Colchester City Council

Local Plan Committee Meeting

Grand Jury Room, Town Hall, High Street, Colchester, CO1 1PJ
Monday, 02 October 2023 at 18:00

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

Information for Members of the Public

Access to information and meetings

You have the right to attend all meetings of the Council, its Committees and Cabinet. You also have the right to see the agenda (the list of items to be discussed at a meeting), which is usually published five working days before the meeting, and minutes once they are published. Dates of the meetings are available here:
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COLCHESTER CITY COUNCIL
Local Plan Committee
Monday, 02 October 2023 at 18:00

The Local Plan Committee Members are:

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

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

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

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

Live Broadcast

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

(107) ColchesterCBC - YouTube

1 **Welcome and Announcements**

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

2 **Substitutions**

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

3   Urgent Items

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

4   Declarations of Interest

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

5   Minutes of Previous Meeting

The Councillors will be invited to confirm that the minutes of the meeting held on 7 August 2023 are a correct record.

6   Have Your Say! (Hybrid Council meetings)

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

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

The Committee are invited to agree the approach to the Local Plan Review of using the green network and waterways and the "creating of a better environment" agenda as the starting point and key purpose of the Local Plan Review.

The Committee are invited to agree to launch the Call for sites, to publish the Strategic Land Availability Assessment for public

consultation in accordance with Planning Regulations and the Statement of Community Involvement, and to agree that minor changes to the Call for Sites proforma and Strategic Land Availability Assessment Methodology can be approved by the Joint Heads of Planning in consultation with the Chair of the Committee prior to the consultation commencing.

9   **Consultation on implementation of Plan Making Reforms** 75 - 92

The Committee are invited to provide comments on the consultation proposals which will feed into a response from the Council by the deadline of 18 October 2023.

10   **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).

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

Present: -	Councillors T. Young (Chair), Barber, Burrows, Dundas, Kirkby-Taylor, Rippingale, Scordis, Smith, and Spindler
Substitute Member: -	Councillor Dundas for Councillor Sunnucks
Also in Attendance: -	Councillor Harris

270.   Minutes

The Minutes of the meeting held on the 12 June 2023 were confirmed as a correct record.

271. Have Your Say!

Sir Bob Russell addressed the Committee pursuant to provisions of Meetings General Procedure Rule 5 (1). The Committee heard that the speaker had an interest in Colchester Council through their years of service and that the people of Colchester elected their Councillors, but detailed that unanimous decisions of the Council had not been carried out. The speaker detailed that the ABRO site of Flagstaff Road application and how it had failed to meet the spirit of the planning brief that had been a requirement for bidding on the site and that if this was the case then there was no point in having the brief. The Committee heard that a planning officer of the Council had detailed that the developer should have followed the planning brief. The speaker raised an issue surrounding Holy Trinity Church yard which had been handed over to the Town Deal board and that this did not comply with the Masterplan. The Committee heard that there were proposals to animate the river Colne which would destroy the existing wildlife corridor which would be a breach of the Councils Biodiversity Supplementary Planning Document and would be wrong to destroy a wildlife corridor through Castle Park and Bourne Meadow where there were significant number of protected species sightings. The speaker concluded by detailing that these decisions had not been undertaken by Officers despite unanimous decisions by Councillors.

Karen Syrett, Joint Head of Planning, responded to the points raised by the speaker at the request of the Chair. The Committee heard that the ABRO site and its requirements had not been ignored and confirmed that a planning application had been received and a number of consultations needed to take place prior to any decision. Simon Cairns, Joint Head of Planning, responded to the points raised by the speaker at the request of Chair. The Committee heard that plans were being drawn up to change the orientation of the railings and that a planning application would have to take into account the Local Plan and Biodiversity policies and that there would need to be a biodiversity report. With regards to the river Colne, it was understood that there were policies to enhance Biodiversity and understood the perceived contradiction to enhance and reassured the speaker that the Otters in the river would be unaffected.

Sir Bob Russell responded to the points raised and questioned who had handed Holy Trinity

Church over to a Quango and detailed that the removal of the railings would create a space for people to urinate, defecate, and fornicate.

At the request of the Chair, The Joint Head of Planning (Simon Cairns) responded to the points raised confirming that the property had not been handed over to anyone and that ay proposed works would have to align with the objectives and policy framework of the Council and that anti-social behaviour would be prevented by locking the dates to the Churchyard every night.

Richard Martin addressed the Committee pursuant to provisions of Meetings General Procedure Rule 5 (1). The Committee heard that Bloor Homes had been circling Middlewick Ranges and asked the Committee to reflect on the ecological disaster of the loss of Middlewick and that fit and proper surveys should take place. The Committee heard that the impact of Biodiversity Net Gain could mean that it would need to be provided off site and that the Council needed to take bold steps on this and that it should not be building proposals that were not required. The Committee heard that there was now a fundamental change in terms of infrastructure from Essex Highways as there were delays to main line infrastructure and that new traffic models should be undertaken as it breached the model for Middlewick and should be submitted to the Planning Inspector. The speaker concluded by detailing that there were severe issues of flooding at the Hythe with the possible likelihood of future flooding events.

At the request of the Chair, the Joint Head of Planning (Karen Syrett) detailed that they had no knowledge of Bloor Homes association with Middlewick and that any Ecological reports would be independent and that housing markets did have peaks and troughs in terms of and that if houses were not selling as well now then it would only add to the housing crisis down the line. The Joint Head of Planning concluded by detailing that the slowdown in the housing market did not mean that people did not want the homes and that there were further changes to come in the Hythe.

Richard Martin responded to the points raised and confirmed that they had spoken to the Bloor Homes ecologists that were on the site.

272. Climate Change Supplementary Planning Document

Shelley Blackaby, Principal Planning Officer (Environment), presented the report to the Committee and detailed that the Draft Climate Change Supplementary Planning Document (SPD) followed on from the agreement to adopt the Biodiversity Supplementary Planning Document at the previous meeting. The Principal Planning Officer detailed that the three proposed Climate Change Supplementary Planning Documents would build on the adopted Local Plan and would provide guidance for policies CC1 and DM25 for renewable energy. The Committee heard that the Climate Change SPD referred to the Council's climate change declaration and the Council's commitment to carbon reduction and waste minimisation as well as higher water efficiency standards. It was noted that Officers of the Council as well as Members of Essex County Council had been initially consulted on the documents contents. The Principal Planning Officer ran through the Chapters contained within the document as well as referencing the net zero toolkit and net zero carbon buildings, some of whose elements had been contained within the draft SPD. Members were asked to note that this included passive design, overshadowing and ventilation to reduce overheating and that the SPD supported the LETI (Low Energy Transport Initiative) which had been found appropriate by the Planning Inspectorate when looking at other Local Plans. The Principal Planning Officer concluded by detailing that the Committee were being asked to approve the

publication of the draft Climate Change SPD for consultation and that any minor changes required could be approved by the Head Of Planning in consultation with the Chair of the Committee prior to the consultation commencing.

David Cooper addressed the Committee pursuant to provisions of Meetings General Procedure Rule 5 (1). The Committee heard that page 15 of the report and building design therein should not be permitted with design features such as plastic chimneys and sending the wrong message and that resources would be better spent on solar areas. The Committee heard that the proposal did not acknowledge rising sea levels with considerable concern being raised in Mersea with some of the queues for the crossing building up to 5km because of high tide. The Committee were asked to note that there was a population increase of 16% on the Island in 10 years and that the sea wall has nearly been breached with it coming close to the 1 in 100-year event.

At the request of the Chair, the Principal Planning Officer responded that the speaker raised valuable points and asked that they be submitted as part of the consultation and clarified that the flooding risk had been assessed in the Strategic Flood Risk Assessment.

David Cooper responded that the issues on Mersea including housing and its relationship to flooding were becoming dangerous with yearly predictions showing worse outlooks.

Members debated the draft document on the issues including the amount of power the document had over developers, the installation of gas boilers as well as the provision of Electric Car charging points. The Principal Planning Officer confirmed that the document would be advice only and not would only be for guidance for policies CC1 and DM25.

Members continued to debate the application on the issues including the weight of the policies when being applied by the Council and at Planning Committees. Members also noted that not everyone could work from home with a query being raised regarding the power requirements for Electric Car charging points being 13 amps or whether this should be 30 amps.

At the request of the Chair, the Principal Planning Officer and Joint Head of Planning responded that guidance regarding electric vehicle charging was taken from the Essex Design Guide. It was noted that the Design Guide had been amended in the week prior to the Committee meeting and detailed that building regulations did require 30 amps. As such it was proposed that the guidance would be updated in the Draft SPD to reflect the updated Essex Design Guide.

The debate concluded with Members commenting on the well written document and guidance.

RESOLVED (UNANIMOUSLY) that the Local plan Committee (LPC) approve publishing the draft Climate Change SPD for public consultation in accordance with the Planning Regulations and Statement of Community Involvement

And

That Minor changes to the SPD be approved by the Head of Planning in consultation with the Chair of the Committee prior to the consultation commencing.

And

That the document is updated to include the most up to date guidance within the Essex Design Guide, specifically with regard to electric vehicle charging.

273. Active Travel Supplementary Planning Document

Rachel Forkin, Principal Planning Policy Officer presented the draft Active Travel Supplementary Planning Document (SPD) to the Committee noting that the proposal would build upon the adopted Local Plan. The Committee heard that new developments should enhance accessibility to sustainable networks and would build on the previous documentation for this area which was produced in 2012 as well as providing up to date information on the network of footways and Public Rights of Ways (PRoWs) and cycling links. The Committee heard that the document included the 10 principles of Sport England for new proposals and that it would promote active travel that would be accessible to all people. The speaker concluded by detailing that the recommendation in the report was that the Committee approve the publication of the draft Active Travel SPD for consultation and that any minor changes required could be approved by the Head Of Planning in consultation with the Chair of the Committee prior to the consultation commencing.

Nick Chilvers addressed the Committee pursuant to provisions of Meetings General Procedure Rule 5 (1). The Committee heard that the proposal would provide guidance for future development through engagement with the Community but challenged the assumptions within the report and asked officers to further research why people did not opt for busses and why people chose to use their cars more or on a car share basis. Further to this the speaker detailed that getting on your bike or undertaking the walking element in the City which had many large hills was patronising to many members of the community who could not do this. The speaker detailed that the Council did not have any control over improvements to public transport or public transport gateways and concluded by detailing that the Council should not reduce car parking spaces as this could lead to cars parking on pavements and junctions.

At the request of the Chair, the Principal Planning Officer responded to the points made by the speaker. The Committee heard that the SPD did not intend or have the power to reduce road capacity and was about providing a choice for those who wanted to use active travel and to communicate that to the local community. The Principal Planning Officer concluded by detailing that all comments would be welcomed as part of the consultation.

Nick Chilvers responded that they lived 2 miles from the centre of the City and that many people worked shift jobs and did not need to be lectured on their travel choices as they were the backbone of the City and nobody was speaking up on their behalf.

The Committee debated the Active Travel Supplementary Planning Document on issues including ways to engage and consult and detailed that Colchester City Council and Essex County Council had both made it clear that they were not against the car and that the proposal was to provide more of a choice whilst noting that this would not be possible for everyone. Members discussed the role of the equality of opportunity noting that not all options would be possible for everyone. A comment was raised by the Committee regarding the northern gateway and the associated sports facilities not having safe access to Boxford and Langham as this had been overlooked in the past. Members continued to debate the SPD and that the document did not provide any extra power for providing public transport but provided guidance building upon the bus service improvement plan. The Committee requested that further links be added detailing the Essex Bus Strategies and that these be included in the consultation document.

Members continued to debate the Supplementary Planning Document and its consultation on issues including: the permeability of developments and how this was not aiding connectivity, that Colchester Commercial Holdings Ltd were on the climate change working group for the Council and that car clubs were slowly emerging from developments where they had been approved but due to the lag from approval to completion not many were in action at the moment. Some Members felt that the public transport links in Colchester were poor and that cycle routes did not link up but that people needed to be offered a choice when making their journeys. There was some disagreement between Members on the basis of what was practical for everyone and how more could be done to support devolution to allow Colchester City Council to become a Local Transport Authority.

At the request of the Chair, the Principal Planning Office detailed that the purpose of the SPD was to ensure that there were no gaps in the routes and to fill in those gaps where identified and confirmed that all residential developments would need to have a travel plan.

The debate continued with some Members querying the effectiveness of travel plans especially when they were implemented in rural areas where it was not possible to cycle or walk and that a more inclusive policy was needed.

At the request of the Chair, the Principal Planning Officer confirmed that travel plans were monitored by the Council and confirmed that the principles contained in the SPD applied to the new developments in rural and urban areas. The debate concluded with Members discussing the use of e-scooters in the city as well as any possible enforcement action that could be undertaken. The Principal Planning Officer confirmed that the e-scooter trial was funded by Central Government and confirmed that it was not legal to ride the scooters on the road, but the Council would work with the supplier to ensure that they were being used responsibly.

RESOLVED (UNANIMOUSLY) that the Local plan Committee (LPC) approve publishing the draft Active Travel Supplementary Planning Document for public consultation in accordance with the Planning Regulations and Statement of Community Involvement

And

That Minor changes to the SPD be approved by the Head of Planning in consultation with the Chair of the Committee prior to the consultation commencing.

And

That links to the Essex Bus Strategies be included within the draft document.

274. Local Plan Review – Issues and Options

Bethany Jones, Principal Planning Officer, presented the report to the Committee noting that the review of the Local Plan had been triggered by the adoption of Section 1 and heard that the evidence base for the current plan predated 2017 and significant changes to national policies. The Committee heard that there was currently no justification for a joint plan and any plan going forward would be a standalone proposal for Colchester City Council. Members heard that there was no prescribed approach for a Local Plan and the Council had previously consulted for 6 weeks and that going forward there would be an ongoing

consultation process and on key themes and would be easier to manage and allow the Council to approach and embrace different opportunities for plan making.

Councillor Dave Harris addressed the Committee as a visiting Councillor. The Committee heard that the Councillor was interested in Middlewick's inclusion in the plan and the engagement around this as the Masterplan for the site had not yet been written. The Committee heard that there would need to be a shopping list of what was expected from the site which could include a community centre like the one that was in Stanway as well as provision for the health facilities as residents currently struggled to get healthcare appointments. Further to this the Ward Member detailed that there was a further requirement for Multi Use Games Area (MUGA) as well as parking provision around existing shops as it was not always possible to walk to shops. The Committee heard that the last assessment of the Plan had been conducted in 2016 and that there had been significant changes to areas including the Highways situation and asked that a new assessment regarding infrastructure be undertaken and that there was a recalculation of the housing numbers for the Middlewick site as well as a re-assessment of the ecological impact and biodiversity. The visiting Councillor concluded by detailing that there had been the possibility of 2000 dwellings on the site and asked for a resident backed Masterplan for Middlewick with engagement with the public and an updated traffic survey and biodiversity survey.

At the request of the Chair the Principal Planning Officer responded to the speaker outlining that the report detailed the evidence base for the Local Plan review and that a large amount of detail would be needed for the Masterplan. The Joint Head of Planning (Karen Syrett) detailed that the Council would be engaging in a way to better involve people and attract comments from those who would not usually comment. It was noted that this would include visiting shops and that the team were open to any other suggestions for engagement.

Members debated the issues and options of the Local Plan Review and detailed that infrastructure projects like those from Essex County Council such as the digital rollout of 5G masts and the associated infrastructure would be put on highways land where possible. The Committee discussed the impact of lessons to be learnt from previous consultations and that the Committee would see the detail of any call for sites, and whether there was a green network that would be linking the Tendring Colchester Borders Garden Community. At the request of the Chair the Principal Planning Officer (Environment) commented and confirmed that the Council was looking to provide enhancements where possible and that the green corridors would be one of the golden threads running through the plan which would include waterways being mapped and the inclusion of ancient woodland. The Joint Head of Planning (Karen Syrett) advised the Committee that they had attended Policy Panel regarding this item and that feedback had been given by the panel and taken onboard regarding engagement. In response to a question from the Committee regarding the borders of the City and their relationship to Tendring and detailed that where there were boundaries issues surrounding them would be investigated but that the Council would not be writing other Local Authorities plans and that the consultation would include residents' associations.

Members continued to debate the engagement and consultation strategy with a Member bringing forward the consultation approach and the inclusion of youth panels as well as the Alzheimer's Society and Make Space for Girls. Member continued to discuss the options noting that the review could not come soon enough with some Members expressing the view that Middlewick should be reviewed taking on board the thousands of volunteer hours from the community with any Masterplan being required sooner rather than later in the process as the site was not going to be economically viable.

The debate continued with Members being informed that all allocations would need to be reviewed on sites where they had not commenced and advised the Committee that it was not always possible to deliver all the infrastructure up front. Members raised concern over how the changes to the Local Plan would impact existing Neighbourhood Plans. The Joint Head of Planning (Karen Syrett) detailed that the review would need to reflect national policies and that there was a good uptake of Neighbourhood Plans in the Colchester area and confirmed that there would be engagement with the Parishes on their allocations as well as informing the overall strategy.

The debate concluded with Members asking that the engagement include Community 360 as well as minority communities within Colchester. The Joint Head of Planning (Karen Syrett) confirmed that the engagement would include the smaller groups and would be looking at lists of groups to do focus groups with related interests and try to include people who would not usually engage.

RESOLVED (UNANIMOUSLY) that the Committee agreed the approach outlined in the Issues and Options engagement;

And

That the Committee agreed to the approach as detailed in Engagement and Consultation Strategy appended to the report as Appendix A.

275. Local Nature Recovery Strategy and Biodiversity Net Gain Update

Shelley Blackaby, Principal Planning Officer (Environment), presented the update to the Committee detailing that the Environment Act 2021 created the requirement for Biodiversity Net Gain and explained that from working with the Planning Advice Service (PAS) and the statutory guidance further guidance was now available. The Committee heard that Essex County Council would be the responsible authority overseeing the area with Colchester City Council as a supporting partner. The Principal Planning Officer detailed that the Local Nature recovery Strategy should support authorities designing developments in a different way to enhance habitats and confirmed that Colchester City Council's adopted Local Plan already required a 10% increase in Biodiversity Net Gain. The speaker detailed that the Strategy included the post development purchasing of statutory credits and green infrastructure via habitat banks and that a national register would be established for applicants to register against. Members heard that where it was not possible to accommodate Biodiversity Net Gains on Site the last resort would be large scale habitat projects off site and would contribute to a wider network that would be supported by a proposed Essex wide Supplementary Planning Document. It was noted that Officers were awaiting the details of secondary legislation but would support and prepare officers whilst dispersing advice to stakeholders.

Members debated the detail of the strategy with questions being raised regarding the definition of local and whether this would be Colchester centric, Essex wide or include neighbouring counties such as Suffolk. The Principal Planning Officer (Environment) confirmed that local would be defined as Essex and it was possible that some off-site Biodiversity provision would not be in the Colchester and confirmed that there would be a spatial score for a site.

The Committee continued to discuss the update noting the complicated nature and process of Biodiversity Net Gain and raised the issue of a private market for buying Biodiversity credits on land would be essential. Some Members voiced concern that the Colchester would not be seeing the Biodiversity benefits within its area if Essex County Council did not have a viable site within the City area. It was noted that there was the option of buying the credits from Natural England however it had been noted that these had been priced at £369,000 per hectare so there would be a critical concern about the viability of that undertaking.

The Principal Planning Officer (Environment) detailed that areas of importance for Biodiversity had already been mapped and benefitted from that designation and confirmed that there was significant stakeholder engagement already but that there was not a process of appeal. The Principal Planning Officer (Environment) responded to a further question regarding the sites on Council land and that these could be put forward via a call for sites in the review of the Local Plan as previously discussed. The officer concluded by detailing that the Council was currently operating the policy of a requirement for a 10% Biodiversity Net Gain on site as it was included in the adopted Local Plan.

		Item 7
	Local Plan Committee	
	2 October 2023	
Report of	Sandra Scott, Place Strategy Manager	01206 282975
Title	Approach to the Colchester Local Plan Review	
Wards affected	All wards affected	

1. Executive Summary

1.1 A Local Plan is a statutory requirement as outlined in Section 19 of the Planning and Compulsory Purchase Act 2004. The Local Plan contains policies to guide development by identifying a spatial strategy, site allocations for employment and housing development and seeks to protect the environment, land and buildings for certain uses to ensure delivery of sustainable communities.

1.2 The Local Plan Committee's primary focus is to oversee the production and adoption of a Local Plan for Colchester and ensure that it remains up to date. This report sets out Officer's thoughts on the approach to the Local Plan Review and provides more detail on the approach to Issues and Options following agreement at the August Local Plan Committee meeting to take an iterative approach.

2. Recommended Decision

2.1 Members are asked to agree the approach to the Local Plan Review of using the green network and waterways and the 'creating a better environment' agenda as the starting point and key purpose of the Local Plan Review.

3. Reason for Recommended Decision

3.1 To enable Officers to progress work on the Local Plan Review with a focus on enhancing the green network and creating a better environment.

4. Alternative Options

4.1 The alternative is to pursue another approach to the Local Plan Review.

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5.   Background Information

5.1   Local Plan Committee considered reports about the Local Plan Review at the June and August meetings. The June report included a reminder of the current position with the development plan and the further work needed to review the Local Plan. The development plan is at the heart of the planning system with a requirement set in law that planning decisions must be taken in line with the development plan unless material considerations indicate otherwise. It is essential that plans are in place and kept up to date. The August report included a high-level programme for the Local Plan Review, including proposing an iterative Issues and Options engagement comprising multiple themed engagements rather than one composite Issues and Options consultation. An Engagement and Consultation Strategy was included as a background paper. This strategy has been published on the Council's website and sets out how stakeholders and the public will be engaged and consulted on the Local Plan Review.

Issues and Options

5.2   At the August Local Plan Committee meeting, the Committee agreed to the approach outlined in the report to an iterative Issues and Options engagement between Autumn 2023 and Spring 2024. Officers consider that engagement could include the key themes of: the green network and waterways; vision for the city; climate change mitigation and adaptation; call for sites; design and place; and health and wellbeing. Further details about each of these themes is outlined below.

5.3   The first Issues and Options engagement is focused on the city's green network and waterways. Engagement will commence in early October and will comprise two parts. The first part is a map of the existing green network and waterways network as an audit and baseline of the current location and condition of all types of green and blue spaces. Stakeholders will be asked to provide comments on the existing green network and waterways, e.g. what are your views on the condition of the space, what improvements could be made. The second part of the engagement is to ask stakeholders for their views on opportunities to enhance the green network and waterways. Stakeholders will be able to draw on an online map suggesting new green spaces and provide justification for their suggestion. Officers will consider all comments received on the existing network and opportunities to improve the network alongside the sites submitted as part of the call for sites and the emerging Local Nature Recovery Strategy. Landowners proposing sites for new green spaces are encouraged to engage in both this green network and waterways engagement and the call for sites. Officers consider that new housing allocations could facilitate new green spaces including creating better linkages between existing green spaces and waterways for the benefit of people's health and wellbeing and for wildlife.

5.4   For the vision of the Local Plan Review engagement, Officers have arranged a workshop for all Planners to discuss ideas for the vision over the Local Plan Review period. A workshop will be arranged for Members in the autumn allowing

all Members the opportunity to outline their thoughts on a future vision for the Local Plan Review. Stakeholders will be invited to engage on the proposed vision by submitting their ideas online or by post, before a draft is agreed by Local Plan Committee for wider consultation.

5.5   Another key theme for the Issues and Options is climate change. Essex County Council has drafted climate change policies that reflect the latest best practice of using the Low Energy Transformation Initiative (LETI) standard of zero carbon. The LETI standard is included in the Council's draft Climate Change Supplementary Planning Document. As part of the Local Plan Review Issues and Options engagement, the Council will, engage with Officers in the Council's Sustainability and Climate Team, and will publish Essex County Council's draft climate change policies and seek views on whether these are suitable to apply in Colchester or whether the policies should be amended for Colchester.

5.6   For the design and place theme engagement, Officers intend to hold a workshop with relevant specialist officers within the Council and relevant partners. Engagement may also include informal input from design panel representatives and discussions about developing a design code as part of the plan. The scope of this theme is far reaching and will incorporate place making considerations which will include the character and historic assets, as well as key infrastructure to support sustainable placemaking. Learning from pilot work on National Model Design codes may also be a relevant tool to inform engagement on this broad theme. It may help inform considerations about the role of design codes and need for masterplanning on some site allocations at a later stage in plan making.

5.7   For the health and wellbeing engagement, Officers intend to hold a workshop with health and wellbeing professionals seeking views on how health and wellbeing can be incorporated into the Local Plan Review to ensure that health and wellbeing is a key thread running through the Local Plan Review.

5.8   Community and Social Infrastructure has not been identified specifically as a separate theme for Issues and Options. This is because evidence base work including the Infrastructure Audit and an Infrastructure Delivery Plan will include engagement. The Audit and Delivery Plan will be needed to support the Plan, and will be integral to all elements of plan making and form part of the place making and justification for sustainable development as options for growth are tested and selected. The capacity of the relevant infrastructure and ability for it to accommodate planned growth will also inform the preferred options for growth later in the plan process, so will also have a key role in informing the plan but will be addressed in any event as part of the evidence base.

5.9   A separate report to this Local Plan Committee meeting sets out the approach to the call for sites and methodology for the Strategic Land Availability Assessment (SLAA).

3

Approach to the Local Plan Review

5.10   Planning reform, the Environment Act, the Environmental Improvement Plan, and the Government's broader consideration of land use in England, provide significant opportunities for planning to play a key role in meeting the Government's aspiration to create a better environment for future generations. Responding to the increasing environmental agenda in plan making will require a more coherent and streamlined approach to developing policy objectives in relation to the environment. Officers propose using the green network and waterways and the 'creating a better environment' agenda as the starting point and key purpose of the Local Plan Review. This approach complements the complex environmental agenda requiring integrated, coordinated approaches to achieve multifunctional benefits from the use of land supporting the principle of 'creating a better environment'. The environmental planning topics listed below are the topics which LPAs need to consider.

- Air quality
- Biodiversity net gain
- Biodiversity reporting
- Climate change adaptation and mitigation and net zero
- Conservation covenants
- Design
- Enhanced biodiversity duty
- Environmental assessment
- Finance, delivery and environmental markets
- Flooding and coastal erosion
- Green and blue infrastructure
- Greenspace provision
- Habitat Regulations
- Local Nature Recovery Strategy
- Natural capital and environmental net gain
- Protected land
- Protected sites and species strategy
- Water quality and resources

5.11   Officers propose making the priority for the Plan, including the spatial strategy and indeed the whole Plan, enhancing the green network and waterways and the linked consequential benefits of achieving this. Officers intend to do this by protecting the existing green network and waterways, creating linkages between green spaces and enhancing the network through the creation of new green spaces, in locations where it is most needed. Officers recommend that this priority should form the backbone of the Plan. Using this approach all allocations and policies will be developed having regard to the question: will it create a better environment?

4

5.12   Officers are keen to test this approach as an option at the very least but consider that it has the potential to provide the basis for a sound robust approach to plan making. This approach responds directly to the growing demands linked to the green agenda enabling delivery on climate change, health and wellbeing and biodiversity requirements as well as delivering growth requirements in a way which has planning for a better environment at the heart.

5.13   The green network and waterways has multiple benefits including for wildlife, active travel, health and wellbeing, climate change adaptation, air quality, flood and water management. Putting the green network and waterways at the heart of the Plan will result in multiple benefits across areas that planning must take into account, including the topics listed in paragraph 5.10.

5.14   The Plan must deliver allocations to meet Colchester's growth needs but rather than this be the starting point and driving force of the Plan this will be one of the Plan's objectives. New housing allocations will facilitate new green spaces, biodiversity net gain and wider environmental enhancements and under this approach the Council can prioritise allocating sites that will create a better environment. Focussing on enhancing the green network and the best outcomes in terms of biodiversity net gain will help to justify the selection of housing sites.

5.15   Officers hope that making enhancing the green network the priority for the Plan will help to build community support for the Plan. The opportunities for the green network and biodiversity net gain will come first, then the housing to facilitate this. Not the selection of a site allocation first and then thought about what should be delivered as part of the allocation. As part of the Strategic Land Availability Assessment and Settlement Boundary Review, Officers will engage with Town and Parish Councils and Residents Associations to understand the issues and opportunities in all of the city's settlements, including opportunities for new green spaces and better connections to the existing green network.

5.16   Officers would also like to allocate strategic biodiversity net gain sites and biodiversity net gain corridors/ stepping stones. This would define sites that would deliver the greatest opportunities for biodiversity net gain (the strategic biodiversity net gain sites) and biodiversity net gain corridors/ stepping stones that will enhance connections between existing and new wildlife sites. This will inform decisions on the spatial strategy. This suggested approach, will facilitate consideration of local supply and demand for biodiversity net gain. Developing the green network as the priority, with housing allocations to facilitate improvements to the green network, will enable planning for the highest gains for biodiversity by considering the location of strategic housing sites and how this relates to sites that will deliver the highest gains for biodiversity. This can ensure that there is a sufficient local supply of biodiversity units and reduce the risk of net gains delivered outside of the city.

5.17   As part of the call for sites it is intended to ask for biodiversity net gain offsite sites, green spaces, housing and employment sites and any other land uses as

5

appropriate. More detail about this is included in the Call for Sites and Strategic Land Availability Assessment report elsewhere on the agenda.

5.18   The provision of environmental benefits and green spaces has always been a recognised "trade-off" for development. The difference that Officers are suggesting is that the approach **starts** from identifying the optimum opportunities for the environmental enhancements through green network and biodiversity net gain which provide benefits to local communities, health and wellbeing, wildlife and climate change and link that to the strategy for development to enable its delivery and provide the best outcomes for place making.

6.   Equality, Diversity and Human Rights implications

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

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

7.   Strategic Plan References

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

8.   Consultation

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

9.   Publicity Considerations

9.1   None at this stage.

10.   Financial implications

10.1   There is a significant financial implication in preparing a Local Plan. All evidence base documents that need to be prepared by consultants have an associated

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cost along with all consultation exercises and the eventual examination. An up-to-date local plan does however help avoid costly appeals.

11. Health, Wellbeing and Community Safety Implications

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

12. Health and Safety Implications

12.1 No direct implications.

13. Risk Management Implications

13.1 No direct implications.

14. Environmental and Sustainability Implications

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

14.2 The Local Plan Review will take account of any updated evidence and changes in legislation that help contribute towards achieving carbon neutral by 2030. Further consideration of future policy development on the environment, climate change, biodiversity, place making and active environments will seek opportunities towards Colchester becoming a greener city that is resilient to the climate change challenges.

7

	Local Plan Committee	**Item** 8
	2 October 2023	
Report of	**Bethany Jones** **Principal Planning Policy Officer**	01206 282541
Title	**Colchester Local Plan Review – Call for Sites and Strategic Land Availability Assessment**	
Wards affected	All wards affected	

1.   Executive Summary

1.1   The Local Plan Review will need to allocate land for the provision of homes and other uses to meet the City's future and existing needs. The 'Call for Sites' is an opportunity for the public, Members, landowners, developers and other stakeholders to promote land for development across the City. Alongside land for housing, employment, community facilities and infrastructure, there will also be a Green Infrastructure category to promote sites for offsite biodiversity net gain, country parks, open spaces and other green uses.

1.2   The Call for Sites forms the first part of the Strategic Land Availability Assessment (SLAA). The methodology for this assessment has been prepared in accordance with national Planning Practise Guidance. Committee are asked to agree to publish the methodology for consultation.

2.   Recommended Decision

2.1   Members are asked to:

(i)   Agree to launch the Call for Sites

(ii)   Agree to publish the Strategic Land Availability Assessment for public consultation in accordance with Planning Regulations and the Statement of Community Involvement

(iii)   Agree that minor changes to the Call for Sites proforma and Strategic Land Availability Assessment Methodology can be approved by the Joint Heads of Planning in consultation with the Chair of the Committee prior to the consultation commencing

3.   Reason for Recommended Decision

3.1   To enable progression with work on the Local Plan Review.

4.   Alternative Options

4.1   The Council could delay work on the Local Plan Review, but failure to keep the Local Plan up to date would leave the Council vulnerable to speculative planning applications.

5.   Background Information

5.1   Following agreement of the approach to the Local Plan Review at Committee in August, Officers have begun preparations for the 'Call for Sites' process. Given the changes to national policy since examination of the Adopted Local Plan including the introduction of the Standard Method for calculating housing need, the Local Plan Review will need to allocate land for the provision of new homes to meet the City's existing and future needs.

5.2   The Call for Sites is an opportunity for the public, Members, landowners, developers and other stakeholders to promote sites for development across the City. This includes land for use of housing, employment, community facilities and/or infrastructure development. Officers have also included a Green Infrastructure category to enable land to be promoted for offsite biodiversity net gain, country parks, open space and other green uses.

5.3   Since the Council last undertook a Call for Sites, there have been significant digital advances to reduce the amount of officer time spent in processing the submissions and digitalizing site boundaries from printed maps. The Consultation Portal (JDi/OpusConsult) enables stakeholders to complete their submissions online, including the ability to draw the site boundary directly on a digital map. It will be encouraged that all sites are submitted in this way, however there will be the option for the questionnaire to be completed and sent via email or post. Appendix A includes a copy of the questionnaire and this will be replicated within the Consultation Portal.

5.4   The Call for Sites will be open for submissions until the end of the year (at least 10 weeks). It is likely that a second Call for Sites will be undertaken at a later stage in the plan making process.

5.5   The site suggestions received will be used to inform the preparation of the Local Plan. It is important to note, the Call for Sites exercise will not in itself determine whether a site should be allocated for development. All sites will need to be further assessed and the overall strategy for the Local Plan will be informed by a number of evidence base documents and feedback from consultations. The

submission of a site through the Call for Sites process does not give them any planning status, nor does it determine any future planning status.

5.6   The sites received through the Call for Sites, plus any additional sites identified, will be assessed through the Strategic Land Availability Assessment (SLAA). In addition to the Call for Sites submissions, the Council will also proactively look to identify any additional potential sites and locations for growth or green uses, in order to ensure its approach to new land allocation is comprehensive. This is outlined within the Methodology Stage 1 under 'Desktop Review'.

5.7   The methodology and assessment proforma are outlined in Appendix B. The methodology follows guidance set out in the national Planning Practice Guidance (PPG). This appraises sites for their suitability, availability and achievability with the aim of objectively determining which sites will be deliverable over the plan period.

5.8   Although there is not a requirement to consult upon the Strategic Land Availability Assessment methodology, it is considered best practise to do so and adds to transparency throughout the plan making process. It is proposed that this coincides with the launch of the Call for Sites. The methodology would be subject to consultation for 4 weeks. By launching both together, this will save time and resources for officers as well as provide a more holistic understanding of the site assessment process for the Local Plan Review.

5.9   The consultation and Call for Sites will be advertised on the Council's website, social media and a press release issued. Notifications will be sent to all those included on the Planning Database, and specific consultees including but not limited to Town and Parish Councils, Residents Associations, Local Organisations and Groups and all Members.

5.10   As part of the consultation, there will also be an officers workshop with colleagues from across the planning service, Essex County Council and other statutory consultees to discuss the Strategic Land Availability Assessment methodology. This will build upon examples of best practise and lessons learnt from the process previously.

5.11   Following consultation on the Strategic Land Availability Assessment, all responses will be reviewed, and any necessary amendments will be made to the methodology. The outcome of the consultation and agreement of the methodology will return to Local Plan Committee in December 2023 to enable commencement of site assessment in the new year.

6.   Equality, Diversity and Human Rights implications

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

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

7.   Strategic Plan References

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

8.   Consultation

8.1   Both the Call for Sites and Strategic Land Availability Assessment Consultation will be undertaken in accordance with the Council's Statement of Community Involvement and Engagement and Consultation Strategy.

8.2   The consultation will be hosted on the Council's Planning Consultation Portal (JDi/Opus Consult). However, there will be alternative method to provide comments or submit sites for those who are not able to use online.

8.3   The consultation will be publicised through written/email consultations with statutory consultees, general consultees on our database, other relevant stakeholders, individuals, and organisations who have expressed a wish to be consulted.

9.   Publicity Considerations

9.1   There is likely to be continued interest in the new Local Plan preparation, particularly the proposed allocation of land for development. It will be important to manage publicity carefully, to help minimise misconception and concerns. As part of the consultation, officers will prepare a press release to coincide with the launch of the Call for Sites and Strategic Land Availability Assessment Consultations.

10.   Financial implications

10.1 There is a significant financial implication in preparing a Local Plan. All evidence base documents that need to be prepared by consultants have an associated cost along with all consultation exercises and the eventual examination. An up to date local plan does however help avoid costly appeals.

11. Health, Wellbeing and Community Safety Implications

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

12. Health and Safety Implications

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14.2 The Local Plan review will take account of any updated evidence and changes in legislation that help contribute towards achieving carbon neutral by 2030. Further consideration of future policy development on the environment, climate change, biodiversity, place making and active environments will seek opportunities towards Colchester becoming a greener city that is resilient to the climate change challenges.

Appendices

A – Call for Sites Questionnaire

B – Strategic Land Availability Assessment Methodology and Assessment Proforma

Appendix A: Call for Sites questionnaire

Colchester City Council
Local Plan Review
Call for Sites – Autumn/Winter 2023

As part of the Colchester Local Plan Review, the Council are inviting submissions of potentially developable land. This could be land for a range of types of development or to form part of the Council's Green Infrastructure Network including off site Biodiversity Net Gain.

Submissions can be made via the Council's Consultation Portal. This includes the ability to either upload a GIS file of the site boundary or drawing the boundary directly into our mapping system. Additional documents to support your submission can also be uploaded.

Please providing as much information as possible and avoid leaving questions blank if possible.

A separate form should be completed for each site.

Section 1: Contact Details

1. Personal Details

Full Name
Organsiation (if relevant)
Job Title (if relevant)
Address Line 1
Address Line 2
Town/City
County
Post Code
Email
Telephone Number

2. Agent Details if applicable

Full Name
Organsiation (if relevant)
Job Title (if relevant)
Address Line 1
Address Line 2
Town/City
County
Post Code
Email
Telephone Number

3. Your Status – please check one box

    ☐ Site Owner
    ☐ Parish Council
    ☐ Local Resident
    ☐ Community Group
    ☐ Planning Consultant
    ☐ Land Agent
    ☐ Developer
    ☐ Registered Provider
    ☐ Other (please specify)

Other

Section 2: Site Details

4. Site Name

Provide a name for your site to be consistently referenced

5. Site Location

Site Address (including postcode if known)
Grid Reference
Site location and surrounding area description*
Which Parish is the site located within? (if multiple please state)
Is the site wholly within the administrative area of Colchester City Council? If no, please state which additional authorities the site is located in

6. Site Area

Site area (hectares)
Developable site area (hectares)

7. What is the land type? Please check one box

☐ Wholly greenfield
☐ Wholly brownfield/previously developed land
☐ Part greenfield and part brownfield/previously developed land
☐ Other

8. What is the current land use of the site?

☐ Agricultural
☐ Commercial
☐ Housing/Residential
☐ Industrial
☐ Community
☐ Other (please specify)

Other

Section 3: Planning History

9. Has this site been promoted for development through the Local Plan or Neighbourhood Plan process before?

☐ Yes
☐ No

If yes, please provide additional details including date of previous promotion, previous site reference, promoted use, reason for non-selection if known and any differences between the previous submission details and this proposal

10. Does the site have any planning application history? If known, please include relevant planning application numbers.

Section 4: Proposed Future Use

11. What are you proposing this site for?

    A. Residential. Please select all that apply.

      ☐ Market Housing
      ☐ Affordable Housing
      ☐ Custom and Self Build Housing
      ☐ Older Persons Housing
      ☐ Gypsy and Traveller Accommodation
      ☐ Other (please specify)

Other

Indicative Number of units/dwellings/plots/bedspaces/pitches

How many new units/dwellings do you think will be built each year?

Could development of the site enhance or create green infrastructure? e.g. provision of open space, parks, sports and/or recreation grounds, Country Park, allotments and biodiversity net gain. If yes, please provide further detail.

Has a preliminary ecological appraisal or Biodiversity Metric calculation been carried out?

☐ Yes
☐ No

If yes, please provide additional details

    B. Commercial. Please select all that apply.

      ☐ Employment
      ☐ Retail
      ☐ Sports and Leisure
      ☐ Restaurant/café
      ☐ Logistics

☐ Other (please specify)

Other

Indicative Floorspace sqm

Could development of the site enhance or create green infrastructure? e.g. provision of open space, parks, sports and/or recreation grounds, Country Park, allotments and biodiversity net gain. If yes, please provide further detail.

Has a preliminary ecological appraisal or Biodiversity Metric calculation been carried out?

☐ Yes
☐ No

If yes, please provide additional details

C. Infrastructure. Please select all that apply.

☐ Education
☐ Community Facilities
☐ Health and Wellbeing
☐ Transport
☐ Renewable Energy (e.g. solar and wind farms)
☐ Telecommunications (e.g 5G masts)
☐ Other (please specify)

Other

Additional information including Indicative floorspace sqm, hectares available or type of renewable energy

Could development of the site enhance or create green infrastructure? E.g. provision of open space, parks, sports and/or recreation grounds, Country Park, allotments and biodiversity net gain. If yes, please provide further detail.

Has a preliminary ecological appraisal or Biodiversity Metric calculation been carried out?

☐ Yes
☐ No

If yes, please provide additional details

D. Green Infrastructure. Please tick all that apply.

☐ Open Space
☐ Park, Sport and/or recreation grounds
☐ Country Park
☐ Allotments
☐ Biodiversity Net Gain
☐ Other (please specify)

Other

Hectares available

Please provide details of why the site would be suitable for this use

What are the existing habitats onsite?

Has a preliminary ecological appraisal or Biodiversity Metric calculation been carried out?

☐ Yes
☐ No

If yes, please provide additional details

E. Other.

Please provide details of proposed land use and amount of land available

Section 5: Site Ownership

12. What is your/clients current ownership status of the land?

    ☐ Sole owner
    ☐ Part owner
    ☐ Do/does not own

13. If you are not the owner, or own only part of the site, do you know who owns the site or the reminder of it (please provide details) is land acquisition required?

14. Does the site owner (or other owners) support this proposal for the site?

    ☐ Yes
    ☐ No

15. If you are not the owner, why do you think this site should be considered to be promoted for this use?

16. In the event a neighbouring site is also promoted for development, would the landowner be open to working in partnership and bringing the site forward in combination with others to enable a comprehensive approach to development?

    ☐ Yes
    ☐ No
    ☐ Don't know

If no or don't know please explain why

17. What, if any, market interest has there been in the site?

    ☐ Site is owned by a developer
    ☐ Site is under option to a developer
    ☐ Enquiries received

☐ Site has/is being marketed
☐ None
☐ Not Known

18. Are there any legal restrictions on the site?

☐ Yes
☐ No
☐ Don't Know

If yes, please provide details

Section 6: Site Constraints

19. Do any current uses on the site need to be relocated?

☐ Yes
☐ No
☐ Don't Know

If yes, please provide details

20. Does the site have any access constraints?

☐ Yes
☐ No
☐ Don't Know

Please provide details

21. Is delivery of the site dependent on a ransom strip?

☐ Yes
☐ No
☐ Don't Know

22. Are there any restrictive covenants that prevent development of the site?

☐ Yes
☐ No
☐ Don't Know

If yes, please provide details

23. Is there any contamination for either all or part of the site?

☐ Yes
☐ No
☐ Don't Know

If yes, please provide details

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24. Are there any existing Tree Protection Orders within the site?

☐ Yes
☐ No
☐ Don't Know

If yes, please provide details

25. Is there a river or ditch either wholly or partially within the site?

☐ Yes
☐ No
☐ Don't Know

If yes, please provide details

26. Of any of the constraints identified above, please identify any ways in which these could be overcome.

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Section 7: Existing Infrastructure and Utilities

27. Which if any, of the following utilities are currently available to the site?

☐ Mains water supply
☐ Wastewater/sewage supply
☐ Gas supply
☐ Electricity supply
☐ Broadband and digital communications
☐ Other

Other

28. Which if any, of the following are located within or adjacent to the site?

☐ Public Right of Way (footpath, bridleway, restricted byway or byway)
☐ Foot/Cycle Way
☐ Public Highway
☐ Pylons
☐ Other

Other

29. Is there an existing vehicular access to the site?

☐ Yes
☐ No
☐ Don't Know

If yes, please provide details

Section 8: Site Availability

30. When will the site be available for development?

☐ Immediately
☐ within 5 years
☐ within 5 to 10 years
☐ within 10 to 15 years
☐ beyond 15 years

31. Has an economic viability assessment been carried out for the proposed development?

☐ Yes
☐ No
☐ Don't know

Please provide any recent information relating to the viability of the site including details of site specific costs and abnormal costs

32. Are there any other issues to be resolved or restrictions to the site being available for development?

☐ Yes
☐ No

If yes, please provide further details.

Section 9: Additional Information

33. Can the site be comprehensively seen from a public road, footpath, bridleway or other public land?

☐ Yes
☐ No
☐ Don't Know

please provide contact details (name, telephone and email) for a suitable person to arrange a site visit if required

Please provide any additional information, studies or further explanation you consider may be helpful to the Council. This may include the following documents: • Title Plans and Deeds   • Indicative Development Plan   • Viability Assessment

Submissions are encouraged via the Council's Consultation Portal.

Alternatively, this form can be completed and sent via email to XXX. Where submissions are sent via email, please ensure these are sent as Microsoft Word files. The only file accepted in PDF format is a site plan, which must clearly identify the boundary of the land being promoted, at a scale of no less than 1:2500. The submission of the site boundary as a GIS Shapefile should also be submitted wherever possible.

Appendix B: Strategic Land Availability Assessment Methodology and Assessment proforma

Colchester Local Plan Review

Strategic Land Availability Assessment Proposed Methodology

Autumn 2023

Contents

TO BE UPDATED BEFORE PUBLISHING

1. <u>Introduction</u>

1.1 The Council adopted the current Colchester Local Plan Section 1 in February 2021 and Section 2 in July 2022. This guides growth and development across Colchester to 2033. To ensure plans remain effective, they require reviewing and updating at least every five years.

1.2 The Council are now in the early stages of reviewing the Colchester Local Plan.

1.3 A Strategic Land Availability Assessment (SLAA) is an essential part of producing a Local Plan. Its purpose is to identify what land is capable of being developed and to assess the constraints and opportunities of developing that land. The SLAA process highlights issues which help inform future decisions regarding the allocation of land for housing, employment and other uses in the emerging Local Plan. The Council will also be assessing sites for green uses, such as for biodiversity net gain, open space, country parks. This will be the first time these uses have been included in the assessment.

1.4 The SLAA is part of the technical evidence base for the Local Plan which complements other important sources of information such as public consultation and sustainability appraisal. Together these sources of evidence inform the strategic planning decision-making process. Therefore, the SLAA is not the sole source of evidence informing which sites should be allocated for development, but instead it contributes to the local planning authority's understanding of what land is developable.

1.5 The Council has reviewed and refined the SLAA methodology to reflect updates to national policy, local priorities and take account of the latest best practice. This document sets out the proposed methodology for the Strategic Land Availability Assessment, including details of the Call for Sites.

1.6 This methodology will be subject to public consultation and following this, adopted by the Council's Local Plan Committee.

2. <u>Policy Context</u>

2.1 The National Planning Policy Framework (NPPF) paragraph 68 sets out the requirement for local authorities to prepare a Strategic Housing Land Availability Assessment:

"Strategic policy-making authorities should have a clear understanding of the land available in their area through the preparation of a strategic housing land availability assessment. From this, planning policies should identify a sufficient supply and mix of sites, taking into account their availability, suitability and likely economic viability".

2.2 The Planning Practice Guidance (PPG) for Housing and Economic Land Availability Assessments expands on this by clarifying that:

"An assessment of land availability identifies a future supply of land which is suitable, available and achievable for housing and economic development uses over the plan period. The assessment is an important source of evidence to inform plan-making and decision-taking, and the identification of a 5-year supply of housing land.
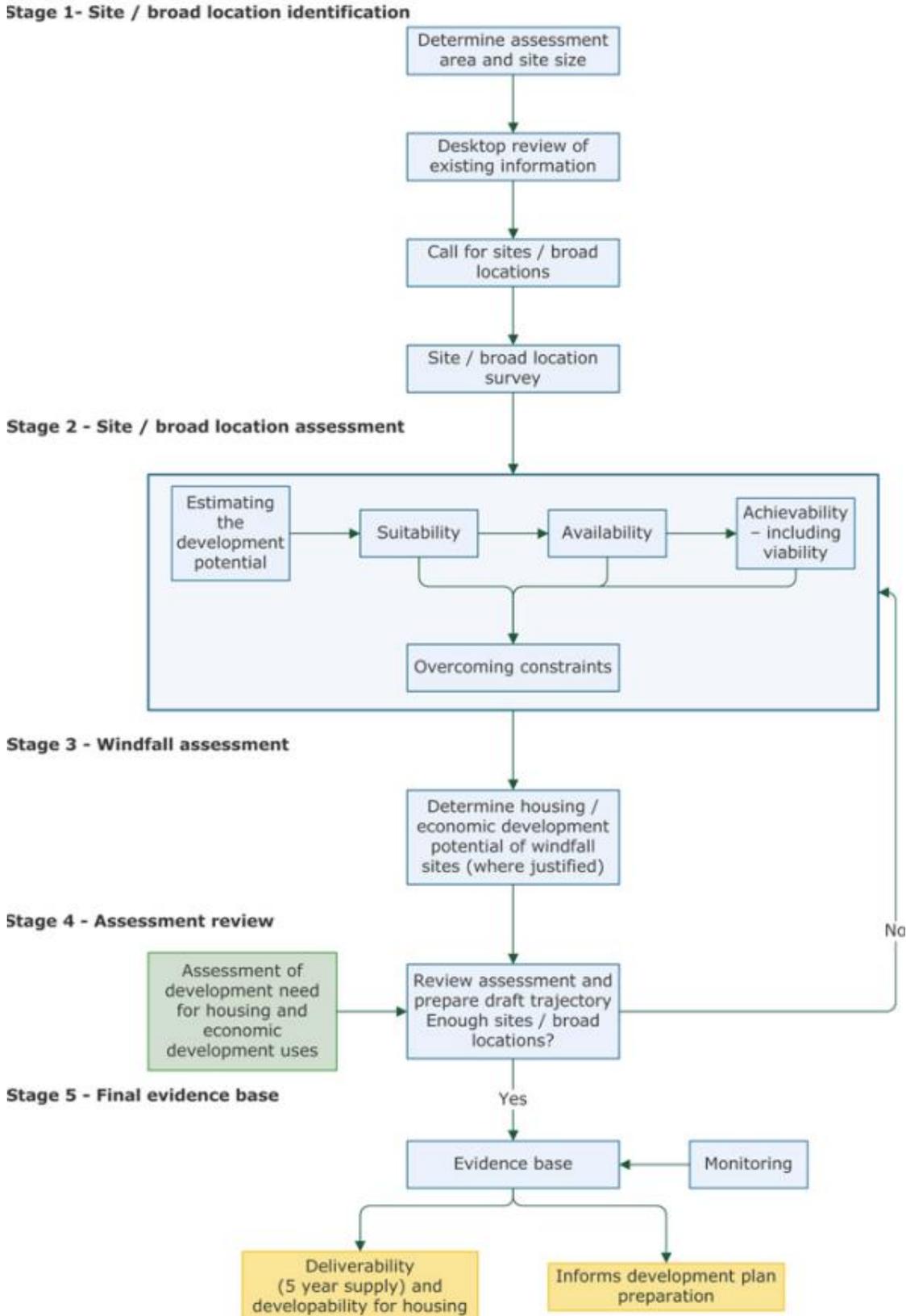
Plan-making authorities may carry out land availability assessments for housing and economic development as part of the same exercise, in order that sites may be identified for the use(s) which is most appropriate.

An assessment should:

- *identify sites and broad locations with potential for development;*
- *assess their development potential; and*
- *assess their suitability for development and the likelihood of development coming forward (the availability and achievability)."*

The PPG also provides a methodology flow chart (see figure 1 below) which indicates the inputs and processes that can lead to a robust assessment. Local Authorities must have regard to this guidance in the preparation and updating of their methodologies and where there are any departures from the guidance, an explanation must be provided.

Figure 1 – Housing and Economic Land Availability Assessment Methodology Flowchart (as set out PPG)

Stage 1- Site / broad location identification

Determine assessment area and site size

↓

Desktop review of existing information

↓

Call for sites / broad locations

↓

Site / broad location survey

Stage 2 – Site / broad location assessment

Estimating the development potential → Suitability → Availability → Achievability – including viability

↓

Overcoming constraints

Stage 3 – Windfall assessment

Determine housing / economic development potential of windfall sites (where justified)

Stage 4 – Assessment review

Assessment of development need for housing and economic development uses → Review assessment and prepare draft trajectory Enough sites / broad locations?

No

Stage 5 – Final evidence base

Yes

↓

Evidence base ← Monitoring

Deliverability (5 year supply) and developpability for housing

Informs development plan preparation

3. Proposed Methodology

Overview

3.1 The Council's SLAA methodology has been prepared in accordance with the methodology set out in the PPG. This follows a five stage process, comprising:

> Stage 1 – Identification of sites and broad locations
> Stage 2 – Assessment of sites and broad locations
> Stage 3 – Windfall sites assessment
> Stage 4 – Review of assessment
> Stage 5 – Final evidence base

3.2 This report addresses the first two stages of the process. Stage five is the final output of site assessments (from stages 1 and 2) and a separate evidence base document will be prepared to support the Local Plan.

Stage 1 – Identifying the sites

Geographical Area

3.3 The first stage of the SLAA is to determine the geographical area of the assessment. The PPG states this should be the plan making area. It is therefore proposed that the geographical area of the assessment will be the Colchester administrative area. This is shown below in Figure 2.

Figure 2 – Colchester City Council Administrative Boundary
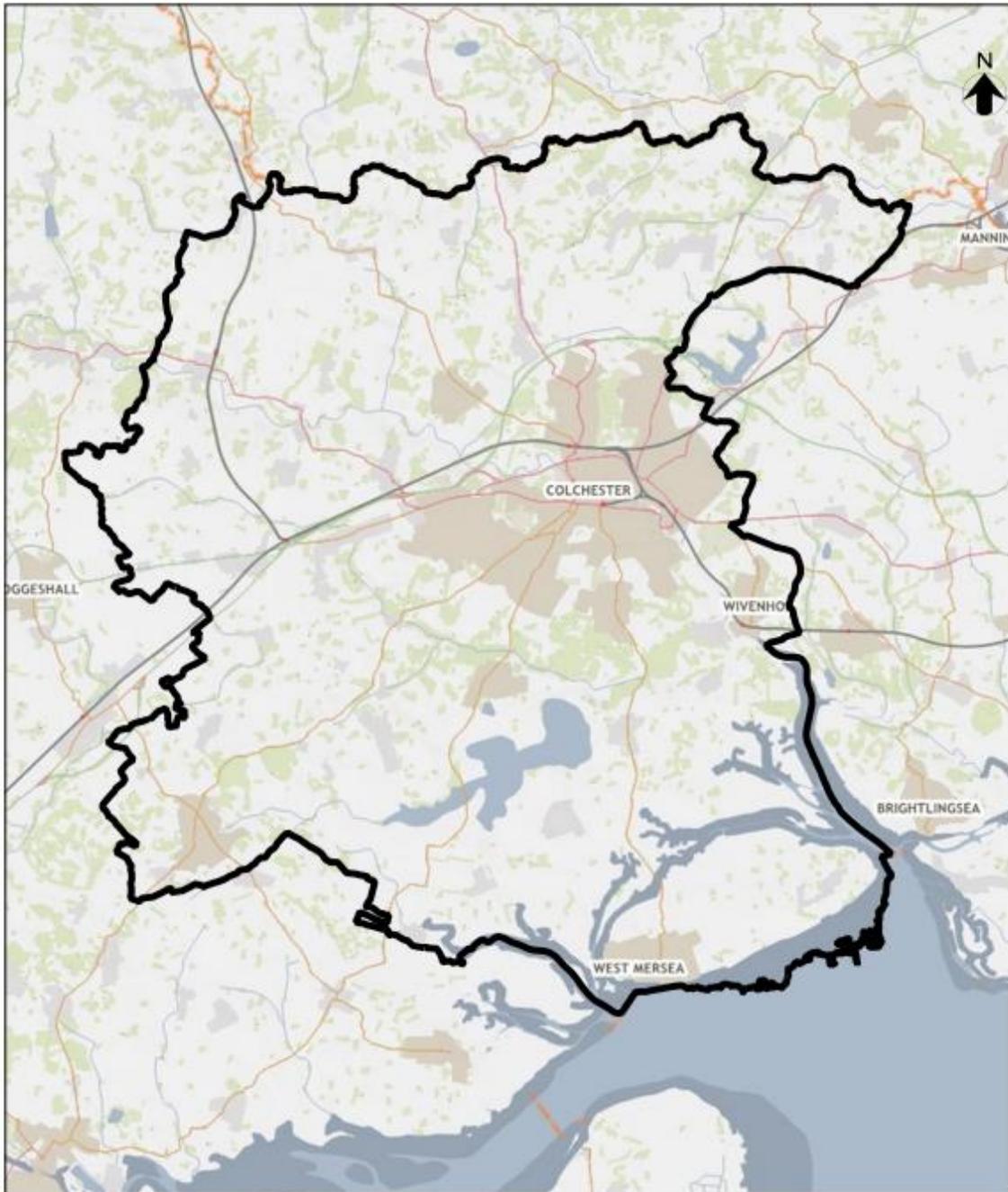
Scale: 1:140000
Date: 18/09/2023

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<u>Proposed Uses</u>

3.4 It is proposed that the following uses will be assessed through the SLAA:

- Residential
  - Market and Affordable Housing
  - Custom and Self Build
  - Older Persons Housing
  - Gypsy and Traveller Accommodation
- Commercial
  - Employment
  - Retail
  - Sports and Leisure
  - Restaurant/Café
  - Logistics
- Infrastructure
  - Education
  - Community Facilities
  - Health and Wellbeing
  - Transport
  - Renewable Energy
  - Telecommunications
- Green Infrastructure
  - Open Space
  - Park, Sport and/or Recreation Grounds
  - Country Park
  - Allotments
  - Biodiversity Net Gain

<u>Site Thresholds</u>

3.5 The PPG sets out that it may be appropriate to consider all sites capable of delivering 5 or more dwellings or economic development on sites of 0.25ha (or 500m^2 floor space) and above. It is therefore proposed to adopt these site size thresholds for built development.

3.6 As outlined above, the Council are also assessing sites for green uses. The site size threshold for these uses is proposed as 0.25ha and above.

<u>Desktop Review</u>

3.7 The PPG sets out that plan makers need to be proactive in identifying as wide a range of sites and broad locations for development as possible and do not simply rely on sites that they have been informed about.

3.8 Table 1 below sets out the proposed data sources that the Council will use for the desktop identification of sites and broad locations.

Table 1 – Desktop Review Data Sources

Type of Site	Data Sources
Existing housing and economic development allocations and development briefs not yet with planning permission	Local and Neighbourhood Plans Development Briefs/Supplementary Planning Documents Planning Application Records
Sites considered through previous SLAAs	Currently adopted Local Plan Evidence Base Currently made Neighbourhood Plans Evidence Base
Planning Permissions for housing and economic development that are unimplemented	Planning Application Records Five Year Housing Land Supply Statements
Planning Applications that have been refused or withdrawn (in relation to spatial strategy) where decision issued after October 2017	Planning Application Records
Land in the local authority's ownership	Local Authority Records
Surplus and likely to become surplus public sector land	National register of public sector land Engagement with strategic bodies such as Essex County Council
Sites with permission in principle or identified brownfield land	Council's Brownfield Land Register
Vacant and derelict land and buildings	Local authority empty property register Council's Brownfield Land Register
Additional opportunities for unestablished uses (e.g., making productive use of under-utilised facilities such as garage blocks)	Planning Application Records Aerial Photography Ordnance Survey Maps Discussions with internal stakeholders including elected Members
Business requirements and aspirations	Enquiries received by Local Planning Authority Discussions with internal stakeholders including elected Members
Sites in rural locations	Local and Neighbourhood Plans Planning Application Records Aerial Photography Ordnance Survey Maps Discussions with internal stakeholders including elected Members
Large scale redevelopment and redesign of existing residential or economic areas	
Sites in adjoining villages and rural exception sites	
Potential urban extensions and new free standing settlements	
Existing green spaces	

Call for Sites

3.9 In addition to the desk top review, the Council will also issue a Call for Sites to enable people to promote sites for consideration and assessment. In accordance with the PPG, this will be aimed at as wide an audience as is practical so that those not normally involved in development have the opportunity to contribute.

3.10 A Call for Sites will be launched in Autumn 2023. The Call for Sites will be advertised on the Council's website and notifications will be sent to those on the council's Planning Database. This will be hosted on the Council's Consultation Portal where site promotors, developers, landowners and members of public are required to complete an online survey covering a number of categories including:

- Contact Details
- Site Details
- Planning History
- Proposed Future Use
- Site Ownership
- Site Constraints
- Existing Infrastructure and Utilities
- Site Availability

3.11 Each site submission will also include the site boundary to either be drawn directly into the interactive map or a GIS file can be uploaded. There is also the opportunity to submit any additional information such as early site appraisals, indicative plans etc.

3.12 There will also be the opportunity to complete the form and return this to the council via email or post, for those who are unable to use digital resources. However, it is envisaged this will only be for members of the public, and those working within the profession i.e., site promoters will be required to utilise the Consultation Portal.

3.13 Due to the Call for Sites form containing sensitive and personal information, these will not be published in full in accordance with GDPR. However, certain elements such as the name of the site and the site boundary will be available via the Consultation Portal and/or Council's website.

<u>Duplication of sites</u>

3.14 There is potential for duplication of sites when using a variety of data sources. Where there is duplication of a site, this will only be assessed once within the SLAA.

<u>Sites with overlapping boundaries</u>

3.15 Where sites or broad location boundaries overlap, the first action will be to explore the reason for this overlap. This can be done by considering the source(s) of the sites/broad locations in the first instance. In the situation that a more recent submission or data source clearly supersedes an earlier submission or data source, the more recent boundary will be used. In the situation that two or more distinct sites or broad locations overlap, they will be assessed together as a whole, with commentary provided on the suitability, availability and achievability of individual parcels.

<u>Initial Survey</u>

3.16 As outlined above, the Call for Sites process will be managed through the Council's Consultation Portal. This system will also enable officers to complete the more detailed site assessments in a more digital and efficient manner. However, not all of this information will be accessible to the public, due to GDPR and commercial sensitivities.

3.17 In addition to the sites submitted via the Call for Sites, those sites identified through the desktop review outlined above will be integrated into the Consultation Portal for further assessment.

3.18 The PPG sets out that an initial survey can be undertaken at this stage to establish up to date, high level information on each site in relation to its character and key constraints. This is also a way to check if any sites have been duplicated through the Call for Sites and desktop review. At this stage, the PPG also enables the identification of any sites which, when taking into account national policy and designations, it would not be appropriate to carry out the more detailed assessment as it is clear they will not be suitable for development.

3.19 The first step in this process is to prepare a complete list of all sites which have been submitted through the Call for Sites and desktop review. Any duplicated sites will immediately be omitted from further consideration.

3.20 Tables 2 and 3 below set out the proposed constraints and criteria for the initial survey which will omit sites from any further detailed assessment. If a site is given a red RAG rating the site will be omitted. No amber rating has been applied to any of the criteria in the Initial Survey.

Table 2 – Initial Survey Constraints and Explanation (Residential, Commercial or Infrastructure – Built Development)

Assessment Criterion	Explanation	RAG Rating
Is the site for fewer than 5 dwellings or less than 0.25ha (or 500m^2 of floor space)?	Site thresholds not met.	Red – site is below 0.25ha or does not have capacity to accommodate at least five dwellings Green – site is above 0.25ha or has capacity to accommodate more than five dwellings
Does the site have extant planning permission? Has development commenced?	If the site has extant planning permission and development has commenced there is no further development potential. If a site has extant planning permission but that has not been implemented, the site will not be ruled out at this stage.	Red - site has extant planning permission and has commenced development. Green - site does not have an extant planning permission or site has extant planning permission but development has not commenced.
Is the site already allocated for development in the Colchester Local Plan or a Neighbourhood Plan, with extant planning permission or is it allocated with a strong likelihood of planning application being submitted in the near future?	If the site is allocated and there is evidence to suggest it is going to be delivered in the near future, there is no requirement to assess the site for its deliverability as the principle of development has already been established.	Red - site is allocated in the Development Plan and has extant planning permission or there is a strong likelihood a planning application will be submitted in the near future. Green – site is not allocated in the Development Plan, does not have an extant planning permission or does not have a strong likelihood of a planning application being submitted in the near future.
Is the site physically isolated from an existing settlement(s) or located in the open countryside?	Locating new development in close proximity to existing services and facilities is a key principle	Red - the site is physically isolated from an existing settlement and outside a vicinity of potential growth

Assessment Criterion	Explanation	RAG Rating
	of sustainable development as set out in the NPPF. To not prejudice the Settlement Boundary Review (another evidence base document to support the Local Plan Review) those sites in close proximity to an existing settlement boundary will not be ruled out at this stage.	Green - the site is adjacent to or in very close proximity to an existing settlement or within a vicinity of potential growth.
Is more than 50% of the site located within flood zone 3?	Sites will be excluded for development if more than 50% of the site is within Flood Zone 3. The NPPF is clear that development should be directed away from areas at the highest risk of flooding.	Red – more than 50% of the site is in Flood Zone 3 Green – less than 50% of the site is in Flood Zone 3
Is the site wholly located within any of the following designations? Area of Outstanding Natural Beauty (AONB) Site of Special Scientific Interest (SSSI) Special Area of Conservation (SAC) Special Protection Area (SPA) Scheduled Ancient Monument (SAM) Ancient Woodlands RAMSAR	Sites wholly located within a designation will be excluded. The NPPF contains many commitments to protecting sites nationally or internationally designated for their landscape, biological, geological, archaeological or historical importance.	Red – site is wholly located within a designation Green – site is not wholly located within a designation
Can the site be access by vehicle from the public highway?	Highways access both for resident vehicles and service vehicles (as well as pedestrians and cyclists) is considered an essential component of new development.	Red – site does not have highways access. Green – site has highways access

Table 3 – *Initial Survey Constraints and Explanation (Green Infrastructure)*

Constraint	Explanation	RAG Rating
Is the sites less than 0.25ha?	Site thresholds not met.	Red – site is below 0.25ha Green – site is above 0.25ha
Does the site have extant planning permission? Has development commenced?	If the site has extant planning permission and development has commenced there is no further development potential. If a site has extant planning permission but that has not been implemented, the site will not be ruled out at this stage.	Red - site has extant planning permission and has commenced development. Green - site does not have an extant planning permission or site has extant planning permission but development has not commenced.
Is the site already allocated for development in the Colchester Local Plan or a Neighbourhood Plan, with extant planning permission or is it allocated with a strong likelihood planning application being submitted in the near future?	If the site is allocated and there is evidence to suggest it is going to be delivered in the near future, there is no requirement to assess the site for its deliverability as the principle of development has already been established.	Red - site is allocated in the Development Plan and has extant planning permission or there is a strong likelihood a planning application will be submitted in the near future. Green – site is not allocated in the Development Plan, does not have an extant planning permission or does not have a strong likelihood of a planning application being submitted in the near future.
Is the site already allocated as a Local Green Space within a Neighbourhood Plan?	Site has already been identified for its importance as a green space through the Neighbourhood Plan.	Red – site is allocated as a Local Green Space Green – site is not allocated as a Local Green Space

3.21 A list of all omitted sites will be prepared, identifying the reason for their omission and this will be published on the Council's website.

3.22 Following the initial survey, all remaining sites will proceed to the full site assessment as outlined in Stage 2 below.

Stage 2 – Site Assessment

3.23 Following the initial survey, the remaining SLAA sites will proceed to the full site assessment. The site assessment criteria proposed aligns with the approach set out in the PPG which requires assessment of a site's suitability, availability, and achievability.

3.24 The majority of the criteria within Stage 2 of the assessment can be met through a desktop study. However, site visits will be undertaken where it is considered necessary or additional benefits can be gained to help inform the assessment.

3.25 To ensure the SLAA is transparent, most of the criteria are assessed using maps, documents or websites that are accessible to the public. However, some information will also be drawn from information provided as part of the Call for Sites process.

3.26 As a result, the Council do not publish the individual Call for Sites forms or the SLAA Site Assessments in line with GDPR since these forms contain personal and sensitive information. However, a summary of the assessments will be published.

Estimating Development Potential

3.27 The PPG states that the estimation of the development potential of a site can be guided by existing or emerging plan policy including locally determined policies on density. Plan makers should seek the most efficient use of land in line with policies set out in the NPPF. Development potential is a significant factor that affects the economic viability of a site and its suitability for a particular use. The PPG therefore suggests that assessing achievability (including viability) and suitability can usefully be carried out in parallel with estimating the development potential.

3.28 The development potential of the sites will be assessed on a case-by-case basis. The housing potential is indicative only and does not prejudice assessments made through the Local Plan or planning application process.

Residential, Commercial or Infrastructure (Built Development)

Section 1: Suitability

3.29 Section 1 of the site assessment had the purpose of assessing sites' suitability. A site is considered to be suitable for development if it is free from constraints, or where any constraints affecting the land can be overcome through reasonable mitigation.

3.30 Suitability constraints include physical constraints such as the site's relationship to the existing settlement boundary and the capacity for highways access to site. Additionally, there are environmental constraints to assess such as the impact on landscape character and potential harm to archaeological or heritage assets.

3.31 A single criterion has been included in relation to infrastructure and key services including schools, shops, GP surgeries, etc. This approach has been taken as it is considered more suitable to look at infrastructure and services on a settlement scale, as opposed to individual sites. This will be addressed through the Settlement Boundary Review, which is proposed to be in two stages. The first stage providing an overview of the existing settlement and the second stage considering growth options and future development opportunities within settlements.

Assessment criterion	Justification	RAG rating
Physical Constraints		
Is the site within or adjacent to the existing settlement boundary? Source: Colchester City Council: Maps (planvu.co.uk), Map Search - Colchester Borough Council. Neighbourhood Planning · Colchester City Council	Locating new development in close proximity to existing services and facilities is a key principle of sustainable development which is strongly supported by national policy.	Red – removed from settlement boundary with significant area separating site from boundary Amber – adjacent to an existing settlement boundary Green – within an existing settlement boundary
Would development of the site lead to coalescence between settlements? Source: Proposals Map & site visit	Protecting the individual identity of settlements is considered an important principle of planning and remains an important issue locally for settlements that are in close proximity to each other.	Red – significant contribution to coalescence Amber – some contribution which results in a reduction of green space between settlements Green – no contribution to coalescence

Assessment criterion	Justification	RAG rating
What is the main access point/s to the site? Are there any highway constraints? Source: Mapping, Transport Planners & ECC	Establishing the capacity to deliver adequate highways access is essential to the operation of a development site. Following on from the Initial Survey, this criterion allows for any highways constraints to be explored. For example highway access to a site may be feasible (and would have passed the initial survey) but may be constrained in its capacity, thereby reducing the overall capacity of the site to accommodate new development. In addition to vehicle access, pedestrian access will also be a consideration. Comments related to this criterion will be provided by Essex County Council Highways.	Red – significant constraints identified which are likely to affect the site's deliverability Amber – some constraints identified but not significant enough to affect the site's deliverability Green – no reasonable constraints to highways access
Is there any evidence that it would not be possible to deliver the necessary utilities? Source: Call for Sites pro-forma & information from discussions with infrastructure providers	Utility provision is a key component of development viability. The Call for Sites proforma requests specific information on utility provision in order to gain a general understanding of provision in the locality.	Red – significant issues with utility provision which are likely to affect the site's deliverability Amber – some issues with utility provision Green – no known issues with utility provision

Assessment criterion	Justification	RAG rating
Are there any issues that would prevent/limit the developable area of the site? e.g. topography/levels, pylons Source: Call for Sites pro-forma, GIS & site visit	The presence of site specific issues can significantly affect deliverability through the impact of achievability and availability. Identifying site specific issues early ensure sites are not allocated which are not capable of being delivered within reasonable timescales.	Red – significant site specific issues which are likely to affect the site's deliverability Amber – some site specific issues Green – no known site specific issues
Is the site brownfield or greenfield? Source: Call for Sites pro-forma, mapping & site visit	The inclusion of this criterion reflects the NPPF's preference for utilising previously developed land (brownfield land) over greenfield land	Red – greenfield (approx. 75% plus) Amber – part brownfield, part greenfield Green – brownfield (approx. 75% plus)
What is the agricultural land classification? Source: GIS	The NPPF states that Local Planning Authorities should take into account the economic and other benefits of the best and most versatile agricultural land. The most obvious way of doing this is to identify the quality of agricultural land on potential development sites through the SLAA.	Red – Grades 1, 2 and/or 3a (50% or more) Amber – Grades 3a (50% or more, or a mix of categories) Green – Grades 4-5 (50% or more)

Assessment criterion	Justification	RAG rating
Impact of neighbouring uses (e.g. noise, smell, amenity) – would development be likely to be negatively impacted by, or cause negative impact on, neighbouring areas? *Source: Call for Sites pro-forma, GIS & site visit*	The NPPF requires plan makers to achieve high quality design and good standards of amenity for occupants. Ensuring sensitive uses such as housing, are not located in close proximity to other uses which may compromise the health and wellbeing of occupants is fundamental to achieving these objectives	Red – there is a strong possibility development would be significantly affected by neighbouring use issues Amber – there is a possibility development would result in some neighbouring use issues Green – there are no neighbouring use issues
Natural and Historic Environmental Constraints		
Is the site partially located within any of the following designations? • Area of Outstanding Natural Beauty (AONB) • Site of Special Scientific Interest (SSSI) • Special Area of Conservation (SAC) • Special Protection Area (SPA) • Ancient Woodlands • RAMSAR *Source: GIS (NE Datasets)*	The NPPF contains many commitments to protecting sites nationally or internationally designated for their landscape, biological, geological, archaeological or historical importance.	Red – more than 50% of the site is located within a designation. Amber – less than 50% of the site is located within a designation. Green – site is not located within any designations listed.
Is the site located within any of the following local designations? • Local Wildlife Site (LoWS) • Local Nature Reserve (LNR) • Coastal Protection Belt *Source: GIS*	The NPPF encourages the protection and enhancement of sites of biodiversity and geological value and maintaining the character of the undeveloped coast.	Red – more than 50% of the site is located within a designation. Amber – less than 50% of the site is located within a designation. Green – site is not located within any designations listed.

Assessment criterion	Justification	RAG rating
Would development harm landscape character or setting? *Source: GIS, Evidence Base, site visit*	The NPPF recognises the intrinsic character and beauty of the countryside and promotes the use of the planning system to protect and enhance valued landscapes.	Red – there is a strong possibility of landscape issues Amber – there is a possibility of landscape issues Green – no identified landscape impact issues
Are there any key views from the site? *Source: Evidence Base, site visit*	The NPPF makes reference to the importance of land of high environmental value. Inclusion of this criterion ensures that valued views are given due consideration through the assessment.	Red – development would result in substantial harm to key views Amber – development could impact upon to key views Green – development would not result in harm to key views
Could development of the site enhance or create green infrastructure e.g Open Space, Park, Sport and/or recreation grounds, Country Park, Allotments, Biodiversity Net Gain? *Source: Call for sites proforma and GIS*	The Local Plan Review is taking an environment first approach. This criteria helps to identify opportunities for green infrastructure through development.	Red – no, there are no opportunities to enhance or create green infrastructure. Amber – possibility of opportunities to enhance or create green infrastructure. Green – yes, there are opportunities to enhance or create green infrastructure.

Assessment criterion	Justification	RAG rating
Would development of the site be likely to cause harm to any archaeological or heritage assets or their setting? Grade 1 Grade 2 Grade 2* Listed Building Scheduled Ancient Monument (SAM) Registered Parks and Gardens Conservation Areas archaeological assets *Source: Call for Sites pro-forma, GIS, Proposals Map & Historic Environment Characterisation Report*	The NPPF states that Local Planning Authorities should recognise that heritage assets are an irreplaceable resource and conserve them in a manner appropriate to their significance.	Red – there is a strong possibility of harm arising from new development. Amber – there is a possibility of harm arising from new development. Green – no potential harm.
Would development of the site result in the loss of, or partial loss of, public open space, a Public Right of Way (PRoW), or a bridleway? *Source: Call for Site pro-forma, Evidence Base & GIS*	The NPPF promotes the protection and enhancement of existing open space, public rights of way and bridleways. It does this by stating that open space should only be built on if an assessment deems the spaces to be surplus to requirements, the loss resulting from the development would be replaced by equivalent or better provision, or the development is for alternative sports and recreational provision which clearly outweighs the loss. Public rights of way also have additional legal protection.	Red – development would result in the loss of public open space, public right of way or a bridleway. Amber – development would result in partial loss of public open space, public right of way or a bridleway. Green – development would not result in the loss of public open space, public right of way or a bridleway.

Assessment criterion	Justification	RAG rating
What flood zone is the site located in? *Source: GIS*	The NPPF is clear that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk.	Green – Site is wholly located in Flood Zone 1 Amber – site is partially located in Flood Zone 1 with some areas of the site within or adjacent to Flood Zone 2 or 3 Red – Site is predominately within Flood Zone 2 or 3
Is the site within a Critical Drainage Area? *Source: Surface Water Management Plan & GIS*	Essex County Council have undertaken a Surface Water Management Plan for Colchester which identifies Critical Drainage Areas. These are small catchments where there is an increased risk of surface water flooding.	Green – site is not located within a Critical Drainage Area Amber – site is partially within or adjacent to a Critical Drainage Area Red – site is wholly located within a Critical Drainage Area
Access to Key Services		
Walking distance to key services including primary and secondary schools, supermarkets/convenience stores, GP surgeries and/or Colchester City Centre. Source: mapping, GIS	NPPF states that all plans should promote a sustainable pattern of development. Limiting the need to travel and offering a genuine choice of transport modes can help to reduce congestion and emissions and improve air quality and public health.	Red – Site is in excess of 2km walking distance of one or more services and/or the city centre. Amber – Site is within 2km walking distance of all services and/or the city centre. Green – Site is within 800m walking distance of all services and/or the city centre.

Section 2: Availability

A site is considered to be available for development when, on the best information available, there is confidence that there are no legal or ownership impediments to development. For example, land controlled by a developer or landowner who has expressed an intention to develop may be considered available. The availability of a site could be adversely affected if it is in multiple ownership and the intentions of all interested parties are not known.

Assessment criterion	Justification	RAG Rating
Has the site been submitted for development through the Call for Sites for the Local Plan Review? *Source: Call for Sites pro-forma*	The NPPF requires local planning authorities to have an up-to-date supply of deliverable housing sites to meet identified need. For sites to be considered deliverable they must be available to be developed.	Red – Site has never been submitted for development. Amber – No, but it was submitted in previous Local Plan or Neighbourhood Plan by a site owner or developer or it was submitted through the Call for Sites for the Local Plan Review but not by the land owner of a developer. Green – Yes, the site has been submitted through the Call for Sites for the Local Plan Review by a site owner or developer.
What is the site ownership situation? *Source: Call for Sites pro-forma / any land ownership information the Council has obtained from the Land Registry*	Assessing a site's availability is a key component of its overall deliverability. Information regarding any issues with ownership of the land are important to this assessment.	Red – ownership not known / multiple ownership (more than 3). Amber – site owned by 3 or more different parties or intensions of a part owner not known. Green – Single or joint (max 2) known ownership.

Assessment criterion	Justification	RAG Rating
Is the land owner open to working in partnership and bringing the site forward in combination with others to enable a comprehensive approach to development? *Source: Call for Sites pro-forma*	Where adjacent sites are promoted, it is important that development is comprehensively planned to make the most efficient use of land and deliver better local infrastructure.	Red – No, the land owner is unwilling to work in partnership to bring the site forward in combination with others. Amber – unsure/don't know. Green – Yes, the land owner is willing to work in partnership to bring the site forward in combination with others.
Is the site currently in use and is it likely to continue to be used for the foreseeable future / would that use prevent development on the site from coming forward? *Source: Call for Sites pro-forma & site visit*	Information regarding a site's current use is important in determining availability and the timescale of it being available to be developed.	Red – site is occupied/in use and there are likely to be significant delays to relocating its current use. Amber – site is occupied/in use but its current use does not require relocation. Green – site is vacant or its current use can cease at short notice.
Does the site have a history of unimplemented permissions? *Source: Call for Sites pro-forma & GIS*		Red – three or more unimplemented permissions. Amber – up to two recent lapsed permissions. Green – No unimplemented permissions.

Section 3: Achievability (including viability)

A site is considered achievable if there is a reasonable prospect that the particular type of development will be developed on the site at a particular time and whether it is financially viable to do so. For example, a site could be both suitable and available but the level of financial mitigation required to make it acceptable could result in the site being considered unviable.

Assessment criterion	Justification	RAG Rating
Is development of the site in line with existing policies, i.e., affordable housing, economically viable? Are there any factors which could limit its viability? *Source: Call for Sites pro-forma and additional information from site promoter / land owner*	Economic viability is a key component of a site's deliverability as defined in the NPPF. Establishing the viability of development sites ensures that decisions on future allocations take into account any abnormal costs which may affect development outcomes.	Red – development is likely unviable.

Amber – development is marginal.

Green – development is likely viable. |
| Does the development of, or access to, the site rely on another piece of land, and has that land been put forward for development? *Source: Call for Sites pro-forma & mapping* | Relying on another piece of land to come forward (e.g. ransom strips) can prevent development from coming forward or render development unviable. Establishing the presence of ransom strips through the SLAA process provides the Council with reasonable assumptions about a site's achievability. | Red – the site relies on another piece of land and that land has not been put forward for development and/or a ransom strip has been identified.

Amber – the site relies on another piece of land but that land has been put forward for development.

Green – the site does not rely on another piece of land. |

Assessment criterion	Justification	RAG Rating
Is the site within a Minerals Safeguarding Area and/or Minerals and Waste Consultation Area? *Source: GIS and ECC data*	Land may be protected for a number of different uses irrespective of the land ownership. For example the land may be safeguarded because of its value as a minerals extraction site. Where a promoted site lies within a Minerals or Waste Consultation Area or, within a Minerals Safeguarding Area, ECC will be consulted to confirm whether a Minerals Resource Assessment is required.	Red – Site is wholly within a Minerals Safeguarding Area. Amber – Site is within a Minerals Consultation Area and/or a Waste Consultation Area. Green – Not within a Minerals Safeguarding Area, Minerals Consultation Area or Waste Consultation Area
Is the land currently protected for an alternative use within the Colchester Local Plan or a Neighbourhood Plan? *Source: Source: Call for Sites pro-forma, Local Plan evidence base, GIS*	Land may be protected for a number of different uses irrespective of the land ownership.	Red – the site is protected for an alternative use and there is no evidence to suggest that the site should be released for an alternative use. Amber – the site is protected for an alternative use but there is evidence to suggest that the site could or should be released for an alternative use. Green – the site is not protected for any alternative use.
Is the site contaminated or partially contaminated? *Source: Call for Sites pro-forma & Contamination Register*	Contamination can have a significant effect on the achievability of sites. Establishing the presence	Red – there is a strong possibility of contamination and remediation measures

Assessment criterion	Justification	RAG Rating
	of contamination in the SLAA ensures that the Council can make reasonable assumptions about the site's achievability for development.	are likely to affect development viability. Amber – there is possibility of contamination, but it can be remediated without affecting development viability. Green – no contamination issues foreseen.

Green Infrastructure

As outlined above, it is proposed to include Green Infrastructure within the Call for Sites and details of the initial survey have been outlined. The more detailed site assessment will be prepared and informed by advice from Natural England and utilise their environmental benefits for nature tool.

The criteria will enable assessment of the site's suitability, availability and achievability.

Alongside this, other principles to be considered through the assessment will include:

- Connectivity to existing network
- Environmental constraints e.g., flood risk, water quality
- Access barriers e.g., roads, railways, water courses
- Curent use of the site
- Importance of the site to local community

Stage 3 – Windfall Assessment

3.32 The Council have been able to justify a windfall allowance in recent years. However, the evidence to underpin this will need to be reviewed as part of this assessment. It is expected that some allowance will continue to be justified.

Stage 4 – Assessment Review

3.33 As other evidence base documents are prepared to support the Local Plan, including the outcome of the SLAA Stage 2 Assessments, site allocations will be identified. To support the Local Plan, an indicative trajectory of those allocated sites will be prepared and updated throughout the plan making process to demonstrate how housing needs will be met across the plan period.

3.34 The trajectory will be subject to risk assessment and will set out how much housing and economic development can be provided. If insufficient sites are allocated the assessment will be revisited and a further Call for Sites may be necessary.

Stage 5 – Final Evidence Base

3.35 In accordance with the PPG, the outputs of the SLAA will be:

- A list of all sites considered for development and cross referenced to their location on maps;
- An assessment of each site including:
  - Whether the site has been excluded and an explanation given;
  - Whether the site is considered suitable, available and achievable, the potential type and quantity of development, including a reasonable estimate of build out rates, setting out how any barriers to delivery could be overcome and when;
- An indicative trajectory of anticipated development based on the evidence available.

3.36 The assessments will be made publicly available via the Council's website and/or Consultation Portal.

3.37 The outcomes of the SLAA will not definitively allocate land for development but will contribute to the Local Planning Authority's evidence base and ensure that decisions regarding site allocations are backed by robust and objective evidence.

4. Consultation and Next Steps

4.1 Following approval by Local Plan Committee, the SLAA Methodology will be subject to public consultation for a four week period.

4.2 This will be advertised on the Council's website and a notification sent to all those on the Council's Planning Database. This will run alongside the launch of the Call for Sites.

4.3 Following public consultation, all comments will be considered and reviewed by Officers and any updates made to the methodology.

4.4 The revised SLAA Methodology will then be presented to the Local Plan Committee for approval before being implemented.

4.5 All details can be found on the ==Council's website== and ==Consultation Portal.==

Local Plan Committee

2 October 2023

Report of	**Bethany Jones** **Principal Planning Policy Officer**	01206 282541
Title	Consultation on implementation of Plan Making Reforms	
Wards affected	All	

1. Executive Summary

1.1 Members will be aware that the Levelling Up and Regeneration White Paper was published in February last year and the Levelling Up and Regeneration Bill (LURB) was introduced to Parliament in May 2022. It will put the foundations in place for delivering the Government's agenda and deliver against some of the ambitions and planning reforms set out in the Levelling Up White Paper.

1.2 On 25 July 2023 the Government Department for Levelling Up, Housing and Communities, launched a consultation on implementation of plan-making reforms.

1.3 This report summarises the content of the consultation document and is intended to stimulate discussion and help inform the Council's response to the consultation.

1.4 The scope of the consultation is defined as:

Our vision is for local plans (and minerals and waste plans) to be simpler to understand and use, and positively shaped by the views of communities about how their area should evolve. We want them to clearly show what is planned in a local area – so that communities and other users of the plan can engage with them more easily, especially while they are being drawn up. We want them to be prepared more quickly and updated more frequently to ensure more authorities have up-to-date plans that reflect local needs. And we want them to make the best use of new digital technology, so that people can get involved without having to go through hundreds of pages of documents at council offices and to drive improved productivity and efficiency in the plan-making process.

2.   Recommended Decision

2.1   To provide comments on the consultation proposals which will feed into a response from the Council by the deadline of 18 October 2023.

3.   Reason for Recommended Decision

3.1   The consultation provides an opportunity to make representations on the new Local Plan Process and its implementation.

4.   Alternative Options

4.1   Not to comment on the consultation which would miss the opportunity to influence national policy.

5.   Background Information

5.1   The Levelling Up and Regeneration Bill was first introduced to Parliament in May 2022. There have been a number of consultations related to the proposals within the Bill particularly related to planning.

5.2   Members may recall the recent consultation on revisions to the National Planning Policy Framework (NPPF) in December 2022. This provided details of immediate changes to the NPPF some initial thoughts on changes to the plan making system. The Government have confirmed their intention to publish the outcomes of that consultation this Autumn, including an updated NPPF.

5.3   The Levelling Up and Regeneration Bill sets out changes to the legislation that governs how Local Plans are produced. This latest consultation seeks views on certain proposals to implement these changes, proposed to make plans simpler, faster to prepare and more accessible.

5.4   A Portfolio Holder response to the consultation is being prepared, and suggestions from the Committee debate will be factored into the draft response.

5.5   The consultation is divided into 15 Chapters covering:

- Plan Content
- The new 30 month plan timeframe
- Digital Plans
- The Local Plan timetable
- Evidence and the tests of soundness
- Gateway Assessments during plan-making
- Plan Examination
- Community engagement and consultation

- Requirements to assist with certain plan-making
- Monitoring of plans
- Supplementary Plans
- Minerals and Waste Plans
- Community Land Auctions
- Approach to roll out and transition
- Saving existing plans and planning documents

5.6   Planning Resource has summarised 14 key proposed changes to the plan making system as:

1. The document sets out six stages for local plan preparation that must be completed within the 30-month timescale.

The consultation document reveals the government's proposals for how local plans will be prepared in just 30 months in a process that is "more standardised and front-loaded". As part of this, the government says, examinations will become "more efficient" and should take no longer than six months.

The six preparation stages are:
- Scoping and early participation;
- Plan visioning and strategy development;
- Evidence gathering and drafting the plan;
- Engagement, proposing changes, submission;
- Examination;
- Finalisation and adoption of the plan.

The image below summarises the timetable.
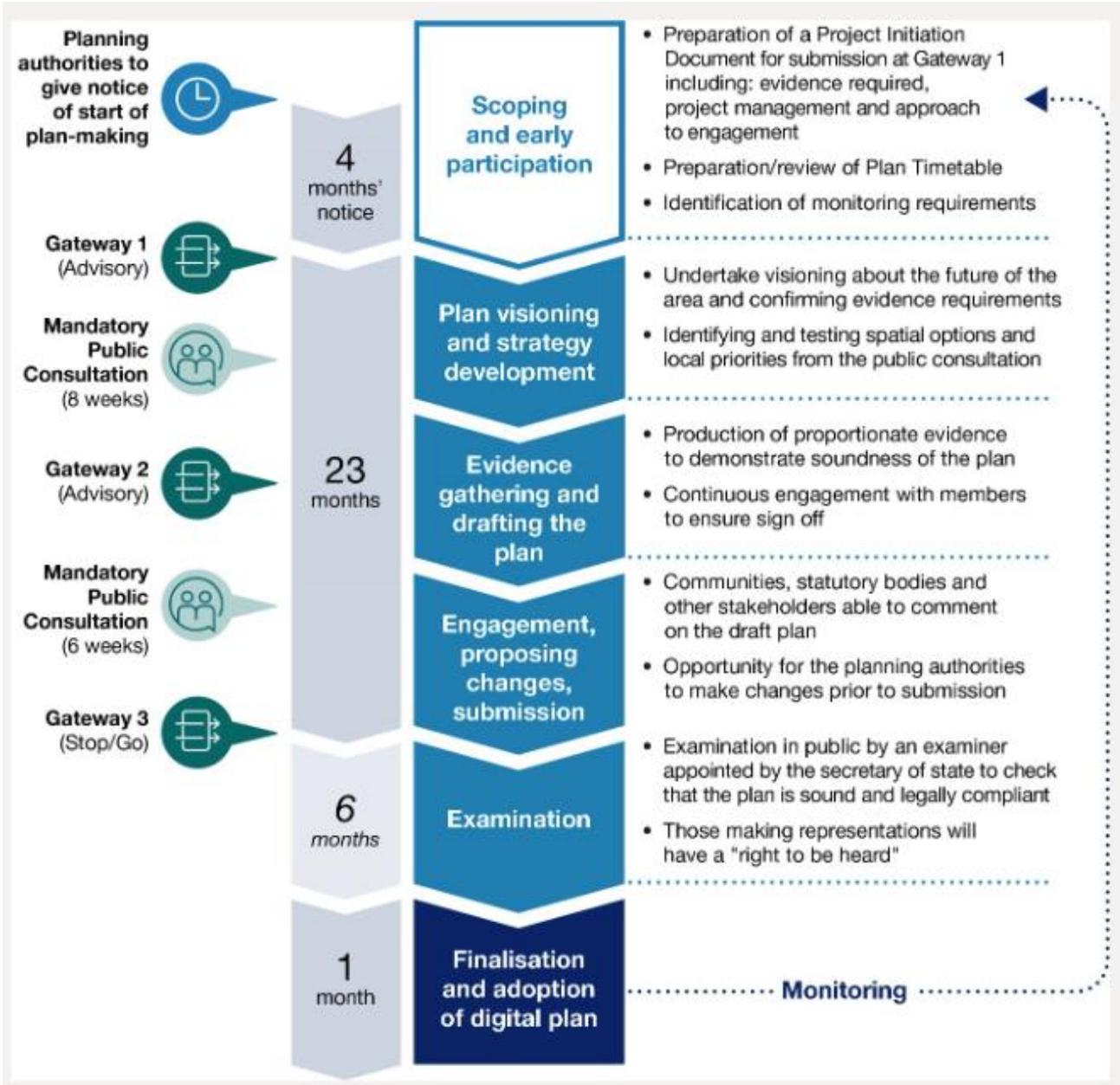
Initial Officer Comments: The consultation also outlines that an additional 3 months will be added to the examination stage if a Modifications consultation is required. To produce a local plan within 30 months is considered very ambitious.

Officers have attended workshop sessions on the consultation and DLUC have confirmed that it will be a policy expectation and not a legislative requirement for the key stages of the plan making process to be undertaken within the 30-month timescale.

2. Draft plans will have to pass three mandatory gateway checks involving inspectors.

According to the consultation document, the purpose of the first gateway check, which will take place following the first scoping stage, is to ensure the plan "sets off in the right direction". The second gateway check will involve "ensuring compliance with legal and procedural requirements and (wherever possible) supporting early resolution of potential soundness issues" and take place between the two mandatory consultation windows.

Meanwhile, the third gateway will take place at the point just before submission and is designed to "to monitor and track progress". The first gateway "may involve" planning inspectors, the document states, while inspectors will be required for the latter two.

According to the consultation document, the government proposes to set out in guidance that new "project initiation documents" should be used at the first gateway check to "set out the context, trends and possibilities of the planning authority's area".

The Gateway Assessments are summarised in the image below:

	Gateway 1 (Advisory)	Gateway 2 (Advisory)	Gateway 3 (Stop/Go)
Focus	• Ensuring the plan sets off in the right direction • Supporting early diagnosis of potential issues – legal and procedural requirements and soundness	• Supporting early resolution of potential soundness issues, where possible • Ensuring legal and procedural compliance • Monitoring and tracking progress	• Checking the plan is ready to proceed to examination • Ensuring legal and procedural compliance • Monitoring and tracking progress
Role	• Advising, observing and supporting	• Advising, observing and supporting	• Validating that key requirements have been met (a "stop/go" check)
Duration	• 4 weeks (up to 6 by exception)	• 4 weeks (up to 6 by exception)	• 4 weeks (up to 6 by exception)
Assessor	• Independent, specialist hands-on support • May involve Planning Inspectors (as required)	• Planning Inspectors • Optionally supported by technical specialists	• Planning Inspectors

Initial Officer Comments – in principle the proposal to introduce checks during the plan making process is to be welcomed. It will help identify any problems and issues at an early stage so they can be addressed prior to submission.

3. The two mandatory consultation periods will be longer and "more clearly defined".

According to the consultation document, two mandatory consultation windows (currently the regulation 18 and regulation 19 stages) will be retained but will be "more clearly defined and strengthened through regulations to increase their impact". These will take place following the conclusion of the first and before the third gateway assessments, will last for a minimum of eight and six weeks respectively and will be set out in regulations, it states. It adds that this is "longer than the current statutory minimum and is in addition to early participation that would be required during the scoping phase".

Initial Officer Comments – it will be interesting to see how this proposal to 'clearly define and regulate the consultation stages' fits with the proposal below at no. 5 which is concerned with the need to replace existing engagement practices which are perceived to be 'too technical and difficult to engage with'.

4. Plan examinations should take "no longer than six months", with examining inspectors appointed earlier to avoid delays.

The consultation document proposes that plan examinations should take "no longer than six months". In order to achieve this, it proposes a number of changes to the existing process, including appointing examining inspectors when the authority commences the third gateway assessment, using panels of two or more inspectors "by default" to increase efficiency and "revising the way the Matters, Issues and Questions (MIQs) stage of the process works, so that only the relevant planning authority is invited to submit responses".

It adds that while the Levelling Up and Regeneration Bill would allow inspectors to pause examinations for a limited period of time, "we propose to set out in regulations that the pause period may not be longer than 6 months". If the "relevant matters" responsible for the pause cannot be "dealt with to the necessary degree before the end of the pause period" the inspector will be required to recommend that the authority withdraw the plan.

Initial Officer Comments – the Council welcomes the principle of a focussed and time limited examination process.

5. New approaches to engagement will replace existing "narrow and ineffective" practices.

According to the consultation document, "existing practices of engagement and consultation in plan-making are widely perceived to be narrow and ineffective" as loosely defined regulations "create confusion" and result in consultations which often feel "too technical and difficult to engage with".

Among the government's proposed changes to the way authorities are required to engage with communities when preparing their local plans, is replacing the Statement of Community Involvement (SCI) - where authorities document how the public, statutory bodies and other interested parties will be involved in the plan's preparation - with two new "key levers to drive improvements to the quality of engagement".

New "project initiation documents" will be required to set out what engagement is planned and what resources and skills will be required to deliver this.

The government is also proposing introducing a new requirement, in regulations, for planning authorities to "notify" stakeholders and "invite" early participation on matters that might shape the direction of the plan. This requirement will "sit within the scoping stage, prior to commencement of the 30 month process and before the first mandatory consultation window", the document states and will place a "stronger emphasis on early participation during the initial stages of plan-making".

Initial Officer Comments: The early participation is essentially the Issues and Options stage of the current plan making process. Although the consultation suggests this part of the process will last 4 months prior to commencement of the 30 month timescale, there is no given time frame for how long the engagement element of this stage must last, unlike the two mandatory consultation periods. The approach is largely aligned to the iterative and ongoing engagement approach that is being pursued for the Local Plan Review.

6. The new plan-making system will be introduced in autumn 2024 but will be done so via a "phased roll-out" focusing initially on ten 'front runner' authorities.

The consultation reiterates the deadline of all Local Plans being prepared under the current planning system must be submitted by 30 June 2025. Any plans submitted after this date must follow the new plan making system.

According to the consultation document, the government wants to "ensure a smooth transition to the new system for planning authorities, but they have heard concerns about the impact on the sector of a large group of authorities commencing plan-making at exactly the same point". A previous government consultation paper published just before Christmas proposed that the transitional arrangements for the

new local plan system would begin in November 2024. "We have therefore proposed options for phasing the roll-out of the new local plan-making system from autumn 2024," the new document states.

"We propose to provide expert plan-making support to a first, small cohort of around ten 'front runner' authorities to prepare new-style local plans", it states, adding that this will ensure "a strong foundation of learning and best practice for other authorities to draw upon". This cohort could start plan-making in 2024 and should have completed all three gateway assessments by June the following year, it adds.

All remaining authorities would be ranked chronologically by the date that they adopted their local plan, before groups of 25 authorities at a time are allocated a "six month plan-making commencement window".

The consultation also states that Authorities will be able to begin plan making earlier if they wish. The consultation is also seeking views on other approaches to the transitional arrangements.

Initial Officer Comment: As set out in the Local Development Scheme, the Colchester Local Plan Review is scheduled for submission in 'Summer 2025'.

DLUC have been clear that Local Authorities must continue with plan making. However, there has been no clarity on what would happen in the event a Local Authority does not submit a Local Plan by the 30 June 2025 deadline. This will be raised in the Council's consultation response. It is assumed that in that instance, Local Authorities would need to revert to the new planning system, however this wouldn't be at the beginning of the process as the engagement and evidence base produced to date would remain relevant.

Officers consider an alternative to the current grouping of local authorities could be geographical as opposed to the adoption date of their local plan to enable evidence base documents to be produced jointly and to address cross boundary issues. Whichever option is adopted the Council would not want to be delayed because of another local authority with different timing. Using a geographical basis could mean the review of the Colchester plan is pushed back.

7. The government will publish a new series of "core principles" setting out what plans should contain.

The consultation document states that in order to "support the approach outlined in the Levelling Up and Regeneration Bill, we propose to set out, through policy and supported by guidance, a series of additional core principles around what plans should contain, to ensure plans are focused on the right things and users are able to understand clearly the 'story' of how the planning authority's area will develop".

According to the document, the government is proposing that this will be achieved by requiring plans to "contain a locally distinct vision which will anchor the plan, provide strategic direction for the underpinning policies and set out measurable outcomes for the plan period".

Initial Officer Comment: the idea of a set of core principles to help structure and simplify plan making is fine in principle but is not really that different to how most plans are structured now. The most contentious part of plan making is around allocations and having a set of 'principles' will not make this any easier or less contentious.

8. New regulations will require that a plan's "vision" should serve as a "golden thread" through the strategy.

The consultation document states that the required "vision" should "serve as a 'golden thread' through the entire local plan, with policies and allocations linking directly to delivering the outcomes set out in the vision".

The government said it wanted to "strengthen the role of the vision in new-style local plans, ensuring they are more focused and specific than those prepared for plans in the current system". It proposes achieving this by introducing regulations that require it to be the "golden thread" through the entire strategy, with policies and allocations linking directly to delivering "measurable outcomes" set out by the strategy.

The document also proposes "to encourage planning authorities to make links more explicitly between the vision and other relevant corporate or thematic strategies produced by other authorities, public bodies and partnerships, to help secure more buy-in for local plans as vehicles of change".

Initial Officer Comment: This proposal is a good idea in principle.

9. Authorities will be required to produce Annual Monitoring Reports outlining how their plans have met a series of new "nationally prescribed metrics" and a "fuller analysis" four years after adoption.

To support a "clearer, more focused approach to monitoring", the government is proposing a new system of monitoring that would have "two distinct elements". Firstly, authorities would have to produce "light touch annual return[s]" which will "report on a small number of nationally prescribed metrics… to assess the implementation of key policies against the output of the plan".

According to the document, the government is also proposing that, within four years of the plan's adoption, authorities should prepare a "fuller analysis of how planning policies and designations are being implemented, and the extent to which the plan is meeting the overall vision for their area". Described as a "detailed return to inform

updates to the plan", the scope and content of this report will be "left to individual planning authorities but should be designed to inform the forthcoming update of the plan, which will need to commence five years after adoption, at the latest", it adds.

However, the document also states that in "certain circumstances", the government intends to require planning authorities to commence these updates earlier.

Initial Officer Comment: A template for light touch annual returns is welcomed and will enable a more consistent approach to monitoring. However further guidance is required on what would be contained within the more detailed return to inform updates to the Local Plan.

10. New "digital templates" should be used to help authorities prepare their new-style plans.

The consultation document states that "through engagement with the sector" the government has "consistently heard that nationally-defined digital templates would support planning authorities in drafting their plans and doing so within the proposed 30 month timeframe, setting out standardised approaches to specific parts of the plan". According to the document, new policy will set out the government's "expectation that authorities use the new "user-tested digital template[s]" to draft and present their plan.

Initial Officer Comment: Digital templates are supported in principle, however there needs to remain an ability for Local Plans to address specific local issues, outside of the templates.

11. Old-style PDF plans should be replaced with digital versions that are shorter and "more visual".

The consultation document states that "plans will wherever possible make the best use of modern technology and be produced digitally, rather than as "analogue" (PDF or paper)". It adds that the documents will be "shorter, more visual and map-based, enabling communities to engage more easily with their content".

Initial Officer Comment: This proposal is a good idea in principle.

12. Local development schemes would be scrapped and replaced by new "timetable" documents.

The consultation document states that the proposals would see "Local Development Schemes" - the formal local plan timetable - and similar development schemes for minerals and waste plans "replaced by a new, simpler requirement to prepare and maintain a local plan timetable or minerals and waste plan timetable".

Initial Officer Comment: This proposal is to be welcomed.

13. Digital support for plans will be provided via a new "pick and mix toolkit".

According to the consultation document, this will include a "set of tools that can be used by different types of planning authorities, at different stages of the plan cycle, to make the process more efficient, more cost effective and more accessible" and would "evolve over time as more best practice emerges". It says the toolkit might include search tools, dashboards, digital checklists and step-by-step guides.

Initial Officer Comment: This proposal is supported in principle.

14. Councils who sell community land auction options to developers will still be able to ask them for section 106 planning gain contributions.

Part 5 of the Levelling Up and Regeneration Bill provides for time-limited pilots of Community Land Auctions (CLAs). CLAs are an idea for capturing uplift in land value, akin to competitive tendering, and are a process of price discovery. They provide an alternative approach for identifying land for allocation for development which seeks to improve land value capture for the benefit of local communities.

Areas that use the proposed new system for capturing more of the land value increase generated by allocation for development in a local plan would still ask for other forms of developer contributions to secure infrastructure and affordable housing. Where other forms of development contributions are in place, this is to be reflected in the auction price that the developers pay in order to secure the land.

Initial Officer Comment: Further information from the piloting authorities will be crucial in deciding whether to explore this further in Colchester.

5.7   In addition to the above key points identified by Planning Resource, the consultation covers a number of other topic areas/themes including:

<ins>Evidence Base and Tests of Soundness</ins>

A number of changes are proposed to reduce the amount of evidence required to develop a plan and defend it at examination, but still ensure high quality plans are delivered. The proposed approach to evidence is summarised in the image below.

A previous consultation around reforms to the National Planning Policy Framework (NPPF), proposed amending the tests of soundness against which plans are examined, removing the 'justified' test. This is intended to allow a proportionate approach to examinations in light of the other evidential requirements. There are various views in the planning sector about the 'effective' element of the tests of soundness, particularly the extent to which deliverability over the plan period must be demonstrated through evidence. The government intend to explore whether a change to this test of soundness would be beneficial.

Initial Officer Comment: In principle, providing a clearer expectation of the evidence base requirements to support a Local Plan are welcomed, particularly a clear definition of 'proportionate' and what constitutes 'up to date'. However, further details are required to determine if standardisation of key evidence and data could be supported. Freezing of evidence at the point of publication of the plan and submission to the Inspector is supported in principle. The Council will need to respond to any further consultations surrounding the tests of soundness.

Requirement to assist with certain plan-making

The Levelling Up and Regeneration Bill sets out a "Requirement to Assist with Certain Plan Making". This will give Local Planning Authorities the power to legally require that "prescribed public bodies" provide assistance to develop or review the Local Plan, Supplementary Plan, Policies Map or Infrastructure Delivery Strategy. The requirement to assist would be reserved for cases where the planning authority is not getting engagement and/or information that it needs.

Initial Officer Comment: This approach is welcomed to ensure that any issues can be resolved earlier in the plan making process and not through the examination.

Saving Existing Plans/Documents

Plan Makers (including Local Planning Authorities and Parish Councils/ Neighbourhood Plan Forums) have until 30 June 2025 to submit the Local or Neighbourhood Plan for examination under the existing legal framework. All examinations must be concluded with plans adopted by 31 December 2026.

Existing Development Plan Documents and Saved Polices will remain in force until the Local Planning Authority adopts a new style Local Plan. When the new style Local Plan is adopted, in line with the current arrangements, those existing Development Plan Documents and Saved Policies will automatically be superseded.

Initial Officer Comment: This proposal seems logical and is consistent with the current system.

Supplementary Plans

The Levelling Up and Regeneration Bill provides for the creation of new Supplementary Plans. These plans are intended to be produced at pace to enable Local Planning Authorities to react and respond positively to unanticipated changes in their area separate from the Local Plan process.

Priority should be given to including all policies within the Local Plan and leaving Supplementary Plans only for exceptional or unforeseen circumstances that need resolving between plans. As such, Supplementary Plans could be prepared prior to the adoption of a new style Local Plan. There would be an expectation that the content would be merged into the next iteration of the Local Plan, where those policies remain relevant.

Supplementary Plans will be used to discharge the requirement to produce an authority wide design code. In some circumstances, they can also build on existing policies in the Local Plan including a design code or masterplan for a site allocation.

Supplementary Plans will have the same weight as a Local Plan and will be subject to a single formal stage of consultation and independent examination. The examination would take the form of written representations. The examiner

could require a hearing in order to receive oral representations if considered necessary to ensure adequate examination of an issue or that a person has fair chance to put a case. The examination would be undertaken either by a person appointed by the Secretary of State or an examiner of the authorities choosing who is independent, impartial, and suitably qualified.

Initial Officer Comment: This proposal is welcome in principle; however it is unclear how this will result in the production of a Local Plan being faster as the existing process of preparing Supplementary Planning Documents (SPDs) to add further detail to existing policies will now need to be included within the Local Plan directly.

The approach to consultation and examination seems appropriate given that weight to be given to Supplementary Plans would be the same as a Local Plan. The examination would follow a similar format to Neighbourhood Plans which on the whole, works well.

5.8   The Levelling Up and Regeneration Bill is currently undergoing Parliamentary scrutiny and the proposals within this consultation are subject to the Bill receiving Royal Assent. It is intended that the new plan making system will be introduced in Autumn 2024.

5.9   A number of other significant proposed changes are referred to where future consultation remains to be undertaken which include;

- An initial first draft of National Development Management Policies

- A new/revised NPPF which is refocused on plan-making policies (for the new planning system)

- Details of the "alignment policy" that will replace the duty to co-operate

- Draft Community Land Auctions regulations

Consultation Questions

5.10   The full list of questions posed in the consultation are listed in the Appendix.

6.   Equality, Diversity and Human Rights implications

6.1   The consultation includes a question in respect of the Public Sector Equality Duty.

7. Strategic Plan References

7.1 All themes in the Strategic Plan are relevant, in particular: delivering homes for people who need them; creating safe, healthy and active communities and tackling the climate challenge.

8. Consultation

8.1 The Government is carrying out this consultation and the deadline for responses is 18 October 2023.

9. Publicity Considerations

9.1 The consultation has already generated significant national publicity and it is expected that this will continue. Local Stakeholders will have an interest in the consultation including the Council's response.

10. Financial implications

N/A

11. Health, Wellbeing and Community Safety Implications

N/A

12. Risk Management Implications

N/A

13. Environmental and Sustainability Implications

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

Appendix 1:

Questions to the Consultation

Background Papers

Levelling-up and Regeneration Bill: Consultation on implementation of plan-making reforms - Levelling-up and Regeneration Bill: consultation on implementation of plan-making reforms - GOV.UK (www.gov.uk)

This sets out the full extent of the consultation.

Appendix 1: Questions to the Consultation

Chapter 1: Plan Content
Q1. Do you agree with the core principles for plan content? Do you think there are other principles that could be included?
Q2. Do you agree that plans should contain a vision, and with our proposed principles for preparing the vision? Do you think there are other principles that could be included?
Q3. Do you agree with the proposed framework for local development management policies? Please explain
Q4. Would templates make it easier for local planning authorities to prepare local plans? Which parts of the local plan would benefit from consistency?
Q5. Do you think templates for new style minerals and waste plans would need to differ from local plans? If so, how? Please explain
Chapter 2: The new 30 month plan timeframe
Q6. Do you agree with the proposal to set out in policy that planning authorities should adopt their plan, at the latest, 30 months after the plan preparation process begins? Please explain
Q7. Do you agree that a Project Initiation Document will help define the scope of the plan and be a useful tool throughout the plan making process? Please explain
Chapter 3: Digital plans
Q8. What information produced during plan-making do you think would most benefit from data standardisation, and/or being openly published? Please explain
Q9. Do you recognise and agree that these are some of the challenges faced as part of plan preparation which could benefit from digitalisation? Are there any others you would like to add and tell us about?
Q10. Do you agree with the opportunities identified? Can you tell us about other examples of digital innovation or best practice that should also be considered?
Q11. What innovations or changes would you like to see prioritised to deliver efficiencies in how plans are prepared and used, both now and in the future? Please explain
Chapter 4: The local plan timetable
Q12. Do you agree with our proposals on the milestones to be reported on in the local plan timetable and minerals and waste timetable, and our proposals surrounding when timetables must be updated? Please explain
Q13. Are there any key milestones that you think should automatically trigger a review of the local plan timetable and/or minerals and waste plan timetable? Please explain
Chapter 5: Evidence and the tests of soundness
Q14. Do you think this direction of travel for national policy and guidance set out in this chapter would provide more clarity on what evidence is expected? Are there other changes you would like to see?
Q15. Do you support the standardisation of evidence requirements for certain topics? What evidence topics do you think would be particularly important or

beneficial to standardise and/or have more readily available baseline data? What evidence topics do you think would be particularly important to standardise?

Q16. Do you support the freezing of data or evidence at certain points of the process? If so which approach(es) do you favour?

Q17. Do you support this proposal to require planning authorities to submit only supporting documents that are related to the soundness of the plan? Please explain

Chapter 6: Gateway assessments during plan-making

Q18. Do you agree that these should be the overarching purposes of gateway assessments? Are there other purposes we should consider alongside those set out above? Are there any additional purposes we should consider?

Q19. Do you agree with these proposals around the frequency and timing of gateways and who is responsible? Please explain

Q20. Do you agree with our proposals for the gateway assessment process, and the scope of the key topics? Are there any other topics we should consider?

Q21. Do you agree with our proposal to charge planning authorities for gateway assessments? Please explain

Chapter 7: Plan examination

Q22. Do you agree with our proposals to speed up plan examinations? Are there additional changes that we should be considering to enable faster examinations? Are there any further changes we should consider?

Q23. Do you agree that six months is an adequate time for the pause period, and with the government's expectations around how this would operate? Please explain

Chapter 8: Community engagement and consultation

Q24. Do you agree with our proposal that planning authorities should set out their overall approach to engagement as part of their Project Initiation Document? What should this contain?

Q25. Do you support our proposal to require planning authorities to notify relevant persons and/or bodies and invite participation, prior to commencement of the 30 month process? Please explain

Q26. Should early participation inform the Project Initiation Document? What sorts of approaches might help to facilitate positive early participation in plan-preparation?

Q27. Do you agree with our proposal to define more clearly what the role and purpose of the two mandatory consultation windows should be? Please explain

Q28. Do you agree with our proposal to use templates to guide the form in which representations are submitted? Please explain

Chapter 9: Requirement to assist with certain plan-making

Q29. Do you have any comments on the proposed list of prescribed public bodies?

Q30. Do you agree with the proposed approach? If not, please comment on whether the alternative approach or another approach is preferable and why. Please explain

Chapter 10: Monitoring of Plans

Q31. Do you agree with the proposed requirements for monitoring? Please explain

Q32. Do you agree with the proposed metrics? Do you think there are any other metrics which planning authorities should be required to report on?

Chapter 11: Supplementary plans

Q33. Do you agree with the suggested factors which could be taken into consideration when assessing whether two or more sites are 'nearby' to each other? Are there any other factors that would indicate whether two or more sites are 'nearby' to each other? Are there any other factors that should be considered?

Q34. What preparation procedures would be helpful, or unhelpful, to prescribe for supplementary plans? e.g. Design: design review and engagement event; large sites: masterplan engagement, etc.

Q35. Do you agree that a single formal stage of consultation is considered sufficient for a supplementary plan? If not, in what circumstances would more formal consultation stages be required? Please explain

Q36. Should government set thresholds to guide the decision that authorities make about the choice of supplementary plan examination routes? If so, what thresholds would be most helpful? For example, minimum size of development planned for, which could be quantitative both in terms of land use and spatial coverage; level of interaction of proposal with sensitive designations, such as environmental or heritage. Please explain

Q37. Do you agree that the approach set out above provides a proportionate basis for the independent examination of supplementary plans? If not, what policy or regulatory measures would ensure this? Please explain

Chapter 12: Minerals and waste plans

Q38. Are there any unique challenges facing the preparation of minerals and waste plans which we should consider in developing the approach to implement the new plan-making system?

Chapter 13: Community Land Auctions

Q39. Do you have any views on how we envisage the Community Land Auctions process would operate?

Q40. To what extent should financial considerations be taken into account by local planning authorities in Community Land Auction pilots, when deciding to allocate sites in the local plan, and how should this be balanced against other factors?

Chapter 14: Approach to roll out and transition

Q41. Which of these options should be implemented, and why? Are there any alternative options that we should be considering?

Chapter 15: Saving existing plans and planning documents

Q42. Do you agree with our proposals for saving existing plans and planning documents? If not, why? Please explain

Equalities impacts

Q43. Do you have any views on the potential impact of the proposals raised in this consultation on people with protected characteristics as defined in section 149 of the Equality Act 2010?. Please provide a free text response to explain your answer where necessary. Is there anything that could be done to mitigate any impacts identified? Please explain

Local Plan Committee - Background Information

What is a Local Plan?

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

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

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

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

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

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

Why is a Local Plan important?

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

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

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

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

What is a Neighbourhood Plan?

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

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

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

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

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

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

What is included in the Development Plan for Colchester?

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

Within Colchester Borough this currently includes:

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

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

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

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

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

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

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

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

What is included within the Development Framework for Colchester?

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

1. **Development Plan**

   Currently for Colchester this includes:

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

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

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

   Currently for Colchester these are:

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

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

3. Local Development Scheme (LDS)

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

4. Authority Monitoring Report (AMR)

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

5. Statement of Community Involvement (SCI)

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

What are housing targets and why do we have them?

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

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

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

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

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

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

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

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