

**12 June 2023**

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

**Wards affected** All

## 1. Executive Summary

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

## 2. Recommended Decision

- 2.1 This report is for Members information.

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

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

### **4. Alternative Options**

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

## 5. Background Information

### Where we are now

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

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

#### What happens next?

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

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

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

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

### **Engagement and Consultation**

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

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

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

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

## **7. Strategic Plan References**

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

## **8. Consultation**

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

## **9. Publicity Considerations**

- 9.1 None at this stage.

## **10. Financial implications**

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

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

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

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

- 12.1 No direct implications.

## **13. Risk Management Implications**

- 13.1 No direct implications.

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

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

## **Background Documents**

[Local Plan Background Information](#)

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