	5885	+780
2007/08	830	1243	5935	7128	+1193
2008/09	830	1028	6765	8156	+1391
2009/10	830	518	7595	8674	+1079
2010/11	830	673	8425	9347	+922
2011/12	830	1012	9255	10359	+1104
2012/13	830	617	10085	10976	+891
2013/14	920	725	11005	11701	+696
2014/15	920	943	11710	12644	+934
2015/16	920	933	12845	13577	+732
2016/17	920	912	13765	14489	+724
2017/18	920	1048	14225	14969	+852

Table One: Cumulative completions since 2001/2002

- 4.5 As a result of this record of housing delivery, the Council does not consider a persistent under delivery of new housing to have taken place and accordingly a 5% buffer has been applied to the five year housing land supply requirement. This view has been supported by the findings of an appeal decision on the 7th of February 2018².
- 4.6 Table two shows delivery in the period from 2013/14 to which the FOAN of 920 dpa relates. This shows there has been a small shortfall over the period which will be addressed using the Sedgfield method i.e. over the next 5 year period.

Year	Annual target	Completions per year	Cumulative target	Cumulative completions	Cumulative completions against target
2013/14	920	725	920	725	-195
2014/15	920	943	1840	1668	-172
2015/16	920	933	2760	2601	-159
2016/17	920	912	3680	3513	-167
2017/18	920	1048	4600	4562	-39

Table Two: Cumulative completions since 2013/2014

² Appeal Ref: APP/A1530/W/17/3178656: Land off Bakers Lane, Braiswick, Colchester, Essex

- 4.7 The shortfall accrued has diminished over the 5 year period; most significantly over the last monitored year. The shortfall of dwellings has been taken into account within the 5 year supply calculation and is added to the overall need for the 5 year period with a 5% buffer added as set out below:

$$\text{FOAN (4600) + Shortfall (39) = 4639 + 5\% buffer = 4871 = annual target of 974 dwellings}$$

5. Windfall Allowance

- 5.1 Due to historic trends of windfall within the Borough, the Council will be applying a windfall allowance going forward. Although there is no universally used formula to account for the anticipated windfall several considerations have been taken account. The NPPF notes the following points:

- Councils should support the development of windfall sites through their policies and decisions giving great weight to the benefits of using suitable sites within existing settlements for homes;
- Where an allowance is to be made for windfall sites as part of anticipated supply, there should be compelling evidence that they will provide a reliable source of supply.
- Any allowance should be realistic having regard to the strategic housing land availability assessment, historic windfall delivery rates and expected future trends.
- The Glossary definition in the revised NPPF for windfall sites is *“Sites not specifically identified in the development plan.”*

- 5.2 Taking into account the above, the Council's criteria for a site to be considered windfall is that it should not form part of a current or emerging allocation. The definition for this purpose will include the historic growth and regeneration areas unless the site was clearly not intended to be subject to the policy; such as a small infill site or an office to residential conversion brought forward through the permitted development rights that came into force since the policies for the regeneration areas and growth areas were adopted.

- 5.3 There is no one approach to a windfall allowance methodology but it is reasonable to consider past windfall rates as a basis for the expectation of the levels of windfall that will come forward in the future. This approach is widely used and can aid in considering the likely windfall that will come forward in the future.

- 5.4 Table three below highlights the level of windfall the Council has seen completed in each of the last 5 years. During the period of 2013/14 through to 2017/18 the Council has had an average of 204 windfall completions per year. Taking the figure for the most recent three years this figure rises to 260 dwellings per year on average.

Year	Number of dwellings from windfall historically
2013/14	126
2014/15	114
2015/16	328
2016/17	248
2017/18	202

Table Three: Historic windfall completions

- 5.5 Table four below includes figures taken from sites with approved planning applications that are yet to be completed that would meet the criteria of windfall. This can be termed as 'known windfall'. It is important to note that these will not be double counted i.e: included in the trajectory as a specific site and also used to justify an additional 'windfall allowance'.

Year	Windfall Dwellings known to be in the trajectory
2018/19	307
2019/20	179
2020/21	224
2021/22	181
2022/23	141

Table Four: Projected windfall completions (Based on sites that meet the windfall criteria within the 5 year housing trajectory)

- 5.6 The projected delivery of sites within the trajectory is based upon building control records and a dialogue with the site owners, agents and developers. On this basis, the Council considers that the windfall completions that are anticipated for the first year in the trajectory, 2018/2019, are likely to be similar to the projections as there is little opportunity for sites permissioned this year to be completed prior to the end of 2018/19 though some office to residential conversions could come forward. These are shown as site specific allocations in the five year supply and trajectory and no windfall allowance is included for year one (2018/19).
- 5.7 In recent years the number of windfall completions has increased, probably due to the office to residential conversions that are allowed under permitted development. Taking into account the last three years of windfall completions and the projected windfalls for 2018/19, the predicted levels of windfall going forward is 260 dwellings per year on

average. This is a conservative estimate as table four illustrates when taking into account the windfall anticipated for 2018/19.

Year	Windfall Dwellings known to be in the trajectory
2015/16	328
2016/17	248
2017/18	202
2018/19	307
Average Windfall	272

Table Four: Windfall completions (historic and projected)

- 5.8 For years two through to five of the housing trajectory the exact completion year of sites is harder to project. Notwithstanding this a quantity of 725 dwellings that are known to meet the windfall definition have been included within the trajectory.

Year	Windfall Predicted	Known Windfall sites anticipated to be completed	Additional unknown windfall that can be applied
2019/20	260	179	81
2020/21	260	224	36
2021/22	260	181	79
2022/23	260	141	119
Total	1040	725	315
Total additional windfall to be applied			315

Table Five: calculation of additional windfall anticipated.

- 5.9 The Council would expect that beyond the 725 windfall dwellings, on known sites, a further 315 dwellings will come forward within the last four years of the five year supply period from additional windfall that the Council is unaware of currently. This equates to about 60 units per year on average.

6. Emerging Allocations

- 6.1 Footnote 11 of the 2012 NPPF identifies that to be considered deliverable, sites should be available now, offer a suitable location for development now, and be achievable with a realistic prospect that housing will be delivered on the site within 5 years and in particular that development of the site is viable.
- 6.2 The Planning Policy Guidance that relates to the 2012 version of the NPPF gives guidance on what constitutes a deliverable site for the application of housing policy. In relation to emerging allocations the first sub-paragraph of Paragraph 031 is pertinent: *“deliverable sites for housing could include those that are allocated for housing in the development plan ... unless there is clear evidence that schemes will not be implemented within 5 years”*
- 6.3 Paragraph 67 of the revised 2018 NPPF states: *“Planning policies should identify a supply of...specific, deliverable sites for years one to five of the plan period”*. The glossary of the 2018 NPPF states:
- “Deliverable: To be considered deliverable, sites for housing should be available now, offer a suitable location for development now, and be achievable with a realistic prospect that housing will be delivered on the site within five years. Sites that are not major development, and sites with detailed planning permission, should be considered deliverable until permission expires, unless there is clear evidence that homes will not be delivered within five years (e.g. they are no longer viable, there is no longer a demand for the type of units or sites have long term phasing plans). Sites with outline planning permission, permission in principle, allocated in the development plan or identified on a brownfield register should only be considered deliverable where there is clear evidence that housing completions will begin on site within five years.”*
- 6.4 The Court of Appeal delivered judgment in *St Modwen v SSCLG & ERYC* 2017 concerning the meaning of the phrase “deliverable sites” in the context of the requirement in paragraph 47 of the National Planning Policy Framework for a five year housing land supply. Lord Justice Lindblom said that, to be deliverable in this sense, a site has to be capable of being delivered within five years, but it does not need to be certain or probable that the site actually will be delivered within five years. Sites can be included in the five year supply if the likelihood of housing being delivered on them within the five year period is no greater than a realistic prospect; just because a particular site is capable of being delivered within five years, it does not mean that it necessarily will be. In his view, there is a distinction between the identification of deliverable sites for the purpose of showing a supply of specific deliverable sites sufficient to provide five years’ worth of housing against an authority’s

requirements and the expected rate of delivery to be reflected in a housing trajectory. The Judge also noted that the NPPF recognises that local planning authorities do not control the housing market.

- 6.5 The High Court case of *Wainhomes (South West) Holdings v SSCLG* 2013 clarified that inclusion of a site in an emerging Local Plan is at least some evidence that the site is deliverable. The Judge, Stewart-Smith J surmised that a site's deliverability is reliant on the evidence to support the proposed allocation on a site by site basis. The weight to be attached to the quality of the authority's evidence base is a matter of planning judgment for an inspector.
- 6.6 Evidentially, the inclusion of the sites within the emerging allocations highlights that the Council believes that the sites are deliverable and this will be further robustly critiqued through the Local Plan examination. All emerging sites within the 5 year trajectory are subject to early discussions and there are no known insurmountable constraints that will effect deliverability. Notwithstanding this, though the Council is not reliant upon emerging allocations to illustrate a sufficient 5 year supply they have been included within the calculations.

7. Five Year Supply Calculation

7.1 The table below illustrates the 5 year supply calculation for the district during the period between 2018/2019 through to 2022/2023.

Housing Need	
Annualised objectively assessed housing need (OAHN)	920
5 year housing requirement (5x920)	4600
5 year housing requirement plus the shortfall (4600+39)	4639
5 year housing requirement including the shortfall and 5% buffer	4871
Supply	
Permissioned sites, existing allocations and windfall allowance	5045
Total number of years' worth of housing from permissioned sites, existing allocations and windfall allowance	5.18 years
Emerging Allocations	1293
Total Predicted supply for 5 year period (including emerging allocations)	6338
Total number of years' worth of housing supply including emerging allocations	6.51 years

Table Six: Five year supply calculation

7.2 The calculation above demonstrates that the Council has a sufficient supply of housing shown within the upcoming 5 year period. A total of 6.51 years' worth of housing is deliverable during this period with 5.18 years' worth of housing expected without the inclusion of emerging allocations.

8. Monitoring

- 8.1 This housing land supply statement and accompanying housing trajectory has been produced based on information from a number of sources to reflect the multifaceted nature of housing supply and delivery.
- 8.2 In respect of housing supply the principle sources of information are residential planning permissions (including sites undergoing the planning application process, sites benefiting from extant permission, and sites with lapsed permission) and strategic residential allocations contained in the adopted and emerging Local Plans. Future sources of information may include the Brownfield Land Register and any future Strategic Land Availability Assessment.
- 8.3 Housing delivery information, specifically completion records, is gathered from Local Authority Building Control (LABC) records which are available internally within the Council. In addition to LABC records, a large number of sites are inspected by the National House Building Council (NHBC) which compiles its own records and reports building regulations compliance to Colchester Borough Council.
- 8.4 Site specific anticipated delivery rates on sites under the control of a developer, land promoter or other such interested party are, wherever possible, gathered through direct contact with those parties. The Council contacts applicants and developers on an annual basis to ensure the information is as accurate as possible.
- 8.5 The anticipated delivery rates of sites without discernible promotion, or where contact has not been possible, are calculated based on the best judgement of the Council, taking into account whatever site specific information is available. Such sites are rarely included in the 5 year supply, unless there are exceptional circumstances to justify it.
- 8.6 In addition to these sources, the Council conducts site visits to gauge the progress of residential development sites and verify building control records where they are present, and supplement them where those records are not available.
- 8.7 Due to the live nature of this document, it is subject to change following any subsequent changes to the housing land supply and/or housing delivery position. Therefore whilst the published statement is correct at the relevant date stated in the document (as of the 1st of April 2018), it is subject to change. Future updates will be published on a regular basis to ensure that an accurate representation of the Council's land supply position is available to interested stakeholders.

Appendix One. Housing Trajectory

Planning status	Date expires	Site location	Easting	Northing	Ward	Brownfield/ Greenfield	Windfall	Site net total	Remaining Dwellings	2017/18	2018/19	2019/20	2020/21	2021/22	2022/23	2023/24	2024/25	2025/26	2026/27	2027/28	2028/29	2029/30	2030/31	2031/32	2032/33	2033/34
PENDING	Legally Commenced	"WILLOWS COURT" THE WILLOWS COLCHESTER	600319	223225	Berechurch	Greenfield	Not Windfall	20	20				20													
151850	2019/08	COWDRAY CENTRE, MASON ROAD, COLCHESTER	600069	226238	Castle	Brownfield	Not Windfall	272	272			68	68	68	68											
171646	2019/2021	AIM HIRE SITE, HAWKINS ROAD, COLCHESTER	601673	224313	Greenstead	Brownfield	Not Windfall	111	111			111														
160696	STARTED	WYVERN FARM, LONDON ROAD, STANWAY	594343	224698	Marks Tey & Layer	Greenfield	Not Windfall	360	148	123	50	50	48													
152804	STARTED	LAKELANDS PHASE 2 (NR10), STANWAY	595138	224097	Marks Tey & Layer	Greenfield	Not Windfall	31	31		31															
151064	STARTED	LAKELANDS PHASE 2 (NR2), STANWAY	593605	226774	Marks Tey & Layer	Greenfield	Not Windfall	22	22		22															
172363	PENDING	LAKELANDS PHASE 2 (NR5), STANWAY	595220	224337	Marks Tey & Layer	Greenfield	Not Windfall	22	22		11	11														
172362	PENDING	LAKELANDS PHASE 2 (NR7), STANWAY	595220	224337	Marks Tey & Layer	Greenfield	Not Windfall	11	11				11													
152817	STARTED	LAKELANDS SR6, CHURCHFIELDS AVENUE, STANWAY	595093	223935	Marks Tey & Layer	Greenfield	Not Windfall	28	28		28															
162302	STARTED	AXIAL WAY, DE GREY ROAD, COLCHESTER	600525	229034	Mile End	Greenfield	Not Windfall	88	88		50	38														
100502	COMPLETED	FORMER SEVERALLS HOSPITAL PHASE 1, COLCHESTER	599522	228330	Mile End	Brownfield	Not Windfall	248	0	35																
161977	STARTED	FORMER SEVERALLS HOSPITAL PHASE 2, COLCHESTER	599522	228330	Mile End	Brownfield	Not Windfall	750	652	98	135	135	135	135	112											
121272	STARTED	CHESTERWELL, COLCHESTER	598377	227850	Mile End	Greenfield	Not Windfall	1600	1450	150	150	150	150	150	150	150	150	150	150	100						
160103	S106 signed	FMR BUS DEPOT, MAGDALEN STREET, COLCHESTER	600173	224762	New Town & Christchurch	Brownfield	Not Windfall	76	76			76														
152730	2019/10	NORTH OF MAGDALEN STREET, COLCHESTER	600460	224878	New Town & Christchurch	Brownfield	Not Windfall	66	66					30	36											
144693	STARTED	ROWHEDGE PORT/W/HARF, HIGH STREET, ROWHEDGE	603351	221262	Old Heath & The Hythe	Brownfield	Not Windfall	170	124	46	46	46	32													
160551	STARTED	ROWHEDGE PORT/W/HARF, HIGH STREET, ROWHEDGE	603067	221307	Old Heath & The Hythe	Brownfield	Not Windfall	86	86		25	35	26													
170997	2020/08	HILL FARM, BOXED	600445	232481	Rural North	Greenfield	Not Windfall	36	36			16	10	10												
152826	STARTED	DYERS ROAD / WARREN LANE, STANWAY (TW)	595300	223399	Stanway	Greenfield	Not Windfall	93	83	10	45	38														
120848	STARTED	RAILWAY SIDINGS, HALSTEAD ROAD, STANWAY	595164	225485	Stanway	Brownfield	Not Windfall	123	9	60	9															
151286	STARTED	LAKELANDS PHASE 2 (NR4, SR4 & SR5), STANWAY	594918	223919	Stanway	Greenfield	Not Windfall	75	43	36	33															
151101	COMPLETED	LAKELANDS PHASE 2 (NR9), STANWAY	595075	224013	Stanway	Greenfield	Not Windfall	40	0	18																
151479	2019/12	LAKELANDS PHASE 2 (NE2), STANWAY	594789	224205	Stanway	Greenfield	Not Windfall	65	65				20	20	25											
Pending		FIVEWAYS FRUIT FARM, STANWAY	595631	223455	Stanway	Greenfield	Not Windfall	482	482			60	70	70	80	100	62	40								
145132	STARTED	BETTS FACTORY, IPSWICH ROAD, COLCHESTER	601767	228272	St Anne's & St John's	Brownfield	Not Windfall	127	62	51	14															
130245	STARTED	FACTORY HILL, TIPTREE	590157	215762	Tiptree	Greenfield	Not Windfall	126	126		40	50	36													
122134	STARTED	GRANGE ROAD, TIPTREE	588879	216719	Tiptree	Greenfield	Not Windfall	103	103		30	30	30													
7/COL05/210	Legally Commenced	CEDRICS, 1 THE AVENUE, WIVENHOE	603872	222030	Wivenhoe	Brownfield	Not Windfall	24	24					12	12											
152613	STARTED	MEADOWS PHASE II, BOUNDARY ROAD	602458	224139	Wivenhoe	Brownfield	Not Windfall	58	58		58															
151087	STARTED	GARRISON DEVELOPMENT - A1 (MEE01 & MEE03)	599954	224506	New Town & Christchurch	Brownfield	Not Windfall	6	6						6											
Pending	Pending	GARRISON DEVELOPMENT - ARENA SITE	599860	224521	New Town & Christchurch	Brownfield	Not Windfall	70	70					35	35											
080712	STARTED	GARRISON DEVELOPMENT - B1B	599786	224595	New Town & Christchurch	Brownfield	Not Windfall	138	132	99	6															
173017	PENDING	GARRISON DEVELOPMENT - H (SERGEANTS' MESS)	599348	224588	New Town & Christchurch	Brownfield	Not Windfall	10	10					10												
VARIOUS	COMPLETED	GARRISON DEVELOPMENT - H (SERGEANTS' MESS)	599247	224376	New Town & Christchurch	Brownfield	Not Windfall	59	0	59																
160133	COMPLETED	GARRISON DEVELOPMENT - J2B (CAV09)	599017	224270	New Town & Christchurch	Brownfield	Not Windfall	18	0	18																
180057	PENDING	GARRISON DEVELOPMENT - J2r2 (J2Br) (BOVIS)	599367	224445	New Town & Christchurch	Brownfield	Not Windfall	70	70			30	30	10												
170621	2020/10	GARRISON DEVELOPMENT - K1 (McCARTHY & STONE)	598902	224179	New Town & Christchurch	Brownfield	Not Windfall	48	48			24	24													
Pending	Pending	GARRISON DEVELOPMENT - K1 (AFFORDABLE HOUSING)	598902	224179	New Town & Christchurch	Brownfield	Not Windfall	25	25			25														
152120	STARTED	LAND ADJACENT CHAPEL ROAD, TIPTREE	589993	215961	Tiptree	Greenfield	Part Windfall	39	0	39																
162958	STARTED	17 BLACKHEATH, COLCHESTER	600305	221997	Berechurch	Brownfield	Windfall	9	9			9														
161073	COMPLETED	280 MERSEA ROAD, COLCHESTER	600307	222634	Berechurch	Brownfield	Windfall	1	0	1																
WOPP		192-200 MERSEA ROAD, COLCHESTER	600372	223095	Berechurch	Greenfield	Windfall	1	1							1										
160071	STARTED	BOURNE COURT, COLCHESTER	600112	223843	Berechurch	Brownfield	Windfall	27	17	10	17															
172275	2020/11	38 FINCHINGFIELD WAY, COLCHESTER	600144	221701	Berechurch	Brownfield	Windfall	1	1		1			1												
162958	2020/06	18 BLACKHEATH, COLCHESTER	600298	221987	Berechurch	Brownfield	Windfall	9	9						9											
172185	COMPLETED	138 GREY TOWN HOUSE HIGH STREET, COLCHESTER	599553	225227	Castle	Brownfield	Windfall	9	9	35																
150455	COMPLETED	19 EAST STREET, COLCHESTER	600795	225303	Castle	Brownfield	Windfall	1	1	1		1														
131203	COMPLETED	21 HIGH STREET, COLCHESTER	599536	225180	Castle	Brownfield	Windfall	3	3	3																
160470	2019/04	TILNEY HOUSE, 54 NORTH HILL, COLCHESTER	597421	224083	Castle	Brownfield	Windfall	1	1		1															
145215	COMPLETED	4 ST PETERS STREET, COLCHESTER	599423	225535	Castle	Brownfield	Windfall	1	0	1																
170112	COMPLETED	25 ST PETERS STREET, COLCHESTER	599647	225539	Castle	Brownfield	Windfall	16	16	16																
160927	STARTED	37 OAKS DRIVE, COLCHESTER	598812	225192	Castle	Greenfield	Windfall	1	1		1															
130939	STARTED	41 PRIORY STREET, COLCHESTER	600208	225007	Castle	Brownfield	Windfall	9	9		7	2														
170424	Subject to 106	FMR CO-OP, LONG WYRE STREET, COLCHESTER	599794	225122	Castle	Brownfield	Windfall	24	24		24															
150541	COMPLETED	51 WEST STOCKWELL ST, COLCHESTER	599559	225428	Castle	Brownfield	Windfall	1	1	1																
151528	2018/05	59 NORTH HILL, COLCHESTER	599376	225287	Castle	Brownfield	Windfall	5	5						5											
146287	COMPLETED	61-65 NORTH STATION ROAD, COLCHESTER	599353	225867	Castle	Brownfield	Windfall	7	7	7																
160104	COMPLETED	9 WALTERS YARD, COLCHESTER	599556	225372	Castle	Brownfield	Windfall	1	1	1																
161579	2019/07	32 HIGH STREET, COLCHESTER	599611	225187	Castle	Brownfield	Windfall	4	4																	
161296	2020/02	FMR JACKS STORE, 5 ST NICHOLAS ST, COLCHESTER	599823	225175	Castle	Brownfield	Windfall	7	7								4	7								
140477	COMPLETED	ABBEYGATE ONE, WHITEWELL RD, COLCHESTER	599666	224907	Castle	Brownfield	Windfall	17	0	17																
162850	2017/18	ABBEYGATE TWO, WHITEWELL RD, COLCHESTER	599682	224901	Castle	Brownfield	Windfall	8	8				8													
145356	COMPLETED	CLARENDON WAY, COLCHESTER	599520	226264	Castle	Brownfield	Windfall	18	0	18																
145253	2017/10	COACH HOUSE, BALKERNE CLOSE, COLCHESTER	599356	225276	Castle	Brownfield	Windfall	1	1		1															
160903	2019/10	113-115 CROUCH STREET, COLCHESTER	598981	224969	Castle	Brownfield	Windfall	1	1			1														
121742	COMPLETED	34 MANOR ROAD, COLCHESTER	599131	225040	Castle	Brownfield	Windfall	5	5	5																
151004	Subject to legal	FMR ODEON CINEMA, CROUCH ST, COLCHESTER	599144	224943	Castle	Brownfield	Windfall	46	46				46													
162434	2019/11	14 SERPENTINE WALK, COLCHESTER	599651	226060	Castle	Brownfield	Windfall	4	4				4													
163227	2020/02	RIVERSIDE CENTRE, NORTH STATION RD, COLCHESTER	599441	225718	Castle	Brownfield	Windfall	150	150				50	50	50											
161318	STARTED	VICTORIA PLACE, ELD LANE, COLCHESTER	599771	225059	Castle	Brownfield	Windfall	20	20		20															
170480	STARTED	11 TRINITY STREET COLCHESTER	599604	225055	Castle																					

Planning status	Date expires	Site location	Easting	Northing	Ward	Brownfield/ Greenfield	Windfall	Site net total	Remaining Dwellings	2017/18	2018/19	2019/20	2020/21	2021/22	2022/23	2023/24	2024/25	2025/26	2026/27	2027/28	2028/29	2029/30	2030/31	2031/32	2032/33	2033/34
180495	2021/03	1 TRINITY STREET COLCHESTER	590129	228184	Castle	Brownfield	Windfall	11	11			11														
151985	2018/11	320a-326 IPSWICH RD, COLCHESTER	601193	226994	Highwoods	Greenfield	Windfall	2	2			2														
151666	2018/09	REAR OF 310-318 IPSWICH RD, COLCHESTER	601160	226916	Highwoods	Greenfield	Windfall	2	2						2											
152027	STARTED	144 ST ANDREW'S AVENUE, COLCHESTER	601594	225181	Greenstead	Greenfield	Windfall	1	1		1															
100534	STARTED	148 ST ANDREWS AVENUE, COLCHESTER	601653	225175	Greenstead	Greenfield	Windfall	1	1		1															
152303	2018/12	166 ST ANDREW'S AVENUE, COLCHESTER	601674	225100	Greenstead	Greenfield	Windfall	1	1			1														
160224	2019/12	SPORTS GROUND, BROMLEY ROAD, COLCHESTER	602349	226083	Greenstead	Greenfield	Windfall	12	12				12													
162400	STARTED	29 BROMLEY ROAD, COLCHESTER	602370	226034	Greenstead	Greenfield	Windfall	2	2	2																
163051	2020/02	2 LINDEN CLOSE, COLCHESTER	602168	226093	Greenstead	Greenfield	Windfall	1	1				1													
145980	STARTED	2 LEAM CLOSE, COLCHESTER	602597	225130	Greenstead	Greenfield	Windfall	1	1	1																
181309	2021/2022	ELMSTEAD RD/ SWAN CLOSE, COLCHESTER	602198	224434	Greenstead	Greenfield	Not Windfall	31	31					15	16											
163196	2020/12	RISING SUN PH & WAREHOUSES, HYTHE STATION RD, COLCH	601547	224750	Greenstead	Brownfield	Windfall	27	27			27														
170979	2020/06	128 FOREST ROAD, COLCHESTER	601966	224988	Greenstead	Brownfield	Windfall	1	1			1														
151522	2018/09	24 BRADBROOK COTTAGES, ARMOURY RD, WEST BERGHOLT	596792	227955	Lexden & Braiswick	Greenfield	Windfall	1	1		1															
161659	COMPLETED	43 COLCHESTER ROAD, WEST BERGHOLT	596264	227949	Lexden & Braiswick	Greenfield	Windfall	1	1	2																
161997	2019/09	JON JENE, HALSTEAD ROAD, EIGHT ASH GREEN	594373	225581	Lexden & Braiswick	Brownfield	Windfall	3	3										3							
162169	2019/10	MERCERS PLACE, HALSTEAD ROAD, EIGHT ASH GREEN	594704	225421	Lexden & Braiswick	Brownfield	Windfall	4	4		4															
150456	2018/04	FRIARS FARM BARN, DAISY GREEN, EIGHT ASH GREEN	593250	225397	Lexden & Braiswick	Brownfield	Windfall	1	1				1													
132224	COMPLETED	HIGH TREES FARM, LEXDEN ROAD, WEST BERGHOLT	595895	228288	Lexden & Braiswick	Brownfield	Windfall	1	1	1																
150702	COMPLETED	MECROFT / PLEAN COTTAGE, CHAPEL LN, WEST BERGHOLT	596141	227296	Lexden & Braiswick	Greenfield	Windfall	3	0	3																
152322	2018/12	LITTLE PORTERS, PORTERS LN, FORDHAM HEATH	593605	226774	Lexden & Braiswick	Brownfield	Windfall	2	2																	
152673	STARTED	POPLAR COTTAGE, SPRING LANE, WEST BERGHOLT	596063	227379	Lexden & Braiswick	Greenfield	Windfall	1	1		1				2											
161181	COMPLETED	LABORNE, CHAPEL LANE, WEST BERGHOLT	596168	227330	Lexden & Braiswick	Brownfield	Windfall	2	0	2																
131538	STARTED	18 CHITTS HILL, COLCHESTER	596034	225482	Lexden & Braiswick	Brownfield	Windfall	14	6	10	4															
160012	COMPLETED	6 FITZWALTER ROAD, COLCHESTER	597813	224975	Lexden & Braiswick	Brownfield	Windfall	1	1	1																
160235	STARTED	19 ST CLARE ROAD, COLCHESTER	597523	224863	Lexden & Braiswick	Greenfield	Windfall	1	1		1															
151495	STARTED	HIGH TREES, ST CLARE DRIVE, COLCHESTER	597417	225121	Lexden & Braiswick	Greenfield	Windfall	3	2	1	2															
162249	2019/11	WHITE HOUSE FARM, WHITEHOUSE LANE, WEST BERGHOLT	595999	227108	Lexden & Braiswick	Brownfield	Windfall	1	1		1															
171450	STARTED	"THE GLEN" SPRING LANE, WEST BERGHOLT	596082	227340	Lexden & Braiswick	Greenfield	Windfall	1	1		1															
171067	STARTED	4 PARK ROAD, COLCHESTER	598235	224874	Lexden & Braiswick	Brownfield	Windfall	1	1		1															
172305	2020/10	3 SPRING LANE WEST BERGHOLT	596050	227490	Lexden & Braiswick	Brownfield	Windfall	3	3					2	1											
171450	2020/09	"THE GLEN" SPRING LANE, WEST BERGHOLT	596082	227340	Lexden & Braiswick	Brownfield	Windfall	1	1				1													
162249	2020/07	WHITEHOUSE FARM, WEST BERGHOLT, CO6 3EW	595999	227108	Lexden & Braiswick	Brownfield	Windfall	1	1				1													
171441	2020/10	1 WOOD LANE, FORDHAM HEATH	593671	226432	Lexden & Braiswick	Greenfield	Windfall	1	1					1												
170878	2020/06	99B LONDON ROAD, COLCHESTER	596107	225055	Lexden & Braiswick	Brownfield	Windfall	1	1					1												
180152	2021/03	FRIARS FARM BARN, DAISY GREEN, EIGHT ASH GREEN	593251	225397	Lexden & Braiswick	Brownfield	Windfall	1	1			1														
173369	2021/02	COOKS HALL ROAD, WEST BERGHOLT	594999	227370	Lexden & Braiswick	Brownfield	Windfall	2	2			2														
161075	STARTED	33-37 LONDON ROAD, MARKS TEY	592069	223763	Marks Tey & Layer	Brownfield	Windfall	32	32		32															
152695	2019/01	COACH HOUSE, 172 LONDON RD, MARKS TEY	591284	223443	Marks Tey & Layer	Brownfield	Windfall	1	1			1														
152626	2019/01	LAND ADJ 172 LONDON RD, MARKS TEY	591254	223408	Marks Tey & Layer	Greenfield	Windfall	1	1			1														
160405	COMPLETED	LAND ADJ 190A OLD LONDON ROAD, MARKS TEY	591166	223330	Marks Tey & Layer	Brownfield	Windfall	2	2	2																
160388	2019/11	APEX LODGE, GREAT TEY ROAD, LITTLE TEY	589518	223525	Marks Tey & Layer	Greenfield	Windfall	1	1		1															
160105	2019/04	18 NORTH LANE, MARKS TEY	591792	224119	Marks Tey & Layer	Brownfield	Windfall	1	1					1												
161283	STARTED	NEW HALL, COPT HALL LANE, GREAT WIGBOROUGH	598121	215220	Marks Tey & Layer	Brownfield	Windfall	1	1		1															
150200	COMPLETED	114 LONDON ROAD, COPFORD	592820	223948	Marks Tey & Layer	Greenfield	Windfall	1	0	1																
150292	COMPLETED	LAND REAR OF LAUREL COTTAGE LAYER BRETON HILL	594482	218438	Marks Tey & Layer	Greenfield	Windfall	1	0	1																
152368	STARTED	15 MALTING GREEN RD, LAYER DE LA HAYE	596949	220053	Marks Tey & Layer	Brownfield	Windfall	1	1		1															
162626	2019/12	FIELDS FARM RD, LAYER DE LA HAYE	597823	219385	Marks Tey & Layer	Brownfield	Windfall	1	1			1														
132631	2017/07	FMR VILLAGE HALL, SCHOOL LANE, GREAT WIGBOROUGH	596695	215282	Marks Tey & Layer	Brownfield	Windfall	2	2					2												
152149	2018/11	GREEN FARM, THE STREET, SALCOTT	595113	213555	Marks Tey & Layer	Greenfield	Windfall	1	1			1														
121818	STARTED	GREENFIELD HOUSES, MILL LANE, BIRCH	593981	219138	Marks Tey & Layer	Greenfield	Windfall	1	1		1															
152695	STARTED	LAMB FARM, STOCKHOUSE RD, LAYER MARNEY	592041	217435	Marks Tey & Layer	Greenfield	Windfall	1	1		1															
171251	2018/11	MCCREADIES GARAGE, SMYTHE'S GREEN, LAYER MARNEY	592058	218603	Marks Tey & Layer	Brownfield	Windfall	5	5			2	3													
150589	STARTED	MUSHROOM FARM, MILL LN, LAYER DE LA HAYE	598051	220791	Marks Tey & Layer	Brownfield	Windfall	1	1		1															
130681	COMPLETED	OLD BARN BARROWS, THE STREET, SALCOTT	594965	213654	Marks Tey & Layer	Brownfield	Windfall	1	0	1																
152121	2018/11	PEARTREE COTTAGE, ROSE LN, SALCOTT	594853	213580	Marks Tey & Layer	Greenfield	Windfall	1	1					1												
163146	COMPLETED	SALCOTT COTTAGES, THE STREET, SALCOTT	594784	213694	Marks Tey & Layer	Greenfield	Windfall	1	0	1																
170678	COMPLETED	APEX LODGE, GREAT TEY ROAD, LITTLE TEY	589518	223525	Marks Tey & Layer	Greenfield	Windfall	1	1		1															
172108	2017/09	LAYER MARNEY NURSERIES, SMYTHES GREEN, LAYER MARNEY	592002	218562	Marks Tey & Layer	Brownfield	Windfall	4	4									4								
171984	2020/09	"BIRCHWOOD" BIRCH STREET, BIRCH, COLCHESTER	594353	218933	Marks Tey & Layer	Brownfield	Windfall	1	1			1														
152626	2019/01	L/A 172 OLD LONDON ROAD, MARKS TEY	591272	223417	Marks Tey & Layer	Brownfield	Windfall	1	1		1															
152614	2019/01	172 OLD LONDON ROAD, MARKS TEY (STABLES)	591284	223443	Marks Tey & Layer	Brownfield	Windfall	1	1		1															
171984	2020/07	"BIRCHWOOD" BIRCH STREET, BIRCH, COLCHESTER	594353	218933	Marks Tey & Layer	Greenfield	Windfall	1	1				1													
171345	2020/10	"Green Farm", The Street, Salcott	595127	213556	Marks Tey & Layer	Brownfield	Windfall	1	1				1													
172597	2020/11	ST CHLOE, ABBERTON, LAYER DE LA HAYE	597709	220167	Marks Tey & Layer	Brownfield	Windfall	1	1					1												
170643	2020/05	CHESTNUT FARM, ABBERTON ROAD, LAYER DE LA HAYE	597776	220333	Marks Tey & Layer	Brownfield	Windfall	1	1				1													
172425	2020/11	LONE ASH, ABBERTON ROAD, LAYER-DE-LA-HAYE	598505	220255	Marks Tey & Layer	Brownfield	Windfall	1	1					1												
171511	2020/07	68-70 LONDON ROAD, COPFORD	593032	223978	Marks Tey & Layer	Brownfield	Windfall	1	1					1												
170678	Started	APEX LODGE, GREAT TEY ROAD, LITTLE TEY	589518	223525	Marks Tey & Layer	Brownfield	Windfall	1	1					1												
171190		202009 33 LONDON ROAD, MARKS TEY, COLCHESTER	592088	223783	Marks Tey & Layer	Brownfield	Windfall	2	2	</																

Planning status	Date expires	Site location	Easting	Northing	Ward	Brownfield/ Greenfield	Windfall	Site net total	Remaining Dwellings	2017/18	2018/19	2019/20	2020/21	2021/22	2022/23	2023/24	2024/25	2025/26	2026/27	2027/28	2028/29	2029/30	2030/31	2031/32	2032/33	2033/34
		163155	2019/09	PLANE HALL FARM, SOUTH GREEN ROAD, FINGRINGHOE	602620	219602	Mersea & Pyefleet	Brownfield	Windfall	1	1															
		162108	STARTED	BARN AT BROOK HOUSE, BALLAST QUAY RD, FINGRINGHOE	604193	220930	Mersea & Pyefleet	Brownfield	Windfall	1	1															
		161969	COMPLETED	22 FIRS CHASE, WEST MERSEA	600325	212849	Mersea & Pyefleet	Greenfield	Windfall	1	1	1														
		160666	2019/05	6 UPLAND ROAD, WEST MERSEA	601469	213158	Mersea & Pyefleet	Greenfield	Windfall	3	3		1	2												
		161523	2019/08	WESTLEIGH, EAST ROAD, EAST MERSEA	605581	214546	Mersea & Pyefleet	Brownfield	Windfall	3	3		3													
		171564	2020/08	"FLAT THREE HALL BARN" HIGH STREET, WEST MERSEA	600972	212542	Mersea & Pyefleet	Brownfield	Windfall	1	1															
		171783	2020/08	"PETE HALL" COLCHESTER ROAD PELDON	600709	217098	Mersea & Pyefleet	Brownfield	Windfall	1	1															
		145733	COMPLETED	THE LAURELS PYEFLEET VIEW, LANGENHOE	600964	219068	Merssea & Pyefleet	Greenfield	Windfall	1	0	1														
		171774	2020/09	19 KINGSMERE CLOSE, WEST MERSEA	601870	213021	Mersea & Pyefleet	Greenfield	Windfall	1	1															
		173168	2020/06	"OXLEY HOUSE FRUIT FARM" MERSEA ROAD, ABBERTON	600442	219342	Mersea & Pyefleet	Brownfield	Windfall	1	1															
		170168	2020/04	16 COAST ROAD, WEST MERSEA	600839	212479	Mersea & Pyefleet	Greenfield	Windfall	1	1															
		171774	2020/09	19 KINGSMERE CLOSE, WEST MERSEA	601870	213021	Mersea & Pyefleet	Brownfield	Windfall	1	1															
		150600	STARTED	LAND ADJ 89 NAYLAND RD, COLCHESTER	598967	227901	Mle End	Brownfield	Windfall	3	3															
		144679	COMPLETED	CHURCH FARM HOUSE, CHURCH FARM WAY, COLCHESTER	599073	227609	Mle End	Brownfield	Windfall	1	1	1														
		162607	STARTED	EQUITY HOUSE, BERGHOLT RD, COLCHESTER	599177	226471	Mle End	Brownfield	Windfall	67	67	67														
		150177	2019/07	CHAPMANS FARM, NAYLAND ROAD, COLCHESTER	598837	228403	Mle End	Brownfield	Windfall	27	27															
		50600 / 15122	COMPLETED	LAND ADJ 89 NAYLAND ROAD, COLCHESTER	598967	227901	Mle End	Brownfield	Windfall	2	0	2														
		160920	2019/07	248 MILL ROAD, COLCHESTER	599862	228295	Mle End	Brownfield	Windfall	2	2															
		162399	2019/12	SOUTH OF CAMBIAN FAIRVIEW, BOXTED ROAD, COLCHESTER	598901	228843	Mle End	Brownfield	Windfall	26	26															
		171307	2020/07	37 MLE END ROAD COLCHESTER	599247	226594	Mle End	Brownfield	Windfall	1	1															
		160603	2019/06	4 LEECHS LANE, COLCHESTER	598851	227928	Mle End	Brownfield	Windfall	1	1															
		171248	2020/07	27 THREE CROWNS ROAD, COLCHESTER	599095	226537	Mle End	Brownfield	Windfall	1	1															
		171307	2020/07	37 MLE END ROAD COLCHESTER	599247	226594	Mle End	Brownfield	Windfall	1	1															
		171248	2020/07	27 THREE CROWNS ROAD, COLCHESTER	599095	226537	Mle End	Brownfield	Windfall	1	1															
		160433	STARTED	"CREFFIELD HOUSE" 2A OXFORD ROAD, COLCHESTER	598885	224793	New Town & Christchurch	Brownfield	Windfall	1	1															
		130739	COMPLETED	16 CREFFIELD ROAD, COLCHESTER	598944	224683	New Town & Christchurch	Brownfield	Windfall	1	1	1														
		132049	COMPLETED	THE TWIST, 25 MILITARY ROAD, COLCHESTER	600143	224693	New Town & Christchurch	Brownfield	Windfall	1	1	1														
		70331 / 17131	2020/03	22-30 SOUTHWAY, COLCHESTER	599401	224848	New Town & Christchurch	Brownfield	Windfall	20	20															
		152705	2019/02	145A-151 MAGDALEN ST, COLCHESTER	600378	224790	New Town & Christchurch	Brownfield	Windfall	6	6															
		WOPP	2018/04	1-7 WINNOCK ALMS, MILITARY RD, COLCHESTER	600096	224718	New Town & Christchurch	Brownfield	Windfall	10	10															
		152740	2019/02	26 FAIRFAX ROAD, COLCHESTER	600006	224645	New Town & Christchurch	Brownfield	Windfall	3	3															
		142693	STARTED	66 BARRACK ST, COLCHESTER	600694	224783	New Town & Christchurch	Brownfield	Windfall	3	3	3														
		152466	2019/01	95 MILITARY RD, COLCHESTER	600495	224299	New Town & Christchurch	Greenfield	Windfall	3	3															
		161889	2020/01	186-187 MAGDALEN STREET, COLCHESTER	600127	224821	New Town & Christchurch	Brownfield	Windfall	1	1															
		146478	STARTED	UNIT 3, PORT LANE, COLCHESTER	600953	224680	New Town & Christchurch	Brownfield	Windfall	2	2															
		161107	COMPLETED	LOTT'S YARD, 51 ARTILLERY STREET, COLCHESTER	600776	224563	New Town & Christchurch	Brownfield	Windfall	5	0	5														
		131336	STARTED	47 & 49 WICKHAM ROAD, COLCHESTER	598950	224487	New Town & Christchurch	Brownfield	Windfall	1	1															
		150531	STARTED	7 CAMBRIDGE ROAD, COLCHESTER	598511	224568	New Town & Christchurch	Greenfield	Windfall	1	1															
		171331	2020/12	PROVIDENCE PLACE, COLCHESTER	600731	224768	New Town & Christchurch	Brownfield	Windfall	4	4															
		172186	2020/10	8A MAGDALEN STREET	599988	224795	New Town & Christchurch	Brownfield	Windfall	1	1															
		170818	2020/01	LAND R/O 92-94 MERSEA ROAD	600227	223916	New Town & Christchurch	Greenfield	Windfall	2	2															
		131556	STARTED	46 DARCY ROAD, COLCHESTER	601120	223267	Old Heath & The Hythe	Greenfield	Windfall	1	1															
		150492	STARTED	CANNOCK MILL, OLD HEATH ROAD	601076	223785	Old Heath & The Hythe	Brownfield	Windfall	23	23															
		162165	STARTED	92 HYTHE HILL, COLCHESTER	601428	224657	Old Heath & The Hythe	Brownfield	Windfall	1	1															
		162395	2019/10	3-4 STANDARD ROAD, COLCHESTER	601026	224661	Old Heath & The Hythe	Brownfield	Windfall	1	1															
		163060	2020/01	38 ROWHEDGE ROAD, COLCHESTER	602023	222484	Old Heath & The Hythe	Brownfield	Windfall	1	1															
		163199	COMPLETED	1A CHAPEL STREET & 7 HEAD STREET, ROWHEDGE	603063	221839	Old Heath & The Hythe	Brownfield	Windfall	1	1	1														
		171358	COMPLETED	LAND REAR OF 21 ABBOTS ROAD COLCHESTER	601396	223115	Old Heath & The Hythe	Greenfield	Windfall	1	1	1														
		171358	2020/07	LAND REAR OF 21 ABBOTS ROAD COLCHESTER	601396	223115	Old Heath & The Hythe	Greenfield	Windfall	1	1															
		172355	2020/11	19A DARCY ROAD, COLCHESTER	601273	223361	Old Heath & The Hythe	Brownfield	Windfall	1	1															
		172549	2020/12	13 FINGRINGHOE ROAD, COLCHESTER	601669	222894	Old Heath & The Hythe	Brownfield	Windfall	2	2															
		173175	2021/02	18 RECTORY ROAD ROWHEDGE	602819	221685	Old Heath & The Hythe	Brownfield	Windfall	1	1															
		145845	STARTED	16 DE VERE ROAD/BAINES CLOSE, COLCHESTER	597052	224397	Prettygate	Greenfield	Windfall	1	1	1														
		160524	STARTED	54 KING HAROLD ROAD, COLCHESTER	597222	223691	Prettygate	Brownfield	Windfall	1	1	1														
		161501	2019/08	7 NASH CLOSE, COLCHESTER	597499	224181	Prettygate	Greenfield	Windfall	1	1															
		163213	2020/07	91 KING HAROLD ROAD, COLCHESTER	597186	223933	Prettygate	Brownfield	Windfall	4	4	4														
		171303	2020/07	7 NASH CLOSE, COLCHESTER	597499	224181	Prettygate	Greenfield	Windfall	1	1	1														
		170999	2020/04	185A SHRUB END ROAD, COLCHESTER	597278	223435	Prettygate	Brownfield	Windfall	1	1															
		171303	2020/07	7 NASH CLOSE, COLCHESTER	597499	224181	Prettygate	Greenfield	Windfall	1	1															
		180144	2021/03	78 STRAIGHT ROAD COLCHESTER	596478	224761	Prettygate	Brownfield	Windfall	1	1															
		180070	2021/03	BACONS LANE, CHAPPEL	589373	227180	Rural North	Brownfield	Windfall	1	1															
		171207	2020/07	PEARTREE HILL, MOUNT BURES	591483	231999	Rural North	Brownfield	Windfall	1	1															
		160168	STARTED	HALLFIELDS FM, MANNINGTREE RD, DEDHAM	606090	232910	Rural North	Brownfield	Windfall	1	1	1														
		152353	2019/01	CHURCH HALL FARM, CHURCH ROAD, WORMINGFORD	605989	233142	Rural North	Brownfield	Windfall	1	1	1														
		163105	2020/01	SPRING HOUSE, LONDON ROAD, GREAT HORKESLEY	596329	229935	Rural North	Brownfield	Windfall	1	1															
		136190	STARTED	BROOK HOUSE BARN, BROOKHOUSE ROAD, GREAT TEY	588157	225968	Rural North	Brownfield	Windfall	1	1	1														
		151397	2019/03	FORRESTERS FARM, LAMBERTS HOUSE, GREAT TEY	587793	227314	Rural North	Brownfield	Windfall	1	1	1														
		171029	2020/05	"ORCHARD HOUSE", LAMBERTS LANE. GREAT TEY	587772	227051	Rural North	Brownfield	Windfall	1	1															
		161334	2019/11	TILE HOUSE, NEW ROAD, ALDHAM	591885	226831	Rural North	Brownfield	Windfall	2	2															
		160467	STARTED	1 CHURCH CORNER, BROOK FARM, ALDHAM	591687	225790	Rural North	Brownfield	Windfall	1	1	1														
		180078	2021/02	"ALDHAM HALL FARM" BROOK ROAD ALDHAM	591842	224933	Rural North	Brownfield	Windfall	1	1															
		173338	2021/02	1 CHURCH CORNER, BROOK ROAD, ALDHAM	591687	2																				

Site location	Easting	Northing	Ward	Brownfield/ Greenfield	Site net total	Remaining Dwellings	2018/19	2019/20	2020/21	2021/22	2022/23	2023/24	2024/25	2025/26	2026/27	2027/28	2028/29	2029/30	2030/31	2031/32	2032/33	2033/34
BRITANNIA CAR PARK, ST BOTOLPHS STREET, COLCHESTER	600108	224920	Castle	Brownfield	150	150						30	30	30	30							
ST BOTOLPHS CULTURAL QTR, QUEEN ST, COLCHESTER	599989	225113	Castle	Brownfield	120	120						30										
LAND EAST OF HAWKINS ROAD, COLCHESTER	601669	224621	Greenstead	Brownfield	200	200					60	60		40	40	40	40	40				
LAND WEST OF HAWKINS ROAD, COLCHESTER	601679	224654	Greenstead	Brownfield	100	100								25	25	25	25					
COALYARD SITE, HYTHE STATION ROAD, COLCHESTER	601498	224858	Greenstead	Brownfield	40	40												20	20			
LAND NORTH OF MAGDALEN STREET, COLCHESTER	600165	224858	New Town & Christchurch	Brownfield	40	40												20	20			
EUROPIT GARAGE SITE, MAGDALEN STREET, COLCHESTER	600194	224818	New Town & Christchurch	Brownfield	20	20												10	10			
ROBERTSONS VAN HIRE OFFICE, MAGDALEN ST, COLCHESTER	600114	224783	New Town & Christchurch	Brownfield	5	5												5				
MAGDALEN GARAGE, MAGDALEN STREET, COLCHESTER	600184	224818	New Town & Christchurch	Brownfield	10	10												10				
ROBERTSONS VAN HIRE YARD, MAGDALEN ST, COLCHESTER	600368	224790	New Town & Christchurch	Brownfield	6	6												6				
FORD CAR SALES, MAGDALEN STREET, COLCHESTER	600375	224725	New Town & Christchurch	Brownfield	50	50								25	25							
80-83 AND GM CAR SALES, MAGDALEN STREET, COLCHESTER	600462	224772	New Town & Christchurch	Brownfield	50	50												25	25			
LAND EAST OF TESCO, MAGDALEN STREET, COLCHESTER	600555	224726	New Town & Christchurch	Brownfield	20	20												10	10			
BARRINGTON ROAD/BOURNE ROAD, COLCHESTER	600528	224039	New Town & Christchurch	Greenfield	28	28									13	15						
FORMER ESSEX COUNTY HOSPITAL, COLCHESTER	598919	224873	New Town & Christchurch	Brownfield	108	108																
COLDDOCK, HYTHE, COLCHESTER	602019	223889	Old Heath & The Hythe	Brownfield	40	40					54	54						20	20			
LAND ADJ HYTHE GAS WORKS, HYTHE QUAY, COLCHESTER	601476	224193	Old Heath & The Hythe	Brownfield	60	60												20	20	20		
KING EDWARD QUAY, HYTHE, COLCHESTER	601728	224050	Old Heath & The Hythe	Brownfield	100	100											50	50				
SCRAPYARD SITE, HYTHE QUAY, COLCHESTER	601432	224106	Old Heath & The Hythe	Brownfield	240	240										40		40	40	40	40	
BRIDGE HOUSE AND GARAGE, HYTHE QUAY, COLCHESTER	601453	224754	Old Heath & The Hythe	Brownfield	36	36													18	18		
24 HYTHE QUAY, COLCHESTER	601504	224597	Old Heath & The Hythe	Brownfield	24	24													12	12		
Totals											114	174	30	120	133	120	155	276	195	90	40	

New Local Plan allocations
Garden Communities

Site location	Easting	Northing	Ward	Brownfield/ Greenfield	Site net total	Remaing Dwellings	2018/19	2019/20	2020/21	2021/22	2022/23	2023/24	2024/25	2025/26	2026/27	2027/28	2028/29	2029/30	2030/31	2031/32	2032/33	2033/34
WEST COLCHESTER/EAST BRAINTREE GARDEN COMMUNITY	589719	223103	Marks Tey & Layer	Greenfield	1250	1250							50	100	100	100	150	150	150	150	150	150
EAST COLCHESTER/WEST TENDRING GARDEN COMMUNITY	603555	225046	Wivenhoe	Greenfield	1250	1250							50	100	100	100	150	150	150	150	150	150
Totals													100	200	200	200	300	300	300	300	300	300

Colchester (and Stanway) urban area allocations

Site location	Easting	Northing	Ward	Brownfield/ Greenfield	Site net total	Remaing Dwellings	2018/19	2019/20	2020/21	2021/22	2022/23	2023/24	2024/25	2025/26	2026/27	2027/28	2028/29	2029/30	2030/31	2031/32	2032/33	2033/34
VINEYARD GATE, COLCHESTER	599515	225029	Castle	Brownfield	100	100				50	50											
MILL ROAD, COLCHESTER (EXTRA CARE)	600180	228814	Mile End	Greenfield	260	260						60	50	50	50	50						
RUGBY CLUB, MILL ROAD, COLCHESTER	600180	228814	Mile End	Greenfield	300	300				50	50	50	50	50	50							
LAND NORTH OF BRAISWICK, COLCHESTER	597510	227365	Lexden & Braiswick	Greenfield	70	70					20	25	25									
LAND WEST OF LAKELANDS, STANWAY	594758	223868	Marks Tey & Layer	Greenfield	150	150				30	30	30	30	30								
LAND NORTH OF LONDON ROAD, STANWAY	593012	224489	Marks Tey & Layer	Greenfield	130	130			25	50	55											
LAND SOUTH OF A12, STANWAY	593755	224682	Marks Tey & Layer	Greenfield	500	500						50	50	50	50	50	50	50	50	50	50	
DEFENCE SUPPORT GROUP (DSG), FLAGSTAFF ROAD, COLCH	599485	224634	New Town & Christchurch	Brownfield	100	100											25	25	25	25		
IRVINE ROAD, COLCHESTER	598069	224307	New Town & Christchurch	Greenfield	8	8						8										
MIDDLEWICK RANGES, COLCHESTER	600992	222758	Old Heath & The Hythe	Greenfield	1000	1000								80	120	120	120	120	120	120	80	
PORT LANE, COLCHESTER	601107	224400	Old Heath & The Hythe	Brownfield	130	130												40	50	40		
PLACE FARM, OLD HEATH ROAD, COLCHESTER	601783	223036	Old Heath & The Hythe	Greenfield	30	30						15	15									
LAND SOUTH OF BERECHURCH HALL ROAD, COLCHESTER	598149	222054	Shrub End	Greenfield	150	150			10	70	70											
GOSBECKS PHASE TWO, COLCHESTER	597467	222631	Shrub End	Greenfield	150	150			50	50	50											
ROSEMARY ALMSHOUSES, LONDON RD, STANWAY	593949	224413	Stanway	Greenfield	26	26						13	13									
FORMER SAINSBURY'S SITE, TOLLGATE, STANWAY	595056	224585	Stanway	Brownfield	200	200							40	40	40	40	40					
CHITTS HILL, STANWAY	595626	225622	Stanway	Greenfield	100	100			40	40	20											
Totals									125	340	345	251	273	300	310	260	235	235	245	235	170	80

Other Allocations

Site location	Easting	Northing	Ward	Brownfield/ Greenfield	Site net total	Remaing Dwellings	2018/19	2019/20	2020/21	2021/22	2022/23	2023/24	2024/25	2025/26	2026/27	2027/28	2028/29	2029/30	2030/31	2031/32	2032/33	2033/34
LAND ADJACENT THE FOLLEY, LAYER DE LA HAYE	597337	220276	Marks Tey & Layer	Greenfield	50	50				20	20	10										
LAND EAST OF PELDON ROAD, ABBERTON	600484	218728	Mersea & Pyefleet	Greenfield	5	5						5										
LAND WEST OF PELDON ROAD, ABBERTON	600404	218707	Mersea & Pyefleet	Greenfield	50	50				15	15	15	5									
DAVES LANE, WEST MERSEA	602197	213638	Mersea & Pyefleet	Greenfield	100	100				20	20	20	20	20								
BRIERLEY PADDOCKS, WEST MERSEA	602453	213140	Mersea & Pyefleet	Greenfield	100	100			30	40	30											
ROWHEDGE BUSINESS CENTRE, ROWHEDGE	602697	221916	Old Heath & The Hythe	Greenfield	40	40									20	20						
SWAN GROVE, CHAPPEL	589470	228075	Rural North	Greenfield	30	30						15	15									
PLUMMERS ROAD, FORDHAM	593130	229082	Rural North	Greenfield	20	20				10	10											
SCHOOL LANE, GREAT HORKESLEY	598252	229390	Rural North	Greenfield	13	13					13											
GREAT HORKESLEY MANOR, GREAT HORKESLEY	598252	229390	Rural North	Greenfield	80	80			15	25	25	15										
GREENFIELD DRIVE, GREAT TEY	588835	226048	Rural North	Greenfield	30	30				15	15											
BROOK ROAD, GREAT TEY	589239	225599	Rural North	Greenfield	10	10						5	5									
WICK ROAD, LANGHAM	602736	231122	Rural North	Greenfield	10	10						10										
SCHOOL ROAD (EAST), LANGHAM	602709	231698	Rural North	Greenfield	40	40				20	20											
SCHOOL ROAD (WEST), LANGHAM	602413	231689	Rural North	Greenfield	30	30						15	15									
LAND NORTH OF ELMSTEAD ROAD, WIVENHOE	604197	223522	Wivenhoe	Greenfield	25	25						10	15									
BROADFIELDS, WIVENHOE	604581	223173	Wivenhoe	Greenfield	120	120							30	30	30	30						
CROQUET GARDENS, WIVENHOE	604383	222446	Wivenhoe	Greenfield	25	25			10	15												
COLCHESTER ROAD, WIVENHOE	603950	223053	Wivenhoe	Greenfield	80	80			40	40												
Totals									95	220	168	120	105	50	50	50						

Rural Exception Sites

Site location	Ward	Site net total	Remaing Dwellings	2018/19	2019/20	2020/21	2021/22	2022/23	2023/24	2024/25	2025/26	2026/27	2027/28	2028/29	2029/30	2030/31	2031/32	2032/33	2033/34
LAYER DE LA HAYE	MARKS TEY & LAYER	15	15						15										
FORDHAM	RURAL NORTH	10	10						10										
OTHER VILLAGES	BOROUGH WIDE	25	25						10	10	5								
Totals									35	10	5								

Emerging Neighbourhood Plans

Site location	Ward	Site net total	Remaing Dwellings	2018/19	2019/20	2020/21	2021/22	2022/23	2023/24	2024/25	2025/26	2026/27	2027/28	2028/29	2029/30	2030/31	2031/32	2032/33	2033/34
WEST BERGHOLT	Lexden & Braiswick	120	120										20	25	25	25	25		
TIPTREE	Tiptree	600	600									75	75	75	75	75	75	75	75
Totals												75	95	100	100	100	100	75	75

Housing Need	
Annualised objectively assessed housing need (OAHN)	920
5 year housing requirement (5x920)	4600
5 year housing requirement plus the shortfall (4600+39)	4639
5 year housing requirement including the shortfall and 5% buffer	4871
Annualised housing requirement	974.2

windfall allowance to be applied	N/A	81	36	79	119
----------------------------------	-----	----	----	----	-----

net completions / projected completions	1048	1090	1253	1170	1398	1427	834	741	878	921	825	790	911	840	725	585	455
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strategic target including short fall and 5% buffer	966	974	974	974	974	975
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cumulative strategic target	920	1840	2760	3680	4600	5520	6440	7360	8280	9200	10120	11040	11040	11960	12880	13800
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projected cumulative completions	1090	2343	3513	4911	6338	7172	7913	8791	9712	10537	11327	12238	13078	13803	14388	14843
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5 Year Housing Calculation	
Permissioned sites, existing allocations and windfall allowance	5045 dwellings
Total number of years' worth of housing	5.18 years
Emerging Allocations	1293 dwellings
Total Predicted supply for 5 year period (including emerging allocations)	6.51 years

13 August 2018

Report of	Assistant Director: Corporate & Policy	Author	Sean Tofts ☎ 508639
Title	Statement of Community Involvement consultation summary and adoption request		
Wards affected	All		

1. Executive Summary

- 1.1 This report follows the completed consultation on the Statement of Community Involvement (SCI). The report summarises the responses from stakeholders during the 6 week consultation that was conducted between the 28th of March and the 9th of May 2018. The consultation draft SCI was predominantly undertaken due to changes within emerging national policy that needed to be reflected at the Borough level.
- 1.2 Officers consider the document to be appropriate for adoption subject to the correction of some minor formatting areas.

2. Recommended Decision

- 2.1 To adopt the proposed Statement of Community Involvement 2018 as shown in Appendix One.

3. Reason for Recommended Decision

- 3.1 Officers has have considered the consultation responses and found no significant objections to the contents of the SCI.

4. Alternative Options

- 4.1 The Committee could decide not to update the Statement of Community Involvement but this would conflict with national regulations and may undermine plan making in the borough.
- 4.2 The Committee could alternatively propose amendments to the proposed Statement of Community Involvement.

5. Background Information

- 5.1 The Council approved the draft Colchester SCI 2018 on the 19th of March and agreed to undertake public consultation. The document was subject to consultation between the 28th of March and the 9th of May 2018. The SCI required updating to be compliant with regulations under the Neighbourhood Planning Act 2017 which were laid before Parliament on 13 December 2017, and, subject to parliamentary procedures will be brought into force this year.
- 5.2 A brief summary of the amendments to the document that were included within the consultation draft are highlighted below:

- A new chapter with specific regard to Neighbourhood Planning;
- A concise explanation of Neighbourhood Planning;
- An explanation of the consultation process in relation to Neighbourhood Plans (including table of time frames);
- Support and guidance that will be provided by the Council in relation to Neighbourhood Plans.

5.3 For further information on the changes to the regulation please see the committee report pertaining to the SCI for the 19th of March 2018.

5.4 Further to the requirement to update the Colchester SCI this process has also provided an opportunity to ensure that the information in relation to community involvement for the development management process was accurate. Minor amendments have been made to text to ensure the document accurately reflects the current procedures. The process has also allowed for the document to be restructured to make it clear and concise. It has also been reformatted to reflect the document style of other Local Plan documents.

Consultation Process and Response

5.5 Emails and letters were sent out to consultees prior to the commencement of the consultation and the Council's website was updated to highlight the dates of the consultation. Further to this hard copies of the draft SCI were on display at the Colchester Library and available from Rowan House. Several telephone calls were answered prior to and during the consultation by officers and several requests were met to have printed copies of the document sent out.

5.6 12 responses were received to the consultation and are included in full (with redactions as required) in Appendix 2. Due to the nature of the document and the scope of changes being sought through the consultation draft the level of response expected to such a consultation is relatively low.

5.7 It is noted that some of the responses offered little commentary upon the SCI itself and focused upon a view that this document forms part of a wider 'tick box' exercise.

5.8 Officers note that none of the responses proposed any specific revisions to the SCI document prior to adoption by the Council.

5.9 Minor amendments have been made to the document including the deletion of the section in relation to the consultation process. This was only intended to be included for the consultation draft. A formatting error noted with regard to paragraph numbering has also been corrected.

Post Adoption

5.10 If adopted the Colchester SCI will be published on the Council Website and become part of the adopted evidence base; superseding the existing version of the document. The new SCI will provide clarity on the extent of community involvement that will take place. It will also set out clear consultation procedures and standards that the Council will follow when undertaking consultations on draft planning policy documents and when planning applications are received.

6. Equality, Diversity and Human Rights implications

- 6.1 An Equality Impact Assessment has been prepared for the Local Plan, and is available to view by clicking on this link:- <http://www.colchester.gov.uk/article/12745/Policy-and-Corporate>

7. Strategic Plan References

- 7.1 The Council's Strategic Plan 2018 – 2021 includes a key priority concerning Responsibility. The Statement of Community Involvement provides an opportunity under this theme for residents to get involved in their communities through the planning process.

8. Consultation

- 8.1 The document has been subject to a six-week public consultation exercise. The Council's website carried full details of the Draft Document and responses were made electronically and in writing. Officers also spoke to several respondents via telephone and the document was available to view at Colchester Library and from the Council's offices. All responses have been considered without prejudice in the compiling of this report.

9. Publicity Considerations

- 9.1 If adopted the SCI2018 will be published upon the Council's website.

10. Financial implications

- 10.1 There are no financial implications for the Council

11. Community Safety Implications

- 11.1 There are no community safety implications for the Council.

12. Health and Safety Implications

- 12.1 There are no health and safety implications for the Council.

13. Risk Management Implications

- 13.1 Adopting the Statement of Community Involvement will reduce the risk of the Council failing to adhere to the most recent regulations.

Appendices

- Consultation Responses
- Proposed Final Draft of the Colchester Statement of Community Involvement 2018

Appendix One: Consultation Responses

Chelmsford City Council Response to Colchester Borough Council Statement of Community Involvement Consultation – 2018

Thank you for consulting Chelmsford City Council (CCC) on the Consultation Draft Statement of Community Involvement (SCI). This Council considers that the draft is clear and comprehensive and notes the anticipated adoption in Summer 2018.

This Council notes the recognition that as part of the statutory Duty to Cooperate, neighbouring councils and other relevant organisations must work together on strategic planning issues that affect them all as outlined in the Regulations and will continue to support the principle of engagement as set out in the SCI.

The Council notes the commitment to produce separate development plan documents (DPD) for each of the new proposed Garden Communities and that the consultations on the plans for the Garden Community will have regard to the revised SCI.

The Council notes the new section referencing Neighbourhood Plans and support offered in preparing new neighbourhood plans.

Chelmsford City Council will continue to actively engage with Colchester Borough Council on each other's respective Local Plans.

Whilst the content of this document is laudable, there is absolutely no reason to believe that Colchester Council will pay any attention to it when finalised.

It is meant to explain how the Community will be involved & engaged in the Garden Communities and other Planning issues.

Why are Colchester Council even considering it, when for the last 3 years the Council has totally ignored all responses from the public on all matters with the 3 Garden Communities? Does anyone actually think Colchester Council will properly consider and act on the responses of the public as claimed in the SCI? The public are tired of responding to consultations when they know their responses will be ignored as seen in the recent Issue & Options consultation, extended on the very last day to give a 12 week period, presumably to try and boost the number of responses. It achieved only 725 responses via the portal for the 3 Garden Communities and if the original 10 week period had been maintained, then there would have been less than 400 responses. By comparison about 3000 responses were received in the summer 2016 consultation for the Garden Communities.

Philip Jellard

Sir/Madam,

The 'Statement of Community Involvement' is no more than a tick-box exercise. Change is needed in the way the council interacts with residents. The steps taken by the council to date, and outlined in this consultation, do not go far enough.

The West Tey proposal demonstrates that a complete review of the way that Colchester Borough engages with residents is required. An 8,500-signature petition has been ignored. Thousands of responses to consultations run by Colchester over the past three years have been ignored. Letters to the press and talks in the public question time at Local Plan meetings, Cabinet meetings and Full Council meetings have been ignored. Representations forwarded by the MPs have been ignored.

It is time to move from 'Consult & Ignore' and to start listening to your residents.

Regards

Carly Byrne

Sir/Madam,

The 'Statement of Community Involvement' is no more than a tick-box exercise. Change is needed in the way the council interacts with residents. The steps taken by the council to date, and outlined in this consultation, do not go far enough.

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It is time to move from 'Consult & Ignore' and to start listening to your residents.

Yours,

Siobhan Clarke

Sir/Madam,

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The West Tey proposal demonstrates that a complete review of the way that Colchester Borough engages with residents is required. An 8,500-signature petition has been ignored. Thousands of responses to consultations run by Colchester over the past three years have been ignored. Letters to the press and talks in the public question time at Local Plan meetings, Cabinet meetings and Full Council meetings have been ignored. Representations forwarded by the MPs have been ignored.

It is time to move from 'Consult & Ignore' and to start listening to your residents.

Kind regards

Mark Champion

The 'Statement of Community Involvement' is not a valid document because the council does not interact with residents with a genuine intention of taking on board comments. I have seen comments by the council claiming that 1000 responses is good and there are various positive comments about providing infrastructure. Nothing about the majority of comments being negative.

The West Tey consultation to date demonstrates that a complete review of the way that Colchester Borough engages with residents is required. Letters to the press and talks in the public question time at Local Plan meetings, Cabinet meetings and Full Council meetings and representations forwarded by the MPs have been ignored.

We have a new route for the A12 being proposed through Copford ahead of the Part 1 examination report, and now we have John Spence stating on BBC Look East that the A12 is being rerouted around the new town. And Paul Smith stating that building a new part of the A12 is actually cheaper than widening the existing. Where is the evidence of that questionable claim and why is the due process being ignored by these people? This is pure arrogance and flagrant disregard of a democratic process.

The Localism Act 2011 states the following aims:

- new freedoms and flexibilities for local government
- new rights and powers for communities and individuals
- reform to make the planning system more democratic and more effective and ensure that decisions about housing are taken locally

It appears to have succeeded on the first point but the rest is directly undermined by the council's actions. It is time for you to consider and address the remainder of these three points.

Regards

Neil Gilbranch

Sir/Madam,

The 'Statement of Community Involvement' is no more than a tick-box exercise. Change is needed in the way the council interacts with residents. The steps taken by the council to date, and outlined in this consultation, do not go far enough.

The West Tey proposal demonstrates that a complete review of the way that Colchester Borough engages with residents is required. An 8,500-signature petition has been ignored. Thousands of responses to consultations run by Colchester over the past three years have been ignored. Letters to the press and talks in the public question time at Local Plan meetings, Cabinet meetings and Full Council meetings have been ignored. Representations forwarded by the MPs have been ignored.

It is time to move from 'Consult & Ignore' and to start listening to your residents.

Yours Sincerely,
Rebecca Greene.

Dear sirs and madam, I wrote to you about this subject because u believe that the head of the council has no intention to respect his constituent's wishes. He seems to believe in a legacy. Unfortunately all the current administration will be known for is one of getting us into debt over the proposed garden communities.

These exercises are only viable if the council actually engages and listens.

Many thanks
Spencer Carter

Sir/Madam,

The 'Statement of Community Involvement' is no more than a tick-box exercise. Change is needed in the way the council interacts with residents. The steps taken by the council to date, and outlined in this consultation, do not go far enough.

The West Tey proposal demonstrates that a complete review of the way that Colchester Borough engages with residents is required. An 8,500-signature petition has been ignored. Thousands of responses to consultations run by Colchester over the past three years have been ignored. Letters to the press and talks in the public question time at Local Plan meetings, Cabinet meetings and Full Council meetings have been ignored. Representations forwarded by the MPs have been ignored.

It is time to move from 'Consult & Ignore' and to start listening to your residents.

I look forward to your response and also voting on May 3rd.

Kind regards,
Julie Hitchcock

"Sir/Madam,

The 'Statement of Community Involvement' is no more than a tick-box exercise. Change is needed in the way the council interacts with residents. The steps taken by the council to date, and outlined in this consultation, do not go far enough.

The West Tey proposal demonstrates that a complete review of the way that Colchester Borough engages with residents is required. An 8,500-signature petition has been ignored. Thousands of responses to consultations run by Colchester over the past three years have been ignored. Letters to the press and talks in the public question time at Local Plan meetings, Cabinet meetings and Full Council meetings have been ignored. Representations forwarded by the MPs have been ignored.

It is time to move from 'Consult & Ignore' and to start listening to your residents.

Thus far all councils - Colchester, Essex and Braintree, seem intent on giving preference to future residents whoever they might be at the expense of existing ones.

Rights of way are simply suspended, the countryside is being systematically shut off already.

What exactly do you believe you are creating in North East Essex?

Yours James Millar

Dear Sir/Madam,
West Tey Garden Village

I write against the proposed destruction of green belt areas in West Tey and beyond with regard to the so called "garden villages". I doubt there will be anything "garden" about it and the local area cannot sustain that amount of house building. These will not be "affordable" homes for local people but just a commuter area for those moving out of London.

The 'Statement of Community Involvement' is no more than a tick-box exercise. Change is needed in the way the council interacts with residents. The steps taken by the council to date, and outlined in this consultation, do not go far enough.

The West Tey proposal demonstrates that a complete review of the way that Colchester Borough engages with residents is required. An 8,500-signature petition has been ignored. Thousands of responses to consultations run by Colchester over the past three years have been ignored. Letters to the press and talks in the public question time at Local Plan meetings, Cabinet meetings and Full Council meetings have been ignored. Representations forwarded by the MPs have been ignored.

It is time to move from 'Consult & Ignore' and to start listening to your residents.

Yours faithfully

Mrs Heather Jewson

Sir/Madam,

The 'Statement of Community Involvement' is no more than a tick-box exercise. Change is needed in the way the council interacts with residents. The steps taken by the council to date, and outlined in this consultation, do not go far enough.

The horrendous West Tey proposal demonstrates that a complete review of the way that Colchester Borough engages with residents is required. An 8,500-signature petition has been ignored. Thousands of responses to consultations run by Colchester over the past three years have been ignored. Letters to the press and talks in the public question time at Local Plan meetings, Cabinet meetings and Full Council meetings have been ignored. Representations forwarded by the MPs have been ignored.

It is time to move from 'Consult & Ignore' and to start listening to your residents.

Regards

Mrs L Dear

I think CBC should bring ECC into their 'ideas' stage earlier to check that their thinking is practically possible (highways) and can be funded. There seem to be too many ideas floated by politicians without doing the homework on the feasibility which then mean that public hopes are raised but later dashed.

More joined up project thinking between cbc/ecc please to achieve better long term outcomes.

Equally, CBC shouldn't play the "not our brief" card every time someone mentions highways. They can speak and lobby. They must have some influence, after all, they know the town better than ECC.

Nicholas Chilvers



Statement of Community Involvement

**Consultation draft of the Colchester Borough
Council Statement of Community Involvement**



Tendring Colchester Borders Garden Community
Concept Framework consultation event.

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1. Introduction

What is a Statement of Community Involvement?

- 1.1 A Statement of Community Involvement (SCI) is a document that Councils are required to produce that sets out what consultation will take place with the community on planning policy documents and planning applications. The document states who the Council will consult with, when and how.

- 1.2 National Planning Practice Guidance states that:

“Section 18 of the Planning and Compulsory Purchase Act 2004 requires local planning authorities to produce a Statement of Community Involvement, which should explain how they will engage local communities and other interested parties in producing their Local Plan and determining planning applications. The Statement of Community Involvement should be published on the local planning authority’s website.”

(Planning Practice Guidance 15-004-20140306) (06.03.14)

- 1.3 The SCI provides clarity on the extent of community involvement that will take place. It sets out clear consultation procedures and standards that the Council will follow when undertaking consultations on draft planning policy documents and when planning applications are received. This 2018 SCI supersedes the 2013 SCI and has been produced predominantly to reflect changes in national policy and legislation. This requirement has also been taken as an opportunity to make the document more concise and user friendly.

2. Colchester's Approach

Planning Policy

- 2.1 Colchester Borough Council attaches great importance to undertaking effective consultation with all stakeholders. The type and coverage of plans has evolved over the years but the overall requirement to ensure wide consultation remains. The NPPF and Localism Act 2011 introduced a new tier of planning called Neighbourhood Plans and provided greater flexibility in the requirements for plan preparation. The continuing source of information and progress on all the Council's planning policy documents continues to be the Local Development Scheme, which is available on the Council's website.
- 2.2 The Local Plan Committee has been established as a sub-committee of Full Council and is open to the public in the same way as other formal council committees. The Committee has responsibility for guiding the Local Plan process and takes decisions on the various documents to be produced. As part of this process they will take account of all consultations.
- 2.3 The shared strategic Section 1 Local Plan for North Essex includes proposals for three cross boundary Garden Communities; two of which are partially within the Colchester Borough. The Council is committed to producing a separate development plan document (DPD) for each of these Garden Communities. The consultations for the Garden Community plans will need to have regard to the Colchester Borough SCI as well as the SCI's of Braintree and Tendring, where appropriate.
- 2.4 As part of involving the community in the preparation of planning policy documents Colchester Borough Council will maintain an up to date consultation database so that any individual or organisation who wishes to be informed of the progress of planning policy documents is directly consulted when a document is consulted on. Further information on how the Council will work with the community on planning policy documents is set out in Part 1 of this document. Anyone wishing to be added to the database can do so by emailing planning.policy@colchester.gov.uk.
- 2.5 Once consultation has taken place on draft planning policy documents, a consultation summary will be produced which will summarise the key points made and provide a response to the issues raised before the document is finalised. This will be published on the Council's website alongside the accompanying committee report.

Duty to Cooperate

- 2.6 As part of the statutory Duty to Cooperate, neighbouring councils and other relevant organisations must work together on strategic planning issues that affect them all. In accordance with the Town and Country Planning (Local Planning) (England) Regulations 2012, Colchester Borough Council will work together on strategic planning issues with the organisations shown in the following table.

Duty to Cooperate Consultees	
	Office of Rail and Road
Environment Agency	Highways Agencies
Historic England	Integrated Transport Authorities
Natural England	Highway Authorities
Civil Aviation Authority	Marine Management Organisation
Homes and Communities Agency	Local Enterprise Partnerships
Clinical Commissioning Groups	Neighbouring Local Authorities
NHS England	Essex County Council

Table One – Duty to Cooperate Consultees

- 2.7 In addition to the above, the Council is required to consult ‘specific’ and ‘general’ consultation bodies and other consultees including the community, neighbourhood plan groups, businesses and third sector groups. The following list of organisations will be informed of any consultation being undertaken, as appropriate.

Specific Consultation Bodies	General Consulting Bodies
Neighbouring Local Authorities	Voluntary Bodies
All Parish Councils within and adjoining the boundary of Colchester Borough as appropriate.	Ethnic / Racial / National Groups
Essex Police	Religious Groups and Churches
The Environment Agency	Disabled Groups
Historic England	Local Business Support Agencies
Natural England	Other Consultees
The Secretary of State for Transport	Health Agencies
Electronic Communication Providers	Learning Agencies
Telephone Operators	Schools
Electricity Suppliers	Transport Bodies and Groups
Gas undertakers	Sports Clubs
Sewage Undertakers	Recreation Bodies
The Homes and Communities Agency	Infrastructure and Service Providers
The Ministry of Housing, Communities and Local Government	Design, Town Planning, Conservation and Landscape and Nature Conservation Bodies
Marine Management Organisations	Environmental Groups
Network Rail	Planning Consultants and Agents
Highways England	The Development Industry
Public Health England	Other miscellaneous bodies.
Electricity and Gas Suppliers	
Sport England	

Table Two – Wider Consultees

- 2.8 The Council will make sufficient resources available in order to meet its statutory responsibilities and the procedures and standards contained within this SCI.

Planning Applications

- 2.9 As part of notifying the community when a planning application is received, the Council will ensure there is appropriate publicity to enable members of the public to comment on proposals. Further information on how the Council will consult on planning applications is set out in Part 2 of this SCI.

3. Development Plans

- 3.1 Applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise as set out in section 38(6) of the Planning and Compulsory Purchase Act 2004. The previous SCI referred only to Local Plans under this section, however the new shared strategic Section 1 Local Plan for North Essex includes proposals for three cross boundary Garden Communities. The Garden Community DPDs and the Local Plan are all classed as Development Plan Documents (DPDs).
- 3.2 The Borough also has several adopted and emerging Neighbourhood Plans. A Neighbourhood Plan attains the same legal status as the Local Plan once it has been approved at a referendum. At this point it comes into force as part of the statutory development plan for the Borough.

Local Plan

- 3.3 The Local Plan is the main planning policy document produced by the Council; it contains policies to guide the development of an area and includes allocations that indicate where development will take place (normally over a 15 year period from the adoption of the Plan). As required by national planning policy, the Local Plan should be drawn up by the local planning authority in consultation with the community. It will be reviewed every 5 years in part or in full.
- 3.4 The Local Plan forms part of the Development Plan (along with 'made' Neighbourhood Plans and Garden Community DPDs where appropriate). Planning applications must be determined in accordance with the Development Plan unless other material considerations indicate otherwise.

Garden Community DPDs

- 3.5 The Garden Community DPDs that the Councils are currently producing will contain strategies, policies and proposals to guide their development. The DPDs, once adopted by the Council, will include the location and scale of land uses alongside the required infrastructure. As with the Council's Local Plan, the DPDs will be reviewed at 5 year intervals, this process will be subject to the appropriate public consultation.

Consultation Methods

- 3.7 The following table sets out a summary of the consultation stages and methods that Colchester Borough Council will use when consulting on development plans (the Local Plan and DPDs). Alongside the development plans, the relevant Sustainability Appraisal (SA)/ Strategic Environmental Assessment (SEA) will also be consulted upon. Please see section 6 on page 15 for further information on Sustainability Appraisals / SEAs.

DPD Plan Stage	Consultation Duration	Consultation Methods
Scoping Consultation or Issues and Options	Minimum of 6 weeks	<p>Written / Email consultations with statutory consultees, general consultees on our database, other relevant stakeholders, individuals and organisations who have expressed a wish to be consulted or have previously made comments;</p> <p>Consultation documents available on the Council's website and hard copies available at the Council offices, and libraries, as appropriate, and;</p> <p>Inviting representations on the document through press advertisements/articles and notice on the Council's website.</p>
Preferred Options Consultation	Minimum of 6 weeks	
Submission Consultation and Publicity of a plan proposal	Minimum of 6 weeks	

Table Three – DPD Consultations

4. Neighbourhood Plans and Neighbourhood Development Orders

- 4.1 Neighbourhood Plans, which were introduced by the Localism Act 2011, allow designated groups of local people to prepare statutory development plans for their community, against which planning applications will be assessed.
- 4.2 Neighbourhood Plan Groups can grant planning permission through neighbourhood development orders and community right to build orders for specific development. They can set out planning policies in neighbourhood plans to guide the future development of an area, including identifying sites for new housing or safeguarding parks and playing fields.
- 4.3 Once a neighbourhood plan or order is approved it will be used to guide development and to help decide the outcome of planning applications in the area. The neighbourhood plan or order sits alongside other planning policy and needs to generally conform to local and national planning policy.
- 4.4 The statutory stages in the preparation and review / modification of these documents are set out in The Neighbourhood Planning (General) Regulations 2012 (as amended). From 2018 there is an obligation for local authorities to reflect their policies for giving advice or assistance to neighbourhood planning groups and their policies involving communities and other interested parties in the preliminary stages of plan-making within their Statement of Community Involvement : This includes advising on the survey area and the matters which may be expected to affect the development of their area or the planning of its development (Section 13) and plan preparation, timing and process as required in Section 15 (Local Development Scheme).
- 4.5 If a community wishes to simplify the process for allowing development a Neighbourhood Development Order (areas where specified development is permitted without the need to apply for planning permission) or a Community Right to Build Order (permission for small scale community led-schemes) can be implemented. These can be instead of, or in conjunction with, a neighbourhood plan and would result in effectively granting planning permission for certain types of development in specified areas. These orders, however, can't remove the need for other permissions such as Listed Building or Conservation Area consent.
- 4.6 Since Neighbourhood Plans and Orders aren't prepared by the Council; this SCI can't prescribe what methods of community consultation they should follow. The Council will, however, expect these documents to follow wherever possible the general principles and techniques set out in this SCI.

4.7 Paragraph 48 of the Planning Practice Guidance states:

‘A qualifying body must consult any of the consultation bodies whose interest it considers may be affected by the draft neighbourhood plan or Order proposal. The consultation bodies are set out in Schedule 1 to the Neighbourhood Planning (General) Regulations 2012 (as amended). Other public bodies, landowners and the development industry should be involved in preparing a draft neighbourhood plan or Order. By doing this qualifying bodies will be better placed to produce plans that provide for sustainable development which benefits the local community whilst avoiding placing unrealistic pressures on the cost and deliverability of that development.’

4.8 Paragraph 49 of the Planning Practice Guidance states:

‘A qualifying body should be inclusive and open in the preparation of its neighbourhood plan or Order and ensure that the wider community:

- is kept fully informed of what is being proposed*
- is able to make their views known throughout the process*
- has opportunities to be actively involved in shaping the emerging neighbourhood plan or Order*
- is made aware of how their views have informed the draft neighbourhood plan or Order.’*

4.9 Notwithstanding the aforementioned consultation techniques applied by Neighbourhood Plan Groups the Council itself is required to consult with the public at various stages of the production of Neighbourhood Plans in line with the table shown below:

Neighbourhood Plan Stage	Consultation Duration	Consultation Methods
Neighbourhood Designation Consultation	Minimum of 6 weeks	Written / Email consultations with statutory consultees, general consultees on our database, other relevant stakeholders, individuals and organisations who have expressed a wish to be consulted or have previously made comments; Consultation document available on the Council's website and hard copies available at the Council offices, and libraries, as appropriate, and; Inviting representations on the document through press advertisements/articles and notice on the Council's website.
Neighbourhood Forum Designation Consultation	Minimum of 6 weeks	
Submission Consultation and Publicity of a plan proposal	Minimum of 6 weeks	

Table Four –Local Planning Authority held Neighbourhood Plan Consultations

What support do we offer to help prepare or review a neighbourhood plan?

- 4.10 As the local planning authority, Colchester Borough Council (CBC) has a duty to give advice and support to parish councils and neighbourhood plan groups to assist in the preparation of a neighbourhood plan / neighbourhood development order. This specific requirement was set out in a letter to local authorities from Steve Quartermain, Chief Planner at the now Ministry of Housing, Communities and Local Government (MHCLG). The letter sets out forthcoming changes to regulations in relation to neighbourhood planning and SCIs which will come into place this year.
- 4.11 The emerging regulations have received royal assent and will require local authorities to set out within the SCI policies for giving advice or assistance to neighbourhood planning groups and their policies involving communities and other interested parties in the preliminary stages of plan-making: including advising on the survey area and the matters which may be expected to affect the development of their area or the planning of its development (Section 13) and plan preparation, timing and process as required in Section 15 (Planning and Compulsory Purchase Act 2004).
- 4.12 In line with the MHCLG letter the Council strongly supports neighbourhood planning and offer the following help throughout the process.

Statutory requirements at the time of Submission of the Neighbourhood Plan including:

- Arranging and paying for the independent examination
- Publicity and hosting of a webpage on the CBC website with information on it in relation to the Neighbourhood Plan examination;
- Make key documents available for viewing in the areas that are affected by the Neighbourhood Plans for example at local libraries as appropriate; and
- Organise an examination venue if required.
- Organising and funding the referendum
- Final Adoption Procedures to “Make” the Plan.

Further advice and guidance:

- Advice and an introductory meeting to discuss your aims and outline the process;
- Contact with a lead officer for your plan, who attends group meetings when appropriate and brings their own and other colleagues' professional experience to assist;
- Advice on engaging with your community and the need to record engagement;
- Advice on site appraisals and how to conduct site assessments;
- Advice on the types of evidence needed to write your plan and whom to consult;
- Review of your draft neighbourhood plan to ensure it meets the basic conditions;
- Guidance and support in relation to seeking specialist expertise and appointing consultants, if appropriate.

Further guidance and advice

- 4.13 The Council is committed to facilitating the production of Neighbourhood Plans and is currently in the process of creating further documentation that will be available to all interested stakeholders. If you would like to find out more please contact planning.policy@colchester.gov.uk or visit the planning policy section of the Council's website.

5. Supplementary Planning Documents

What are Supplementary Planning Documents?

- 5.1 Supplementary Planning Documents (SPDs) are intended to explain or provide further detail to policies or site allocations in a Local Plan document. They could take the form of design guides, area development briefs, master plans or issue based documents. They will be used in deciding planning applications and will help the Council defend its decisions at appeals.

Consultation Methods

- 5.2 When preparing Supplementary Planning Documents the Council will use the following method to engage with the local community:

SPD Stage	Consultation Duration	Consultation Methods
Draft SPD Consultation	Minimum of 6 weeks	Written / Email consultations with statutory consultees, general consultees on our database, other relevant stakeholders, individuals and organisations who have expressed a wish to be consulted or have previously made comments;

- 5.3 In addition to the above, the Council will provide details of the progress of emerging Supplementary Planning Documents on its website and within the annual Monitoring Report. SPDs will be reviewed in light of consultation responses and where appropriate amended prior to being considered by Committee for formal adoption.

6. Sustainability Appraisals and Strategic Environmental Assessment (SEA)

What are Sustainability Appraisals / SEA?

- 6.1 Sustainability Appraisal (SA) is a requirement of the Planning and Compulsory Purchase Act 2004, with Strategic Environmental Assessment (SEA) deriving from the European Union Directive 2001/42/EC. It is common and good practice in the UK to combine the two processes into one, which is referred to as Sustainability Appraisal (SA). This process usually incorporates the requirements of the SEA Directive.
- 6.2 The Council is required by law to produce a Sustainability Appraisal (SA) (incorporating Strategic Environmental Assessment) all development plan documents excluding the Statement of Community Involvement, the Annual Monitoring Report, Supplementary Planning Documents (SPDs) and the Local Development Scheme. Neighbourhood Plans do not need to undertake Sustainability Appraisals. In some circumstances they may require an SEA and in all cases they are required to indicate how they contribute to Sustainable Development.
- 6.3 The Council will consult stakeholders in relation to Sustainability Appraisals/ SEAs alongside the Development Plans to which they pertain. Please see table 3 on page 10 for further information.
- 6.4 The Planning Act 2008 allows Local Planning Authorities to prepare SPDs without undertaking SA/SEA, as long as they screen for the need for a Sustainability Appraisal (SA) incorporating a Strategic Environmental Assessment (SEA) of the SPD as it is produced. In light of the 2008 Planning Act, the Councils are required to carry out a screening to ensure that the legal requirements for SA/SEA are met where there are impacts that have not been covered in the appraisal of the parent Development Plan Document (DPD).
- 6.5 The impact of the SPDs will be restricted to relatively specialist topic areas at a local level or site based considerations. Whilst they will help deliver district wide objectives the issues considered do not need to be as comprehensive as for the Local Plan. The SEA Directive suggests a possible exemption of SEA where the plan or programme would be likely not to have significant environmental effects. Appropriate Screening will be undertaken for all SPDs.

7. Planning Applications

Introduction

- 7.1 Involvement of the community and stakeholders at an early stage of the planning application process is of great benefit to the public, organisations, authorities and the applicant themselves. The following section explains how the Council will seek to encourage awareness and involvement in the planning application process, starting with pre-application discussions and continuing through to the planning application stage, and in some cases, the planning appeal stage.

Before Submitting a Planning Application

- 7.2 Before submitting a planning application applicants are recommended to consult with immediate neighbours and people who may be affected by proposals. For major applications (such as housing schemes of 10 or more dwellings) we strongly recommend additional measures to engage with the local community. Such measures should be proportionate to the scale of the proposed development and could include:
- Consultation events with the local community;
 - Consultation with elected members, town and parish councillors;
 - Making detailed plans available for public view (including online on a website);
 - Press notices/leaflets or letters to nearby residents.
- 7.3 This should be effective in bringing draft proposals to the attention of the public, the local Town or Parish Council and other affected parties and provide opportunity to make comments. The purpose of early discussions between the community and developers is to encourage agreement within the community early on in the process and provide a better chance for schemes to be positively received. This process can benefit both parties. For developers it will ensure that key issues are addressed prior to planning applications being submitted and for the local community it will enable them to have an influence before proposals reach an advanced stage.
- 7.4 It is essential that any community involvement conducted by the developers be tailored to the nature and scale of the proposal. A broad list of consultation and community involvement methods is provided in appendix 2, along with details of when they are most suitable, their advantages and disadvantages, and resource implications.
- 7.5 The Council will expect the applicant to submit details of pre-application consultation as well as an explanation on how responses have been taken into account, alongside their planning application. In some cases it can also be a validation consideration, whereby applications will not be processed unless the Council is satisfied that adequate consultation has been undertaken by the developers.

- 7.6 The Council will engage in pre-application discussions with the developer that are often undertaken in confidence because of the various sensitivities of some schemes at this stage, but discussions are always recorded and are without prejudice to the later application. At this stage, the Council will be in a position to advise developers and help clarify the format, type and level of consultation to be undertaken. The Council has a schedule of charges for preliminary enquiries and pre-application advice. As part of this process we will also seek to engage elected members through our “Early Member Engagement Protocol” wherever this is applicable. This Protocol forms part of the Council’s Constitution and can be read online.
- 7.7 In the case of larger applications the Council operates a Planning Performance Agreement (PPA) approach. Details of the applicable charges are available on the Council’s website. A PPA is an agreement between the Council and applicants to provide a project management framework for major applications that may exceed the 13-week period for the determination of major applications. The PPA sets out the targets agreed by both parties for the levels and types of consultation required, information gathering process, consideration of options and agreement on design issues.

Submission of a planning application

- 7.8 The process of deciding planning applications is often of great public and local interest, and comments on proposals are welcomed. When deciding which applications are classed as major applications and therefore subject to wider community consultation in line with the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended), the Government sets out the following criteria:
- Residential developments comprising 10 or more dwellings;
 - A site area of 0.5 hectares or more where the number of dwellings is unknown;
 - Commercial proposals creating more than 1,000 square metres of floor space or on sites of 1 hectare or more; or
 - A change of use application involving the above.
- 7.9 The Government sets targets for the time taken to determine planning applications. These are currently 13 weeks for major applications and 8 weeks for all others. If an Environmental Impact Assessment is required as a result of the scale of development then this period will extend to 16 weeks, but this is not common. Before a decision is made, the case officer will prepare a report with a recommendation.
- 7.10 The recommendation will take into account the adopted Development Plan, the National Planning Policy Framework and any comments made by consultees and the public. However, the Council can only take into account comments relating to material planning considerations, which exclude non-planning considerations such as property values, loss of a private view over land, moral objections to development and commercial considerations.

Major Applications

- 7.11 The level of consultation carried out for all major planning applications, will be determined by the council to ensure that it is appropriate. Statutory advertisements will be used as a means of consultation if required and as laid out in legislation, which means that it may be necessary to publish an advertisement in the newspaper and on a site notice to be displayed at the application site. We also recognise that any involvement will need to encourage participation and social inclusion to ensure that the local community is given every opportunity to influence the process.
- 6.12 A weekly list of all applications received appears on the council's website. Individual letters/emails will be sent in respect of every planning application where neighbouring properties/businesses can be identified. Parish and town councils will be consulted on every application within their parish boundaries. Where Neighbourhood Plans exist or are advanced in their preparation, relevant Groups / Forums will be consulted on all planning applications (and alterations to applications) within the Plan Area. Similarly, the elected ward members will be consulted on applications that fall within their wards.
- 7.13 It is important to note that whilst statutory requirements are met in all instances, the types of discretionary methods used and the length of consultation will need to suit the type of application and therefore the methods listed above are provided as a guideline of how we may consult, but is in no means intended to be prescriptive or exhaustive.

Other Applications

- 7.14 With regard to all other types of applications, officers will determine the appropriate level of consultation. Individual letters/emails will be sent to neighbouring properties/businesses and/or site notices used. Parish and town councils will be consulted on every application in their parish and where Neighbourhood Plans exist or are advanced in their preparation, relevant Groups / Forums will be consulted on all planning applications (and alterations to applications) within the Plan Area. Similarly, the elected ward members will be consulted on applications that fall within their wards. All the planning applications appear on the website.

Sources of Information on applications

- 7.15 Information on planning applications can be found in the following places:

The Planning Register

- 7.16 Applications for planning permission must by law, be entered on a register within 14 days of receipt. Maintaining a planning register is a statutory obligation imposed on the Council by the Town and Country Planning Acts and the information is available for inspection by arrangement during office hours. In Colchester, all applications are held in an electronic format, and the register consists of two parts:
- A register containing details of all current applications for planning permission, including plans and drawings;
 - A register that contains a permanent record of all applications and decisions since 1 July 1948 (including any order made, appeals and their outcome).

7.17 Current planning applications, including plans and drawings and those dating back to the year 2000 can be viewed online using the Colchester Planning website. For those who do not have access to a computer the Council provides appropriate terminals at its Customer Service Centre for public use.

Weekly Lists

7.18 The statutory register does have limitations for general use and accordingly we also produce a weekly list. As the name suggests, this is a list of all new applications registered and decisions made the previous week.

Advertising

7.19 Regulations set out in the Town and Country Planning (Development Management Procedure) Order 2015 (as amended), the Planning (Listed Building and Conservation Areas) Regulations and the Planning (Listed Building and Conservation Areas) Act 1990, state that all planning applications need to be publicised, either by site notice or individual neighbour notification. A press notice and site notice is also required for the following types of application:

- Erection of 10 or more dwellings or site area of 0.5 hectares or more;
- Erection of 1000 square metres of floor space, or site area of 1 hectare or more;
- An application subject of an environmental assessment;
- An application that would affect a right of way, under Part III of the Wildlife and Countryside Act;
- Development affecting listed buildings;
- Development affecting the character or appearance of a conservation area; and
- Departures from the Development Plan.

7.20 These requirements are subject to change and a press notice will only be used where required by legislation.

Individual Letters

7.21 We are aware of the need to provide an effective and efficient service, and to ensure that budgets are closely controlled. It is sometimes difficult to bring together these objectives with widespread public consultation on planning applications. The actual extent of consultation in each case will be determined having regard to the type of development involved.

7.22 Letters will only usually be sent to those properties directly affected by a proposal, which according to the Development Management Procedure Order 2015 is any adjoining owner or occupier. "Adjoining owner or occupier" means any land sharing a common boundary with the application site. Any further consultation will be at the discretion of

the case officer. For example, in the case of rear extensions those to the rear will be consulted whilst those on the opposite side of the road may not be.

Parish and Town Councils

- 7.23 The Council is committed to close working with local representative bodies, as provided within part 8 of the Constitution. We have set up a forum for parish and town council clerks, which is held every two months. Although this is a corporate initiative there is opportunity to report on planning matters on a regular basis.
- 7.24 Planning workshops for Town and Parish Councillors include workshops on subjects including, material considerations, influencing the planning process, enforcement, appeals, planning law, design, legal obligations etc. These are usually held annually, while individual Parishes/Towns can ask for liaison meetings in between if they wish to discuss specific issues.

Website

- 7.25 Our website is increasingly being used as a tool for consultation. The website includes weekly lists of applications received and decisions made. These can be viewed by application number, address or by ward and comments can be sent direct. Committee agendas, reports, S106 agreements, planning enforcement activity and associated notices and a list of current appeals and appeal decisions can also be viewed. The Colchester Planning Online website now allows copies of the application forms, plans and drawings, and consultation comments to be viewed online. All enquiries can be made online, while a number of questions can be answered through self-service information.

Procedure for Dealing with Written Representations to Applications

- 7.26 We currently notify neighbours within a week of registering a planning application and they are given 21 days to reply. All those wishing to comment on an application are encouraged to do so electronically using the Council's 'on-line planning' website. Whilst we will accept written letters and e-mails we will not acknowledge their receipt. Any representation received is redacted and placed on the Council's 'on-line planning' website and is available for viewing by the public. This also allows those people sending such representations to check safe receipt by the Council for themselves.

- 7.27 The Planning Service does not respond in writing to comments about a planning application unless specifically requested, but all comments received are considered by the case officer, which may result in the application being revised. If the scheme is significantly changed or changed in a manner deemed to have a greater impact upon neighbours than the original submission we will try to repeat the consultation allowing, where possible, an extra 7-14 days for further comments (at the discretion of the case officer). Sometimes time constraints mean a shorter period is given for comments on revised plans and sometimes it is not possible to re-consult at all.

8. Determination of a planning application

- 8.1 The receipt of one or more letters of objection will normally result in a major application being determined by committee if it is being recommended for approval or if it is subject to a S106 Agreement.
- 8.2 In the case of all other applications a decision will be made under delegated powers by the Planning Service unless that application has been subject to a 'call-in' by a Councillor. A 'call-in' is subject to a formal process and for it to be triggered automatically a councillor must make a valid request within 25 days of being notified of the application. Anyone can approach their councillor to have an application 'called-in' and thereby determined by the Planning Committee after public debate. It is important to note however that a councillor is not duty bound to request a 'call-in' if asked and should only do so if a material planning consideration is involved and public scrutiny is appropriate. Where an application is being reported to Committee a list of the different material planning considerations raised within the various comments received are summarised in the Committee report. Letters will not be accepted after 5pm on the day before Committee. Once the agenda has been prepared, anything received before 5pm on the day falling 2 days before the day of the committee meeting will be reported on an amendment sheet. Anything received after 5pm on the day falling 2 days before the day of the committee meeting will be reported verbally.
- 8.3 If an application is to be reported to committee this will be stated on the Council's online planning website. The full committee report is available 5 working days before the meeting on the website and in all council offices. Where an application has been subject to a valid 'call-in', the applicant and any person making an electronic submission via the Council's on-line planning web-site will be notified via e-mail of the relevant Committee date, 5 days prior to the meeting.
- 8.4 Public speaking is allowed at the committee comprising one representative speaking against an application and one speaking in support of a proposal. Each speaker is permitted to address the committee for up to 3 minutes. At the Chairman's discretion, and where prior notification has been given, further objectors will be allowed to speak on particularly complex or controversial applications. Usually this will be with a maximum number of 3 speakers for and 3 speakers against any application. Objectors are invited to view the application on-line to obtain a full list of objectors' comments to enable them to co-ordinate a reply in the event that more than one person wishes to speak. Ward Members may also speak on behalf of their electorate and will be allowed up to 5

minutes. Other Councillors will also be permitted to speak at the discretion of the Chair having regard to the strategic significance of the proposal and whether it raises matters of Borough wide interest. When a decision is reached, the website will state whether the application has been approved or refused and hold a full copy of the decision and approved drawings.

- 8.5 Further details on how to comment on planning applications at the Planning Committee can be found in our document 'Have your Say on Planning Applications' which is available on the website. Other relevant information includes "Planning Procedures Code of Practice" which is in Part 5 of The Constitution and is on the Council's website. It sets out general guidelines for borough councillors and council officers who are involved in planning applications and the Planning Committee. The information it contains may help provide background information to applicants and those commenting on the planning process. The Localism Act clarifies the ways in which councillors can be involved in the planning process and play an active part in local discussions.

9. Appeals

- 9.1 When an appeal is made against the decision of the Council to refuse an application all previous correspondence is forwarded on to the Planning Inspectorate. Letters/emails are also sent to all those people who had previously been consulted/commented on the application, advising them of the appeal. Further representation can be made direct to the Planning Inspectorate. These procedures comply with the statutory procedures set out in S78 of the Town and Country Planning Act 1990 and the "Procedural Guide: Planning appeals – England" (available online via www.gov.uk).

10. Monitoring and review of the Statement of Community Involvement (SCI)

- 10.1 The SCI provides flexibility to allow for appropriate changes in our approach to community involvement. Comments received on the quality or effectiveness of our consultation will be considered and used to inform future practice. If significant changes are required to meet new circumstances or legislation, a review of the Statement of Community Involvement will be undertaken.
- 10.2 Consultation exercises include opportunities for consultees to complete equality monitoring data forms. If completed, this helps us monitor the effectiveness of our policies surrounding equality and diversity and to make changes where required.

Appendix 1: Further Information

Legislation

The Town and Country Planning (Local Planning) (England) Regulations 2012

<http://www.legislation.gov.uk/ukxi/2012/767/contents/made>

Neighbourhood Planning (General) Regulations 2012

http://www.legislation.gov.uk/ukxi/2012/637/pdfs/ukxi_20120637_en.pdf

The Town and Country Planning (Development Management Procedure) (England) Order 2015

<http://www.legislation.gov.uk/ukxi/2015/595/contents/made>

National Policy/Guidance

National Planning Policy Framework and Planning Practice Guidance.

<http://planningguidance.planningportal.gov.uk/>

Plain English Guide to the Planning System

<https://www.gov.uk/government/publications/plain-english-guide-to-the-planning-system>

Planning Aid

<http://www.rtpi.org.uk/planning-aid/>

Planning Portal

<http://www.planningportal.gov.uk>



For more information please contact the planning policy team
planningpolicy@colchester.gov.uk

Report of	Assistant Director Policy and Corporate	Author	Jess Tipper
			01206 508920
Title	Colchester Local List Review 2018		
Wards affected	All Wards		

The Local Plan Committee is asked to agree the proposed amendments to, and extension of, the adopted Colchester Local List

1. Executive Summary

- 1.1 This report explains the role of the Local List in safeguarding selected heritage assets that, although not suitable for designation nationally as a Listed Building or Scheduled Monument, are considered historically or architecturally important at a local level, are valued by the local community and make a significant contribution to the character and setting of Colchester and the surrounding villages. A Local List provides for the due consideration or protection for heritage assets that local people value. Residents can nominate assets for the Local List that they care about.
- 1.2 In line with agreed procedures, the List has been reviewed and a number of proposed amendments to and extension of the adopted Local List are proposed. The revised list would then be integrated into the Colchester Historic Environment Record (HER) and published via the Colchester Heritage Explorer website.
- 1.3 It is further proposed that the list be extended beyond Colchester and Wivenhoe to cover the Borough as a whole following a review of the Local List criteria and selection process.
- 1.4 Finally, the report recommends a review of, and public consultation for, the use of an Article 4 Direction to support Local Listing which would provide greater scrutiny for assets on the list.

2. Decision(s) Required

- 2.1 The Local Plan Committee is asked to agree changes to the Colchester Local List as follows:
 - Approve the proposed amendments to the adopted Colchester Local List entries;
 - Approve the integration of the Colchester and Wivenhoe Local Lists into the Colchester Historic Environment Record (HER);
 - Approve the publication of the Local List via the Colchester Heritage Explorer website;

- Approve the extension of the Local List to the rest of the Borough following a review of the Local List criteria and selection process for non-designated Heritage Assets;
- Approve a review of, and public consultation for, the use of an Article 4 Direction to support Local Listing.

3. Reasons for Decision(s)

- 3.1 Updating the Local List will ensure that it remains a robust element of the evidence base supporting planning policies safeguarding the

4. Alternative Options

- 4.1 The Committee could decide not to update the Local List or to make amendments to it. Without a regular review, the information on the Local List will become out of date and inaccurate. The lack of a Borough-wide Local List reduces the Council's ability to make informed decisions when assessing development proposals affecting heritage assets in the Borough. In accordance with the NPPF, Historic England Advice Note 7, and the Colchester Local Plan, the Council is required to maintain a Local List for the Borough.

5. Background Information

- 5.1 A Local List is a list of heritage assets that although not suitable for designation nationally as a Listed Building or Scheduled Monument are considered historically or architecturally important at a local level, are valued by the local community and make a significant contribution to the character and setting of Colchester and the surrounding villages. A Local List provides for the due consideration or protection for heritage assets that local people value. Residents can nominate assets for the Local List that they care about.
- 5.2 The National Planning Policy Framework (NPPF, paragraph 129) states that Local Authorities should identify and assess the significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of available evidence and any necessary expertise. This includes buildings or assets that are locally listed.
- 5.3 Heritage Assets on a Local List are considered non-designated heritage assets as defined in the NPPF glossary (2012, p.521):
- “A building, monument, site, place, area or landscape identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest. Heritage asset includes designated heritage assets and assets identified by the local planning authority (including local listing).”*
- 5.4 Historic England published an advice note relating to Local Lists in 2012: [Historic England Advice Note 7, Local Heritage Listing](#) (first published 2012, republished 2016).
- 5.5 Policy DM14 of the Adopted Local Plan 2001-2021 refers to Locally Listed Heritage Assets:
- Conservation of the historic environment will also be ensured by:*
- (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;*
- 5.6 Policy DM16 of the Colchester Borough Local Plan 2017-2033 (June 2017) states:

Conservation of the historic environment will also be ensured by:

(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;

- 5.7 The Local List for Colchester town was adopted by the Council in 2011, following an identification and selection process by a panel of heritage specialists (Colchester Historic Buildings Forum). The Local List for Colchester is published by the Colchester Historic Buildings Forum: <http://www.colchesterhistoricbuildingsforum.org.uk/drupal/>
- 5.8 The Local List for Colchester includes buildings, architectural features and historic assets that are considered to be locally significant for their architectural or historic value but which do not meet the criteria for national designation.
- 5.9 In 2012, the Local List for Wivenhoe, prepared by the Wivenhoe Townscape Forum, was adopted by the Council. The Local List for Wivenhoe is maintained on the website of the Wivenhoe History Group: <http://www.wivenhoehistory.org.uk/content/topics/heritage-assets/the-wivenhoe-local-list>
- 5.10 The Local List currently covers urban Colchester (769 heritage assets) and also Wivenhoe. The Local List comprises primarily buildings as well as monuments (e.g. memorials) and street furniture (e.g. lamp posts). The Wivenhoe List also contains a small number of landscape features (e.g. Wivenhoe Woods and King George V Playing Fields) and below-ground archaeological sites (Field 2 Lodge Farm).
- 5.11 The Colchester and Wivenhoe Local Lists, together, are available as a GIS Layer on the Council's interactive planning map:
<http://datashare.colchester.gov.uk:8010/connect/analyst/mobile/#!/main?mapcfg=Planning>
- There are links from the interactive planning map to the Colchester and Wivenhoe Local Lists.
- 5.12 Following adoption of the Local List for Colchester in 2011, the Local Development Framework Committee agreed that the List would be reviewed annually (12 December 2011, p.83).
- 5.13 Procedures for amending Colchester's Local List were agreed at the Local Plan Committee on 28 January 2013. This includes the addition of new buildings, amendment of existing buildings or removal of buildings those that no longer fulfil the criteria.
- 5.14 There have been regular reviews of the Local List by the Local Plan (previously LDF) Committee, resulting in additions, amendments and deletions:
- 27 March 2017, including addition of one heritage asset in Boxted (the Methodist chapel) and two heritage assets (two pairs of cottages) in Wakes Colne.
 - April 2016, including addition of one heritage asset (War Memorial) in Langham
 - 13 April 2015
 - 28 April 2014
 - 11 March 2013
 - 26 March 2012 adoption of the Wivenhoe Local List
 - 12 December 2011 adoption of the Colchester Local List
- 5.15 In January 2018, a press release was issued inviting members of the public and local groups to nominate buildings or historic/architectural features for consideration for either

inclusion or removal from Colchester's Local List. The Spatial Policy team also consulted colleagues in Development Management to gather information about any planning applications that had resulted in the loss of or alteration of buildings or historic/architectural features on the Local List.

5.16 In response to the press release and internal consultation, a total of three additions have been proposed to the Local List, which the Local Plan Committee is being asked to review and agree the suggested changes. One of the proposed additions (Middlewick Ranges) is not considered suitable for inclusion on the Local List at the current time and it is recommended the decision is deferred until a review of the Selection Criteria has been completed (see paras 5.30-5.32 below).

5.17 The proposed nominations for the Local List are detailed in Table 1 below along with reasons to support their inclusion or deferral.

Heritage asset	Information	Recommendation
121 Maldon Road, Colchester CO3 3AX (TL 9872 2445)	Large red brick house, gable-end facing the road with distinctive, decorative fish-tail clay tiles gable above eaves level, attractive first floor front balcony with decorative timber-fretted pelmet and rear conservatory. Plaque above the right hand front bedroom window with the construction date, 1902. Allegedly to have been built as the vicarage for St Nicholas' Church, High Street, although never used for that purpose.	Add to the Local List. Intact good example of an unusual and idiosyncratic late Victorian dwelling, with surviving character as reasonably unaltered.
Gate House, Cherry Chase, Tiptree CO5 0AE (TL 89811547)	Former farmhouse for Gatehouse Farm. Original three storey core dating from the 18th century, and originally a two bay farm house, extended and altered in the 19th and 20th centuries (historic core is obscured by later extensions). Internal joinery survives to indicate front rooms to be 18th century and the attic survives from the original 18th century property. Some 18 th century features survive (doors and surrounds). Features (including a grille over a circular window) bear testament to the property being the residence of a number of members of the Wilkin Family.	Add to Local List as a property dating from the 18th century (and with surviving 18th century fabric obscured by later extensions) with historical associations to the Wilkin Family (Wilkin & Sons Jam Company).

Runkins Corner, Langham Road, Boxted (TM 00352976)	Late 17th or early 18th century timber-framed, although altered externally.	Add to the Local List as a surviving timber-framed building late 17th or 18th dwelling.
Middlewick Ranges, Colchester (TM 00912282)	Large area of open ground (c.84ha. in size south of Abbot's Road and east of Mersea Road) currently owned by the MOD and used for military training. Multiple period archaeological remains recorded (although there has been no systematic survey), including Mesolithic, Neolithic, Bronze Age, Anglo-Saxon find spots recorded in the HER. Undated linear cropmarks, indicative of (non-longer extant) field boundaries, as well as undated earthwork remains (rampart forming an hexagonal-shaped enclosure) known locally as 'The Fort' and allegedly constructed during the Siege of Colchester in 1648. Also WWII monuments, including two pillboxes, spigot mortar emplacement and section of anti-tank ditch and defence line.	Defer decision until the Key Selection have been reviewed/revised to include archaeological sites.

Table 1 Heritage assets recommended for inclusion on the Colchester Local List.

- 5.18 The approved changes will be added to the existing Local List information on the Council's interactive planning map.
- 5.19 The Council confirmed the intention to extend the Local List to rural areas in response to queries from Members of the Local Plan Committee in January 2013.
- 5.20 In 2016 Langham War Memorial was added to the List. In 2017, a heritage asset in Boxted (Methodist chapel) was added to the Local List and also two heritage assets (two pairs of cottages) in Wakes Colne were added to the List. The rest of the Borough is, currently without a Local List.
- 5.21 The Committee is asked to approve the extension of the Local List to the rest of the Borough. It is recommended that the Council should work with parish councils, local community groups and heritage experts, to promote the creation of the Local List for the entire Borough.
- 5.22 The NPPF (paragraphs 141 and 169) emphasises the importance of Historic Environment Records (HERs) in providing the core of information needed for plan-making and individual planning decisions.

- 5.23 Historic England's Advice Note 7 (Local Heritage Listing) states (para 45; see also para 47), *The HER will ideally provide the key point of access to the list and its supporting information.*
- 5.24 The Colchester HER is the definitive database of recorded heritage assets in the Borough and the evidence base for the historic environment maintained by the Council. The Local List has not been integrated in the Historic Environment Record (HER).
- 5.25 The information about individual heritage assets on the Colchester Local List is currently held on the websites of the Colchester Historic Buildings Forum and the Wivenhoe History Group.
- 5.26 The information on the Colchester Historic Buildings Forum website has not been regularly updated; the latest information/news update on the front page of the website is dated 12 June 2015: <http://www.colchesterhistoricbuildingsforum.org.uk/drupal/> The Local List on the Colchester Historic Buildings Forum website was unavailable (offline) for a long period in 2017.
- 5.27 The Committee is asked to approve the integration of the information held in the two Local Lists (on the websites of the Colchester Historic Buildings Forum and the Wivenhoe History Group) into the Borough-wide Colchester HER.
- 5.28 The Historic Environment Record is publically accessible via the Colchester Heritage Explorer website, maintained by the Council: <https://colchesterheritage.co.uk/> The Committee is asked to agree the publication of the Local List via the Colchester Heritage Explorer website.
- 5.29 The current Criteria for Colchester's Local List, from 2010, are recorded on the Colchester Historic Buildings Forum website (<http://www.colchesterhistoricbuildingsforum.org.uk/drupal/>):

Choosing buildings for the local list

Buildings on the draft local list are those which are suggested to be of local importance rather than national. Buildings have been included on the list if they are not already 'listed' and at least one of the following criteria apply:

- 1. The building is earlier than 1840 and is in good or restorable condition.*
- 2. The building dates to between 1840-1945 and is largely complete plus is of an architectural and/or historic value which rises from 'good' for the oldest buildings to 'very high' for the younger ones in the date range.*
- 3. The building was built after 1945 and is complete with no inappropriate alterations or extensions plus is of highest architectural or historic value.*
- 4. The building has group or skyline value.*

Various additional factors have been taken into account during the selection process. They are not sufficient in their own right or in combination to justify inclusion in the list but they have been used to tip the balance in marginal cases. They are as follows: historic value, iconic value, contribution to the historic character of the area in which it stands, prominence in the townscape or landscape, quirkiness, rarity in Colchester terms, and sustainability (i.e. the building is realistically capable of reuse).

- 5.30 The Selection Criteria for Colchester's Local List currently makes no provision for heritage assets other than buildings. The adopted Local List for Wivenhoe, however,

includes several archaeological sites - which clearly do not meet the current (buildings only) selection criteria.

- 5.31 In accordance with the broad definition of heritage assets in the NPPF (buildings, monuments, sites, places, areas or landscapes) and Historic England's Advice Note 7 (paragraphs 25-27 and Table 1), the Committee is asked to approve a review of the Selection Criteria for Colchester's Local List. It is recommended that the Key Selection Criteria are expanded to include other types of heritage asset.
- 5.32 Any proposed revisions to the Selection Criteria will need to be tested through public consultation, following scrutiny and approval by the Local Plan Committee (in accordance with HE Guidance note para 24).
- 5.33 Assets on the Local List will be considered in the planning process and they are afforded consideration where there is a planning application that affects them or where a Locally Listed heritage asset is located in a Conservation Area. All permitted development rights, including demolition, are still available to building owners. Consequently, unless it is located within a Conservation Area (in which case a planning application would be required for demolition), an owner could demolish a Locally Listed Building with only a prior notification and there would be no way the Council could stop the demolition.
- 5.34 The Committee is asked to approve a public consultation concerning the application of an Article 4 Direction to any Locally Listed asset located outside of a Conservation Area to require planning permission for demolition. This would provide consideration of the value of the local heritage assets by bringing demolition applications through the planning system.
- 5.35 The Committee should be aware that the use of Article 4 direction without 12 months' notice can open the right to compensation in certain circumstances. It is recommended, therefore, that (if adopted) the Council gives 12 months' notice before the Article 4 Direction comes into force. This will avoid the right to compensation.

6. Proposals

- 6.1 The Local Plan Committee is asked to agree changes to the Local List (see 1.1 above).

7. Strategic Plan References

- 7.1 The Local List provides evidence that will help the Council deliver its Strategic Plan 2018-21 Opportunity priority to promote and enhance Colchester Borough's heritage and visitor attractions to increase visitor numbers while ensuring the delivery of the Local Plan. It will also help deliver the Council's Wellbeing priority in encouraging belonging, involvement and responsibility in the borough's communities.

8. Consultation and Publicity

- 8.1 All those who proposed additions or deletions to and from the Colchester Local List, as well as owners/occupiers will be notified of the decision of the Committee.
- 8.2 In terms of revisions to the Selection Criteria and the use of an Article 4 direction, it is recommended that the revisions are subjected to public consultation.

9. Publicity Considerations

- 9.1 None.

10. Financial Implications

- 10.1 The recommended extension of the Local List to the entire Borough and also the introduction of an Article 4 direction will incur officer time. The integration of the Local Lists for Colchester and Wivenhoe into the HER and the publication of the dataset on the Heritage Explorer website will incur a small fee from the HER software provider.

11. Equality, Diversity and Human Rights implications

- 11.1 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.
- 11.2 There are no particular Human Rights implications.

12. Community Safety Implications

- 12.1 None.

13. Health and Safety Implications

- 13.1 None.

14. Risk Management Implications

- 14.1 The proposed review of the Colchester Local List will help ensure that planning decisions are based on the most current historic environment data available for the Borough. The preparation of the Local List for the entire Borough will directly assist in the effective delivery of the emerging Local Plan.

15. Disclaimer

- 15.1 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 omissions.