

# Local Plan Committee Meeting

**Grand Jury Room, Town Hall, High Street,  
Colchester, CO1 1PJ  
Monday, 18 August 2014 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, 18 August 2014 at 18:00**

**Member:**

Councillor Bill Frame  
Councillor Martin Goss  
Councillor Lyn Barton  
Councillor Elizabeth Blundell  
Councillor Andrew Ellis  
Councillor John Jowers  
Councillor Kim Naish  
Councillor Gerard Oxford

Chairman  
Deputy Chairman

**Substitutes:**

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

**AGENDA - Part A**  
(open to the public including the press)

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

**1 Welcome and Announcements**

- a) The Chairman to welcome members of the public and Councillors and to remind all speakers of the requirement for microphones to be used at all times.
- (b) At the Chairman's discretion, to announce information on:
  - action in the event of an emergency;
  - mobile phones switched to silent;
  - the audio-recording of meetings;
  - location of toilets;
  - introduction of members of the meeting.

**2 Substitutions**

Members may arrange for a substitute councillor to attend a meeting on their behalf, subject to prior notice being given. The attendance of substitute councillors must be recorded.

### **3 Urgent Items**

To announce any items not on the agenda which the Chairman has agreed to consider because they are urgent, to give reasons for the urgency and to indicate where in the order of business the item will be considered.

### **4 Declarations of Interest**

The Chairman to invite Councillors to declare individually any interests they may have in the items on the agenda. Councillors should consult Meetings General Procedure Rule 7 for full guidance on the registration and declaration of interests. However Councillors may wish to note the following:-

- Where a Councillor has a disclosable pecuniary interest, other pecuniary interest or a non-pecuniary interest in any business of the authority and he/she is present at a meeting of the authority at which the business is considered, the Councillor must disclose to that meeting the existence and nature of that interest, whether or not such interest is registered on his/her register of Interests or if he/she has made a pending notification.
- If a Councillor has a disclosable pecuniary interest in a matter being considered at a meeting, he/she must not participate in any discussion or vote on the matter at the meeting. The Councillor must withdraw from the room where the meeting is being held unless he/she has received a dispensation from the Monitoring Officer.
- Where a Councillor has another pecuniary interest in a matter being considered at a meeting and where the interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice the Councillor's judgement of the public interest, the Councillor must disclose the existence and nature of the interest and withdraw from the room where the meeting is being held unless he/she has received a dispensation from the Monitoring Officer.
- Failure to comply with the arrangements regarding disclosable pecuniary interests without reasonable excuse is a criminal offence, with a penalty of up to £5,000 and disqualification from office for up to 5 years.

- 5     **Have Your Say!**
- a) The Chairman to invite members of the public to indicate if they wish to speak or present a petition at this meeting – either on an item on the agenda or on a general matter not on this agenda. You should indicate your wish to speak at this point if your name has not been noted by Council staff.
- (b) The Chairman to invite contributions from members of the public who wish to Have Your Say! on a general matter not on this agenda.
- 6     **Minutes** 7 - 15
- To confirm as a correct record the minutes of the meetings held on 16 and 30 June 2014
- 7     **Local Plan Development** 16 - 33
- See report by the Head of Commercial Services
- 8     **Solar Farms** 34 - 39
- See report by the Head of Commercial Services
- 9     **Magdalen Street Brief** 40 - 54
- See report by the Head of Commercial Services
- 10    **Gypsy and Traveller Assessment** 55 - 59
- See report by the Head of Commercial Services
- 11    **Community Infrastructure Levy** 60 - 64
- See report by the Head of Commercial Services
- 12    **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

### 16 JUNE 2014

*Present :-* Councillor Bill Frame (Chairman)  
Councillors Lyn Barton, Elizabeth Blundell, Andrew Ellis,  
John Jowers, Kim Naish and Gerard Oxford

*Substitute Member :-* Councillor Nick Barlow for Councillor Martin Goss

#### **1. Appointment of Chairman**

*RESOLVED* that Councillor Frame be appointed Chairman of the Committee for the forthcoming Municipal Year.

#### **2. Appointment of Deputy Chairman**

*RESOLVED* that Councillor Goss be appointed Deputy Chairman of the Committee for the forthcoming Municipal Year.

# Local Plan Committee

Monday, 30 June 2014

**Attendees:** Councillor Elizabeth Blundell (Member), Councillor Andrew Ellis (Member), Councillor Kim Naish (Group Spokesperson), Councillor Bill Frame (Chairman), Councillor Martin Goss (Deputy Chairman), Councillor Gerard Oxford (Member)

**Apologies:** Councillor John Jowers (Member), Councillor Lyn Barton (Member)

**Substitutes:** **Councillor Lesley Scott-Boutell (for Councillor Lyn Barton), Councillor Nigel Chapman (for Councillor John Jowers)**

## 3 Minutes 28 April 2014

The minutes of the meetings held on 28 April 2014 were confirmed as correct record.

## 4 Stanway Neighbourhood Plan Area

The Head of Commercial Services submitted a report inviting the Committee to formally designate the Stanway Neighbourhood Plan Area.

*RESOLVED* that the Stanway Neighbourhood Plan, as set out in the report by the Head of Commercial Services, be formally designated, in accordance with Section 61G of the Town and County Planning Act 1990 (inserted by the Localism Act 2011).

## 5 Consultation on Draft Northern Gateway Framework

The Head of Commercial Services submitted a report on the proposed consultation on the framework for development in the Northern Gateway area. Vincent Pearce, Major Development Manager, and Laura Chase, Planning Policy Manager, attended to assist the Panel.

Laura Chase explained that the Council had an interest in the Northern Gateway area both as a landowner and in view of its responsibilities for the development of planning policy. She outlined the process by which the Framework document had been drafted. The detailed arrangements for the consultation process were still being finalised but would be wider than the proposals set out in the report. It was now intended to hold between 7-8 sessions and the consultation would be extended into August. Officers would ensure that the consultation was widely publicised.

Vincent Pearce presented the proposals in the draft Framework document. He noted the concerns expressed about the quality of the reproductions of the plans contained in the agenda. In broad terms the northern part of the area would be designated for



leisure uses, whilst the southern part would be a commercial hub. They would be connected by sustainable green links. In development terms, the only entirely new proposal was the housing development on part of the existing Colchester Rugby Club site. This would be enabling development, which would fund the relocation of the club to new pitches north of the A12. The Framework also proposed a number of other sports facilities including a velodrome and a mountain bike course. He stressed that the proposals were not fixed at this stage: the aim was to create a strategic vision for the development of the area. He also emphasised the importance of local consultation and highlighted that the Council would be looking for synergies with Myland Community Council's Neighbourhood Plan.

Councillor Arnold attended and, with the consent of the Chairman, addressed the Committee. Given that the northern part of the proposed development area was in Boxted, Fordham and Stour ward councillors and Boxted Parish Council should have been consulted earlier. He expressed concern that the road in the northern part of the development would be extended to join either Severalls Lane or Straight Road. Residents of Boxted were concerned about the potential impact on traffic levels on Straight Road, given that it could potentially be used for access to the A12. When the proposals went out to consultation it should be reiterated that it was Council policy that there should be no direct links from the A12 northwards to Boxted and Langham. Whilst he noted the claims that the proposals would open access to countryside north of Colchester, there was no access from the development area to this countryside. The proposals also provided an opportunity to divert National Cycle Route One to a more pleasant environment. The highways implications of the proposals needed to be included when the proposals went out to public consultation. He asked whether the access to White House Farm could be used as an access to the development. There was also an opportunity stop strategic traffic using Severalls Lane, which would make it more pleasant. The position on the proposals for wind turbines which had been included on previous proposals for this area needed to be clarified. Concern was also expressed about how the proposal would affect the balance between employment land and housing land and whether they would lead to a deficit of employment land. He concluded by stressing that it was for the Local Plan Committee to determine land use issues.

Councillor Hewitt, Myland Community Council, addressed the Committee pursuant to the provisions of Meetings General Procedure Rule 5(3). He thanked officers for consulting with Myland Community Council on the Northern Gateway Vision proposals and looked forward to that consultation continuing. There was scope for the Myland and Braiswick Neighbourhood Plan to encompass the Northern Gateway proposals and vice versa. He expressed a hope that a significant amount of the rugby club land would be retained as green space and that the hedge boundary to the site would be retained. This was important locally and was a key feature of the street scene. This was likely to be a key factor in the consultation.

Ben Locker addressed the Committee pursuant to the provisions of Meetings General Procedure Rule 5(3). He sought clarification on the results of any work that may have been done to determine the amount and type of housing that was necessary for the Rugby Club site in order to fund the relocation of the Rugby Club. He noted the reference to other uses and asked whether any uses had been ruled in or out at this

stage.

In response to the comments by the speakers, Vincent Pearce stressed that in terms of the traffic issues, it was not the intention to create “rat runs” through to the A12. The suggestion to divert National Cycle Route 1 seemed sensible. The Council did not own the access to the White House Farm. There was nothing in the proposals to suggest there would be a reduction in the allocation of employment land. There were no details on the types or numbers of homes or other uses on the Rugby Club site. There no proposals for wind turbines in the area as the development would be too dense to accommodate the safety zones surrounding such turbines. The importance of the hedgerows as part of the landscape was understood and it was hoped these could be retained. It was hoped that some of the ideas from Myland Community Council could be integrated.

In discussion members of the Committee raised the following issues:-

- The need for the public to be properly consulted on the proposals and for their views to be taken seriously. Consultation should be borough wide and not limited to communities in north Colchester. Some concern was expressed that residents and ward councillors in Highwoods had not been consulted to date and this needed to be rectified in future consultations. Residents of the Travellers Site needed to be included in the consultation.
- Many in the local community would like to see the Rugby Club remain on the present site. A number of other sports uses were also undertaken on the site. However, should it relocate, the Rugby Club site should remain as open land, possibly as a continuation of the County Park.
- One estimate was that it could cost £4.5 million to relocate the Rugby Club. Local people would want to know how much of the rugby club site would need to be developed in order to raise that sum. The remaining land should be put in a trust to protect it from future development.
- Should the Rugby Club relocate, the enabling development should include community facilities, including land set aside for church use and a full size football pitch. Additional school places and infrastructure requirements would be generated by the development. The footpath off Mill Road at the corner of the Rugby Club should be maintained.
- Any access to housing on the Rugby Club site should be via Axial Way rather than Mill Road.
- Progress on NAR3 and Park and Ride;
- Development was creeping northwards and eating into the green wedge between Colchester and Boxted. Was there a point beyond which north Colchester would not be allowed to develop?
- Residents of Boxted were unlikely to view the proposals favourably but the publicity surrounding the proposals needed to stress that they would provide greater access to the countryside from the north.
- Light and noise pollution issues arising from the development needed to be addressed.
- The need for the proposals to tie in with those of Myland Community Council.
- Whether Cuckoo Farm Studios would be integrated into the plan.
- Provision needed to be made for informal sports uses.
- The timescale for the development.

- The need to ensure that the facilities and sites provided in the development were fully accessible.
- The Highways Authority should be brought into discussions at an early stage to address the highways issues.
- Concern that elements of the proposals had been considered by Cabinet before the Local Plan Committee.

In response to the concerns and points made by made by members, officers made the following points.

- The Council did not own any further land north of the boundary of the proposed site so therefore it was unlikely that further proposals for development north of the site would be forthcoming.
- There would be full and proper consultation on the proposals.
- There would no reduction in the provision of employment land.
- Some of the sports facilities provided would be free access. There would be space for a full size football pitch to be provided.
- Light and pollution concerns would be addressed with Environmental Control.
- Cuckoo Farm Studios would not be formally included in the proposals.
- The concerns about access onto Mill Road from housing development on the Rugby Club site were acknowledged.
- The full infrastructure requirements would be discussed as the proposals developed.
- The funding for the development would be generated partly by the enabling development on the Rugby Club site, together with some external funding.
- The proposals could be brought forward before the adoption of a new Local Plan. The proposals would represent a departure from the Development Plan and it would be necessary to show that any variations from current adopted policies had been thoroughly considered.
- The issues that Cabinet had considered arose from the Council's position as landowner. All land use and planning policy issues would be referred to Local Plan Committee to determine.

*RESOLVED* that the content of the Northern Gateway Draft Framework Document as the basis for

- (i) Consultation with the community;
- (ii) Development of the document for adoption as a material planning consideration in the determination of any future development proposals and to inform the development of a new Local Plan for the Borough.

## **6 Horkesley Park Appeal Decision**

The Committee considered a report explaining the policy implications of the Planning Inspector's report and the decision letter of the Secretary of State for Communities and Local Government in respect of the planning application for the Stour Valley Visitor Centre at Horkesley Park.

Karen Syrett, Place Strategy Manager, introduced the report and explained a legal opinion had been received on the Inspector's view that although the site could not be classed as a brownfield site, neither should it be treated as a greenfield site. Under the National Planning Policy Framework, land was defined as either previously developed or not. Therefore if land was not previously developed it would be treated as greenfield and the Council would continue to take this approach in determining planning applications.

Members of the Committee noted the implications of the decision. Members queried whether, in the light of the Inspector's conclusions, a proposal to put the site forward as housing land would likely to be successful. Karen explained that it could be, in view of the existing buildings on site, but it would need to be of an appropriate design. Members noted that the Council had been awarded partial costs, but there was little prospect of recovery given that the applicants were in administration.

*RESOLVED* that the key policy issues arising out of the Planning Inspector's report and the Secretary of State's decision letter in respect of the proposed Stour Valley Visitor Centre at Horkesley Park be noted.

## **7 Adoption of Local Plan Focused Review**

The Committee considered a report inviting it to recommend that the Focused Review of the Local Plan, incorporating the Planning Inspector's Main Modifications, be adopted by Full Council. Sarah Pullin, Planning Policy Officer, attended to assist the Committee and presented the report to the Committee.

The Focused Review had been submitted to the Planning Inspectorate for examination in October 2013 and the examination hearings had taken place on 8 January 2014. This had been followed by a further round of consultation. The responses to the consultation were forwarded to the Planning Inspector. The Planning Inspector's report had been received on 8 May 2014. He found the Local Plan Focused Review to be sound, subject to a Schedule of Main Modifications. The main changes that the Focused Review would make to the Council's Local Development Plan were outlined to the Committee. Particular attention was drawn to the changes made to the policy on affordable housing, which had been made to ensure compliance with the National Planning Policy Framework.

*RECOMMENDED to COUNCIL* that the Focused Review of the Local Plan, incorporating the Planning Inspector's Main Modifications, be adopted to become part of the Council's Local Development Plan.

*RESOLVED* that authority be delegated to the Place Strategy Manager to make minor revisions to the Focused Review of the Local Plan document prior to publication.

## **8 Process for Full Review of the Local Plan**

The Committee considered a report setting out the process for development of a new Local Plan and proposing that the initial stages for the generation of options and a call

for sites be agreed. Laura Chase, Planning Policy Manager, presented the report. She explained that the process was well underway and that Colchester was preparing an Objectively Assessed Need figure for housing and employment land. As part of developing this figure, the Council had published a Strategic Housing Market Assessment (SHMA) in conjunction with Braintree, Chelmsford, Brentwood and Maldon Councils. Laura provided further clarification on the numbers in paragraph 4.7 of the report, as the numbers were better represented as a range rather than a very specific amount for a 5 and 20 year period. She explained that the SHMA report stated that their findings suggest 'a range of 1065 to 1225 dwellings per annum over a 5 year and 20 year period.' These numbers actually reflected different approaches to how quickly the existing need for affordable housing was met over the plan period. If the Council looked to deliver the backlog of 1070 over 5 years this gave a figure of 1225 but if the backlog was spread over 20 years this gave a lower annual figure of 1065. She explained that the aim was to submit an Issues and Options Paper to the Committee in December.

Andy Stevens addressed the Committee pursuant to the provisions of Meetings General Procedure Rule 5(3) on behalf of Gateway 120 to stress that the importance of cross authority cooperation. This would lead to opportunities that might not otherwise exist.

Councillor Hewitt, Myland Community Council, addressed the Committee pursuant to the provisions of Meetings General Procedure Rule 5(3). He was pleased to hear that there would be full and open consultation as part of the review process. He stressed his belief that the references to growth in the report were references to housing growth and queried where was the wider vision for Colchester in terms of issue such as culture. He believed that process for a full review of the Local Plan should be deferred until this wider vision was agreed.

Laura Chase stressed that the Local Plan process was about setting a vision for Colchester. Whilst the report concentrated on the technical aspects of the consultation, the Council's policy was to take a holistic approach to the plan-making process and look to build a vision. All parish councils would be involved in the process. Colchester 20/20 had been involved in the last plan making process and the Council was looking for a similar type of organisation that could play such a role on this occasion. A clear vision would be included as part of the Issues and Options consultation. The importance of working with other authorities and taking a collective approach was stressed again. This would include working with authorities in Suffolk and with Tendring, as well as with the authorities who commissioned the SHMA. If an Objectively Assessed Need figure was not set, this would lead to development by appeal and if the Local Plan review process did not lead to an agreed and adopted Local Plan, policies and growth figures would be imposed.

In discussion, members of the Committee suggested that it might useful to look at the work that was done in support the bid for City Status which had looked at bringing together different views on the future of Colchester. The importance of working with non-parished urban wards was also stressed. Members expressed concern about the findings of the SHMA report, in particular the projected figures for housing required and the shortfall in affordable housing. Residents would be concerned by the figures. A view was expressed that the Council needed to do better at building a



“Colchester experience” and needed to look wider rather than concentrating on housing growth figures. However, other members emphasised that the figures in the SHMA were a consequence of policies and pressures which Colchester had limited ability to control and reflected a very real demand for housing. It was important to ensure that housing growth was accompanied by employment and infrastructure and that, if possible, infrastructure preceded housing development. The Committee requested that the housing growth targets for Ipswich and Tendring be circulated to the Committee.

*RESOLVED* that:-

- (a) The process for developing a new Local Plan for the Borough to guide growth to 2032 be noted.
- (b) Options for future growth be generated for inclusion in an initial Issues and Options consultation document.
- (c) Consultation be undertaken inviting individuals and organisations to suggest sites within the Borough that they think would be suitable for future development.
- (d) It be noted that a training session had been arranged with the Planning Advisory Service (PAS) on 9<sup>th</sup> September. All members of the Committee and Cabinet had been invited to attend.

## **9 Community Infrastructure Levy**

The Committee considered a report inviting it to approve further work on the Community Infrastructure Levy (CIL). Karen Syrett, Place Strategy Manager, attended to assist the Committee. Karen explained that a decision needed to be taken on whether the Council should proceed with CIL. However, it was important to take into consideration the Government’s intention to scale back the use of section 106 agreements, which made progressing with CIL more important. Therefore it was proposed that work resume on a charging schedule for CIL, with a view to ensuring it was adopted by April 2015. It was proposed that Savills be engaged to review the work that the Council had already undertaken. Once CIL was adopted, section 106 agreements could still be used to support affordable housing and on site infrastructure.

Concern was expressed that CIL would deliver less in terms of contributions than section 106 and whether the Council would be in a position to ensure the forward funding of infrastructure. Karen Syrett explained that as a statutory charge, CIL would give more certainty to the funding of infrastructure. The 123 List, which would be published when CIL was adopted and implemented, would set out the Council’s priorities for infrastructure to be funded through CIL.

In response to queries from the Committee it was confirmed that:-

- CIL would be charged and collected by Colchester Borough Council. Some of the funding collected would then be distributed to parish councils.

- The Council could work with neighbouring authorities across boundaries to administer and collect CIL.
- The full governance arrangements surrounding the administration of CIL would be reported to a future meeting of the Committee.

*RESOLVED* that work on developing a charging schedule for the Community Infrastructure Levy be progressed by:-

- (a) updating the viability work to reflect updated sales costs (and other changes);
- (b) updating the infrastructure evidence base and producing a draft 123 List;
- (c) reviewing the governance and implementation arrangements to ensure they are fit for purpose.



## Local Plan Committee

Item  
**7**

18 August 2014

Report of	Head of Commercial Services	Author	Karen Syrett ☎ 506477
Title	Local Plan Development		
Wards affected	All		

**The Local Plan Committee is asked to note the key plan making principles which will guide development of the Colchester Local Plan to 2032.**

### 1. Decision(s) Required

- 1.1 To note the changes that have been implemented at a national level since the last local plan/local development framework was produced.

### 2. Reasons for Decision(s)

- 2.1 To ensure members have a thorough understanding of key plan-making principles and the steps that need to be taken to ensure the Council prepares a robust plan which will guide development over the next 15 years.

### 3. Alternative Options

- 3.1 There is no alternative option; the report is for information only.

### 4. Supporting Information

- 4.1 There has been a clear message from Government that it wants the planning system to be plan-led. This is reflected in the National Planning Policy Framework (NPPF) which states that "Local Plans are the key to delivering sustainable development that reflects the vision and aspirations of local communities. Planning decisions must be taken in accordance with the development plan unless material considerations indicate otherwise."
- 4.2 Whilst Colchester was pro-active in producing a full suite of Local Development Framework documents, they were produced under an old set of national regulations, policy and guidance. The Focused Review of the Core Strategy allowed us to review certain policies but the remainder of the documents have not been assessed for compliance with the NPPF, other than when they have been used in appeals.
- 4.3 Since the Local Plan was produced there have been significant changes at national level including the publication of the National Planning Policy Framework (NPPF) and National Planning Policy Guidance (NPPG); the abolition of Regional Spatial Strategies, which means local authorities are responsible for determining housing numbers; the Localism Act including the Duty to Cooperate and the introduction of Neighbourhood planning.



4.4 The NPPF explicitly states planning's principal role as being to help achieve sustainable development. It states that "At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan making and decision taking"

4.5 The Committee will be provided with a presentation on these issues which will be key to preparing the new local plan. The presentation will also focus on engagement and the stages that the plan must go through before submission and examination.

## **5. Proposals**

5.1 Members are asked to note the changes that have been made to the plan making system in recent years and to use this information when they are considering the plan at different stages of development.

## **6. Strategic Plan References**

6.1 The Strategic Plan Action Plan includes a commitment to being cleaner and greener; listening and responding and promoting sustainability and reducing congestion.

## **7. Consultation**

7.1 Not applicable at this stage.

## **8. Publicity Considerations**

8.1 Not applicable at this stage.

## **9. Financial Implications**

9.1 A budget has been provided for producing a new Local Plan.

## **10. Equality, Diversity and Human Rights/Health and Safety and Community Safety Implications**

10.1 None identified.

## **11. Risk Management Implications**

11.1 Ensuring members are fully briefed on planning issues will help reduce the risk of an unsound plan.

## **12. Disclaimer**

12.1 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.



## Getting your Plan in Place

Colchester Borough Council

[www.pas.gov.uk](http://www.pas.gov.uk)

### Context

“Local Plans are the key to delivering sustainable development that reflects the vision and aspirations of local communities. Planning decisions must be taken in accordance with the development plan unless material considerations indicate otherwise”

National Planning Policy Framework

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## Potential implications?



VS



“End of NPPF transition period is no cause for alarm”

Nick Boles

Source: Planning Resource,  
March 2013

## Why good plan-making matters

- Having a robust Local Plan in place helps to:
  - Move from plan-making to place-shaping;
  - Provide certainty for communities and developers;
  - Focus council on delivery;
  - Access more funding and attract investment;
  - Manage conflict!

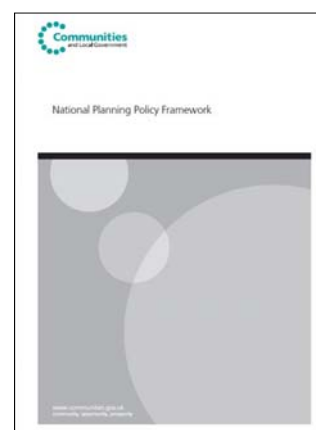


## Planning reform

- National Planning Policy Framework (NPPF)
  - National Planning Policy Guidance (NPPG)
  - Abolition of Regional Spatial Strategies → local authorities responsible for determining housing numbers
  - Localism Act including the Duty to Cooperate
  - Neighbourhood planning
- 

## NPPF and planning

- Emphasises that sustainable development should be about positive growth – making economic, environmental and social progress for this and future generations
  - Emphasises central role of Local Plans in planning system
- 



## Key principles of the NPPF

- Local plans should:

“meet **objectively assessed needs**, with sufficient flexibility to adapt to rapid change”

NPPF

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## Unless....

- “...any adverse impacts of allowing development would **significantly and demonstrably** outweigh the benefits, when assessed against the policies in the Framework taken as a whole”

NPPF

Remember – still a presumption in favour of the plan

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## Implications / risks of not having an up-to-date Local Plan in place

- Difficult to defend inappropriate development
  - Priority in favour of 'sustainable development'
  - Increased 'planning by appeal' likely
- 

## Duty to Cooperate

- Introduced by Localism Act
  - New tool for delivering strategic planning at local level
  - **Requires** councils and public bodies to engage constructively, actively and on an ongoing basis in relation to planning for strategic issues
-

## Neighbourhood planning

- Localism Act introduced new right for communities to draw up neighbourhood plans
- “Neighbourhood plans must be in general conformity with the strategic policies of the Local Plan. To facilitate this, local planning authorities should set out clearly their strategic policies for the area and ensure that an up-to-date Local Plan is in place as quickly as possible”

NPPF

## The role of Elected Members



## The role of Members

- A vital **leadership** role to play to produce a **robust** Local Plan for your area that has **buy in** from all parties
  - Key challenge is to listen to the views and aspirations of your constituents and **balance** this with the professional advice of your planning staff in order to **plan** for, and **meet**, the **development needs of your area**
- 

## The role of Members

- Leadership
  - Understanding your issues
  - Setting the vision & objectives
  - Setting priorities
  - Making decisions & understanding implications
  - Agreeing programmes & resources
  - Engagement / community accountability
  - Working with other authorities and agencies
  - Scrutiny and monitoring
-



## Key relationships

- Key relationships:
  - Local Plan Committee
  - Cabinet Members esp. Portfolio Holder
  - Other Members and officers



## Developing a sound plan

- ✓ Address the key priorities for the area
- ✓ Plan positively
- ✓ Develop a robust and credible evidence base
- ✓ Co-operate with neighbouring areas
- ✓ Focus on reasonable alternatives
- ✓ Undertake comprehensive Sustainability Appraisal
- ✓ Stakeholder engagement
- ✓ Viable and deliverable in practice

## Plan Making Stages

- Effective project planning is critical to delivery of robust Local Plan
  - A good project plan should identify:
    - Key stages
    - Actions
    - Roles & Responsibilities
    - Indicative timetable
    - Resources
    - Costs
- 

## Stakeholder Engagement

- Requirement of planning legislation
  - Helps to create more realistic & deliverable plans
  - Views & knowledge of community form an important part of the Local Plan evidence
-

## Benefits to Engagement

- Address conflicts early on
  - Build wider sense of plan ownership
  - Local people = local area experts
- 

## Engagement

“A lot of people object to new development because they assume that the outcome will be buildings that are at best characterless, cheap in everything except price”.

Policy Exchange

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## Who to engage?

- **Neighbouring Planning Authorities:** DtC
  - **Regulatory agencies:** The Environment Agency, English Heritage, Natural England
  - **Physical infrastructure delivery agencies:** highways authority, Highways Agency, utilities companies, Network Rail, public transport providers, airport operators
  - **Social infrastructure delivery agencies:** local authority education dept, social services, primary care trust, strategic health authority, the Police, charities/NGOs
  - **Major landowners** including the local authority itself and government departments and agencies
  - **Housebuilders** and other developers
- 

## How to Engage

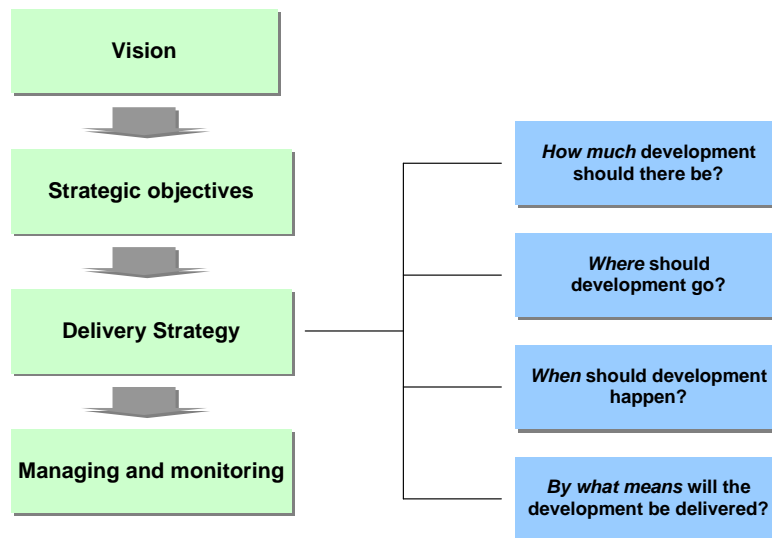
- **Early** and **continuous** engagement
  - Understand the organisation
  - Identify responsible individuals
  - Invest in creating partnerships
  - Find out what others feel the Local Plan can do for them
  - Use interactive sessions
-

## What should the plan look like?

- Aspirational but realistic
- Address the **spatial** implications of economic, social and environmental change
- Set out the **opportunities** for development
- Contain **clear** policies on what will or will not be permitted and where



## What should the plan contain?



## What should the plan look like?

- Aspirational but realistic
- Address the **spatial** implications of economic, social and environmental change
- Set out the **opportunities** for development
- Contain **clear** policies on what will or will not be permitted and where

## Address the key priorities for the area

- Local Plans should “reflect a **collective vision** and a set of **agreed priorities** for the sustainable development of the area”
- “Local Plans should be **aspirational but realistic**”



Source: [www.landscapeinstitute.org](http://www.landscapeinstitute.org)

NPPF

## Useful policies

- “Local Plans should set out the opportunities for development and clear policies on what will or will not be permitted and where. Only policies that provide a **clear indication of how a decision maker should react** to a development proposal should be included in the plan”

NPPF

## Policies should cover...

- “the homes and jobs needed in the area”
- “the provision of retail, leisure and other commercial development”
- “the provision of infrastructure”
- “the provision of health, security, community and cultural infrastructure and other local facilities”
- “climate change mitigation and adaptation, conservation and enhancement of the natural and historic environment, including landscape”

NPPF

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## Plan philosophy

- Local Plans should “**plan positively** for the development and infrastructure required in the area”

NPPF



Source: [www.nottingham.ac.uk/transportissues/](http://www.nottingham.ac.uk/transportissues/)

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## Reasonable alternatives

- In March 2011, the UK High Court ruled that part of the Forest Heath District Core Strategy must be quashed because the Environmental Report failed to present... **“an accurate picture of what reasonable alternatives there are and why they are not considered to be the best option”**...in relation to an urban extension to the district’s main town

Save Historic Newmarket Ltd v. Forest Heath District Council [2011] EWHC 606, a challenge under s.113 of the Planning and Compulsory Purchase Act 2004 to the adopted Forest Heath Core Strategy

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## Local Plan Committee

18 August 2014

Item  
**8**

Report of	Head of Commercial Services	Author	Simon Cairns ☎ 508650
Title	Major Photo Voltaic Installations – Solar Farms		
Wards affected	Whole borough		

**The Local Plan Committee is asked to note the policy implications associated with solar farm development in open countryside**

### 1. Decision(s) Required

- 1.1 To note the need for guidance and potential policy issues arising out of major solar farm development in rural locations including both previously developed and greenfield sites.

### 2. Reasons for Decision(s)

- 2.1 To ensure members are kept up to date with national policy and how it is interpreted at the local level in Colchester.

### 3. Alternative Options

- 3.1 There is no alternative option; the report is for information only.

### 4. Supporting Information

- 4.1 The NPPF provides considerable support for renewable energy proposals. This appeared to suggest that such proposals should be approved. However, subsequent to the NPPF the Secretary of State produced detailed thematic guidance on renewable energy that provided criteria for the assessment of schemes. This guidance most importantly highlighted that large scale installations should be directed to brownfield sites, avoid high quality agricultural land and that special regard should be paid to the setting of listed buildings and other designated heritage assets.
- 4.2 In March of this year the Government incorporated most practice guidance into a web based online series of themed practice notes that supersede most of the existing guidance notes; including the July 2013 renewable energy guidance produced by the Secretary of State DCLG.
- 4.3 The Council has received several applications and pre-application enquiries for major solar farm installations. These have included both greenfield and brownfield proposals at Highfields Farm, Messing; Brook Hall Road, Fingringhoe; Rockingham Farm, Layer Marney; Langenhoe Hall Lane, Langenhoe; Boxted Airfield and Birch Airfield. The practice guidance and other relevant documents have been set out for customers as a guidance note that includes national and local guidance together with a simple ten point check-list

of key issues to consider. [Link to guidance note](#) . The advice note is attached at Appendix A.

- 4.4 To date the Council's approach to major PV installations has not been tested at appeal. But it is considered that the sign posting of current guidance and the simple check list approach should help to reinforce the Councils relevant local plan policies.

4.5 **Policy Considerations**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise.

- 4.6 Regard must also be paid to relevant statute including that relating to Areas of Outstanding Natural Beauty (s.85(1) Countryside and Rights of Way Act 2000) and the protection afforded to the setting of listed buildings and conservation areas (section 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 which requires that i) special regard be paid to the desirability of preserving listed buildings and their settings and any features of special architectural or historic interest they possess and ii) that the character or appearance of conservation areas should be preserved or enhanced by development.

- 4.7 In this case the development plan comprises the Colchester Local Plan, which consists of the Core Strategy 2008 (CS), the Site Allocations Development Plan Document 2010 and the Development Policies Development Plan Document 2010 (DP). The policies considered to be of particular relevance to the consideration of solar farm proposals are listed below;

Core Strategy (CS) policies

- SD1 (Sustainable Development Locations),
- UR2 (Built Design and Character)
- ENV1 (Environment),
- ENV2 Rural Communities
- **ER1** (Energy Resources, Waste, Water and Recycling)\*

Development Policy (DP) policies

- DP1 (Design and Amenity),
- DP8 (Agricultural Development and Diversification),
- DP14 (Historic Environment Assets),
- DP21 (Nature Conservation and Protected Lanes), and
- DP22 (Dedham Vale AONB).

4.8 **Main Issues**

The main issues relevant to the consideration of proposals may be split into three broad headings:

1. whether the site can be considered to be in a sustainable location, with particular regard to previously developed land or land of high agricultural or ecological value;
2. the impact of the proposal on the character and appearance of its rural surroundings, and in particular on the landscape character having regard to guidance on the Landscape Character Areas and where relevant the scenic beauty of the Dedham Vale AONB; and

3. whether there are any other material planning considerations which might support or undermine the proposal when assessed against the adopted planning framework for the area. These include the setting of listed buildings, Ancient Monuments or Conservation Areas and protected species such as bats, newts, or birds (red or Amber list) of Conservation Concern or Biodiversity Action Plan Priority Habitats that would be adversely affected by development. The latter duties are empowered by the Natural Environment and Rural Communities Act 2006 which places a duty on local authorities to have regard to the conservation of biodiversity in discharging their functions.

#### **4.9 Conclusions**

Whilst the NPPF sets out that proposals for renewable energy should be approved (if the impacts are or can be made acceptable) this needs to be read alongside with the remainder of the Framework that confirms the natural beauty of the countryside should be conserved and previously developed land developed as sequentially preferable to greenfield land or land of higher agricultural value. The Framework also confirms that heritage assets (including their setting) should be conserved in a manner proportionate to their significance.

### **5. Proposals**

#### **5.1 Members are asked to note the following key points;**

1. The Council's Local Plan reflects the positive approach towards renewable energy and solar farms and reflects the NPPF (Policy ER1 of the Core Strategy);
2. The National and Local Plan policy framework must be read as a whole as sustainable development involves harmony between the aims of economic growth and environmental protection. As such proposals for solar farm development do not 'trump' other policy considerations but a balanced approach needs to be adopted.
3. Statutory duties need to be afforded due weight in parallel with the policy framework as material considerations.

### **6. Strategic Plan References**

- 6.1 The Strategic Plan Action Plan includes a commitment to being cleaner and greener; listening and responding and promoting sustainability and reducing congestion.

### **7. Consultation**

- 7.1 Not applicable as it is only proposed to approve the note as guidance.

### **8. Publicity Considerations**

- 8.1 The national and local press have taken an active interest in solar development proposals as a novel form of renewable energy.

## **9. Financial Implications**

- 9.1 Appeals against refusal can expose the Council to significant expense and costs where the planning authority is seen to have acted unreasonably.

## **10. Equality, Diversity and Human Rights/Health and Safety and Community Safety Implications**

- 10.1 None identified.

## **11. Risk Management Implications**

- 11.1 Ensuring members are fully briefed on planning decisions and relevant policies in the Local Plan that will help reduce the risk of inappropriate development being permitted.

## **12. Disclaimer**

- 12.1 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.

Appendix A: Information sheet:

DESIGNING SOLAR FARM RENEWABLE ENERGY DEVELOPMENT -

A link to current guidance:

Information sheet:

## **DESIGNING SOLAR FARM RENEWABLE ENERGY DEVELOPMENT - A link to current guidance:**

This guidance link is aimed at signposting developers and other interested parties to the current guidance on designing acceptable solar farm renewable energy development and offers a check list for use when considering potential solar farm renewable energy sites within the Colchester Borough.

The following broadly generic guidelines are drawn from both a national and local level and are referenced by the Council when assessing any design proposals for solar farm renewable energy development, together with any site specific considerations. It is recommended that any developer looking to make a planning application for solar farm renewable energy development within Colchester Borough assess their proposals against the following guidelines, as appropriate, during the pre-application design stage, this to ensure the relevant guidelines are followed and policies compiled with:

### **National guidance:**

1. DCLG - NPPG: 'Renewable and low carbon energy' @ [http://planningguidance.planningportal.gov.uk/blog/guidance/renewable-and-low-carbon-energy/particular-planning-considerations-for-hydropower-active-solar-technology-solar-farms-and-wind-turbines/#paragraph\\_013](http://planningguidance.planningportal.gov.uk/blog/guidance/renewable-and-low-carbon-energy/particular-planning-considerations-for-hydropower-active-solar-technology-solar-farms-and-wind-turbines/#paragraph_013)
2. DECC: 'UK Solar PV Strategy Part 1- Roadmap to a Brighter Future' @ [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/249277/UK\\_Solar\\_PV\\_Strategy\\_Part\\_1\\_Roadmap\\_to\\_a\\_Brighter\\_Future\\_08.10.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/249277/UK_Solar_PV_Strategy_Part_1_Roadmap_to_a_Brighter_Future_08.10.pdf)
3. BRE: 'Planning guidance for the development of large scale ground mounted solar PV systems' @ [http://www.bre.co.uk/filelibrary/pdf/other\\_pdfs/KN5524\\_Planning\\_Guidance\\_reduced.pdf](http://www.bre.co.uk/filelibrary/pdf/other_pdfs/KN5524_Planning_Guidance_reduced.pdf)
4. NE: 'Solar parks: maximising environmental benefits (TIN101)' @ <http://publications.naturalengland.org.uk/publication/32027?category=9001>
5. STA: 'Solar Farms: 10 Commitments' (industry guidelines) @ <http://www.solar-trade.org.uk/media/STA%2010%20commitments%20v%2010.pdf>

### **Local guidance:**

1. CBC: 'Local Development Framework Development Policies' (principally policies DP1, DP21, DP22, DP23 & the principal policy DP25) @ <http://www.colchester.gov.uk/CHttpHandler.ashx?id=1692&p=0>
2. CBC: 'Colchester Borough Council Supplementary Planning Document Sustainable Construction' @ <http://www.colchester.gov.uk/CHttpHandler.ashx?id=2593&p=0>
3. Dedham Vale AONB - 'Development in the setting of the Dedham Vale Area of Outstanding Natural Beauty' @ <http://www.dedhamvalestourvalley.org/assets/planning/Setting-of-Dedham-Vale-AONB.pdf>

As a refinement to the above the Council advised that when initially considering the suitability of potential solar farm renewable energy sites for development within Colchester Borough the following site specific check list is applied to assess the appropriateness of the site for such development, this designed as an aid to better site selection and project design:

1. Does the site fall within or impact upon a designated landscape, i.e. is it within the Dedham Vale AONB or within/adjoining a Registered Park or Garden or would it affect the setting of a designated area? National and local planning policies seek to protect such areas from development that would be incompatible with the reasons for these designations.
2. Does the site fall within the land classification for the best and most versatile land (grades 1, 2 or 3a)?
3. Is the site previously developed land as this is sequentially preferable?
4. Have you consulted with the local community and is there a majority in support of the scheme?
5. Does the site contain or adjoin heritage assets such as listed buildings or scheduled monuments and if so, how can you effectively mitigate the impact upon their setting?
6. Can you deliver a landscape legacy for the period following the removal of the installation; in terms of enhanced or reinstated hedgerows for example?
7. Have you considered the density/separation of PV strings in the context of the site and how the land will be used whilst the arrays are present?
8. What value does the existing habitat present for wildlife and what species are present currently and how will these adapt to the proposed installation?
9. What is the existing landscape character (refer to Colchester LCA) and how is this compatible with the proposed installation?
10. Are there publically available views and do public rights of way cross the site or run close to the site and afford potential views?

*Note: the above should not be taken as a finite list of the guidance available on this subject and will be subject to regular review and amendment as appropriate as best practice develops within the field of renewable energy development design.*



## Local Plan Committee

Item  
**9**

18 August 2014

Report of	Head of Commercial Services	Author	Simon Cairns 508650
Title	Magdalen Street/ Brook street Sidings Site Brief		
Wards affected	Castle		

**The Local Plan Committee is asked to agree the adoption of the draft Brief as guidance to inform future developments on the site.**

### 1. Decision(s) Required

- 1.1 To agree the draft development brief appended to this report for adoption as guidance to extend the area covered by the existing adopted Magdalen Street Brief (February 2014).

### 2. Reasons for Decision(s)

- 2.1 To ensure that appropriate development of this brownfield site is encouraged to help deliver the regeneration agenda for East Colchester.

### 3. Alternative Options

- 3.1 The alternative option would be to amend the brief prior to adoption or reject the draft brief which would leave the site without detailed guidance to inform developer's proposals and to help mitigate potential adverse environmental impacts.

### 4. Supporting Information

- 4.1 The site covered by this brief is a brownfield site on the south east edge of the town centre. It includes a limited direct frontage to the west side of Brook Street (the existing ECC Education Centre known as Brooklands, a locally listed former Victorian rectory set in well-treed grounds). To the south of the site is a dense residential development known as South Central accessed via George Williams Way.
- 4.2 There are considerable changes in level between the southern and western margins of the site and the heart of the site extending to meet the boundary with the active rail line. The steep slopes towards the site margins have been colonised by self sown woodland that now provides a significant visual amenity. The site is thought to be contaminated land associated with its former rail and allied industrial uses including coal storage. The site will need to be remediated to an acceptable level for safe residential use.
- 4.3 Both Brook Street and Magdalen Street fall within an Air Quality Management Area due to traffic emissions. It is crucial that the existing air quality is not prejudiced by the development as a result of increased congestion in these



busy corridors. This element would need to be addressed as part of any planning application.

4.4 The NPPF provides considerable support for the re-use of brownfield sites and the former railway sidings to the south of the rail line is subject to a specific policy (SA EC5 Area3: Magdalen Street) within the Adopted Site Allocations DPD (2010). This policy provides that to the north of Magdalen Street, housing areas will be extended and consolidated, but other small-scale uses will be permitted provided they are compatible with the overall housing proposals. New development on the south side of Magdalen Street shall continue the existing mix of commercial, industrial, service and retail uses. Proposals must not adversely affect the amenity of neighbouring housing areas. The policy refers to the more detailed guidance set out in the Magdalen Street SPD adopted in 2005. This has now been superseded by the more recent brief adopted in February of this year.

4.5 Policy UR1 (Regeneration Areas) of the adopted Core Strategy identifies East Colchester, which includes Magdalen Street, as a priority area for regeneration where new developments will be encouraged. The land to the west of the site is included in a separate development brief adopted in February 2014. This brief straddles the land to the north and south of Magdalen Street between the Magistrates Court in the west and the former Bus Depot in the east.

4.6 Policy Considerations

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise. In this case the development plan comprises the Colchester Local Plan, which consists of the Core Strategy 2008 (CS), the Site Allocations Development Plan Document 2010 and the Development Policies Development Plan Document 2010 (DP), as amended by the Focussed Review (2014). The policies considered to be of particular relevance to the consideration of development proposals on the sidings site are listed below;

Core Strategy (CS) policies

- SD1 (Sustainable Development Locations),
- UR1 (Regeneration Areas)
- UR2 (Built Design and Character)
- ENV1 (Environment)
- PR2 (People Friendly Streets)
- TA2 Walking and Cycling,

4.7 Development Policies

The Development Policies DPD also adopted in December 2010 provides detail to guide the determination of planning applications and the following policies are relevant for this site:

- Policy DP1 (Design and Amenity) - all development to be designed to a high standard, with regard to social, economic and environmental sustainability;
- Policy DP3 (Planning Obligations and the Community Infrastructure Levy) - planning obligations will be sought where appropriate, in accordance with details set out in supporting policy documents

- Policy DP12 (Dwelling Standards) – Residential development will be guided by high standards for design, construction and layout
- Policy DP16 (Private Amenity Space and Open Space Provision for New Residential Development) – sets standard for the provision of private amenity space and public open space.
- Policy DP17 (Accessibility and Access) – development should enhance accessibility to sustainable modes of transport
- Policy DP19 (Parking Standards) - sets minimum parking standards for residential development of 1 space for every 1- bed dwelling and 2 spaces for every 2-bed or more dwellings with 0.25 visitor spaces per unit (lower standards may be accessible in highly accessible locations)

#### **4.8 Main Issues**

The main issues relevant to the consideration of the draft development brief are whether the suggested design solution is appropriate. In particular, the discouragement given to the principal access being taken from Brook Street as this could impact adversely on air quality but also add to the existing congestion. A high density flatted development solution is also discouraged in favour of a balanced mixture of town houses and flats with adequate areas of public and private open space in compliance with adopted policy. The existing high density South Central development to the south of the site benefits from “borrowed amenity” in terms of the green and open outlook provided by the Sidings Site. It is considered essential that any development considers and responds appropriately to the relationship with adjacent development.

#### **5.0 Proposals**

- 5.1 The NPPF sets out policies that give support to design intervention through the planning process, confirming that “the Government attached great importance to the design of the built environment” and that “Good design is a key aspect of sustainable development, is indivisible from good planning and should contribute positively to making places better for people” (Paragraph 56). The provision of a development brief is a key part of a strategy to deliver good design and development to enhance the lives of future residents. The proposed development brief for the Magdalen Street sidings site will give greater certainty for developers and the Council in reviewing the appropriateness of future development proposals. It is therefore proposed that the brief be adopted as a material planning consideration.

#### **6. Strategic Plan References**

- 6.1 The brief will help address Strategic Plan priorities of regenerating our borough through buildings, employment, leisure and infrastructure; promoting sustainability and reducing congestion; and providing sport and leisure for all, alongside good quality green spaces and play areas.

#### **7. Consultation**

- 7.1 Not applicable as it is only proposed to approve the note as guidance.

#### **8. Publicity Considerations**

- 8.1 The Brief if adopted would be made available on the Council's website.

## **9. Financial Implications**

- 9.1 Appeals against refusal can expose the Council to significant expense and costs where the planning authority is seen to have acted unreasonably. The provision of a site brief will increase developer certainty and will become a material consideration in the determination of development proposals, thereby reducing risk of an appeal.

## **10. Equality, Diversity and Human Rights/Health and Safety and Community Safety Implications**

- 10.1 None identified.

## **11. Risk Management Implications**

- 11.1 The provision of a development brief will serve to inform planning decisions and based on policies within the Local Plan will help reduce the risk of inappropriate development being permitted.

## **12. Disclaimer**

- 12.1 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.

## **Appendix A: Draft Magdalen Street/Brook Street Site Brief**

## **1. INTRODUCTION**

- 1.1 This Development Brief has been prepared to set out an appropriate redevelopment solution for a site described as 'The Railway Sidings/Land to the North of Magdalen Street.' This Brief outlines the parameters and aspirations for such development in order to ensure that the site's potential is maximised, whilst meeting sustainable development objectives and the Colchester Borough Council (CBC) Development Plan objectives.
- 1.2 This Brief has been prepared in consultation with Essex County Council (ECC), having regard to the adopted brief for an adjacent area on Magdalen Street. This is available on the Council's website.
- 1.3 This Brief sets out the policy framework relative to the redevelopment of the site, and identifies the site's opportunities and constraints based on the topographical survey and analysis. Against this background information, the Brief concludes with the development proposals/potential design solution and other development control matters which will be relevant in the determination of a formal application.
- 1.4 In line with the adopted Site Allocations DPD, this Brief also identifies the extent of land required for safeguarding purposes for the potential East Transit Corridor (ETC), as agreed with ECC.
- 1.5 This Brief is not intended to be prescriptive, but is to be used to guide future development at the site.

## **2. POLICY CONTEXT**

- 2.1 Any development at the site should have regard to the National Planning Policy Framework (NPPF) and allied guidance (PPG).
- 2.2 In addition, the following policies of the local policy framework are relevant for the future development of the site, and should be noted.
- 2.3 Within the adopted Core Strategy (December 2008 and updated July 2014) policy SD1 identifies the "East Growth Area" (which includes the site) as a strategic area for new development. Policy H1 confirms that housing development will be focused in strategic areas, to meet the Borough's housing target – with 2,600 new homes to be provided in the East Growth Area up to 2021. Under policy SD2, new development will be required to provide relevant infrastructure, community facilities, and open space, as appropriate.
- 2.4 The site's specific allocation within the adopted Site Allocations DPD (October 2010) is also relevant. The site forms part of "Land to North of Magdalen Street", which is allocated for 'predominantly residential' development under policy SA EC1, for around 70 units. The site is also within "East Colchester Special Policy Area 3" (Magdalen Street) – policy SA EC5. Here, housing development will be extended and consolidated, and other small scale uses that are compatible with overall housing proposals will be permitted. In addition, the policy confirms that land will be safeguarded adjacent to the railway line, in order to provide for a future transit link (ETC) which will also include footpaths and a cycle way.

- 2.5 Policy SA EC8 refers to 'Transportation in East Colchester', and confirms that land will be safeguarded for the transit link between Colne Causeway and Recreation Road, and alongside the south of the railway from Hythe Station (Station Road) to Colchester Town. Supporting paragraph 5.80 confirms that the exact requirements of safeguarding shall be agreed as required on a site by site basis.
- 2.6 In addition to the overall strategic objectives of the Core Strategy, the following policies (as amended by the Focused review August 2013) are also relevant to consideration of this site:
- H2 – confirms that new development must make efficient use of land and relate to context;
  - H3 – developments should provide a mix of housing types to suit a range of different households;
  - H4 – seeking to secure 20% of new dwellings as affordable housing for sites of 10 or more
  - UR1 – East Colchester as a regeneration area;
  - UR2 – securing high quality design in new developments;
  - PR1 – access to private/communal areas of open space for new homes;
  - TA1 – locating new development in accessible areas;
  - TA2 – promoting walking and cycling;
  - TA3 – an East Transit Corridor providing public transport services, and
  - ER1 incorporating measures to reduce carbon emissions
- 2.7 Policy SA EC2 of the Site Allocations DPD also sets out criteria with which new development must comply if it is to be permitted: a balanced/integrated mix of uses; consideration of flood risk; contributions to be sought towards infrastructure (including river enhancement, the ETC, environmental enhancements and an urban park).
- 2.8 Within The adopted Development Control Policies DPD (October 2010 and updated July 2014) the following policies are relevant for this site:
- DP1 - all development to be designed to a high standard, with regard to social, economic and environmental sustainability;
  - DP2 – Health Impact Assessments required for all residential development in excess of 50 units;
  - DP3 - planning obligations will be sought where appropriate, in accordance with details set out in SPD;
  - DP12 - housing development to be of high standards of design, construction and layout;
  - DP16 - provision of private amenity space for all new dwellings;
  - DP17 - developments are required to seek to enhance accessibility for sustainable modes of transport;
  - DP19 - minimum parking standards for residential development of 1 space for every 1-bed dwelling and 2 spaces for every 2-bed or more dwellings with 0.25 visitor spaces per unit (lower standards may be accessible in highly accessible locations);

- DP21 – proposals will need to be supported by an ecological survey, where necessary, and conserve or enhance the bio-diversity value of the brownfield sites, and
- DP25 - applicants are encouraged to incorporate renewable energy technologies into all development where viable.

2.9 In addition to the above policies, several adopted supplementary planning guidance/documents are relevant, including:

- Affordable Housing SPG (March 2004); • External Materials Guide for New Development SPG (July 2004); • Vehicle Parking Standards SPG (August 2001) – average of 2.25 spaces per dwelling, including visitor parking, but a maximum of 1 space per dwelling acceptable in accessible locations;
- Provision of Open Space, Sport and Recreational Facilities SPG (July 2006) – as per the 10% provision set out in policy, and children’s play facilities (or contributions for such) may be required;
- Provision of Community Facilities SPD (September 2009), and
- Sustainable Construction SPD (October 2007).

### **3. SITE AND AREA ANALYSIS**

#### **The Site and Surroundings**

3.1 The site is located approximately 200m from the eastern edge of Colchester Town Centre and lies immediately to the south of the railway line. The location of the site is shown on the location plan and aerial photographs attached at Appendix 1. The site extends to approximately 2 hectares, with its northern boundary along the railway line and its southern boundary adjacent to a relatively new housing development (on George Williams Way, off Magdalen Street). The former railway sidings make up a large part of the site, which is currently underused and overgrown. The existing railway line and part of the Development Brief site are identified for safeguarding purposes for the proposed ETC by ECC.

#### **Movement and Accessibility**

- 3.2 Currently the direct pedestrian access to the site is limited to the existing access off Magdalen Street, and an unused point off George Williams Way. There is a footbridge from the north of the railway line to the residential area to the south and footpaths to the site access points via Magdalen Street. There is no cycling route to/from the site. Therefore, the site presents the opportunity to improve the accessibility for pedestrians and cyclists.
- 3.3 The site is within walking distance from the town centre. Moreover, the site is well served by public transport – the nearest bus stop is on at Magdalen Street, approximately 200m away, from which a frequent service to Colchester Town Centre and main station is currently operated.

#### **Existing Land Use and Activity**

3.4 The site is located in an area of predominantly residential use both to the south and to the north, on the other side of the railway line. The housing development off



George Williams Way is predominantly flats, accommodated in buildings of up to 4 storeys. The appearance of the buildings is mixed buff brick and painted render. The flat blocks have pitched roofs with grey tiles. Other housing development in the area is of mixed design, with both newer and more traditional two-storey buildings of - largely - red brick construction.

- 3.5 The existing development known as South Central has little usable open space and lacks green spaces. The development area provides 'borrowed amenity' currently and any scheme should seek to provide a suitable contextual setting for the existing adjacent areas of development.
- 3.6 In terms of community facilities/services the existing Brooklands nursery forms part of the eastern end of the site. The loss of this facility may be compensated through developer contributions for community facilities to enable existing facilities in the Magdalen Street area to be updated. Such facilities include the YMCA Hall. The local shopping centre at Barracks Street also provides services to the local community. The main shopping and other facilities/services are also available in the main town centre.

#### Constraints/Viability

- 3.7 The levels of the site based on the topographical survey are shown on the drawing attached at Appendix 2. The significant level drop from the southern boundary – a 7m level difference - imposes a number of constraints in terms of the site's development potential and deliverability. A number of options have been considered, and the assessment indicated that the costs associated with creating a level site would not be viable.

#### Air Quality

- 3.8 Both Brook Street and Magdalen Street form part of an Air Quality Management Area. The creation of additional congestion on either road could lead to a worsening of air quality. It is important that any application is accompanied by a detailed air quality report to ensure that the existing situation is not worsened and if possible, that opportunities are taken to improve the existing situation.

#### Biodiversity

- 3.9 The site contains regenerating habitat including wetlands (towards the western corner) and it is important that a Phase 1 habitat survey is carried out to enable any protected species to be identified and appropriate mitigation measures incorporated into any scheme.

#### Noise and vibration

- 3.10 The close proximity of the site to the active rail line requires an appropriate design and construction response to mitigate any adverse impact.

#### Heritage

- 3.11 The former Brooklands building at the eastern end of the site is a locally listed building which needs to be re-used as part of any scheme. The setting of this

building also needs to be respected including the mature Holme Oak (*Quercus ilex*) that makes a positive contribution to the Brook Street streetscene.

## Topography

- 3.12 The site is effectively split into two, an elevated upper level at the southern and eastern ends of the site, and a lower level that comprises the majority of the site (at grade with the rail line). The access road into the site will be restricted to a moderate gradient in order to achieve vehicular access to the lower level of the site.
- 3.13 Given the topography, any access road along the southern boundary would require a substantial retaining wall at significant cost to the developer. The retention of the regenerating woodland belt along the steep incline across the southern and eastern periphery of the site would retain this important amenity and maintain slope stability. Trees are also known to ameliorate air quality. This area could count towards the open space provision on site.
- 3.13 As such, any redevelopment for this site would require a careful design to secure a deliverable and viable scheme which addresses the constraints identified whilst ensuring that the planning objectives for the site are met.

## 4. DESIGN RESPONSE & DEVELOPMENT PRINCIPLES

### Principle of Use

- 4.1 The principle of redevelopment of the site is well established, through both the allocation of the site within the adopted Site Allocations DPD and the Core Strategy. The site presents a number of opportunities:
- The site is 'brownfield land' and constitutes previously developed land in planning terms. It is therefore entirely appropriate for redevelopment and is sited in a sustainable and highly accessible location. The impact of contamination and the economics of remediation need to be considered.
  - The site is currently regenerating with self sown trees greening the site. Therefore, the redevelopment will need to visually enhance the appearance of the area and respect biodiversity.

### Quantum of Development

- The site is in close proximity to the Town Centre. As such, suitable development to create connectivity between this part of the Town and main Town Centre is desirable. A cycle way/pedestrian access needs to be provided to allow ease of movement between Brook Street and Magdalen Street/St Botolphs.

### Contributions.

- 4.2 The absolute level of contributions will be dependent upon viability appraisal. Contributions will be sought in accordance with adopted policy to deliver:
- Affordable housing: 20% of the total to reflect overall mix of types;
  - Community facilities: A contribution calculated in accordance with SPD



- Leisure and open space: Calculated in accordance with SPD;
- Highways & transportation: Funding to upgrade two bus stops in Magdalen Street residential travel packs. The provision of a cycle route from east to west (not necessarily segregated) and the retention of the 12 m buffer to the south of the rail line to allow for the future development of the East Colchester Rapid Transit corridor;
- Education: Contributions for Early Years, Primary and Secondary places within the local planning group of schools.

## Uses

- 4.3 The following uses are appropriate to be accommodated on the site:
- Residential units of mixed type and tenure;
  - Supporting Infrastructure, such as access roads and open space, and
  - Potential for ancillary community uses in Brooklands at the east end of the site, such as a doctor's surgery/clinic.
- 4.4 It is considered that the site could accommodate circa 70 residential units, with associated infrastructure and uses. Parking will be provided in accordance with adopted standards and in line with the site's accessible location. Open space areas should be provided in accordance with adopted policy.

## Safeguarding Land

- 4.5 The Council have confirmed that approximately 12 metres of land will be required for safeguarding relative to the ETC – measured from the nearest running railway line.
- 4.6 On this basis, only the land north of the blue line shown on the site location plan at Appendix 3 is required for safeguarding purposes, and it is considered that there are no significant impacts on the redevelopment of the site.
- 4.7 The proposed ETC will include bus links and quality walking and cycling paths, as indicated in the adopted Site Allocations DPD.

## Design Principles

- 4.8 The illustrative scheme layout shown at Appendix 4 is based upon a direct response to the existing level constraints shown on the levels plan at Appendix 2 and the current property market condition. The scheme shown presents a viable option at the time of preparing the development brief taking into account the site's constraints and required contributions.
- 4.9 Due to the levels of the site, it is considered that buildings ranging from 2 to 3 storeys could be accommodated.
- 4.10 The scale and massing of the development are determined by the type of residential development proposed, albeit reference should be taken from the local domestic vernacular.

- 4.11 The levels difference across the site from the south to the north and boundaries provides a constraint but also a tranquil setting apart from the bustle of the surrounding area:
- Retention of higher quality elements of the regenerated woodland on the southern and eastern embankments could provide an instant setting to the development
  - A mix of home types could help deliver the community's aspiration for regeneration and diversity. A wholly flatted solution will not be supported.
- 4.12 It is proposed that the existing site entrance to the south from George Williams Way is utilised together with the existing access ramp approximately parallel to the south perimeter connecting each of the new blocks of two-three storeys surrounded by garden land and parking.
- 4.13 The blocks and the level difference between the site and access road leading to George Williams Way acts as a buffer between the garden space and the road, providing a secluded private space for residents.
- 4.14 Detailed design of the buildings on site will have regard to surrounding development, drawing on the character of the local area. However, the relative sense of isolation resulting from the change in level allows for the creation of a greater individuality.
- 4.15 Planning permission (ref: 08794) was granted in November 2009 for new vehicular/pedestrian junction to Brook Street to provide future access to residential development. The subsequent renewal of this consent was withdrawn as significant problems were raised in connection with the AQMA. This issue has become increasingly important as the eastern side of Brook Street has been redeveloped for new homes. It is now proposed that access to the site is taken from the south rather than the east as sought previously.
- 4.16 Car parking will be provided in accordance with the relevant CBC parking standards. Any differentiation will be justified at the application stage.
- 4.17 In terms of the access by pedestrians and cyclists, the proposed ETC will provide improved walking and cycling paths as well as a bus link. This will significantly improve the accessibility by pedestrians and cyclists. Part of the site is safeguarded for the ETC for these provisions.
- 4.18 The requirements set out in the adopted Development Policies for private amenity space and public open space should be achievable. Any deviation will need to be justified at the application stage.

## **5. DEVELOPMENT PROCESS**

### **Application Process**

- 5.1 The detailed proposals and the scope of the application as well as the realistic level of contributions towards social and physical infrastructure will be discussed and

agreed with CBC at the pre-application stage. Potential contributions are identified above.

- 5.2 This detailed scope will confirm the documents required for any application submission, but these will include:  
Air quality Assessment; Affordable Housing Statement; Travel Plan; Biodiversity, Survey and Report, Daylight and Sunlight Assessment, Contamination survey, Health Impact Assessment, Viability Appraisal. Please refer to the local validation check list on the website: [Link to validation Local Check List](#)

### Planning Obligations

- 5.3 Future developments will be required to make a financial contribution (see 4.2 above) towards the provision of additional local infrastructure facilities. The precise details will be negotiated between the future developer/applicant and the Council's planning and housing officers, taking into account the economic and site circumstances at the time of the application.

### APPENDIX 1 - Aerial Photographs of the Site Not to Scale





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APPENDIX 3 – Suggested conceptual layout highlighting key issues (Not to scale)





#### APPENDIX 4 - Illustrative Scheme Layout for ca 70 units



## Local Plan Committee

18 August 2014

Item  
**10**

Report of	Head of Commercial Services	Author	Karen Syrett 506477
Title	Essex Gypsy and Traveller and Travelling Showpeople Accommodation Assessment		
Wards affected	All		

**The Local Plan Committee is asked to note the report.**

### 1. Decision(s) Required

- 1.1 To note the findings of the report on Essex Gypsy and Traveller and Travelling Showpeople Accommodation carried out on behalf of the Essex Planning Officer Association.

### 2. Reasons for Decision(s)

- 2.1 To ensure members are aware of the findings assessing the demand for gypsy, traveller and travelling showpeople accommodation in Colchester and Essex. The report will form part of the evidence base for the new Local Plan.

### 3. Alternative Options

- 3.1 There is no alternative option; the report is for information only.

### 4. Supporting Information

- 4.1 The document 'Planning Policy for Traveller Sites' came into force in March 2012 and sets out the direction of government policy. Its objectives include that local planning authorities should make their own assessment of need for the purposes of planning, and should work collaboratively to plan for sites over a reasonable timescale.

- 4.2 In producing their Local Plan local planning authorities should:

- Identify and annually update a supply of specific deliverable sites sufficient to provide five years' worth of sites against their locally set targets.
- Identify a supply of specific, developable sites or broad locations for growth, for years 6 -10 and, where possible, for years 11 -15.
- Consider production of joint development plans that set targets on a cross-authority basis, to provide more flexibility in identifying sites.

- 4.3 Previously targets for Gypsy and Traveller and Travelling Showpeople accommodation were set regionally through the East of England Plan. As with other forms of housing, setting targets for gypsy and traveller accommodation is now done through the Local Plan development process and collaborative working with adjacent authorities. Evidence on gypsy and traveller need will

accordingly inform the Council's development of an Objectively Assessed Need for all forms of housing to inform allocations in its Local Plan.

- 4.4 To address these requirements, the Essex Planning Officers Association commissioned Opinion Research Services (ORS) to provide an Essex wide assessment. The report quantifies the accommodation and housing related support needs of Gypsies and Travellers and Travelling Showpeople for residential and transit sites as well as bricks and mortar accommodation in five year sections up to 2033. The report was published in July 2014 and is available on the Essex Planning Officers Website, hosted by Uttlesford District Council. <http://www.uttlesford.gov.uk/CHttpHandler.ashx?id=3934&p=0>  
The results will be used to inform the allocation of resources and as an evidence base for policy development in housing and planning.
- 4.5 The methodology for the study involved analysis of a wide range of data sources; extensive local stakeholder engagement; a survey of travelling communities, including interviews with residents of all pitches and contact with people living in bricks and mortar accommodation desiring a permanent pitch in the study area. In terms of definitions used in the report, a pitch is an area which is large enough for household to occupy and typically contains enough space for one or two caravans but can vary in size, and a site is a collection of pitches.
- 4.6 The study found that there are currently a total of 918 Gypsy and Traveller pitches in the Essex study area. Appendix 1 provides a summary of current Gypsy and Traveller Accommodation in Essex. The statistics include local authority and private pitches; sites with temporary permission; tolerated sites; and unauthorised sites. Numbers for concealed households and bricks and mortar accommodation are also included within the totals.
- 4.7 In Colchester, there are a total of 32 sites. The Council has asked that the report be revised to move the 5 units in the 'unauthorised pitches' column to the 'households on permanent pitches' given that the pitches have planning permission. On this basis, the totals for Colchester can be broken down as follows: 9 private sites with 16 pitches; 1 local authority site with 12 pitches and one long-term tolerated private site with one pitch. On these Colchester pitches, there is an average of 2.83 caravans per pitch. Colchester does not have any yards for travelling showpeople, and no future plots are considered to be required.
- 4.8 Appendix 2 provides the report's calculations of pitches required to meet need in five-year periods to 2033. 786 pitches are required overall in Essex, with Colchester requiring 24 extra pitches (net) to meet need until 2033. This includes new identified sites; current need; and future needs, including net new household formation.

## **5. Proposals**

- 5.1 Members are asked to note the following implications arising from the report;
1. The report will form part of the evidence base needed to develop the Council's Objectively Assessed Need for all forms of housing, including gypsy, travellers and travelling showpeople. To be found sound at



examination, the Council will need to demonstrate that its Local Plan addresses Objectively Assessed Need.

2. The Local Plan currently in the initial stages of development for the period to 2032 will accordingly need to have regard to the need to identify and allocate at least 19 sites for gypsy, travellers and travelling showpeople.
3. In the short term sites will be required for up to 12 pitches by 2018.

## **6. Strategic Plan References**

- 6.1 The Strategic Plan Action Plan includes a commitment to providing safe, secure, decent and affordable homes for all.

## **7. Consultation**

- 7.1 Not applicable

## **8. Publicity Considerations**

- 8.1 There is likely to be continued interest in identifying sites within the Borough for gypsy, traveller, and travelling showpeople accommodation resulting in publicity for the Council.

## **9. Financial Implications**

- 9.1 None identified

## **10. Equality, Diversity and Human Rights/Health and Safety and Community Safety Implications**

- 10.1 Romany Gypsies and Irish Travellers are recognised in law as distinct ethnic groups and are legally protected from discrimination under the Equalities Act 2010.

## **11. Risk Management Implications**

- 11.1 Ensuring members are fully briefed on planning decisions and the status of the Local Plan will help reduce the risk of inappropriate development being permitted.

## **12. Disclaimer**

- 12.1 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.

## Appendix 1

Figure 40  
Summary of Current Gypsy and Traveller accommodation type by Local Authority in June 2013

Local Authority	Households on permanent pitches	Households on temporary pitches	Concealed households	Bricks and mortar households	Households on tolerated pitches	Households on unauthorised pitches	Total
Basildon Borough	115	8	30	6	13	9	181
Braintree District	37	0	5	3	0	21	66
Brentwood Borough	10	27	5	3	0	20	65
Castle Point Borough	2	0	0	0	0	3	5
Chelmsford City	75	0	6	4	2	2	89
Colchester Borough	20	3	2	1	1	5	32
Epping Forest District	116	10	11	6	0	10	153
Harlow District	36	0	3	2	0	0	41
Maldon District	57	0	5	3	0	1	66
Rochford District	5	1	1	1	0	9	17
Southend on Sea Borough	0	0	0	0	0	0	0
Tendring District	11	0	1	1	0	1	14
Thurrock	90	0	10	6	20	18	144
Uttlesford District	38	0	3	2	1	1	45
<b>Total</b>	<b>612</b>	<b>49</b>	<b>82</b>	<b>38</b>	<b>37</b>	<b>100</b>	<b>918</b>

## Appendix 2

New Pitch Provision in Essex in 5 Year Periods

Local Authority	2013-2018	2018-2023	2023-2028	2028-2033	Total
Basildon Borough	122	35	39	44	240
Braintree District	14	8	9	9	40
Brentwood Borough	59	8	8	9	84
Castle Point Borough	2	1	1	1	5
Chelmsford City	22	10	11	12	55
Colchester Borough	12	3	4	5	24
Epping Forest District	54	18	19	21	112
Harlow District	9	5	5	6	25
Maldon District	17	7	8	9	41
Rochford District	14	2	2	2	20
Southend Borough	0	0	0	0	0
Tendring District	4	2	2	2	10
Thurrock	49	17	18	20	104
Uttlesford District	9	5	6	6	26
<b>Total</b>	<b>387</b>	<b>121</b>	<b>132</b>	<b>146</b>	<b>786</b>



## Local Plan Committee

Item  
**11**

18 August 2014

Report of	Head of Commercial Services	Author	Karen Syrett ☎ 506477
Title	Community Infrastructure Levy		
Wards affected	All		

<p><b>The Local Plan Committee is asked to agree the Council's approach to the Community Infrastructure Levy (CIL)</b></p>
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### 1. Decision(s) Required

- 1.1 To agree the preparation of a draft Charging Schedule, an Instalment Policy and 123 list prior to consultation on modifications to the Council's CIL Charging Schedule. The documents will then be submitted to the Planning Inspectorate for examination.

### 2. Reasons for Decision(s)

- 2.1 To progress the Community Infrastructure Levy as agreed at the previous meeting held on 30<sup>th</sup> June 2014.

### 3. Alternative Options

- 3.1 The Council could decide not to implement the Community Infrastructure Levy.

### 4. Supporting Information

- 4.1 At the last meeting Members agreed to progress work on CIL which included a number of work streams. This report will set out how it is intended to proceed in more detail.
- 4.2 The evidence base document (BPS Report) which looks at viability across a range of uses and scenario's will need to be updated. It is intended that the previous consultants (BPS) can update their report which was produced in 2012 to reflect changes in the market. This will then inform the Charging Schedule itself.
- 4.3 The Place Strategy Manager met a team from Savills to discuss the approach to viability, as they are retained to represent the House Builders Federation (HBF). The meeting was extremely useful, not least because of their experience of CIL across the country. They considered both the Council's general approach to CIL and the previous BPS Report (subject to some updating) to be realistic and appropriate. They are also happy to engage further prior to submission and examination of the document. The previous figures in the Charging Schedule i.e. between £80 – 100 per square metre are considered to be reasonable on smaller sites but the Council may need to consider implementing a lower rate on strategic large scale sites, to ensure

there is sufficient finance to pay for on site infrastructure after CIL has been paid and affordable housing delivered. Subject to updating the evidence base it is intended to undertake consultation on the basis set out below;

- Lower value areas - £80/sq m.
- Higher value areas - £100/sq m.
- Strategic Sites of 300 or more dwellings - £75/sq m.

4.4 Since the previous consultation new regulations have been published which require the Council to publish its '123 List' prior to examination. The Draft Regulation 123 list, as set out below, defines which projects and/or types/sections of infrastructure that the Council will fund through CIL revenues. It will take effect upon the implementation of the Council's CIL Charging Schedule. The list is not definitive, and in no order of priorities, as no formal decisions have yet been taken to confirm how CIL funds will be allocated amongst the listed infrastructure projects. It is a list of infrastructure that CIL could be used to fund, subject to Council priorities and the levels of available CIL funding. Ultimately, it will be necessary to prioritise both within theme areas (e.g. strategic/on-site transport) and also between theme areas (e.g. education and community facilities). Factors such as whether an infrastructure element is essential or even required by legal statute or regulation if a development was to go ahead would be taken into account.

4.5 The Draft 123 List of infrastructure types and/or projects that will, or may, be funded in whole or in part by CIL:

Strategic Transport Infrastructure (excluding development specific mitigation works on, or directly related to, a development site)

Education (excluding land which is expected to be delivered on site through S106 agreements)

Strategic household waste recycling facilities

Community Facilities (excluding where a new development is required to provide facilities on-site or directly related to that site)

Strategic public realm improvements

Indoor and Outdoor Sports Facilities (excluding where a new development is required to provide facilities on-site or directly related to that site)

Strategic Green Infrastructure

Allotments

Walking and Cycling Infrastructure

4.6 There is still the need to mitigate all specific site-related impacts arising from development proposals in order for them to be acceptable in planning terms. These will be secured through Section 106 Planning Obligations. Further guidance will be set out in a Planning Obligations SPD. CIL receipts cannot be spent on infrastructure types or specific projects which are to be funded by more than five separate Section 106 Planning Obligations. The count of five Section 106 Planning Obligations is retrospective to April 2010.

4.7 During the previous consultation a document was produced which suggested an approach to paying CIL in instalments. The approach linked payments to the type of use and progress made on site i.e. the number of dwellings completed. However, the advice from DCLG to a number of Councils has been that there can be no differentiation between uses and the policy had to be related only to the percentage of the payment due and when it was due

(i.e. related to time, not development progress). It has therefore been necessary to revise the document and the approach suggested is included in Appendix 1. Instalments are proposed rather than a one off payment upfront to help with cash flow. The number of instalments reflects the total amount payable, i.e. the more money to be paid the more instalments are permitted.

- 4.8 The onus is very much on the applicant/developer to advise the Council when development commences and if notice is not served there may be penalties to pay. There are numerous forms which are all available via the Planning Portal which will come into effect once CIL is adopted.

## **5. Proposals**

- 5.1 Members are asked to agree public consultation on modifications to CIL incorporating the following;
1. A Draft Charging Schedule which refines residential rates dependent on scale and value area. The charge will be between £75 – £100 per square metre.
  2. A Draft 123 List in accordance with that set out above at 4.5
  3. A Draft Instalments Policy as attached in the appendices.

## **6. Strategic Plan References**

- 6.1 The Strategic Plan Action Plan includes a commitment to regenerating the Borough through buildings, employment, leisure and infrastructure. CIL can help achieve these objectives.

## **7. Consultation**

- 7.1 Consultation will be undertaken in accordance with Regulations. The Council previously reached an advanced stage and consultation will take place only on the modifications made, which reflect feedback received.

## **8. Publicity Considerations**

- 8.1 Not applicable at this stage.

## **9. Financial Implications**

- 9.1 A budget has been provided for implementing CIL.

## **10. Equality, Diversity and Human Rights/Health and Safety and Community Safety Implications**

- 10.1 None identified.

## **11. Risk Management Implications**

- 11.1 Undertaking engagement and consultation prior to submission will help reduce the risk of an unsound plan.

## **12. Disclaimer**

- 12.1 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.

# Colchester Borough Council

## Community Infrastructure Levy

### Draft Instalment Policy

#### Instalment Policy

The CIL Regulations set a default requiring full payment of the Levy charge within 60 days of the commencement of the chargeable development. However, Colchester Borough Council as Charging Authority for its area will permit the payment of CIL liability by instalment in accordance with Regulation 69B of the Community Infrastructure Levy Regulations 2010 (as amended). The instalments will be as follows;

Level of CIL Payable	Number of Instalments	Potential Instalment Policy
Under £25,000	1	Full amount payable within 60 days of commencement of development
£25,000 or greater but less than £100,000	2	50% payable within 120 day of commencement 50% payable within 240 days of commencement
£100,000 or greater but less than £250,000	3	20% payable within 120 days of commencement 40% payable within 240 day of commencement 40% payable within 360 days of commencement
£250,000 or greater but less than £500,000	4	10% payable within 120 days of commencement 30% payable within 240 days of commencement 40% payable within 540 days of commencement 20% payable within 720 days of commencement
£500,000 or greater	4	10% payable within 120 days of commencement 30% payable within 360 days of commencement 40% payable within 720 days of commencement 20% payable within 900 days of commencement

As permitted under Regulation 9(4) of the Community Infrastructure Levy Regulations 2010 (as amended), where outline permission has been granted which permits development to be implemented in phases, each phase of the

development as permitted by Colchester Borough Council is a separate chargeable development, and the Instalment Policy will therefore apply to each chargeable development and the associated separate chargeable amount.

In calculating individual charges for the levy, the Council will be required by the Regulations to apply an annually updated index of inflation to keep the levy responsive to market conditions. The index will be the national All-In Tender Price Index of construction costs published by the Building Cost Information Service of The Royal Institution of Chartered Surveyors.

### **CIL Instalment Policy Advice**

The requirements set out in Regulation 70 of the CIL Regulations must be complied with if the persons liable for paying CIL wish to do so by instalment, in accordance with this published Instalment Policy.

This Instalment Policy only applies where:

1. The Council has received a CIL Assumption of Liability form prior to the commencement of the chargeable development (Regulation 70(1)(a)), and
2. The Council has received a CIL Commencement Notice prior to commencement of the chargeable development (Regulation 70(1)(b)) and the Council does not challenge the date of commencement specified.

If the above requirements are not met, the CIL liability is payable in full at the end of the period of 60 days beginning with the intended commencement date of the chargeable development.

Where the above requirements have been met, instalment payments must be made in accordance with this Instalment Policy. Where an instalment is not received in full on or before the day on which it is due, the unpaid balance of the CIL liability becomes payable in full immediately (Regulation 70(8)(a)).

To summarise, in order to be eligible to pay a CIL liability by instalment, all the relevant forms must be submitted to the Council prior to the commencement of the chargeable development, and all the payments must be made in accordance with this CIL Instalment Policy and Regulatory requirements.