

Local Development Framework Committee

Town Hall, Colchester
31 January 2011 at 6.00pm

The Local Development Framework Committee deals with the Council's responsibilities relating to the Local Development Framework.

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Local Development Framework Committee

To deal with the Council's responsibilities relating to the Local Development Framework.

**COLCHESTER BOROUGH COUNCIL
LOCAL DEVELOPMENT FRAMEWORK COMMITTEE
31 January 2011 at 6:00pm**

Members

Chairman : Councillor Colin Sykes.
Deputy Chairman : Councillor Martin Goss.
Councillors John Jowers, Kim Naish, Elizabeth Blundell,
Mark Cory, Beverly Davies, Christopher Garnett and
Henry Spyvee.

Substitute Members : All members of the Council who are not members of the
Planning Committee.

Agenda - Part A

(open to the public including the media)

Pages

1. Welcome and Announcements

(a) The Chairman to welcome members of the public and Councillors and to remind all speakers of the requirement for microphones to be used at all times.

(b) At the Chairman's discretion, to announce information on:

- action in the event of an emergency;
- mobile phones switched off or to silent;
- location of toilets;
- introduction of members of the meeting
- the date of the next meeting.

2. Substitutions

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

3. Urgent Items

To announce any items not on the agenda which the Chairman has agreed to consider because they are urgent and to give reasons for the urgency.

4. Declarations of Interest

The Chairman to invite Councillors to declare individually any personal interests they may have in the items on the agenda.

If the personal interest arises because of a Councillor's membership of or position of control or management on:

- any body to which the Councillor has been appointed or nominated by the Council; or
- another public body

then the interest need only be declared if the Councillor intends to speak on that item.

If a Councillor declares a personal interest they must also consider whether they have a prejudicial interest. If they have a prejudicial interest they must leave the room for that item.

If a Councillor wishes to make representations on an item on which they have a prejudicial interest they may do so if members of the public are allowed to make representations. In such circumstances a Councillor must leave the room immediately once they have finished speaking.

An interest is considered to be prejudicial if a member of the public with knowledge of the relevant facts would reasonably regard it as so significant that it is likely to prejudice the Councillor's judgement of the public interest.

Councillors should consult paragraph 7 of the Meetings General Procedure Rules for further guidance.

5. Have Your Say!

(a) The Chairman to invite members of the public to indicate if they wish to speak or present a petition at this meeting – either on an item on the agenda or on a general matter not on this agenda. You should indicate your wish to speak at this point if your name has not been noted by Council staff.

(b) The Chairman to invite contributions from members of the public who wish to Have Your Say! on a general matter not on this agenda.

6. Minutes

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To confirm as a correct record the minutes of the meeting held on 13 December 2010.

7. Statement of Community Involvement // Consultation Draft

9 - 54

See report by the Head of Strategic Policy and Regeneration.

8. Sustainable Design and Construction Supplementary Planning Document // Consultation Draft

55 - 88

See report by the Head of Strategic Policy and Regeneration.

9. Habitat Regulations Monitoring Assessment Programme

89 - 91

See report by the Head of Strategic Policy and Regeneration.

10. Exclusion of the Public

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).

LOCAL DEVELOPMENT FRAMEWORK COMMITTEE

13 DECEMBER 2010

Present :- Councillor Colin Sykes (Chairman)
Councillors Elizabeth Blundell, Mark Cory,
Beverly Davies, Martin Goss, John Jowers, Kim Naish
and Henry Spyvee

Also in Attendance :- Councillor Michael Lilley
Councillor Terry Sutton

24. Have Your Say! - General

David Clouston addressed the Committee pursuant to the provisions of Meetings General Procedure Rule 5(3) to wish them a Happy Christmas.

Councillor Naish made a general statement to the Committee in the following terms:- since he has been on this Committee he has been vocal about traffic matters particularly in connection with the North Station Masterplan and developments in Mile End. He remained concerned about traffic congestion and recounted that it had taken him a considerable time to travel from Head Street to North Station with a customer in his vehicle who complained about the traffic and stated that he was never coming to Colchester again. Councillor Naish believed that such delays were not good for Colchester and they would worsen with future developments.

25. Minutes

Liz Gray addressed the Committee pursuant to the provisions of Meetings General Procedure Rule 5(3). She referred to the representation made by Mrs White at the last meeting in respect of the ability for members of the public to attend meetings of Myland Parish Council and contribute to discussions. Ms Gray confirmed that an open invitation had been extended to all residents within Myland Parish to volunteer to take part in the development of the Myland Design Statement. Furthermore, all meetings of Myland Parish Council were open to residents to attend with the exception of working groups, but even then anyone could ask to join a working group, however no such request had been received from Mrs White. She concluded that the allegations were without foundation.

Councillor Goss responded that Mrs White attended many meetings of Myland Parish Council and made substantial contributions to its discussions. Residents were free to choose whether or not to join any of the Parish Council's working groups.

The minutes of the meeting held on 29 September 2010 were confirmed as a correct record.

26. Affordable Housing Supplementary Planning Document

The Committee considered a report by the Head of Strategic Policy and Regeneration on the draft Affordable Housing SPD.

Karen Syrett, Spatial Policy Manager, attended to assist the Committee in its deliberations. She considered it unfortunate that those who wished to make comments had not done so during the consultation phase. She mentioned that very few affordable housing schemes had been delivered using just public money and it was likely that the reliance on private developers to provide affordable homes would increase. This SPD would carry significant weight. It had been intended to invite the Committee to adopt the SPD at this meeting. However, emerging government advice on affordable housing was imminent and under these circumstances it was considered more appropriate to defer adoption to ensure the SPD would comply with national policy. The Committee was invited to note the content of the draft SPD and when the national policy was known the draft SPD would return to the Committee.

Andrew Crayston addressed the Committee pursuant to the provisions of Meetings General Procedure Rule 5(3). He was concerned about contributions on Below Threshold-Level sites. He believed that high levels of tax were responsible for preventing the supply of development land which was particularly critical on difficult sites. He welcomed the assurance that figures would be adjusted and asked that the Council re-consult on the issue. He considered a lead time of two years to be inadequate. He believed there were problems with the draft SPD which would render it unworkable and considered it appropriate for a further consultation. In response to a question from the Committee regarding whether he had been involved in the consultation process, Mr.Crayston confirmed that he was on the list to receive all documents but suspected that he had been busy and missed it.

Jonathan Frank addressed the Committee pursuant to the provisions of Meetings General Procedure Rule 5(3). He represented a large number of small to medium size developers who were concerned about the possible introduction of the SPD as currently drafted. The draft SPD would lead to a complete freeze of small scale development. He was concerned that jobs would be lost and the local economy would suffer. Small companies were struggling with the property crash and did not have time to go through all the documents on the website. The developers he represented were important for the town because they provided a substantial number of homes and offered people an alternative to the housing provided by large scale builders. He asked that the Committee defer the adoption of the policy and instruct officers to re-consult. In response to a question from the Committee regarding whether developers being busy was a justification for requiring a further consultation period, he stated that they had not known about the proposed SPD and that this was a flaw in the process. He considered they should have been sent an email regarding the consultation on the introduction of the policy.

The Chairman clarified the situation that this was not a new policy document but was a revision of an existing adopted policy in terms of detail being added. At this stage the Committee were being asked only to note the draft SPD. Once the national policy framework was known any necessary amendments would be made and it would come

back to the Committee.

The Spatial Policy Manager confirmed that the viability of a scheme is currently taken into account and any scheme which is at risk goes through the open book process; the same process would be incorporated into the revised document. In terms of consultation, some of the documents were quite large, but a focussed email is sent to anyone who had registered on the database. Indeed some people at this meeting had made formal representations and submitted comments on other parts of the documents which had resulted in changes to the documents.

Members of the Committee recalled that for some years there were applications for sites for one building below the threshold for the provision of affordable housing. There were also cases where some sites had been split for development purposes for which the council received no contributions towards affordable housing. Other observations made by the Committee were:- concerns regarding the consultation and some developers not having been invited to the developers forum; a suggestion that a group of small developers be set up to ensure their inclusion; consideration to be given to granting more time for consultation in the interests of being fair, open and honest; there being some confusion about the overall level of contributions comprising Section 106 contributions, the community infrastructure levy and a contribution towards affordable housing for developments of less than three units; the funding situation for registered social landlords was raised because they may be finding it difficult to take on new affordable housing because of funding difficulties.

The Spatial Policy Manager explained that the revised affordable housing levels would not be applied to sites which had planning permission because the contribution had already been agreed. In terms of rounding the numbers of units down, any remaining percentage less than a whole unit could be provided through a financial contribution but the methodology of determining the contribution was proving complex. The document would include standardised financial contributions, similar to those used for education and open space, because there was a standard formula. The major developers' forum was well established but there may be an agents forum or a smaller forum which has been re-established and she would follow up this group. A whole workshop session had been devoted to affordable housing. The Three Dragons model was an assessment tool used nationally and although there were other options available this model had been purchased by the Haven Gateway. She confirmed that the Three Dragons model used prices applicable to the area and was continually updated. She also confirmed that 890 people had been notified of the publication of the Affordable Housing SPD.

RESOLVED (UNANIMOUSLY) that the draft Affordable Housing SPD be noted and a further report be submitted to this Committee following publication of government advice.

27. Annual Monitoring Report

The Committee considered a report by the Head of Strategic Policy and Regeneration

on the Annual Monitoring Report (AMR) for the period 1 April 2009 to 31 March 2010. The report explained that the approval of the AMR was delegated to the Portfolio Holder with responsibility for Planning, Councillor Lyn Barton, but it had been agreed that the AMR was being considered by the Committee on this occasion to provide an opportunity for the report to be scrutinised prior to the Portfolio Holder taking the decision to submit the AMR to the Government by the end of December.

Laura Chase, Planning Policy Manager, attended to assist the Committee in its deliberations. She referred to the fall in numbers of new homes completed in the year to March 2010 but that it was anticipated that the Council would meet its housing targets in the longer term. A revised trajectory was circulated at the meeting as supplementary information. The figures would be reviewed again next year and could feed into part of the review of the Core Strategy in 2012.

Stuart Cock addressed the Committee pursuant to the provisions of Meetings General Procedure Rule 5(3). In the current recessionary climate, the average house price had risen by £30,000 or 17%, but the price of flats had fallen by 10%. He believed this was caused by an over provision of flats and if there were not enough houses then prices would rise. Five hundred and eighteen units were completed in Colchester last year and the national forecast for completions for next year was lower. Following the current course was a potential risk and he considered the Council was not using the AMR correctly to ensure that at least 830 dwellings were delivered every year; there was a need for more homes to provide for growth and this could be achieved by delivering greenfield sites early. In response to a question from the Committee regarding the higher price of new houses compared with the average house price, Mr Cock responded that there used to be a premium for new houses but that was no longer the case.

The Planning Policy Manager explained that the AMR was being used correctly. The economic crisis was a major issue and the basic cause of the fall in house completions and mortgage availability. The sites were allocated but their release was something the council could look at on a site by site basis. Affordability was a separate issue as was the availability of financing for mortgages. The AMR was a statistical baseline upon which to base a reasonable adopted policy and to use when reviewing the Core Strategy.

Members of the Committee commented that house prices were cheap in Colchester when compared to London, but it still needed two incomes to afford a mortgage. Colchester was growing rapidly but had only been able to build 518 units last year. What was needed is cheaper, better housing. There were many changes in prospect and it would take hard work to maintain the building momentum. An amendment was suggested to the section on waste to the effect that if waste remained at a high level there would be pressure on landfill sites.

RESOLVED (UNANIMOUSLY) that the Annual Monitoring Report be recommended to the Portfolio Holder for Planning for submission to Government.

Councillor Henry Spyvee (in respect of his roles as Chairman of the Friends of the Roman Wall and the Council's Heritage Champion) declared a personal interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7 (3)

28. Revision of the Local Development Scheme

The Committee considered a report by the Head of Strategic Policy and Regeneration on revisions to the Local Development Scheme. The report set out the proposed changes to the Scheme which were required and the accompanying project chart detailed the proposed progress of each document. The Committee was requested to recommend to Cabinet that it be approved at its meeting on 26 January 2011 and submitted to the Secretary of State.

Karen Syrett, Spatial Policy Manager, and Laura Chase, Planning Policy Manager, attended to assist the Committee in its deliberations. In response to a comment from the Committee regarding the disappointing level of public participation, it was explained that it was intended to use different approaches to the consultation process to try and improve engagement.

A member of the Committee commented that the LDS could include a Supplementary Planning Document on the town walls to provide planning support for the enhancement of the town walls. The Planning Policy Manager explained that it was intended to address the issue by including a policy in the Area Action Plan requiring development to have regard to the town walls management plan which would be prepared by the Museums Service with input from Planning and Tourism officers as well as stakeholders such as Friends of the Roman Wall. Members of the Committee were generally supportive of the proposed timetable.

RECOMMENDED (UNANIMOUSLY) to the Cabinet that the Revised Local Development Scheme be approved and submitted to the Secretary of State.

Councillor John Jowers (in respect of his membership of Essex County Council and his role as a Cabinet member with responsibility for planning, and having been a member of the Shoreline Management Planning Team, and his family being owners of one of the proposed Managed Realignment sites) declared a personal interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7(3)

Councillor Henry Spyvee (in respect of his ownership of a beach hut at West Mersea and his role as Chairman of West Mersea Beach Hut Watch Committee) declared a personal interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7(3)

29. Essex and South Suffolk Shoreline Management Plan

The Committee considered a report by the Head of Strategic Policy and Regeneration on the draft Essex and South Suffolk Shoreline Management Plan. The Committee was requested to adopt and support the Second Essex and South Suffolk Shoreline Management Plan prior to its submission to the Environment Agency's Regional Director for adoption early in 2011.

Beverley McClean, Coast and Countryside Planner, attended to assist the Committee in its deliberations.

Some members had attended some of the consultation sessions. They expressed some concerns because it was an influential document and would be used to determine future flood management policy. They identified the need to keep a watching brief, particularly in view of potential impacts and changes on the borough's coastline. It was noted that the Plan covered the next 100 years.

RESOLVED (UNANIMOUSLY) that Environment Agency's Regional Director be advised that this Council supports the formal adoption of the Second Essex and South Suffolk Shoreline Management Plan.

Councillor John Jowers (in respect of having been a member of the Rural Community Council of Essex which assisted with the design statement) declared a personal interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7(3)

30. West Bergholt Parish Plan

The Committee considered a report by the Head of Strategic Policy and Regeneration together with a final draft of the West Bergholt Parish Plan. The Committee were requested to agree the adoption of the Parish Plan as a Planning Guidance Note. Once adopted the document would complement the suite of planning policies and guidance that make up the Local Development Framework.

Beverley McClean, Coast and Countryside Planner, attended to assist the Committee in its deliberations. She explained that parish plans were the precursor of neighbourhood plans and that the group that produced the Plan would be going on to develop a village design statement.

RESOLVED (UNANIMOUSLY) that the West Bergholt Parish Plan be adopted as a Planning Guidance Note.

31. Cabinet Decision on Core Strategy and Update on Localism

The Committee considered the Cabinet's minute no. 24 - Impact of Emerging Government Policy of "Localism" and the Revocation of Regional Housing Targets. The Committee were requested to note the Cabinet minute and receive an update from

the Spatial Policy Manager on the emerging Government policy of Localism.

Karen Syrett, Spatial Policy Manager, attended to assist the Committee in its deliberations.

David Clouston, addressed the Committee pursuant to the provisions of Meetings General Procedure Rule 5(3). He had not noticed that the North Colchester Supplementary Planning Document (SPD) and the North Station SPD were recommended to be completed and agreed in advance of the review of the Core Strategy by some 11 months. He believed this was not the intention of Cabinet when he asked that the Core Strategy be reviewed to reconsider housing requirements for Colchester.

Members of the Committee reiterated that Cabinet has confirmed that the review of the boroughwide Core Strategy, and by implication the Site Allocation Development Planning Document, will start in 2012. It was pressure from those supporting the removal of the NGAUE that prompted the Cabinet to look at this. There is a formal process to the Local Development Framework and the review of the Core Strategy would commence in two years.

The Spatial Policy Manager confirmed that the Core Strategy and Site Allocations were now part of the Local Development Framework and as such were locked in. The SPD would add detail to inform the development. It was not wise to wait and see what the review of the Core Strategy revealed because it would be undertaken after the NGAUE came on line.

Status of Regional Spatial Strategies (RSS)

On 27 May 2010 the Secretary of State for Communities and Local Government (DCLG), Eric Pickles, indicated the intention to abolish the RSS. This statement was followed up on 6 July by the announcement of the revocation of the RSS with immediate effect. In August a major house builder launched a legal challenge and on 10 November the High Court found the Secretary of State's revocation was unlawful. This was immediately followed by a statement from the DCLG on the judgment which indicated that the decision changed very little and that Local Authorities should still have regard to the May letter as a material consideration. The house builders then issued a second claim seeking a declaration from the court that the government's intention to revoke the RSS was not a material consideration, and a decision on this recent claim would be announced in January. Until that time local authorities should still have regard to the RSS.

Verbal report on the Localism Bill

The Spatial Policy Manager gave a broad overview of the Localism Bill as it related to planning policy and planning services which was based on a media background note provided by the Department for Communities and Local Government.

The Bill will enable community empowerment and decentralisation and strengthening of local democracy. Of particular interest to the Committee were measures planned to

reform the planning system and the intention to abolish the RSS was reiterated. The Community Infrastructure Levy would be retained but with three changes: a requirement for some funds to be passed to the neighbourhood where the development has taken place; the ability for funds to be spent on ongoing costs; and to give local authorities greater control over setting charging levels – while independent examiners will still consider whether the charging schedule is reasonable.

There will be a reform of the LDF examination, removing the ability of Planning Inspectorate to re-write local plans. The Local Development Scheme and the Annual Monitoring Report would both continue to be of value to local authorities. Planning inspectors would continue to assess local plans but they would only be able to suggest changes at the request of the local authority. Local authorities would have to publish information on what planning documents were being prepared.

There will be the ability for communities to permit development without the need for applications. There will be measures to give communities the right to build without the need to apply for planning permission but it would need the support of 50% of the community through a referendum. There will be a duty for local authorities and public bodies to co-operate together with other incentives such as the New Home Bonus. There will be a requirement for pre-application consultation with the local community by developers.

RESOLVED (UNANIMOUSLY) that the decision of the Cabinet on 8 September 2010 and the overview of the Localism Bill be noted.



Local Development Framework Committee

Item

7

31 January 2011

| | | | |
|----------------|-------------------------------------------------------------------|--------|-------------------------|
| Report of | Head of Strategic Policy and Regeneration | Author | James Firth ☎ 508639 |
| Title | Revision of Colchester's Statement of Community Involvement (SCI) | | |
| Wards affected | All | | |

The Local Development Framework Committee is asked to note that a revised version of Colchester's Statement of Community Involvement (SCI) is to be released for public consultation. The Committee is also asked to raise any ideas or suggestions that members may have for future local community involvement.

1. Decision(s) Required

- 1.1 To note that a revised version of Colchester's Statement of Community Involvement (SCI) is to be released for public consultation as required by Regulation 26 of the Town and Country Planning (Local Development) (England) (Amendment) Regulations 2008.
- 1.2 To raise any other ideas or suggestions for local community involvement which can then be built into the final version of the SCI or considered as part of the local implementation of the changes proposed in the Localism Bill as appropriate.

2. Reasons for Decision(s)

- 2.1 The Statement of Community Involvement sets out how the Council will involve communities and stakeholders in the planning process. This includes both preparing Local Development Documents (LDDs) and when considering applications for planning permission. Colchester's SCI was initially produced in 2005 and an addendum was produced to accompany new regulations in 2008. Further changes in the regulations, progress with Colchester's Local Development Framework, and proposed changes to the consultation procedures on planning applications now mean that an update to the SCI is required. Changes to national regulations mean SCI are no longer required to undergo Examination in Public. Public consultation is, however, required by Regulation 26 of the Town and Country Planning (Local Development) (England) (Amendment) Regulations 2008. The decision to release the SCI for consultation is a Portfolio Holder decision. This report seeks to update the LDF Committee and provide an opportunity for the Committee to make comments on the document which will then be taken into account when preparing the final version as appropriate. It also provides an opportunity for the LDF Committee to raise other ideas and suggestions for future local community involvement and engagement.

3. Alternative Options

- 3.1 The Committee could decide not to comment on the revised SCI.

4. Supporting Information

- 4.1 The revised version of the SCI is based on that adopted by the Council following public examination in 2005. The revised version incorporates the addendum produced in 2008. The main areas in which the SCI has been revised are set out below:
- 4.2 **Section 1 – Introduction** - This section has been updated to reflect the latest position with Colchester's LDF.
- 4.3 **Section 2 – The Local Development Framework** – This section has been subject to minor changes to better reflect the documents that currently make up Colchester's LDF.
- 4.4 **Section 3 – Community involvement and social inclusion** – Has been amended to bring the document up to date regarding the background to the SCI, and progress with Colchester's LDF.
- 4.5 **Section 4 – Stages of Community Involvement in Local Development Documents** – Has been amended to incorporate information from the 2008 addendum setting out the revised production process on Development Plan Documents (DPDs), it has been changed to reflect the changes in national regulations that Supplementary Planning Documents (SPDs) will no longer always require Sustainability Appraisal, and it also reflects the simpler production process for SCIs given that the requirement for examination in public has been removed.
- 4.6 **Section 5 – Community involvement and planning applications** – Neighbours will continue to be notified by letter of planning applications and appeals. Letter notification would no longer be sent out for other matters such as Committee reports or notifications of decisions. This information can be found on the Council's on-line planning website. If comments on an application are sent in by the Planning web site and an e-mail address is provided the Council will continue to advise by e-mail of Committee dates where appropriate and of the decision outcome. Information would continue to be made available at the Council's Customer Service Centre. This section of the SCI has also been updated to reflect the latest legislation.
- 4.7 **Section 6 – Stakeholder Involvement** – This section remains unchanged although the appendix has been updated to reflect the current specific and general consultation bodies as defined in the latest regulations.
- 4.8 **Section 7 – The Role of Councillors** – Has been updated to reflect the Council's current decision making procedures including LDF Committee, Planning Committee, the Portfolio Holder system, and the role of Councillors in planning applications.
- 4.9 **Section 8 – Consultation feedback** – Remains largely unchanged and continues to set out the procedures that will be followed once consultation responses have been received by the Council.
- 4.10 **Section 9 – Our Resources** – Has been updated to reflect the national abolition of Housing and Planning Delivery Grant (HPDG).
- 4.11 **Section 10 – Monitoring and review of the Statement of Community Involvement** – This section has been subject to minor changes to reflect the removal of the national requirement for public examination of SCIs.
- 4.12 Links to information in the appendices have been amended as appropriate.

- 4.13 The revised SCI is required to undergo public consultation as required by Regulation 26 of the Town and Country Planning (Local Development) (England) (Amendment) Regulations 2008. It is proposed that the consultation will commence in January 2011 and run for approximately six weeks. The consultation will be publicised by way of press release and by sending notification to appropriate bodies on the Council's LDF consultation database. This will include specific and general consultation bodies as required by the regulations as well as other relevant contacts on the LDF consultation database such as residents and businesses. The full draft of the consultation document will be made available in the Council's offices, Colchester library and on the Council's website. The preferred method of response will be electronically via the Council's website although hard copy responses will also be accepted.
- 4.14 Any representations made will then be taken into account and the SCI revised in response to the comments where appropriate. Any issues raised by the LDF Committee will also be taken into account at this stage and the document revised as appropriate. A final revised version of the SCI will then be presented to the Portfolio Holder for adoption in April 2011.
- 4.15 ***Decentralisation and the Localism Bill*** - Significant changes to community involvement in the planning system are expected to be introduced as part of the forthcoming Localism Bill. The DCLG document 'Decentralisation and the Localism Bill: An essential guide' (December, 2010) sets out that the Localism Bill will formally abolish regional strategies and introduce new procedures for Neighbourhood Plans. It states that the Bill will radically reform the planning system to give local people new rights to shape the development of the communities in which they live. The document also states that the way forward is to embrace decentralised development that is not merely accepted, but actually led by local communities because local people get to share in the benefits. The Community Infrastructure Levy is also included in the document which says the Bill will require local authorities to allocate a proportion of Community Infrastructure Levy revenues back to the neighbourhood from which it was raised. This will allow those most directly affected by development to benefit from it.
- 4.16 The current draft of the SCI includes some reference to the forthcoming localism bill, particularly with regard to proposed changes to the rules regarding predetermination of planning applications. As detailed information on the practical implementation of these proposals is not yet known further details have not been included in the SCI at this stage. Issues such as the relationship between neighbourhood plans and the Local Plan or Local Development Framework still require further clarity at the national level. This report and the revision of the SCI does, however, provide an opportunity for the LDF Committee to raise other ideas and suggestions for local community involvement which can then be built into the final version of the SCI as appropriate or implemented locally in the future as part of the changes proposed in the Localism Bill.

5. Proposals

- 5.1 A full version of the consultation draft of the revised Statement of Community Involvement (SCI) is attached as an appendix to this report.

6. Strategic Plan References

- 6.1 The Statement of Community Involvement plays an important role in helping the Council respond and listen during the planning process. The consultation on the draft SCI will also provide an opportunity for the Council to listen and then respond to comments in the final version of the SCI. The Local Development Framework and the Planning Service impact on all of the Council's Strategic Priorities.

7. Consultation

- 7.1 It is proposed the public consultation will commence in late January 2011 and run for a period of approximately six weeks. The consultation will be publicised by way of press release and by sending notification to appropriate bodies on the Council's LDF consultation database.
- 7.2 Copies of the consultation document and supporting information will be made available on the Council's website, Colchester Library and in the Customer Service Centre.
- 7.3 Representations will be accepted electronically through the website or in hard copy.
- 7.4 Any representations received will be taken into account and the SCI revised where appropriate. The final version, along with copies of representations submitted, will then be reported to the Portfolio Holder in April 2011 for adoption.

8. Publicity Considerations

- 8.1 Consultation on a revised SCI should raise the profile of the document and provide an opportunity for residents, businesses, and others with an interest in the area to comment. It is proposed the consultation be advertised by press release. It is not expected that the consultation would generate additional local publicity.

9. Financial Implications

- 9.1 The public consultation and the production of the revised SCI document can be carried out in-house using existing resources. The proposed amendments to consultation procedures and the greater use of the Council's website should help reduce the administrative cost associated with planning applications.
- 9.2 When considering ideas for future community involvement and the implementation of the proposals in the Localism Bill it is important to recognise that detailed community involvement can have significant financial implications for the Council.

10. Equality, Diversity and Human Rights implications

- 10.1 The SCI sets out consultation methods for all groups including specific reference to consultation methods which will target 'hard to reach' groups. This should help promote equality of access to the planning process in Colchester. Computer equipment in the Council's Customer Service Centre can be used by those with no access to a computer in order to access online planning information.
- 10.2 An Equality Impact Assessment has been prepared for the Local Development Framework and is available to view on the Colchester Borough Council website by following this pathway from the homepage: Council and Democracy > Policies, Strategies and Performance > Diversity and Equality > Equality Impact Assessments > Strategic Policy and Regeneration > Local Development Framework.

11. Community Safety Implications

- 11.1 None

12. Health and Safety Implications

12.1 None

13. Risk Management Implications

- 13.1 A decision to note that a revised version of Colchester's Statement of Community Involvement (SCI) is to be released for public consultation provides an opportunity for the LDF Committee to make comments that can be taken into account when the final version of the revised SCI is prepared. Raising any other ideas for future community involvement will provide clarity on local aspirations.
- 13.2 A decision not to note that a revised version of Colchester's Statement of Community Involvement (SCI) is to be released for public consultation would fail to provide an opportunity for the comments of the LDF Committee to be taken into account. A decision not to raise any other ideas or suggestions for local community involvement would result in a lack of clarity on local aspirations for the future.

Background Papers

Appendix A – Statement of Community Involvement 2011 Revision Consultation Draft



Local Development Framework

Statement of Community Involvement (SCI)

January 2011 Revision
Regulation 26 Consultation Draft

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1 Introduction

1.1 The Statement of Community Involvement (SCI)

- 1.1.1 One of the key aims of the Local Development Framework system is to strengthen community and stakeholder involvement and encourage people to participate in the development of their local community. To help achieve this we are required to prepare and consult on a Statement of Community Involvement.
- 1.1.2 We understand that in order to try to reach agreement within communities, people need to be involved from the early stages of the planning process. The Statement of Community Involvement is therefore a public statement that lets communities and stakeholders know when and how they can be involved. This includes both preparing Local Development Documents (LDDs) and when considering applications for planning permission.
- 1.1.3 The objectives of this Statement of Community Involvement are to:
- (a) Show how the Council aims to strengthen community involvement in the planning process;
 - (b) Make sure that the local community and stakeholders know when and how they can get involved in the production of Local Development Documents and major planning applications;
 - (c) Improve the quality of our community involvement by involving as many sectors of the local community as possible while recognising their different consultation needs;
 - (d) Show that there are sufficient resources to fund our community involvement;
 - (e) Show how community involvement in planning will, where possible, be joined up with other community involvement initiatives; and
 - (f) Explain the consultation process of the Statement of Community Involvement (SCI) and how it will be monitored and reviewed in the future.

1.2 Links with Colchester's Sustainable Community Strategy and other community involvement initiatives

- 1.2.1 By encouraging successful working relations with both internal and external organisations / groups, we will ensure that we are aware of new and existing strategies, and their progress. Awareness of these strategies and their different objectives will allow us to consider the short, medium and long-term priorities for Colchester during the preparation of documents and planning applications. It will also allow us to gain a clear understanding of the community's needs. This knowledge will help us link our consultation exercises on specific documents to the relevant strategies in the Colchester area, for example, those connected with health, education, housing, waste, transportation, community development and regeneration areas.
- 1.2.2 Colchester's Local Strategic Partnership (LSP) – Colchester2020 are key stakeholders in the borough. The Partnership was formed in April 2003 and is made up of a group of high-profile community leaders from the public, private, voluntary and community sectors. After extensive consultation Colchester2020 produced Colchester's first Community Strategy, which was launched in January 2004. Colchester's Sustainable Community Strategy was published in October 2007 and sets out a vision for '2020 and beyond'.
- 1.2.3 Within the Local Development Framework, we will consider the aims, objectives and

commitments within the Sustainable Community Strategy. The 2020 vision is for Colchester to develop as a prestigious regional centre that is:

- an iconic destination for culture and learning nationally and internationally
- renowned for sustainable economic growth ...and therefore a place where everyone has the opportunity to achieve their full potential.

1.2.4 The Local Development Framework will be the key mechanism for delivering the land use and spatial elements of the Sustainable Community Strategy. The council will therefore work with the Local Strategic Partnership to 'double-up' with the consultation on the Community Strategy when opportunities arise.

1.3 Your Involvement in the process

1.3.1 Throughout the planning process we welcome all your comments and suggestions. However, it is important to note that because of the range of people and interests that changes to the local environment can affect, it will be difficult to find solutions that satisfy everyone. We will also have to take into account available resources and government policies which are applied across the country. Getting involved in the process will not therefore guarantee that your views will be successful, but we do promise to listen and seriously consider all comments and suggestions that are put forward.

2 The Local Development Framework (LDF)

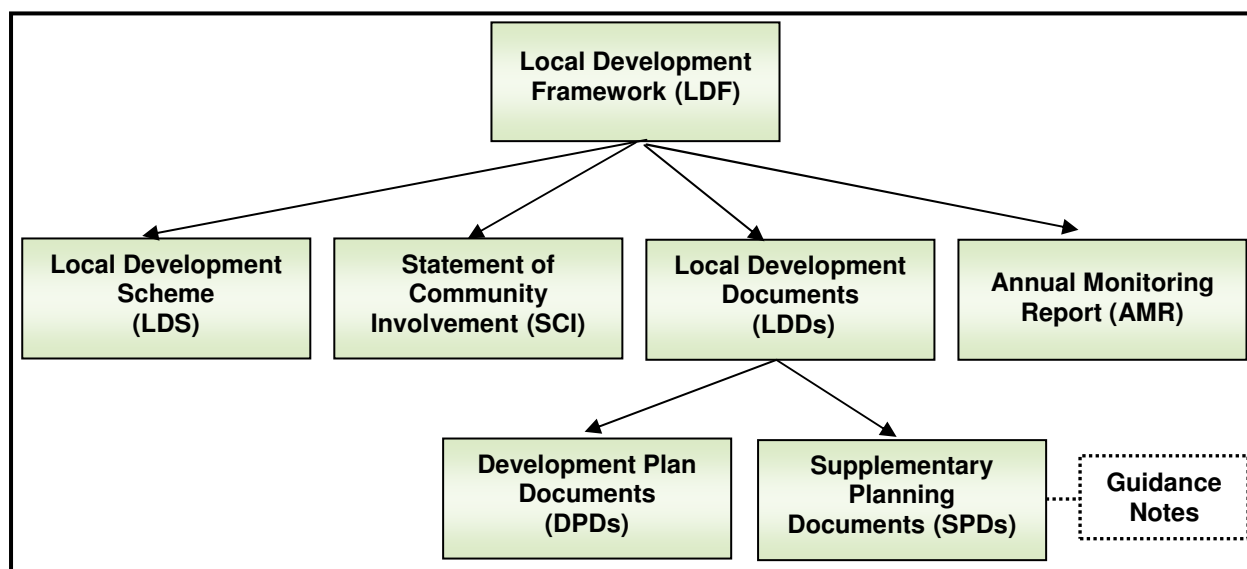
2.1 Introduction to the LDF

2.1.1 Local Development Frameworks (LDFs) are intended to simplify the local planning process, and promote a positive approach to managing and promoting sustainable development in the future.

2.1.2 The Local Development Framework (LDF) is made up of Local Development Documents (LDDs), which consist of Development Plan Documents (DPDs) and Supplementary Planning Documents (SPDs). It will also include this Statement of Community Involvement (SCI), the Local Development Scheme (LDS) and the Annual Monitoring Report (AMR). Additionally, it can include local development orders and/or simplified planning zones. This framework is shown below.

2.1.3 The LDS is the project plan for the LDF and will be regularly updated. It sets out what documents will be produced and gives the dates for the consultation periods and public examinations. The LDS is available on our website (www.colchester.gov.uk) or in hardcopy from the council.

2.2 The Structure of the Local Development Framework



2.3 Development Plan Documents (DPDs)

2.3.1 Development Plan Documents are planning documents covering a range of policy areas. As statutory documents they have to undergo a thorough process of public consultation. They will also be subject to a Sustainability Appraisal and an independent examination by a planning inspector before being adopted by the council.

2.3.2 The main part of the Local Development Framework includes the following Development Plan Documents:

- a) Core Strategy
- b) Development Policies;
- c) Site Specific Allocations and policies;
- d) Area Action Plans (where needed);
- e) Proposals Map (for relevant Development Plan Documents); and
- f) Other detailed Development Policies (as needed).

2.3.3 Core Strategy

The Core Strategy sets out the long-term vision for Colchester and the strategic policies required to deliver that vision. Its main aim is to promote sustainable development.

2.3.4 Development Policies DPD

Includes detailed policies to guide development against which planning applications will be assessed.

2.3.5 Site Specific Allocations DPD

Allocations of sites for specific or mixed uses or development. Policies will identify any specific requirements for individual proposals.

2.3.6 Area Action Plans

Area Action Plans will define specific areas where there are special requirements for significant change or conservation.

2.3.7 Proposals Map

The proposals maps will show areas for particular future land uses, areas of conservation or importance to wildlife habitats or land designated for a strategic approach. For further information please see the glossary on page 36.

2.4 **Supplementary Planning Documents (SPDs)**

These documents deal with a range of issues, both covering themes and individual sites. They are intended to explain or provide further detail to policies or site allocations in a Development Plan Document. For further information, please refer to section 4.2.

2.5 **Guidance Notes**

From time to time we will publish guidance notes on a range of planning topics. These will be similar to Supplementary Planning Documents but will be much more informal. They will be used to provide information and advice rather than set out policies. We intend that they will be a practical part of the policy's framework.

2.6 The Coalition Government have announced plans to reform the planning process and the Local Development Framework is therefore subject to change. The SCI will be updated accordingly.

3 Community Involvement and Social Inclusion

3.1 How you can influence the LDF

- 3.1.1 Throughout the preparation and production of Local Development Documents there will be various stages during which you will be able to comment and influence their content. All comments made on a particular document will be seriously considered and, where appropriate, will be taken forward and fed into the production of that document before the council adopts it. These stages are illustrated in section 4.
- 3.1.2 However, an important part of the new planning system means that you will now be able to help shape a document's content before we start preparing it. This early involvement is known as frontloading.¹ During this frontloading we intend to maintain a process of ongoing community involvement and aim to encourage early participation in the preparation of each document so that everybody has had a chance to influence local policy decisions that are made.
- 3.1.3 Throughout the frontloading process we will also seek to provide as much information as possible on the planning process and any proposals, policies and strategies that are relevant to the document. By doing this we hope to encourage a better understanding of planning issues and provide an opportunity for you to voice your opinion and shape the future of your community.
- 3.1.4 We will also, where appropriate, encourage and advise the community to contact groups and organisations that may be able to offer independent planning advice or further information during the frontloading process. A representative list of relevant groups can be found in appendix 5.

3.2 Ensuring Effective Consultation

- 3.2.1 At every stage of the process it will be important to plan consultation exercises thoroughly before they begin so that we are aware of whom we are consulting and why we are consulting them. This preparation will be carried out through the completion of a project plan, which will help identify who is to be involved, the most suitable methods of consultation and the resources that will be required. We will also refer to our 'Consultation Guidelines', which can be found in appendix 6.
- 3.2.2 So that our consultations may be as effective as possible we will ensure that all methods are appropriate to each document being consulted on, each stage of consultation and to each group being consulted. This will ensure that all the consultations and community involvement activities we carry out are fit for the purpose they are intended for.
- 3.2.3 We recognise that throughout the various stages of document preparation and production it is important to use a variety of both quantitative and qualitative methods. Quantitative research methods such as surveys are useful for gathering the opinion of a large group of people whereas qualitative methods such as focus groups and workshops aim to understand what views people hold and why they hold them. As there are benefits to both types of methods, we will seek to combine the two approaches in our consultation so that they complement each other. appendix 2 gives a broad list of both quantitative and qualitative methods, along with their advantages, disadvantages and resource implications.

¹ See Glossary for definition

3.2.4 We will also encourage the involvement of the community groups, associations and organisations that we already have good links with, and will aim to seek out and involve others.

3.3 Consulting Hard to Reach Groups

3.3.1 In order to encourage participation from all parts of the community, it is important to realise the diversity within the borough and the need to treat everybody as an individual. We recognise that some parts of the community often have less chance than others to get involved and are therefore under represented in the planning process. Examples of these hard to reach groups may include, young people, elderly people, the homeless, temporary residents, people with disabilities and ethnic minorities. It is our aim to take positive action to ensure that these groups and individuals have every opportunity to be involved and to encourage their participation in the Local Development Framework.

3.3.2 As mentioned in 3.2.3, using a combination of different methods will help to widen the scope of our consultation to include the views of these groups. For example, we may hold one or more workshops or focus groups with particular hard to reach groups to complement a large-scale postal survey across the borough. This type of approach would also be useful during the early stages of a document's production, when we are aiming to gather meaningful views from all over the borough.

3.3.3 However, it is important to recognise that some groups and/or individuals can inadvertently be excluded from consultation for a range of reasons with individuals facing one or more difficulties. It would be impossible to identify and remedy every possible barrier to participation, however it is possible to design more inclusive consultation exercises and where necessary, adapt them to suit individual needs.

3.3.4 Therefore, when deciding on the nature of our consultations in the project plan, we will seriously consider the issues that our target groups and individuals may face in terms of methods, venues, language, access, childcare etc., and the approaches we might take to overcome or minimise these barriers. The table below illustrates some of these issues and their possible solutions. (Please note, that this list is not exhaustive). The Council's Diversity Steering Group has contributed to the preparation of this document and is happy with the methods identified for involving 'hard to reach' groups. Each document produced and every planning application considered will be assessed to ascertain which 'hard to reach' groups should be consulted and the methods for doing so.

3.3.5

| Potential Barriers to Consultation | Possible Solution |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>Difficulties with written information. (Literacy problems, learning disabilities, physical disabilities, and unable to understand english.)</p> | <ul style="list-style-type: none"> • Telephone questionnaires. • Face to face surveys. • Focus Groups. • Provide accessible written information eg large font, 12pt, avoid italics etc. • Information on audiotape. • Sign language translator. • Translated into a suitable language eg language line. |
| <p>Intimidated or alienated by approach. (Communication/literacy problems, attitude to staff, put off by 'officialdom' of</p> | <ul style="list-style-type: none"> • Telephone questionnaires. • Face to face surveys. • Consider engaging a specialist consultant, voluntary or community group to carry out consultation on the council's behalf. |

| | |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>process, long-standing hostility to the council, lack of confidence or self-esteem.)</p> | <ul style="list-style-type: none"> • Consider using representatives who are already known and trusted by the target group. • Contact community representatives such as health workers or teachers. • Choose language carefully and explain clearly that individual views do matter and that there are no wrong or right answers. |
| <p>Can't access meeting venue. (No transport available, lack of adequate child care, cannot physically access the venue, fear of going out after dark or alone, timing makes attendance difficult or impossible.)</p> | <ul style="list-style-type: none"> • Plan meetings in accessible locations. • Choose a location where public transport and parking are easily accessible. • Consider covering people's expenses / providing transport / providing childcare. • Check that the venue meets Disability Discrimination Act (DDA) requirements. • Plan the event around the needs of the group. • Check that events do not coincide with religious or non-religious festivals. • Consider inviting people to more than one event. |
| <p>Lack of time or resources. (Busy working families/lone parents, poorly funded community / voluntary groups.)</p> | <ul style="list-style-type: none"> • Go to respondents directly, e.g. parent and toddler groups, outside school gates etc. • Try to reduce the time it takes to participate in the consultation, as many respondents may be volunteers with little time to spare. |
| <p>Rarely reached by publicity material. (Those living in isolated rural communities, publicity material is in an inappropriate format, no access to the internet.)</p> | <ul style="list-style-type: none"> • Parish newsletters and village notice boards can help reach rural areas. • Make sure material is clearly presented and follows good practice guidelines for written information. • Identify local events that we can join up with. • Use community notice boards in local shops, supermarkets and sports centres. • Internet consultation should only be used along with other methods. |

3.3.6 As a part of our good customer service we will also make every effort to respond to any reasonable requests to make consultation exercises and documents more accessible for everyone.

3.3.7 We also recognise that Colchester's village communities may have difficulties participating in consultation. We will therefore make special efforts to help those residents become fully involved in all consultations.

3.3.8 As we believe that village communities are particularly important, we will also encourage them to develop their own community-led plans early on in the development planning process. Any plans that are produced may be used by the council to help put together its own plans for the borough or specific area. Community-led plans may include:

- Village Design Statements;
- Parish Plans; and
- Neighbourhood Plans.

3.3.9 We will work with organisations such as the Rural Community Council of Essex (RCCE) and Planning Aid in order to promote these important local initiatives.

3.4 Equality and Consultation

3.4.1 Colchester's Corporate Diversity Policy and Plan sets out our commitments to achieving equality of opportunity as a service provider. Throughout all planning consultations and engagement we will comply with these commitments set out below so that everybody has an opportunity to be involved in the development of Local Development Documents and planning applications.

- We will provide services that are appropriate, sensitive and available to everyone.
- When consulting on policies and planning applications we will not discriminate on any unjustifiable grounds.
- We are committed to working with partners and communities across the community.
- We will maintain as far as possible our commitment to equality whilst not compromising on our service.

This policy will also ensure that the current legal requirements set out in equality legislation are met.²

3.5 Standards for Consultation

The following standards will apply to consultation and access to information and will be adopted, where possible, when preparing Local Development Documents:

- Copies of the draft, final and adopted Local Development Framework documents will be made available at Colchester Central Library and at the Customer Service Centre;
- Documents will be published in both paper and electronic formats. There may be a cost for some documents to cover printing costs. However, all consultation material will be available on the Colchester Borough Council website at www.colchester.gov.uk;
- All documents will be made available on request in large print or alternative format;
- Copies of LDF documents will be sent out within five days of the request;
- Details of people submitting comments or requesting information will be kept on a database, and respondents will be notified of progress on the LDF key stages when they request it;
- Consultees will be told of the council's decisions on their representations and where appropriate, of the Inspector's decision on their representation, where they have requested to be informed;
- The council has a complaints procedure, and this is available on request if the matter cannot be resolved within the Spatial Policy section.

3.6 Responses from the Statement of Community Involvement 'Scoping' Consultation, 2004

3.6.1 In preparation of the original draft of the Statement of Community Involvement, an initial consultation was carried out in summer 2004, which aimed to promote the new planning system and gather general public opinion on their preferred methods of consultation.

3.6.2 To help explain the new system a short leaflet was produced entitled 'The Future of Colchester and YOU,' which provided factual information about the Local

² Race Relations Amendment Act 2000, Disability Discrimination Act 1995

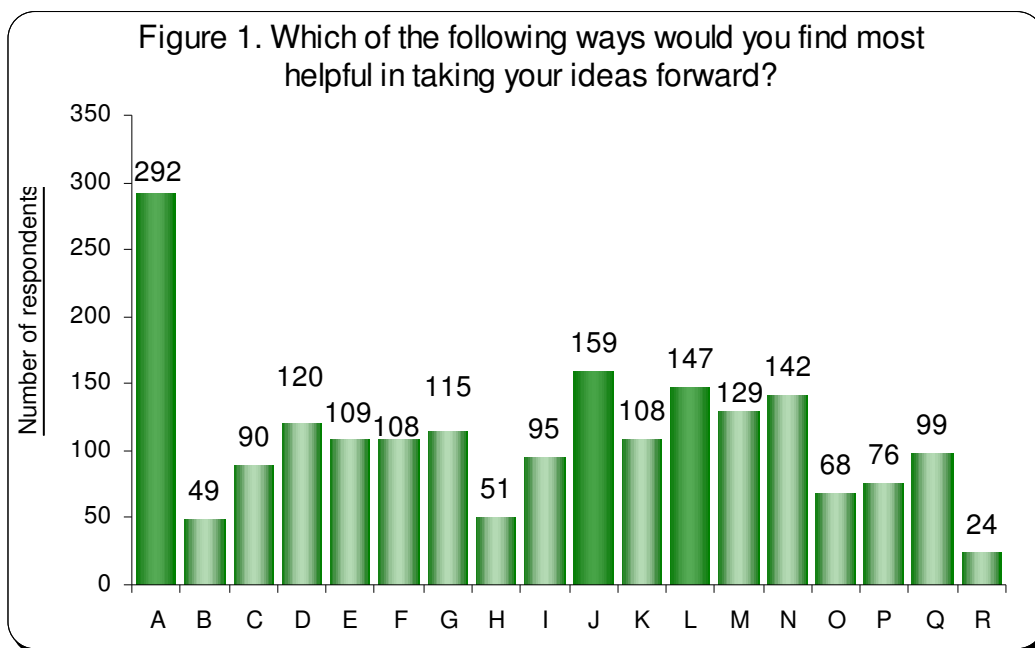
Development Framework along with a short survey. Approximately 6,500 of these leaflets were distributed across the borough through various organisations and businesses. Additionally, an article with the same questionnaire was featured in our Courier newspaper and the survey appeared on our website.

3.6.3 The aim of the survey was to discover which methods of consultation and engagement the community and stakeholders favoured. The following analysis explains the responses in more detail. There were a total of 425 respondents during the six week consultation period. Over one half of respondents (65.9%) entered their comments via the paper leaflets. A further 21.2% commented via the on-line survey and 12.9% responded via the survey printed in the Courier.

3.6.4 The results showed that:

- Of the 425 people that took part in the survey, the majority (292 people) found ‘written surveys’ the most useful method of consultation in helping to take their ideas forward;
- The second most popular consultation method was information provided via ‘consultation papers’ (159 people); and
- A further 147 people believed that ‘roadshows/exhibitions/presentations’ were the most helpful way of being involved.

3.6.5 The chart below shows these results in more detail:



| | |
|------------------------------------------|------------------------------------------------------------------------------------|
| A Survey – written | J Consultation paper |
| B Survey – phone | K Forum/regular meeting |
| C Survey – face to face | L Roadshow/exhibition/presentations |
| D Focus/discussion group | M Leaflet |
| E Reply slip | N Website |
| F Opinion Poll | O Through my local councillor |
| G Newspaper article/press release | P Through town/parish council |
| H Citizen’s jury | Q Through interest / representative / professional / residents associations |
| I Public meeting | R Other |

- 3.6.6 We also asked through which group(s)/representatives would they prefer to be informed. The results indicated that, of the 200 people who answered this question, the majority (99 people) stated that they would prefer to be informed through 'interest, representative, professional or residents' associations.' A further 76 people preferred to be informed through their 'local Town or Parish Council' and 68 people stated, 'through my local Councillor.'
- 3.6.7 These results helped us shape the Statement of Community Involvement and future consultations on Local Development Documents and major planning applications.

3.7 Submission document and public examination

- 3.7.1 The draft Statement of Community Involvement Submission document was published for Regulation 25 public consultation in late 2005. This consultation ran from Monday 25 April 2005 until Friday 3 June 2005. At the close of consultation on Friday 3 June 2005, we had received 136 responses to the survey and a further 11 letters.
- 3.7.2 This was followed by a period of consultation under Regulation 26 which ran for six weeks from Monday 25 July 2005 until Friday 2 September 2005. At the close on consultation of Sunday 4 September 2005 we had received a further fifty-five responses on the newly amended draft SCI.
- 3.7.3 The draft SCI was submitted to the Secretary of State in December 2005 for its formal examination. At this time formal representations made on the draft were also submitted. Due to the small number of respondents, the Planning Inspectorate was satisfied that a written examination of the draft SCI could take place.
- 3.7.4 The inspector reported back to the Council on 24 March 2006 finding the SCI to be sound subject to binding changes. The SCI was formally adopted by the Council on 5 June 2006.

3.8 Addendum to Colchester's Statement of Community Involvement (October 2008)

- 3.8.1 The Town and Country Planning (Local Development) (England) (Amendment) Regulations 2008 came into force on 27 June 2008. These changed the requirements for consultation on all Development Plan Documents. As a result the Council produced an addendum to Colchester's SCI setting out the process for consultation under the new regulations. The addendum was published in October 2008.

3.9 Revision to Colchester's Statement of Community Involvement

- 3.9.1 As a result of changes to the regulations and progress with Colchester's Local Development Framework a revised version of the SCI was prepared in early 2011. This revised version consolidates the previous addendum, updates the document to reflect progress with Colchester's LDF, and makes some changes to the procedures for consultation on planning applications and policy documents. As the changes are relatively minor and the requirement for the public examination of SCIs has been removed, the revised version will be subject to a six week period of public consultation, prior to its adoption scheduled for spring 2011.

4 Stages of Community Involvement in Local Development Documents

This section illustrates how we will aim to consult people throughout the production of a Local Development Document. We will monitor the success of the methods suggested and over time we will develop and adapt our processes to better suit particular circumstances.

As included in section 3, all of the methods mentioned can be adjusted in some way to help reach out to and include all areas of the community, including any hard to reach groups.

Looking at the table on page 17 from left to right, it demonstrates that we intend to use more informal methods to encourage people to actively participate in the early stages of frontloading and preparation (stages 1 + 2) as this will be when they can have a wider influence in shaping the document. Similarly, more formal methods of commenting will be used towards the end stages of the document (stages 3 + 4) when the potential to alter the structure of the document is narrower.

Similarly, looking at the types of consultees, we can see that these informal, more participatory methods will be more appropriate for the general public, hard to reach groups and community groups as they encourage a deeper level of involvement, whereas the more formal methods may be more appropriate to statutory consultees. However, all of the methods proposed in the 'general public' row will be available to other consultees, for example, media and publicity and interactive websites.

4.1 Consultation Process for Development Plan Documents (DPDs)

4.1.1 It should be noted at this stage that each Development Plan Document will be accompanied by a statement that the document complies with our adopted Statement of Community Involvement.

4.1.2 The text and diagram below shows the stages that we will go through when preparing Development Plan Documents and the different stages of community involvement.

Stage 1 – Preparation

The 2008 Regulations remove the requirement for the formal 'Preferred Options' consultation (the 'Regulation 26' stage) and encourage ongoing engagement with stakeholders and the community under the new Regulation 25. Depending on the type and nature of the DPD being prepared, engagement with stakeholders and the community will encourage participation on:

a) Scoping and evidence gathering

At the beginning of the DPDs preparation we will gather evidence from a variety of sources and stakeholders to ensure that we have an understanding of the main issues that need to be addressed in the document.

b) Development of policy options

The community and stakeholders will be encouraged to participate in the ongoing policy development process and a range of consultation/engagement methods will be used to help them. In the majority of cases a two-phase approach will be used, even though it isn't statutorily required, beginning with consultation on issues and reasonable policy alternatives and secondly, consultation on the Council's preferred options for the DPD. For each consultation we will aim to provide:

1. Information about the DPD on our website (www.colchester.gov.uk/ldf), through the media, at Colchester library and directly via email or letter if you are a statutory stakeholder or registered on our LDF consultation database.

- ii. An opportunity to comment on the DPD via the website and electronic surveys. Paper surveys/reply slips will be available from our Council offices and the library.
- iii. An opportunity to discuss the DPD at focus groups or statutory meetings and to make links with existing community activities.
- iv. An opportunity for those people who traditionally are less involved to have their say.

Stage 2 – Publication of the proposed submission DPD

Following the engagement and preparation of the DPD during Regulation 25, the new Regulation 27 requires us to publish our proposed submission DPD and invite comments on it for six weeks before we submit the document to the Secretary of State for examination.

As this is a statutory stage of engagement the following formal arrangements will apply. We will:

- Make a copy of each of the proposed submission documents (and a statement of the representations procedure) available during normal office hours at:
 - The principal council offices;
 - Other places within the council area considered appropriate;
- Publish on our website:
 - The proposed submission documents;
 - A statement of the representations procedure;
 - A statement advertising the documents availability and setting out where and when the proposed submission documents are available for inspection;
- Send each of the specific consultation bodies invited to make representations on the plan:
 - A copy of each of the proposed submission documents;
 - A statement of the representations procedure;
- Send each of the general consultation bodies invited to make representations on the plan:
 - A statement of the representations procedure;
 - A statement advertising the documents availability and setting out where and when the proposed submission documents are available for inspection;
- Set out in a local paper:
 - A statement of the representations procedure;
 - A statement advertising the documents availability and setting out where and when the proposed submission documents are available for inspection.

At this time we will publish:

- The DPD (as proposed to be submitted);
- The changes to the proposals map (if the adoption of the DPD would result in changes to the map);
- The sustainability appraisal report;
- A statement setting out:
 - Who was invited to be involved in the plan preparation;

- How they were invited to be involved in the plan preparation;
- A summary of the main issues raised and how they have been addressed; and
- Any other supporting documents relevant to the preparation of the DPD.

The new Regulation 28 then requires that anyone wishing to make a representation on the proposed submission DPD must do within these six weeks and using one of the methods of engagement under Regulation 27. A standard form will be used at this stage for responses.

Stage 3 – Submission of the DPD for examination

We will read and consider all the representations received during stage 2 and if necessary, propose ‘focused’ changes to the DPD.

If we decide to make a focused change we will:

- a) Prepare an addendum to the proposed submission DPD setting out the proposed change(s);
- b) Conduct a sustainability appraisal of the implications; and
- c) Consult the community and stakeholders on the addendum for a minimum period of six weeks. At the close of this consultation we will submit the proposed submission DPD, the first representations, the addendum and the responses to the addendum to the Secretary of State.

If we do not decide to make a focused change then we will submit the proposed submission DPD, the sustainability appraisal, the representations made and any other supporting documents to the Secretary of State. Note; minor changes that do not undermine the thrust of the plan may be made prior to submission and during the examination.

Stage 4 – Independent examination

An examination of the DPD will be carried out by an independent Planning Inspector to test its soundness, taking into account the representations that have been received. Those who make representations may be invited by the inspector to attend and take part in the relevant parts of the examination held in public.

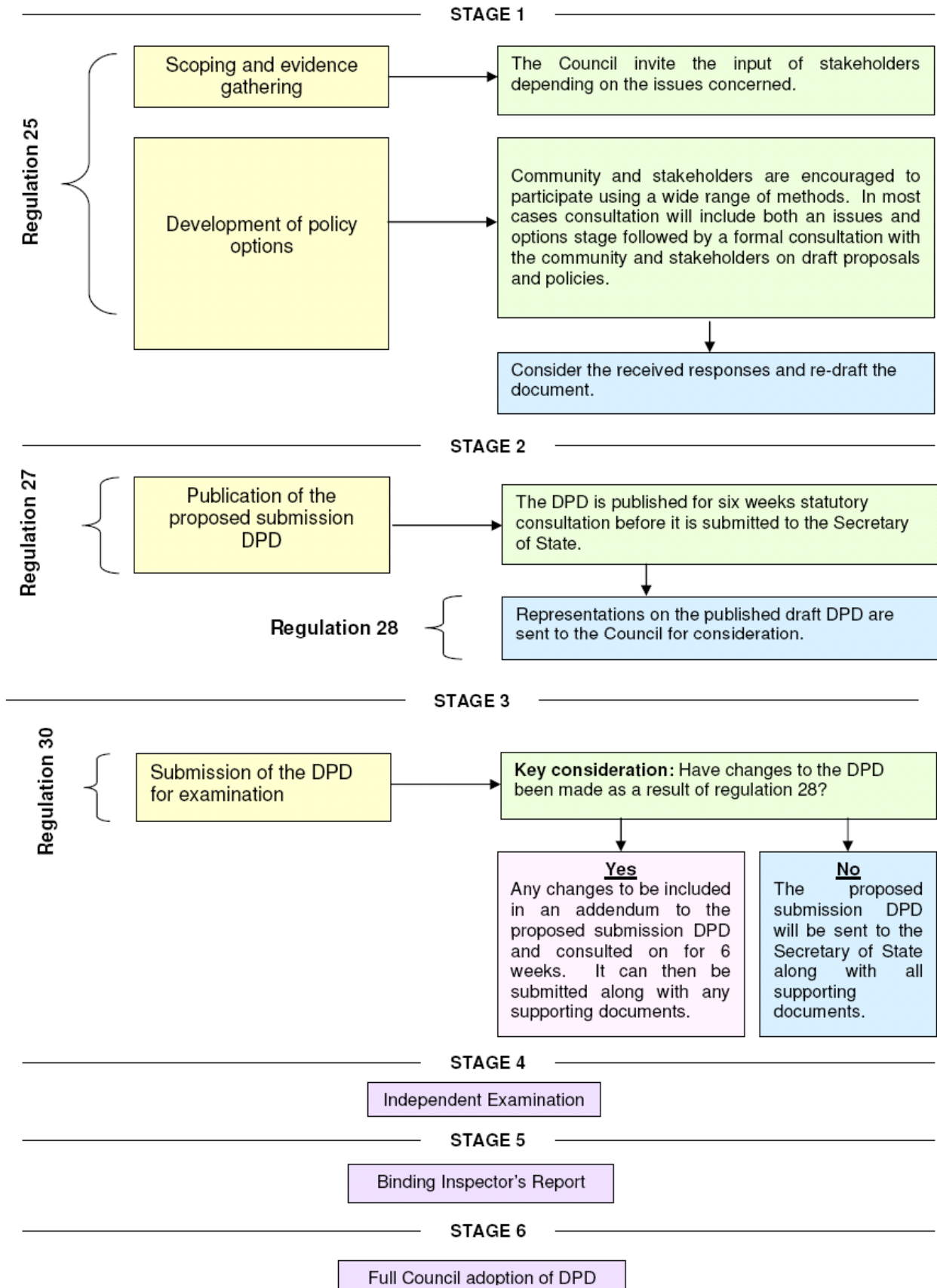
Stage 5 – Binding Inspector’s Report

Following the end of the examination, the Inspector will submit their report to the Council. This Report will recommend either that the DPD is ‘unsound’, ‘sound’ or can be made sound if specific changes are made to it. The Report’s recommendations will be binding on the Council. Note: binding reports may be abolished as part of the Governments planning reforms.

Stage 6 – Full Council adoption of DPD

Provided that the DPD receives a ‘sound’ rating from Inspector’s Report, we will then adopt the DPD as part of its statutory Local Development Framework and notify our stakeholders and previous respondents directly (if requested) and publicise the adoption in a local paper and on our website.

DPD consultation process



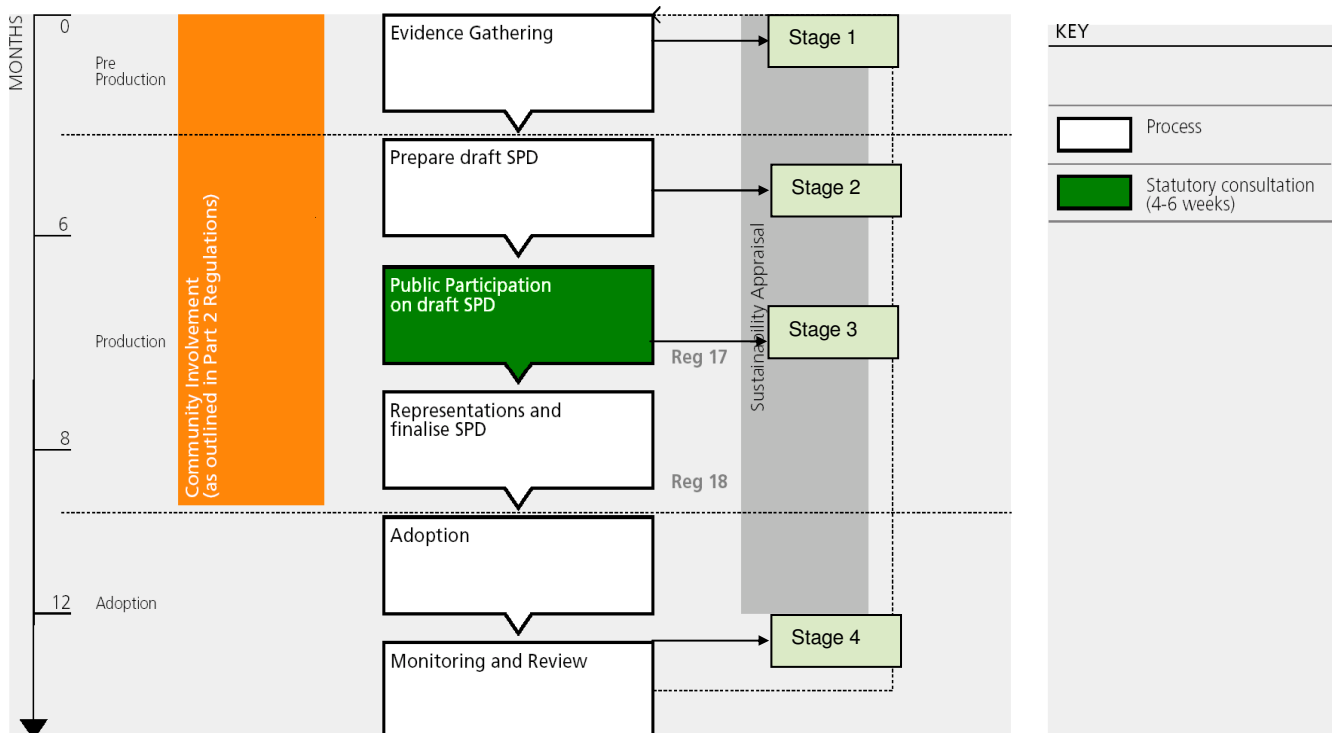
Development Plan Documents (DPDs)

| | Pre-production / Production Stage 1 Scoping and Evidence Gathering, Preferred Options | Production Stage 2 Publication of Proposed Submission DPD | Production Stage 3 Submission of DPD | Public Examination Stages 4 - 6 EIP & Adoption |
|----------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Consultees | <p>We will involve relevant groups in the preparation of the evidence base. We will begin the frontloading process by promoting planning issues and providing an opportunity for the community and stakeholders to influence the process at an early stage.</p> <p>We will involve the community & stakeholders in the preparation of the Preferred Options. There will also be ongoing engagement regarding the Sustainability Appraisal. (Reg 25)</p> | <p>After considering the representations received and amending the DPD, where appropriate, we will publish the proposed submission document, the Sustainability Appraisal Report and ask for comments within 6 weeks. (Reg 27)</p> | <p>We will publish a notice stating that the DPD has been submitted for Independent Examination along with representations made at the regulation 27/28 stage. If focused changes are needed to the DPD we will seek to involve the community and stakeholders during a further 6 week consultation. (Reg 30)</p> | <p>An Independent Examination (EIP) will consider all representations the Inspector appointed by the Secretary of State will produce a report. We will then amend the DPD following this report and inform consultees that the final SCI has been adopted. (Reg 36)</p> |
| General Public (including 'hard to reach groups') (General or Other Consultees) | <ul style="list-style-type: none"> ➤ Media & Publicity ➤ Exhibitions ➤ Leaflet ➤ Surveys (written & electronic) ➤ Interactive Website ➤ Workshops / discussion groups ➤ Consultation Document | <ul style="list-style-type: none"> ➤ Media & Publicity ➤ Consultation Document ➤ Reply Slip ➤ Interactive Website | <ul style="list-style-type: none"> ➤ Media & Publicity ➤ Emails/Letters to respondents ➤ Focused changes document (if needed) | <ul style="list-style-type: none"> ➤ Media & Publicity ➤ Emails/Letters to respondents |
| Community / Voluntary / Special Interest Groups (General or Other Consultees) | <ul style="list-style-type: none"> ➤ Leaflet ➤ Surveys (written & electronic) ➤ Emails/Letters ➤ Workshops / discussion groups ➤ Presentation and Q&A session ➤ Consultation Document | <ul style="list-style-type: none"> ➤ Emails/Letters ➤ Consultation Document ➤ Reply Slip | <ul style="list-style-type: none"> ➤ Emails/Letters ➤ Focused changes document (if needed) | <ul style="list-style-type: none"> ➤ Emails/ Letters |
| Borough / Town / Parish Councillors (General or Other Consultees) | <ul style="list-style-type: none"> ➤ Emails/Letters ➤ Reply slip / leaflet ➤ Surveys (written & electronic) ➤ Workshops / discussion groups ➤ Presentation and Q&A session ➤ Consultation Document | <ul style="list-style-type: none"> ➤ Emails/Letters ➤ Consultation Document ➤ Reply Slip | <ul style="list-style-type: none"> ➤ Emails/Letters ➤ Focused changes document (if needed) | <ul style="list-style-type: none"> ➤ Emails/Letters |
| Businesses / Developers and Agents (General or Other Consultees) | <ul style="list-style-type: none"> ➤ Emails/Letters ➤ Reply Slip / Leaflet ➤ Surveys (written & electronic) ➤ Workshop/discussion groups ➤ Presentation and Q&A session ➤ Consultation Document | <ul style="list-style-type: none"> ➤ Emails/Letters ➤ Consultation Document ➤ Reply Slip | <ul style="list-style-type: none"> ➤ Emails/Letters ➤ Focused changes document (if needed) | <ul style="list-style-type: none"> ➤ Emails/Letters |
| Specific Consultees and Government Departments | <ul style="list-style-type: none"> ➤ Emails/Letters ➤ Reply Slip / Leaflet ➤ Consultation Document | <ul style="list-style-type: none"> ➤ Emails/Letters ➤ Consultation Document ➤ Reply Slip | <ul style="list-style-type: none"> ➤ Emails/Letters ➤ Focused changes document (if needed) | <ul style="list-style-type: none"> ➤ Emails/Letters |

4.2 Consultation Process for Supplementary Planning Documents (SPDs)

4.2.1 These documents are likely to deal with a range of issues, both covering themes and individual sites. They are intended to explain or provide further detail to policies or site allocations in a Development Plan Document. They could take the form of design guides, area development briefs, master plans or issue based documents. They will be used in deciding planning applications and will help the council defend its decisions at appeals.

4.2.2 The diagram below sets out the process that the council is required to undertake when preparing Supplementary Planning Documents. Sustainability Appraisal is no longer a requirement for all Supplementary Planning Documents and will be carried out when appropriate.



4.2.3 Although Supplementary Planning Documents will not require an independent examination and will not form part of the statutory development plan, they will be subject to thorough procedures of community involvement. Stages 1 to 4 show the times at which you can get involved. A full description of the various community involvement methods that we may use can be found in appendix 2.

4.3 Consultation Process for the Statement of Community Involvement (SCI)

4.3.1 The Statement of Community Involvement is a Local Development Document and does not need to be accompanied by a Sustainability Appraisal.

4.3.2 Following amendments to the Regulations in 2008 and 2009 there is now a single requirement for public participation in the preparation of a Statement of Community Involvement (SCI) under Regulation 26. There is no longer a requirement for examination in public by the Secretary of State. The consultation process on the Statement of Community Involvement will therefore operate in a similar way to consultations on Supplementary Planning Documents where there will be a formal period of consultation, after which the Council will consider any representations made before adopting the document.

5 Community Involvement and Planning Applications

5.1 Introduction

The need for involvement of the community and stakeholders at an early stage of the planning process is of great benefit to the public, individuals, organisations, authorities and the applicant themselves. The Statement of Community Involvement is important in providing a useful tool and framework to engage the wider community on all planning applications, especially large-scale major planning applications which by their very nature are likely to have wider impacts on communities.

5.2 Pre-application discussions

5.2.1 We will engage in pre-application discussions with the developer that are, in confidence and without prejudice and may, depending on the size of the application, encourage them to undertake discussions and community consultation. At this stage, we will be in a position to advise developers and help clarify the format, type and level of consultation to be undertaken. The Council has a schedule of charges for preliminary enquiries and pre-application advice. In the case of larger applications the Council operates a Planning Performance Agreement (PPA) approach. Details of the applicable charges are available on the Council's website. The criteria for whether applications require wider consultation is set out below in section 5.3.

5.2.2 The purpose of early discussions between the community and the developers is to encourage agreement within the community early on in the process and provide a better chance for schemes to be positively received.

5.2.3 This process will help benefit both parties. For developers it will ensure that key issues are addressed prior to planning applications being submitted and for the local community it will enable them to have an influence before proposals reach an advanced stage.

5.2.4 It is essential that any community involvement conducted by the developers be tailored to the nature and scale of the proposal. Direct contact with the local community is believed to be far more effective than the minimum requirements for planning applications. However, funding and resource implications do need to be considered before any consultation is undertaken. A broad list of consultation and community involvement methods is provided in appendix 2, along with details of when they are most suitable, their advantages and disadvantages, and resource implications. Chapter 3 outlines the necessary steps that we will take to ensure equal and effective consultation.

5.3 Submission of a planning application

5.3.1 The process of deciding planning applications is often of great public and local interest, and comments on proposals are welcomed.

5.3.2 When deciding which applications are classed as major applications and therefore subject to wider community consultation, the Government sets out the following criteria:

- Residential developments comprising 10 or more homes;
- A site area of 0.5 hectares or more where the number of homes is unknown;
- Commercial proposals creating more than 1,000 square metres of floor space or on sites of 1 hectare or more; or
- A change of use application involving the above.

5.3.3 When identifying the extent of consultation for major planning applications, we will refer to the tiered approach set out by national guidance on SCIs and planning applications (ODPM, 2004)³. This relates to the setting and using of thresholds to determine which applications should be subject to wider community involvement and what level of involvement is required at each stage of the planning process. However, the tiered approach can be too prescriptive and circumstances have changed ie there is no longer a minimum density requirement, we will use it as a guide and will decide the extent of consultation according to each individual application. We will adhere to the guidance that says:

“...The significance of the application would help to establish the likely minimum level of wider community involvement.”⁴

Tier 1

Major planning applications classified as tier 1 may be expected to allow the widest level of community involvement. The following types of planning applications are likely to be considered tier 1 applications:

- Major Development Plan Departures - those that are seen to depart from the Development Plan;
- Schedule 1 developments – those schemes where an Environmental Impact Assessment is always required as they are likely to have effects on the environment;
- Applications that include the provision of gross shopping floor areas of 20,000 square metres or greater; or gross shopping floor space of not less than 2,500 square metres which will exceed 20,000 square metres.

Tier 2

Those major applications referred to as tier 2 are likely to be subject to wider community involvement except where the council can reasonably justify why for a particular application the approach to wider community involvement can be waived. These may include the following applications:

- Schedule 2 developments – those applications where an Environmental Impact Assessment may be required as they are likely to have an effect on the environment by virtue of factors such as their nature, size or location.
- Development proposals that relate to a site of 5 hectares or more of Greenfield land, or comprise 150 dwellings or more regardless of the size of the site.
- Development proposed on playing fields as set out in the Town and Country Planning (Consultation) (England) Direction 2009 – any proposal for development of any playing field owned by the Council or used by an educational institution.

³ 'Statements of Community Involvement and Planning Applications' – Office of the Deputy Prime Minister, Creating Sustainable Communities, 2004.

⁴ As above.

Tier 3

Tier 3 major applications are likely to be determined on a 'site-by-site' basis at a local level:

- Applications of a local significance such as those which: fall marginally below the thresholds identified under Tiers 1 and 2;
- Applications that fall within sites that are 'sensitive' to development pressures – development adjoining a listed building; substantial demolition in a Conservation Area; loss of allotment land; loss of employment land for housing; and development on windfall sites.
- Other applications – to encompass lower thresholds for non-conforming uses and other types of specific development. For example, small employment/business development within residential areas, change of use of A1 retail uses to other 'non-retail' uses in neighbourhood centres and telecommunication development in 'sensitive' areas.
- Applications that will have transport implications and will require a Transport Assessment to accompany the submitted planning application.

5.3.4 The level of consultation carried out for all tiers of major planning applications, will be determined by the council to ensure that it is appropriate. We also recognise that any involvement will need to encourage participation and social inclusion to ensure that the local community is given every opportunity to influence the process. One or a combination of the following methods are therefore proposed to be used in such cases:

- Exhibitions;
- Workshops;
- Development briefs;
- Surgeries;
- Public meetings;
- 'Planning for real' style exercises;
- Consultation groups;
- Website;
- Media;
- Pre-existing panels/forums and design teams; and
- Planning aid.⁵

A weekly list of all applications received appears on the council's website. Individual letters/emails will be sent in respect of every planning application where neighbouring properties/businesses can be identified. Where there is any uncertainty as to the address etc, a site notice or advertisement in the local press will be used. Parish and town councils will be consulted on every application within their parish boundaries. Statutory advertisements will be used as a means of consultation if required and as laid out in legislation.

5.3.5 It is important to note that the types of methods used and the length of consultation will need to suit the type of application and therefore the methods listed above are provided as a guideline of how we may consult, but is in no means intended to be prescriptive or exhaustive. The Principal Planning Officer will make this decision.

⁵ Explanations of methods can be found in the Glossary.

5.3.6 The table below looks at the different tiers for major planning applications and shows the possible methods of involvement that may be most suitable.

| Community Involvement on Major Planning Applications | | |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Tier 1 Applications where there are considerable issues of scale and controversy or they are contrary to or out of line with Development Plan policy (as defined by the Development Management Procedure Order 2010) | Tier 2 Applications broadly in accordance with Development Plan BUT raising controversial issues or detail. | Tier 3 Applications of a scale or development area for which the council requires wider community involvement; applications that fall within sites that are sensitive to development pressures |
| <ul style="list-style-type: none"> • Exhibitions • Workshops • Development briefs • Surgeries • Public meetings • 'Planning for real' style exercises • Consultation groups • Parish & Town Councils • Website • Media • Pre-existing panels/forums and design teams • Individual letter/email | <ul style="list-style-type: none"> • Surgeries • Exhibitions • Parish & Town Councils • Website • Individual letter/email • Media | <ul style="list-style-type: none"> • Parish & Town Councils • Website • Media • Individual letter/email |

5.4 Other applications

5.4.1 With regard to all other types of applications, the Development Manager or the Principal Planning Officer for the relevant area will determine the appropriate level of consultation. Individual letters/emails will be sent to neighbouring properties/businesses and/or site notices used. Parish and town councils will be consulted on every application in their parish. All the planning applications appear on the website which is updated weekly.

5.4.2 With regards to all other types of applications we will seek to ensure that those directly affected by applications, together with parish/town councils where appropriate and the local press where statutorily required, are given up to date information on relevant planning applications. To achieve this we will maintain statutory record systems and will undertake consultation and publicity as set out below.

- The Planning Register

Applications for planning permission must by law, be entered on a register within 14 days of receipt. Maintaining a planning register is a statutory obligation imposed on the council by the Town and Country Planning Acts and it is available for inspection during office hours. In Colchester the register consists of three parts:

- A register containing details of all current applications for planning permission, including plans and drawings;
- A register that contains a permanent record of all applications and decisions since 1 July 1948 (including any order made, appeals and their outcome); and
- An index is provided in plotting sheets.

Current planning applications including plans and drawings can be viewed online using the Colchester Planning website. For those who do not have access to a

computer the Council provides appropriate terminals at its Customer Service centre for public use.

- The Weekly List

The statutory register does have limitations for general use and accordingly we also produce and distribute a weekly list. As the name suggests, this is a list of all new applications registered and decisions made the previous week. The list is available on our website and is sent electronically to all council members. Paper copies are sent to libraries in the borough and external consultees and copies are available to private individuals and companies on payment of a fee.

- Advertising

Regulations set out in the Town and Country Planning (Development Management Procedure) Order 2010, the Planning (Listed Building and Conservation Areas) Regulations and the Planning (Listed Building and Conservation Areas) Act 1990, state that all planning applications need to be publicised, either by site notice or individual neighbour notification. A press notice and site notice is also required for the following types of application:

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

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

- Individual post-cards

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

Post-cards will be sent only to those properties directly affected by the proposal, which according to the Development Management Procedure Order 2010 is any adjoining owner or occupier. "Adjoining owner or occupier" means any owner or occupier of any land adjoining the land to which the application relates. For example, the minimum consultation for extensions to buildings would be properties to the sides of the site and if appropriate, above. In the case of rear extensions those to the rear will be consulted and for front extensions those opposite will be consulted. Side only extensions will require that property on the side affected to be consulted. Any further consultation will be at the discretion of the case officer.

- Parish and Town Councils

Details on how we consult with parish and town councils are contained within part

8 of The Constitution. The procedures for Planning Committee are covered in part 4.

We have set up a forum for parish and town council clerks, which is held every two months. Although this is a corporate initiative there is opportunity to report on planning matters on a regular basis.

It is also intended to develop and extend regular planning liaison meetings with all of the 5 largest town and parish councils (Stanway, Tiptree, Mersea, Myland and Wivenhoe) and continue to provide a regular programme of planning workshops for rural councils on an annual basis.

The planning workshops for Town and Parish Councillors are held on a regular basis and includes workshops on subjects including, material considerations, influencing the planning process, enforcement, appeals, planning law, design, legal obligations etc.

- Website

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

5.5 Procedure for Dealing with Written Representations to Applications

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

5.5.2 The Planning Service does not respond in writing to questions about a planning application unless specifically requested, but is happy to give advice over the telephone. If specific questions are raised we will seek to respond prior to consideration of the application. All comments received are considered by the case officer, which may result in the application being revised. If the scheme is significantly changed we will try to repeat the consultation allowing, where possible, an extra 14 days or less in certain circumstances, for further comments (at the discretion of the case officer). Sometimes time constraints mean a shorter period is given for comments on revised plans. Where the subject of an objection has, in the opinion of the Planning Service, been addressed in amended plans, re-consultation has occurred and no further comment made, the previous objection will be considered withdrawn.

5.6 Determination of a planning application

5.6.1 The receipt of one or more letters of objection will normally result in a major

application being determined by committee if it is being recommended for approval or if it is subject to a S106 Agreement. In the case of all other applications a decision will be made under delegated powers by the Planning Service unless that application has been subject to a 'call-in' by a Councillor. A 'call-in' is subject to a formal process and for it to be triggered automatically a councillor must make a valid request within 21 days of being notified of the application. Anyone can approach their councillor to have an application 'called-in' and thereby determined by the Planning Committee after public debate. A councillor is not duty bound to request a 'call-in' if asked. Where an application is being reported to Committee all comments received are summarised in the Committee report. Letters will not be accepted after 5pm on the day before Committee. Once the agenda has been prepared, anything received before 5pm will be reported on an amendment sheet, or verbally.

- 5.6.2 If an application is to be reported to committee this will be stated on the Council's online planning website. The full committee report is available 5 days before the meeting on the website and in all council offices. Where an application has been subject to a valid 'call-in' the applicant and any person making an electronic submission via the Council's on-line planning' web-site will be notified via e-mail of the relevant Committee date, 5 days prior to the meeting.
- 5.6.3 At committee one representative from the objectors is able to speak to committee for up to 3 minutes. Objectors are invited to view the report to obtain a full list of objectors to enable them to get together.
- 5.6.4 When a decision is reached, respondents who have sent their comments in via the Councils 'on-line planning' web site using an e-mail address will be advised of the decision within 10 days. The update will state whether the application has been approved or refused and where the decision can be viewed in full, i.e. the statutory register or in summary form on the website.
- 5.6.5 Further details on how to comment on planning applications can be found in our document "How to Comment on Planning Applications" which is available on the website and at Customer Service Centre. Other related documents include "Have your Say on Planning Applications" and "Your Right to Speak at the Council Planning Meeting".

5.7 Appeals

- 5.7.1 When an appeal is made against the decision of the council all previous correspondence is forwarded on to the Planning Inspectorate. Letters/emails are also sent to all those people who had previously been consulted/commented on the application, advising them of the appeal. Further representation can be made direct to the Planning Inspectorate. These procedures comply with the statutory procedures set out in S78 of the Town and Country Planning Act 1990 and the Planning Inspectorate's Procedural Guidance 'Planning appeals and called-in planning applications' (PINS 01/2009).

6 Stakeholder Involvement

- 6.1 Appendix 1 provides a comprehensive list of the types of consultees that we will inform and involve throughout the Local Development Framework process. The organisations and groups listed there are representative organisations and individuals of all types and ranges of interest that we feel will have an important part to play in the planning process. They will all be consulted as part of the Local Development Framework process and will be consulted as appropriate on planning applications.
- 6.2 A full list of all types of consultees will be stored on a database along with their details. This information is not listed here as it is constantly being updated due to the fact that new groups frequently emerge or disband or their details change and individuals request to be added or removed from the database. However, the database is available to view upon request so that anybody may suggest additional bodies and groups to be added or so that they may find a group to represent their views in the new planning process.

7 The Role of Councillors

- 7.1 Councillors have a central role to play in the Local Development Framework. Some functions are within the Cabinet's remit whilst other functions require Full Council agreement. The Local Development Framework Committee has been established as a sub-committee of Full Council and is open to the public in the same way as other formal council committees. The Committee has responsibility for guiding the Local Development Framework process and takes decisions on the various documents to be produced. As part of this process they will take account of all consultations. Some Cabinet decisions relating to the Local Development Framework have been delegated to the Portfolio Holder for Planning and Sustainability. Further details on the Local Development Framework Committee and the Portfolio Holder system are available on the Council and Democracy pages of the Council's website. It is important for all borough councillors to fully understand the Local Development Framework and to be updated regularly in order for them to be able to represent their constituents.
- 7.2 We will also seek to work with parish and town councils in helping to promote the Local Development Framework and encourage participation in the rural areas.
- 7.3 In relation to planning applications and when helping their constituents in a formal capacity, councillors will be required to maintain an impartial approach. They will only make comment at the planning committee based on the evidence presented at the time.⁶ The Government has signalled its intention to change the law concerning these matters as part of the Localism Bill. The changes are expected to clarify the rules regarding predetermination and allow Councillors to campaign on local issues.

8 Consultation Feedback

Comments on the Local Development Framework

- 8.1 We recognise the importance of feeding back information and consultation results to the public and stakeholders so that they are kept informed of the process and to help build trust between the council and the community.
- 8.2 To make sure that our methods of feedback are successful they will be planned thoroughly in the project plan (see paragraph 9.1) and will be appropriate to the group

⁶ 'Member Engagement in Planning Matters' – Local Government Association, 2005

or organisation involved. Chapter 4 looks at the various methods of feedback for Development Plan Documents, Supplementary Planning Documents and the Statement of Community Involvement.

- 8.3 A brief summary of consultation responses will be provided within 2 months from the close of the consultation and will be available in a variety of formats. This summary will also include information on the next phase of the process and how the community and stakeholders can be involved further.
- 8.4 At various stages in the production of documents, reports will be presented to the Local Development Framework Committee. These will set out any representations received and suggest how they should be considered, and what decision should be taken. Reports will generally be published before the meetings but sometimes verbal updates are required.
- 8.5 Any representations received cannot be treated as confidential and the council is required to publish them at the end of the consultation process.⁷

Comments on Planning Applications

- 8.6 Any representations received on planning applications will be dealt with as set out in chapter 5.

9 Our Resources

- 9.1 We believe that every consultation and community involvement activity should be planned thoroughly before it is undertaken. The completion of a project plan will help identify, in the early stages of preparation, potential resource requirements such as officer time, materials and funding (see paragraph 8.2). It will also help to identify whether any specialist consultation skills may be required from external agencies e.g., workshop facilitation skills or analysis of raw data. However, it is important to note that extra resources may be needed in case any consultation needs to be extended or altered at the last minute.
- 9.2 When preparing consultations we will seek to combine resources with other authorities and organisations wherever possible in order to reduce costs and encourage integrated working. It will be especially important to join up with other services within the council itself as a way to reduce expenditure and improve our performance. This approach will also ensure that the local community do not get overloaded with too many consultations occurring at the same time.
- 9.3 In order to encourage participation we may, where appropriate, consider providing support to organised, representative groups. The careful planning of such participation and consultation activities will help ensure that resources are used appropriately and realistically. A table of different consultation methods and their resource implications can be found in appendix 2.

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

- 10.1 Following the adoption of the Statement of Community Involvement it is essential that it be continually monitored throughout the Local Development Framework process. This will allow us to look at the consultations that have taken place and understand if they have been successful and whether our objectives have been achieved. As our key aim is to engage with all sectors of the community, this monitoring process will

⁷ The Town & Country Planning (Local Development) (England) Regulations, 2004 (as amended)

help us discover which methods of involvement work well with particular groups and adapt them, as necessary for future work.

10.2 Where consultations prove to be unsuccessful or where revised methods are needed to meet new circumstances, a review of the Statement of Community Involvement will be undertaken.

10.3 As a result of this monitoring and review process, we will seek to suggest improvements for future activities so that we achieve a more effective approach to consultation and encourage a greater participation in the Local Development Framework process.

Consultation Organisations

The Town and Country Planning (Local Development) (England) Regulations, 2004 as amended in 2008 and 2009 specify that the following organisations must be consulted if the council considers that they may be affected by what is proposed to be covered in a Development Plan Document.

Sustainability Appraisal Consultation Organisations

The following organisations should be consulted for a sustainability appraisal under the Environmental Assessment of Plans and Programmes Regulations 2004.

- Natural England
- The Environment Agency
- The Historic Buildings & Monuments Commission for England (English Heritage)

Specific Consultation Organisations

- Regional Planning Body
- The Coal Authority
- The Environment Agency
- The Historic Buildings and Monuments Commission for England
- Natural England
- The Secretary of State for Transport
- The Highways Agency
- 'Relevant authorities any part of whose area is in or adjoins the area of the local planning authority' including:
 - Parish / Town Councils
 - Neighbouring District / Borough Councils
 - Adjoining Parish / Town Councils
 - Essex County Council
 - Essex Police Authority
 - Suffolk Police Authority (adjoining)
 - Suffolk County Council (adjoining)
- Regional Development Agency– East of England Development Agency
- Telecommunications operators
- Primary Care Trust
- Electricity and gas companies
- Sewerage and water companies

Government Departments

Under the Town and Country Planning (Local Development) (England) Regulations, 2004, local planning authorities are strongly advised to consult any Government Departments or agencies where those departments or agencies have large land holdings in the area covered by a local development document.

General Consultation Organisations

- Voluntary organisations, some or all of whose activities benefit any part of the authority's area
- Organisations which represent the interests of different racial, ethnic or national groups in the authority's area
- Organisations which represent the interests of different religious groups in the authority's area
- Organisations which represent the interests of disabled persons in the authority's area
- Organisations which represent the interests of persons carrying on business in the authority's area.

Other Consultees

Local planning authorities should also consider the need to consult, where appropriate, the following agencies and organisations in the preparation of local development documents.

- Age Concern
- Airport operators
- British Chemical Distributors and Traders Association
- British Geological Survey
- British Waterways, canal owners and navigation authorities
- Centre for Ecology and Hydrology
- Chambers of Commerce, Local CBI and local branches of Institute of Directors
- Church Commissioners
- Civil Aviation Authority
- Coal Authority
- Commission for Architecture and the Built Environment (CABE)
- Commission for New Towns and English Partnerships
- Commission for Racial Equality
- Crown Estate Office
- Diocesan Board of Finance
- Disability Rights Commission
- Disabled Persons Transport Advisory Committee
- Electricity, Gas and Telecommunications Undertakers, and the National Grid Company
- Environmental groups at national, regional and local level including:
 - Council for the Protection of Rural England;
 - Friends of the Earth;
 - Royal Society for the Protection of Birds; and
 - Wildlife Trusts.
- Equal Opportunities Commission
- Fire and Rescue Services
- Forestry Commission
- Freight Transport Association
- Gypsy Council
- Health and Safety Executive
- Help the Aged
- Housing Corporation
- Learning and Skills Councils
- Local Agenda 21 including:
 - Civic Societies;
 - Community Groups;
 - Local Transport Authorities;
 - Local Transport Operators; and
 - Local Race Equality Councils and other local equality groups.
- National Playing Fields Association
- National Travellers Action Group
- Network Rail
- Open Spaces Society
- Passenger Transport Authorities
- Passenger Transport Executives
- Police Architectural Liaison Officers/Crime Prevention Design Advisors
- Port Operators
- Post Office Property Holdings
- Rail Companies and the Rail Freight Groups
- Regional Development Agencies
- Regional Housing Boards
- Regional Sports Boards
- Road Haulage Association
- Sport England


- Home Builders Federation
- The Ramblers Association
- Transport for London
- Traveller Law Reform Coalition
- Water Companies
- Women's National Commission

Additional groups may include:

- Groups representing the interests of people with disabilities
- Racial/Ethnic Groups
- Religious Groups
- Business Groups
- Environmental & Heritage Groups
- Social & Health Groups
- Community & Sports Groups
- Developers & Landowners

Methods of Community Engagement

APPENDIX 2



 The higher up the table a consultation method is, the closer it is to informing rather than involving the community.

| Consultation Method | When is it most suitable | Advantages | Disadvantages | Resource Implications |
|----------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>Informing Consultation Involving</p> <p>Consultation Document (paper or electronic)</p> | <ul style="list-style-type: none"> • Inform / promote • Useful for consulting on technical policies and plans and inviting comment on them. • Would be most useful towards the end of the policy process. • Can be produced in a variety of formats e.g., on paper, CD ROMs, website. | <ul style="list-style-type: none"> • Providing detailed information in this way enables consultees to make an informed response, which will ultimately be more meaningful to the process. • It is therefore important to make responding as easy as possible by accompanying the paper with reply slips, email addresses etc. • They can also be made available in a number of places i.e., libraries, schools, local offices etc. | <ul style="list-style-type: none"> • Actual two-way participation with respondents is inhibited and this can be a missed opportunity to encourage responses and/or explain policies and processes, thereby avoiding possible mis-interpretations. • Particularly long and complex consultation papers can be daunting and off-putting to read. It is therefore important to recognise that many sectors of the community will not or cannot read them. • If documents are sent by post it is difficult to judge if they have been read or considered. | <ul style="list-style-type: none"> • The usual costs of printing and distribution will apply. • Cost of producing the document in alternative formats to make it accessible to all sectors of the community. |
| <p>Letters</p> | <ul style="list-style-type: none"> • Inform / promote • To provide information to all relevant stakeholders at the beginning of a consultation. • To provide feedback to stakeholders concerning the outcomes of a consultation. | <ul style="list-style-type: none"> • A quick and easy way to provide feedback on the results of a particular consultation. • Reply slips requesting information can be with the letter to gain factual information and / or views and opinions. • Can also include consultation papers and any other supporting documents. | <ul style="list-style-type: none"> • This can be a very labour intensive method if administration support is limited. • Mailing lists must be updated regularly to ensure that addresses are correct etc. | <ul style="list-style-type: none"> • Costs depend on the number produced and distributed. • Officer time and stationary costs also need to be taken into account. |
| <p>Reply slip / Leaflet (Quantitative)</p> | <ul style="list-style-type: none"> • Strengthen evidence base / gather opinion / promote / inform • Can be useful for providing basic or summary information or for drawing attention to forthcoming consultation events and initiatives. | <ul style="list-style-type: none"> • Can be targeted more specifically and personally than posters. • Can also provide an opportunity for the public to feedback i.e., through tear off reply slips. • Feedback forms with the respondents contact details can be fed into a mailing list, through which future information can be disseminated. | <ul style="list-style-type: none"> • The amount of information that can be provided is often limited due to size of document. • Variations are often needed to target specific audiences, for example, older people, children, ethnic minorities. • Thought needs to be put into how they will be disseminated so that a wide range of people and groups are covered. | <ul style="list-style-type: none"> • Costs depend on the number of leaflets printed and methods of dissemination. • May also need to pay for a designer. |

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| <p>Media and Publicity</p> | <ul style="list-style-type: none"> • Inform / promote • Press releases, newspaper articles and advertisements and briefings for local radio / TV and press. • This will be suitable at varying stages of the process. | <ul style="list-style-type: none"> • Can reach a large number of people in a short space of time. • Can help advertise events. • Can use as a method of feedback to the public. | <ul style="list-style-type: none"> • Need to be aware that it is unlikely that you will have editorial control with local papers. It is always possible that a different slant may be put on a story. • You cannot be certain how many people have read and understood the information provided. | <ul style="list-style-type: none"> • Newspaper supplements can cost if you want editorial control as can radio adverts. • However, a cheaper method in comparison to others. |
| <p>Public Meetings (Qualitative)</p> | <ul style="list-style-type: none"> • Inform / promote debate • For addressing specific concerns that may have been raised by the public. • They should not be used for geographically dispersed issues or for getting representative feedback about particular issues. | <ul style="list-style-type: none"> • If chaired properly it can be a good way of hearing different / opposing points of view. • It is possible to break meetings up into smaller groups when you can encourage brainstorming and action planning. This is also an opportunity to give voice to those individuals who may not wish to speak in front of large audiences. | <ul style="list-style-type: none"> • Can be difficult, as people tend not to turn up in significant numbers unless the issue is of particular concern or very contentious, in which case they can easily become confrontational. • If the meetings are too large, some attendees may be inhibited from speaking. More vocal members of the public can sometimes dominate the discussion, disrupting the timetable and preventing other issues and opinions from coming through. This can also be a problem for anyone with language problems. | <ul style="list-style-type: none"> • Costs tend to be low but need to consider venue hire, staff time, and advertising and publicity materials. • It is important to have a suitable venue and times to suit the target audience. |
| <p>Exhibitions (Qualitative)</p> | <ul style="list-style-type: none"> • Promote / inform / strengthen evidence base / gather opinion. • As a supplement to other forms of participation. This type of activity should not be used as a sole means of consultation for major schemes and projects. • Information and comments are usually collected on the day through self-completion questionnaires, comment cards, voting boxes, informal discussions. | <ul style="list-style-type: none"> • Roadshow exhibitions can be useful to ensure that opportunity to take part and feedback is open to all members of the public. Can target specific areas, i.e., the rural communities. • Allow you to make use of visual aids, including 3D models, maps, videos, written material and illustrations. • Allows the public to visit at a time that is suitable to them. | <ul style="list-style-type: none"> • The event may be seen as information giving rather than full consultation. Therefore need to ensure that staff are fully briefed and can respond to queries. Be seen to be listening. • People who attend are unlikely to represent the community as a whole. | <ul style="list-style-type: none"> • Advertising and publicity. • Hiring the venues and staff costs. • The total costs will depend on the length of the exhibition or open day and the use of displays, especially the commissioning of new ones. |

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|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>Surveys (Quantitative)</p> | <ul style="list-style-type: none"> • Strengthen evidence base / gather information. • Can be a good introduction to a consultation. • Useful for discovering factual information, views, attitudes and opinions. • Where views are needed across a wide geographical area. | <ul style="list-style-type: none"> • Can cover a range of issues. • Can involve a large number of people. • Can be easy to communicate findings. • Makes decision-making easier if there is a clear evidence base. | <ul style="list-style-type: none"> • Complex or technical issues can be hard to explain. • Care needs to be taken with wording, especially with open-ended questions, to avoid confusion and leading questions. • Can be difficult to determine reasons behind responses and explore attitudes. • Postal questionnaires often have low response rates. | <ul style="list-style-type: none"> • Financial costs vary depending on how the survey is done and how large the sample is. • Usual costs of printing and postage, however, can be quite cheap in comparison to other techniques. • Joining up with other departments and sharing findings can reduce costs. |
| <p>Interactive Website (Quantitative with surveys but qualitative with on-line forums)</p> | <ul style="list-style-type: none"> • Strengthen evidence base / gather information / inform / promote / promote debate. • Should be used to provide information and as a method of feedback. • Is useful at all stages of the process. | <ul style="list-style-type: none"> • It allows communication with a wide range of people, across geographically broad areas. • It can help attract those in the community who may not normally wish to comment via conventional means i.e. those who are unable to, or afraid of leaving the house. Can also attract those who may experience difficulty attending meetings or exhibitions due to physical, work or childcare constraints. • Analysis of responses can be quicker and easier and involve less paper work and travel. | <ul style="list-style-type: none"> • It must be clearly recognised that even though the technology is growing, a large number of people, still do not have access to the Internet. For this reason, all information posted on the website should also be available in other formats. • The inability to use body language to build up a rapport as in face to face interviews, can be a serious disadvantage. | <ul style="list-style-type: none"> • The cost of software and programming assistance needs to be assessed depending on the work you need done. • This is a very cost effective method of consultation. |
| <p>Workshop / discussion group (Qualitative) – Small groups of people invited to attend informal discussion sessions on a particular topic. Often semi structured and consultation papers may be provided.</p> | <ul style="list-style-type: none"> • Promote debate / build consensus / strengthen evidence base / gather opinion. • Used to gain deeper insights into behaviours, attitudes, and perceptions and why such things are present. • Can also help generate ideas and suggestions for improvement. • Can be a useful forum for communicating the results of previous consultation activities. | <ul style="list-style-type: none"> • Can be used to consult a number of different groups in the community. • Allows the organisers an opportunity to explain the context so that respondents can give informed opinions. • Interactive and visual aids can be used to help encourage involvement. | <ul style="list-style-type: none"> • Samples are usually small and responses therefore do not represent the views of a whole community. • Can be difficult to collate and analyse the data. • Issues of bias and interpretation can occur if officers are recording views and opinions themselves. Outside agencies employed to do this may overcome this problem but may also have difficulties if their knowledge of the issues are limited. | <ul style="list-style-type: none"> • Relatively inexpensive to organise, depending on the number of sessions to be facilitated. Should consider the cost of outside facilitators. • It can be difficult to join up with other services in the council and discuss a range of issues in these groups. However, the information received should be shared, especially where it can link up with the Local Strategic Partnership or Strategic Plan. |
| <p>Participatory Appraisals (including planning for real style exercises) (Qualitative)</p> | <ul style="list-style-type: none"> • Promote debate / build consensus / gather opinion. • Allows a person to put forward and prioritise ideas on how their area can be improved. • It is a highly visible and hands-on tool. | <ul style="list-style-type: none"> • People of all ages, abilities and backgrounds can use it. • Using models and can generate interest and create an initial vision of an area. • Allows a practical, non-threatening way of communication and participation. | <ul style="list-style-type: none"> • Planning for Real is a registered trademark of the Neighbourhood Initiatives Foundation and it is therefore necessary for facilitators to be trained by the foundation, which can significantly expand financial budgets. • Involves a large amount of planning and publicity. | <ul style="list-style-type: none"> • Cost of training and model kits. • Officer time. • Venue hire. • Media / publicity. |

Glossary

For a full glossary of planning terms please visit www.gos.gov.uk

Area Action Plan (AAP)

These are Development Plan Documents that will be used to provide the planning framework for areas where significant change or conservation is needed. They can be used in many ways to help deliver planned growth areas, stimulate regeneration, protect areas that are sensitive to change, resolve conflicting objectives in areas subject to development pressures and/or focus the delivery of area based regeneration initiative.

They will also focus on the implementation of policies and proposals and will provide an important way of ensuring development of an appropriate scale, mix and quality for key areas of opportunity, change and conservation in the Borough.

Community Strategy / Sustainable Community Strategy

All local planning authorities have a duty to prepare community strategies under the Local Government Act 2000 in conjunction with other public, private and community sector organisations. Community Strategies should promote the economic, social and environmental well being of their areas and contribute to the achievement of sustainable development. The intention is that Local Development Frameworks (see below) will provide the spatial expression to those elements of the Community Strategy that relate to the use and development of land. Copies of the Colchester Community Strategy can be viewed at www.colchester2020.com

Core Strategy

The Core Strategy sets out the long-term vision for Colchester and the strategic policies required to deliver that vision. Its main aim is to promote sustainable development. It will also seek to protect and enhance the environment, as well as defining the general locations for delivering strategic development including housing, employment, retail, leisure, community and transport.

The Core Strategy also includes a key diagram showing in broad terms the main policies and proposals.

Design Guides

A document providing guidance on how development can be carried out in accordance with the design policies of a local authority or other organisation often with a view to retaining local distinctiveness.

Development Briefs

Inform developers and other interested parties of the constraints and opportunities presented by a site, and the type of development expected or encouraged by local planning policies.

Development Plan Document (DPD)

Development Plan Documents that the council are required to prepare include the core strategy, site-specific allocations of land and area action plans. There will also be a proposals map, which will illustrate the spatial extent of policies that must be prepared and maintained to accompany all development plan documents. All Development Plan Documents must be subject to rigorous procedures of community involvement, consultation and independent examination, and adopted after receipt of the inspector's binding report.

Disability

The Disability Discrimination Act 1995, defines a disabled person as an individual with a physical (including sensory) impairment or mental impairment which has a substantial and long term adverse effect on his/her ability to carry out normal day-to-day activities.

Evidence Base

An up-to-date information base on key aspects of the social, economic and environmental characteristics of the area, to enable the preparation of a sound spatial plan that meets the objectives of sustainable development.

Frontloading

Involving stakeholders, developers and landowners in the policy production process with an aim to develop consensus on significant issues. It is an important part of the Statement of Community Involvement to set out how the council intends to provide opportunities for participation from the

earliest stages. It is recognised that community involvement should happen at a point which people feel that they have the potential to make a difference and contribute to policy development.

Guidance Notes

From time to time we will publish guidance notes on a range of planning topics. These will be similar to Supplementary Planning Documents but will be much more informal. They will be used to provide information and advice rather than set out policies. We intend that they will be a practical part of the policy's framework.

Independent Examination

The council must arrange for an independent examination of the submitted Development Plan Document, the purpose of which is to consider the "soundness of the plan". An independent inspector will be appointed by the Secretary of State to conduct the examination and it is his/her role to consider the Development Plan Document as a whole and to determine its soundness. In assessing this, the inspector will consider all representations made on the submitted Development Plan Document and the changes that have been suggested by those making representations.

Local Development Document (LDD)

Local Development Documents are those documents that together make up the Local Development Framework (see below). They comprise of Development Plan Documents, Supplementary Planning Documents (see below) and the Statement of Community Involvement (see below).

Local Development Framework (LDF)

This is the term given to the portfolio of Local Development Documents (see above), which will provide the framework for delivering the spatial planning strategy for the area.

Local Development Scheme (LDS)

This is the project plan for the production of all documents that will comprise the Local Development Framework (see above). It identifies each Local Development Document (see above) stating which are to be Development Plan Documents (see above) and which are to be

Supplementary Planning Documents (see below), and establishes a timetable for preparing each.

Local Strategic Partnership (LSP)

A non-statutory, non-executive body bringing together representatives of the public, private and voluntary sectors. The LSP is responsible for preparing and monitoring the implementation of the Community Strategy (see above).

Master Plans

The Master plan follows the strategic objectives of the Local Plan and expands on and in some cases modifies these criteria.

Preferred Options Report

This will set out policy issues, including alternative approaches where appropriate, for all the main subject areas, including possible site allocations.

Proposals Map

The adopted proposals map illustrates on an Ordinance Survey base map, all the relevant policies from Development Plan Documents. It must be revised as new Development Plan Documents are adopted, and it should always reflect the up-to-date planning strategy for the area. Proposals for changes to the adopted proposals map will accompany submitted Development Plan Documents in the form of a submission proposals map.

Race Relations (Amendment) Act 2000

Legislation that seeks to prevent discrimination directly or indirectly in any functions carried out by public authorities. See www.colchester.gov.uk for notes

Site Specific Allocations

Land allocated for specific uses will be identified in specific Development Plan Documents. Specific policies that relate to these designations will be set out in a Development Plan Document and will cover principles such as design or specific requirements for implementation.

Policies relating to the delivery of the Site Specific Allocations, such as any critical access requirements, any broad design principles or any planning obligations, which may be sought, will be set out in a development plan document.

Statement of Community Involvement (SCI)

This will set out the standards that the council 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 (see above) and in significant planning applications, and also how the local planning authority intends to achieve those standards. A consultation statement showing how the council has complied with its Statement of Community Involvement should accompany all Local Development Documents (see above).

Supplementary Planning Document (SPD)

These documents contain policy guidance to supplement the policies and proposals in Development Plan Documents (see above). They will not form part of the development plan or be subject to independent examination.

Sustainability Appraisal (SA)

An appraisal of the economic, social and environmental effects of a plan from the outset of the preparation process, so that decisions can be made that accord with sustainable development.

Further Information

For further information and advice on planning issues, please refer to the following list.

| | |
|------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Planning Aid | A charity that provides free, independent and professional advice and support on planning issues to people and communities who cannot afford to hire a planning consultant. www.rtpi.org.uk/planningaid |
| Royal Town Planning Institute (RTPI) | The professional body for town planners. Its website contains a wealth of planning related information. www.rtpi.org.uk |
| RTPI Online Consultants Directory | An online directory of planning consultants produced in association with the RTPI. www.rtpiconsultants.co.uk |
| Rural Community Council of Essex (RCCE) | An organisation that works to empower local communities, and promote community-led regeneration initiatives. www.essexrcc.org.uk |
| Royal Institute of British Architects (RIBA) | The professional body for architects. Its website contains useful information relating to architecture. www.riba.org.uk |
| Community Renewal Network East (CRNE) | Provides support to people involved in community based regeneration in the East of England. http://www.renewal.net/England/EastOfEngland/default.asp |
| Government Office for the East of England (Go-East) | The government office for the East of England. www.go-east.gov.uk |
| Essex County Council (ECC) | The County Council for Essex. www.essexcc.gov.uk |
| Department for Communities and Local Government (DCLG) | Website contains access to national planning guidance and policies. www.communities.gov.uk |
| Commission for Rural Communities (formally the Countryside Agency, English Nature and the Rural Development Service). | Will provide advice and support to rural communities. www.ruralcommunities.gov.uk |


Effective Consultation

Consultation Guidelines


- ☞ It is important to plan effectively before beginning any type of consultation - be clear on your aims, objectives and time scale.
- ☞ Be clear about who is being consulted and why.
- ☞ Try to use more than one method of consultation in order to get more valid and reliable data.
- ☞ Be flexible and prepared to modify or change your consultation at the last minute.
- ☞ Present information in a clear and concise way and avoid jargon.
- ☞ Be open and honest with your consultees.
- ☞ Be sensitive to the needs of those you are consulting with. Respect local knowledge and cultural differences.
- ☞ Embrace all sections of the community and aim to include hard to reach groups such as young people and those in ethnic minority groups.
- ☞ Be sure to give consultees enough time to respond to the consultation.
- ☞ Conduct objective analysis once all the responses have been collated.
- ☞ A thorough and objective evaluation should be carried out at the end of the consultation to identify strengths and weaknesses for future exercises.
- ☞ Try using new technology to introduce new and more interactive methods of consultation and which can also aid analysis and feedback.
- ☞ Have fun! – Consultation is a great opportunity to meet new people and have fun. Use visual displays and interactive methods wherever possible to encourage participation.

Factors to consider

- ☞ Why am I consulting?
- ☞ Who do I want to consult with?
- ☞ Has research on this topic already been conducted?
- ☞ What methods will I use to consult?
- ☞ Where will I consult?
- ☞ What equipment/facilities will be needed? What will be my costs?
- ☞ What media (if any) will I use to promote this consultation?
- ☞ Are there any potential limitations? How will I overcome these?
- ☞ How will I inform consultees of the outcomes and any progress?



If you need help reading or understanding this document, please take it to our Customer Service Centre, High Street, Colchester. Or phone 01206 282222. Text phone users should dial 18001 followed by the full number. We will try to provide a reading service, a translation, or any other format you need.





Local Development Framework Committee

Item

8

31 January 2011

| | | | |
|----------------|----------------------------------------------------------------------------------------------|--------|------------------------------|
| Report of | Head of Strategic Policy and Regeneration | Author | Shelley Blackaby ☎ 282709 |
| Title | Revision of Colchester's Sustainable Design and Construction Supplementary Planning Document | | |
| Wards affected | All | | |

The Local Development Framework Committee is asked to note that a revised version of Colchester's Sustainable Design and Construction Supplementary Planning Document (SPD) is to be released for public consultation.

1. Decision(s) Required

- 1.1 To note that a revised version of Colchester's Sustainable Design and Construction Supplementary Planning Document (SPD) is to be released for public consultation as required by Regulation 17 of the Town and Country Planning (Local Development) (England) Regulations 2004 (as amended).

2. Reasons for Decision(s)

- 2.1 As set out in the Local Development Scheme and as previously reported to the Committee, the Sustainable Design and Construction SPD is being revised. This report seeks to update the LDF Committee and provide an opportunity for the Committee to make comments on the document which will then be taken into account when preparing the final version as appropriate.

3. Alternative Options

- 3.1 The Committee could decide not to comment on the revised Sustainable Design and Construction SPD.

4. Supporting Information

- 4.1 The Committee will recall that a report was tabled in August 2010, which explained the need for an update to the Sustainable Design and Construction SPD. The revised version of the Sustainable Design and Construction SPD has now been drafted for consultation. The principal aim of the updated SPD is to ensure the implementation of Core Strategy policy ER1 (Energy, Resources, Waste, Water and Recycling) and to improve the sustainability of development in Colchester Borough. The SPD is split into seven sections, which are summarised below.

- 4.2 **Section 1 – Introduction** – The introduction to the SPD explains that Colchester Borough Council is committed to mitigating and adapting to climate change. Whilst international and national action is required to tackle climate change local authorities can make a real difference. The introduction explains that the SPD will provide guidance and advice for those involved in development in Colchester to help them deliver sustainable design.

- 4.3 **Section 2 – Context** – This section sets out the national and local context. It is explained that 44% of UK CO₂ emissions are from the use of buildings and if emissions from the construction and maintenance of buildings are also taken into account the figure rises to 64%¹. Policy ER1 (Energy, Resources, Waste, Water and Recycling) of the Core Strategy is set out and local climate data, including climate projections, for Colchester Borough is presented. It is explained that if CO₂ emissions from all new dwellings in the Borough in the period 2010-2016 are reduced by 25% 2,241,000 kg/CO₂/yr will be saved, which equivalent to taking 559 cars off the road, based on the annual average CO₂ emissions. If CO₂ emissions are reduced by 44% 3,959,100 kg/CO₂/yr will be saved, which is equivalent to taking 988 cars off the road.
- 4.4 **Section 3 – Requirements** – The phased requirements for development meeting specified levels under the Code for Sustainable Homes and BREEAM in the period 2010 – 2016 is set out in this section. The phased requirements are linked to improvements to Building Regulations, ensuring that the Council’s requirements are realistic and do not affect the viability of development. The Code for Sustainable Homes and BREEAM are national standards for measuring the sustainability of a building. They include a range of categories such as energy, waste, water, health and wellbeing and ecology, which ensures a holistic approach.
- 4.5 **Section 4 – Case Studies** – Two examples of sustainable buildings in the local area are outlined in this section: The Essex Energy Village in Colchester and the Green Space project in Chelmsford.
- 4.6 **Section 5 – Code for Sustainable Homes** - This section summarises the nine different categories of the Code for Sustainable Homes and includes some detail on cost and the policy support for each category. Many of the credits available under the Code for Sustainable Homes are measures that are already required or encouraged by Colchester Borough Council’s planning policies. There is flexibility within the Code for Sustainable Homes, which allows developers to maximise credits from categories that are easily achieved based on the individual site.
- 4.7 **Section 6 – BREEAM** – BREEAM stands for Building Research Establishment Environmental Assessment Method. As with the Code for Sustainable Homes BREEAM is flexible, although there are some mandatory requirements. Schemes achieve a rating from pass to excellent. This section is structured in the same way as the previous section and sets out the policy support and brief cost details for each of the categories.
- 4.8 **Section 7 – Implementation** – The final section of the SPD explains that sustainability information should be included with all planning applications either in the design and access statement or in a separate statement. Provision of a post-completion certificate will be a condition of approval, as will achieving the standards themselves. It is explained that where it is not practicable to meet the standards this must be justified and information submitted as part of the application to explain that sustainability considerations have been incorporated into the development.
- 4.9 The revised SPD is required to undergo public consultation as required by Regulation 17 of the Town and Country Planning (Local Development) (England) Regulations 2004 (as amended). It is proposed that the consultation will commence in February 2011 and run for four weeks. The consultation will be publicised by way of press release and by sending notification to appropriate bodies on the Council’s LDF consultation database. This will include specific and general consultation bodies as required by the regulations as well as other relevant contacts on the LDF consultation database such as local

¹ Zero Carbon Britain Project, 2010, pp.80-1.

businesses. The full draft of the consultation document will be made available in the Council's offices, Colchester library and on the Council's website. The preferred method of response will be electronically via the Council's website although hard copy responses will also be accepted.

- 4.10 Any representations made will then be taken into account and the SPD revised in response to the comments where appropriate. Any issues raised by the LDF Committee will also be taken into account at this stage and the document revised as appropriate. A final revised version of the SPD will then be presented to the Committee for adoption.

5. Proposals

- 5.1 A full version of the consultation draft of the revised Sustainable Design and Construction Supplementary Planning Document is attached as an appendix to this report.

6. Strategic Plan References

- 6.1 The update to the Sustainable Design and Construction Supplementary Planning Document will contribute to the Council's corporate objective to be cleaner and greener.

7. Consultation

- 7.1 It is proposed the public consultation will commence in February 2011 and run for a period of four weeks. The consultation will be publicised by way of press release and by sending notification to appropriate bodies on the Council's LDF consultation database.

- 7.2 Copies of the consultation document and supporting information will be made available on the Council's website, Colchester Library and in the Customer Service Centre.

- 7.3 Representations will be accepted electronically through the website or in hard copy.

- 7.4 Any representations received will be taken into account and the SPD revised where appropriate. The final version, along with copies of representations submitted, will then be reported to the Committee for adoption.

8. Publicity Considerations

- 8.1 None

9. Financial Implications

- 9.1 The public consultation and the production of the revised SPD can be carried out in-house using existing resources.

10. Equality, Diversity and Human Rights implications

- 10.1 An Equality Impact Assessment has been prepared for the Local Development Framework and is available to view on the Colchester Borough Council website by following this pathway from the homepage: Council and Democracy > Policies, Strategies and Performance > Diversity and Equality > Equality Impact Assessments > Strategic Policy and Regeneration > Local Development Framework.

11. Community Safety Implications

- 11.1 None

12. Health and Safety Implications

12.1 None

13. Risk Management Implications

13.1 None

Background Papers

Appendix A – Sustainable Design and Construction Supplementary Planning Document
Consultation Draft



Sustainable Design and Construction
Supplementary Planning Document

Colchester Borough Council

January 2011

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1. Introduction

Colchester Borough Council is committed to mitigating and adapting to climate change. Whilst international and national action is required to tackle climate change local authorities can make a real difference. Local authorities have a duty to take action for the wellbeing of its citizens and have the opportunity to take the lead in terms of climate change. Colchester Borough Council signed the Nottingham Declaration in 2007 and wants to continue taking steps to ensure that carbon emissions across the Borough are reduced. One of the Council's corporate objectives is to be cleaner and greener and through this Supplementary Planning Document this objective can be contributed to by ensuring that new development in the Borough is cleaner and greener.

This Supplementary Planning Document (SPD) provides guidance and advice for those involved in development in Colchester to help them deliver sustainable design. It adds more detail to the Core Strategy and Development Policies Development Plan Documents (DPDs) policies relating to sustainable design. The SPD will help applicants by setting out what the Council expects from development and will help development management officers discuss the sustainability issues at an early stage and assess the sustainability of a proposal.

This SPD will be a material consideration in the determination of planning applications. Experience has shown that SPDs are being used as evidence by planning inspectors at appeal. Inspectors have dismissed appeals for proposals that did not meet requirements outlined in sustainability SPDs in Three Rivers and Chelmsford Borough's¹.

Section 2 of the SPD sets the context; it refers to relevant national and local policy and Colchester Borough's climate and future climate projections. Section 3 outlines Colchester Borough Council's expectations for development. Section 4 includes some case studies of sustainable buildings

¹ Planning Advisory Service, 2010, Using supplementary planning documents to address climate change locally.

in the area. Section 5 briefly summarises the Code for Sustainable Homes; information is included on the costs and policy support for each of the categories. Section 6 summarises BREEAM and is presented in the same format as section 5. Section 7 discusses the implementation of the SPD. The previous Sustainable Design SPD included a section on Sustainable Drainage Systems (SuDS). This has not been taken forward in this SPD as a separate advice note on SuDS may be prepared by Colchester Borough Council in the future.

2. Context

Planning has a key role to play in tackling climate change. 44% of UK CO₂ emissions are from the use of buildings and if emissions from the construction and maintenance of buildings are also taken into account the figure rises to 64%².

The key planning objectives of the Planning Policy Statement: Planning and Climate Change Supplement are to make a full contribution to national climate change and energy policies and programmes; secure energy efficiency and a reduction in emissions through development; deliver patterns of urban growth that secure the fullest possible use of sustainable transport and reduce the need to travel; shape places that minimise vulnerability and provide resilience to climate change; conserve and enhance biodiversity; engage communities; and respond to the concerns of business whilst also encouraging technological innovation in mitigating and adapting to climate change³.

At the local level, climate change and the delivery of quality sustainable places is a central part of the vision of the Core Strategy, Site Allocations and Development Policies Development Plan Documents. There are many local policies, which relate to sustainable design and construction and these are set out in the Code for Sustainable Homes and BREEAM sections of this SPD.

The two Core Strategy objectives of most relevance to this SPD are:

² Zero Carbon Britain Project, 2010, pp.80-1.

³ PPS1 Supplement, 2007, p.10.

- Reduce the Borough's carbon footprint and respond to the effects of climate change; and
- Encourage renewable energy and the efficient use of scarce resources.

Colchester currently has one of the highest average temperatures and lowest levels of rainfall in the East of England as shown in figures 4 and 5, below. It is reasonable to assume therefore that Colchester is likely to be more affected than other areas of the region and country by a changing climate.

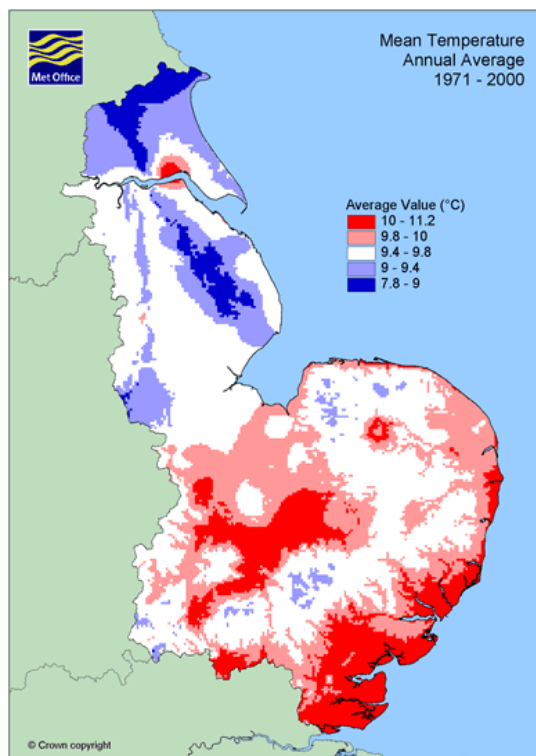


Figure 1. Data from the Met Office, which shows that the mean temperature annual average for Colchester 1971 – 2000 is 10 – 11.2°C.

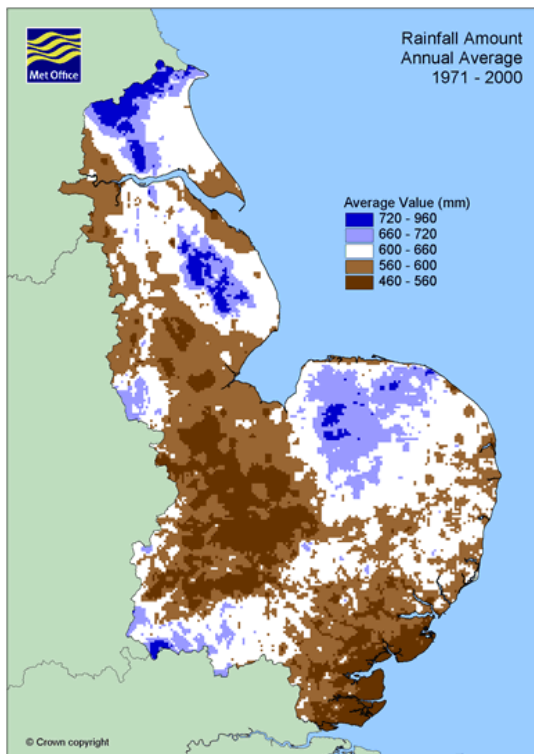


Figure 2. Data from the Met Office, which shows that the rainfall amount annual average for Colchester 1971 – 2000 is 460 – 600 mm.

Box 6, below, which is taken from Colchester Borough Council’s Climate Risk Assessment, outlines the short term (2010-2039) climate change projections for Colchester.

| The short term climate change projections for Colchester are: |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <ul style="list-style-type: none"> • Milder, wetter winters (central estimate shows an increase in mean winter temperature of 1.3°C and 6% increase in winter precipitation); • Hotter, drier summers (central estimate shows an increase in mean summer temperature of 1.3°C and 7% decrease in summer precipitation); • More frequent extreme high temperatures (central estimate shows an increase in the mean temperature of the warmest day of 0.9°C); • More frequent downpours of rain (central estimate shows an increase of 5% precipitation on the wettest day); • Significant decrease in soil moisture content in summer; • Sea level rise and increases in storm surge height (central estimate for sea level rise in the East of England shows a 9.7cm increase under the medium emissions scenario and a 11.5cm increase under the high emissions scenario); and • Possible higher wind speeds. |

Box 3. Short term climate change projections for Colchester taken from Colchester Borough Council's Climate Risk Assessment. The data comes from UKCP09, which is the working name for the UK climate projections, which predict the future climate of the UK under three different emissions scenarios (high, medium and low). The three different scenarios are associated with different storylines about how the world may change and therefore how greenhouse gas emissions may change. It is good practice to consider all three scenarios, although differences between the scenarios do not start to become significant until around 2040. The UKCP09 key findings and published material report cumulative probabilities at the 10% (very unlikely to be less than), 50% (central estimate), and 90% (very unlikely to be greater than) probability levels.

Planning can facilitate high standards of development by raising awareness and standards. All development within the Borough should seek to respect and enhance the landscape, local character and the natural ecosystem. Development should be sympathetic to existing buildings, settlement patterns and land-form and should seek to retain, and enhance if possible, the existing ecosystem by returning surface water to the soil, protecting soil from erosion, respecting geo-diversity, retaining hedges and trees and other natural features, recycling wastes and avoiding pollutants. Design should allow for adaptation to climate change, for example including trees for shade and wind attenuation and green space to ameliorate temperatures.

Core Strategy policy ER1 is set out in box 4. This policy recognises the Council's commitment to carbon reduction and states that new dwellings will be encouraged to be built to a minimum of level 3 under the Code for Sustainable Homes and non-residential buildings will be encouraged to be built to a minimum BREEAM rating of 'very good'. Whilst a renewable energy target is also included in the policy the Council consider that it is more important that the Code for Sustainable Homes and BREEAM targets are met as these address a range of sustainability issues, including energy and CO₂ emissions. Nevertheless, the Council will continue to expect developers to consider the use of renewable or low carbon technologies, particularly as part of major development.

ER1 Energy, Resources, Waste, Water and Recycling

The Council's commitment to carbon reduction includes the promotion of efficient use of energy and resources, alongside waste minimisation and recycling.

The Council will encourage the delivery of renewable energy projects, including microgeneration, in the Borough to reduce Colchester's carbon footprint. New developments will be encouraged to provide over 15% of energy demand through local renewable and low carbon technology (LCT) sources.

Sustainable construction techniques will also need to be employed in tandem with high quality design and materials to reduce energy demand, waste and the use of natural resources, including the sustainable management of the Borough's water resources.

Residential dwellings will be encouraged to achieve a minimum 3 star rating in accordance with the Code for Sustainable Homes. Non-residential developments will be encouraged to achieve a minimum BREEAM rating of 'Very Good'.

The Council will support housing developments that reduce carbon emissions by 25% from 2010, 44% from 2013 and zero carbon homes from 2016 in accordance with national building regulations.

The Council is seeking to minimise waste and improve reuse and recycling rates through better recycling services and public awareness programs. To assist this aim, new developments will be expected to provide facilities and employ best practice technology to optimise the opportunities for recycling and minimising waste.

Box 4. Core Strategy Policy ER1.

In accordance with the national timetable for amending Building Regulations all new dwellings will be zero carbon from 2016. Building to higher standards in the transitional period will help with the shift to zero carbon homes. Table 5 provides a rough comparison of CO₂ emissions from new housing in Colchester in the period 2010 – 2016 under the scenarios of baseline (i.e. 2006 Building Regulations), Code for Sustainable Homes level 3 (25% reduction in CO₂ emissions from baseline) and Code for Sustainable Homes level 4 (44% reduction in CO₂ emissions from baseline)⁴. There is a difference of 3,959,100 kgCO₂/yr between the baseline and Code level 4. This is equivalent to taking 988 cars off the road, based on the annual average CO₂ emissions. This demonstrates that requiring improved sustainability standards can have a significant impact on the Borough’s CO₂ emissions.

| Scenarios | Regulated CO₂ emissions |
|------------------------------|-------------------------------------------|
| Baseline | 9,013,800 kgCO ₂ /yr |
| Code level 3 (25% reduction) | 6,772,800 kgCO ₂ /yr |
| Code level 4 (44% reduction) | 5,054,700 kgCO ₂ /yr |

Table 5. Comparison between CO₂ emissions under the three scenarios of baseline, Code level 3 and Code level 4 from new housing in the period 2010-2016.

3. Requirements

This SPD makes the case for development meeting a minimum of level 3 of the Code for Sustainable Homes and minimum of ‘very good’ under BREEAM. It shows that meeting these standards has many benefits and is not perhaps as expensive as people may think. The assessment of developments under the Code for Sustainable Homes and BREEAM is voluntary but the government encourages developers to have their development proposals assessed and to exceed the minimum performance standards required under

⁴ The Target Emission Rate (TER) for four different property types was averaged for this calculation. The average size of these property types and TER was taken from the DCLG Code for Sustainable Homes: A Cost Review. Colchester Borough Council’s housing target averages at 830 dwellings per annum.

Building Regulations. Colchester Borough Council, like many other local planning authorities, will use these assessments to understand the environmental performance of proposals in a manner that is quick, comprehensive and relevant to the determination of planning applications.

Table 6, below, outlines what the Council will expect in terms of compliance with the various levels under the Code for Sustainable Homes and BREEAM in accordance with policy ER1 of the Core Strategy.

| Date | 2010 | 2013 | 2016 |
|-----------------------------------------------------------------------------------------|-----------------------------------------------------|-------------------------------------------------------------------------------|-------------------------------------------------------------------------------|
| Carbon improvement over Part L (conservation of fuel & power) Building Regulations 2006 | 25% | 44% | 100% (Zero carbon) |
| Equivalent Code for Sustainable Homes standard | Level 3 | Level 4 | Level 6 |
| Colchester Borough Council Code expectations | Will expect all development from 2010 | Will encourage major development from 2010 & expect all development from 2013 | Will encourage major development from 2015 & expect all development from 2016 |
| Colchester Borough Council BREEAM expectations | Major development encouraged to achieve 'very good' | All development encouraged to achieve 'very good' | All development encouraged to achieve 'excellent' |

Table 6. Phased implementation of the Code for Sustainable Homes and BREEAM

4. Case Studies

The Essex Energy Village



The multi award winning Energy Essex Village in Colchester, developed by Lexden Restorations Ltd and The Green Edge, demonstrates that it is possible to successfully integrate renewable energy systems into houses of traditional design without compromising on the design, appearance and functionality of the property. The Essex Energy Village comprises nine houses in the historic Garrison area. The site is within a conservation area and adjacent to listed buildings; the development shows that low carbon design can be achieved without adversely affecting the historic environment.

The following mix of technologies are installed within the site:

- A vertical axis wind turbine that can generate enough energy to power three small homes;
- Solar water panels, which can meet at least 60% of a family's hot water needs;
- Photovoltaic panels; and
- Ground and air-source heat pumps, which are located in Energy Sheds in the rear gardens.

The homes were also designed to incorporate other low carbon features such as rainwater harvesting, low energy appliances and energy efficient lighting in 95% of fittings.

Green Space Project



CHP and Flagship Housing Group has developed a former garage site in Chelmsford into ten affordable homes, which all meet level 6 of the Code for Sustainable Homes.

The development demonstrates that the construction and renewable energy technologies are available to achieve level 6 of the Code for Sustainable Homes. This is the first Code level 6 scheme in the East of England and the largest level 6 scheme completed to date.

The following technologies/ measures are included within the site:

- Timber frames and structural insulated panels, which makes the dwellings extremely air tight;
- Photovoltaic panels to produce electricity;
- Biomass boilers, which are located in a central plant room and generate energy for heating and hot water;
- Rainwater harvesting system, which together with other water efficiency measures, results in a water consumption of 76 litres per person, per day;
- A green roof, which encourages biodiversity; and
- Recycling bins and composting areas.

5. Code for Sustainable Homes

The Code for Sustainable Homes is a national standard, which is used to assess the sustainability of new dwellings. This section summarises the nine different categories of the Code for Sustainable Homes and includes some detail on cost and the policy support for each category. All details of cost are from the DCLG document: Code for Sustainable Homes, A Cost Review (2010). The Code for Sustainable Homes Technical Guide is available on the DCLG website.

Energy/ CO₂

Dwelling Emission Rate – cost depends on dwelling type & combination of measures taken, see table 8 for most cost efficient measures

Building Fabric – dependent on fabric improvement package

Energy Display Devices - unknown

Drying Space - £15 for internal tidy-dry over bath, provision of external space no additional cost if forms part of open space requirement

Eco-labelled White Goods - £50 per unit, if white goods are not provided it will cost £5 to provide information on eco-labelled white goods

External Lighting – no additional cost for energy efficient fittings, £45 for sensors/ timers etc

Low or Zero Carbon Energy Technologies – depends upon technology & linked to cost of dwelling emission rate

Cycle Storage - £200 for communal storage for flats, £650-£900 for shed

Home Office - £80

Water

Internal Water Consumption – up to £200 for Code level 3 & £1,550 - £3,500 for Code level 4

External Water Consumption - £50

Materials

Environmental Impact

Sourcing – Basic Elements

Sourcing – Finishing Elements

No additional costs for achievement of some credits; unquantified cost for achieving all credits under this category

Surface Water

Surface Water Run-Off Management – no additional cost

Flood Risk – no additional cost

Waste

Waste Storage – no additional cost for external waste storage, £25 for indoor

Construction Waste Management – no additional cost

Composting Facilities - £50 per house, £30 per flat

| |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p><u>Pollution</u></p> <p>Insulant Global Warming Potential (GWP) – no additional cost</p> <p>NO_x Emissions – no additional cost</p> |
| <p><u>Health and Well-Being</u></p> <p>Daylight – no additional cost if considered at layout & design stage, £150 for additional glazing</p> <p>Sound Insulation - £100-£200 for houses, £150 for flats</p> <p>Private Space – no additional cost</p> <p>Lifetime Homes - £235 for houses, £75 for flats</p> |
| <p><u>Management</u></p> <p>Home User Guide - £500 to achieve all 3 credits</p> <p>Considerate Constructors Scheme – no additional cost for most developers as scheme is standard</p> <p>Construction Site Impacts - £1,000 per site for extra monitoring of CO₂ & water consumption; some credits can be achieved at no additional cost</p> <p>Security - £450 for flats, £515 – £650 for houses</p> |
| <p><u>Ecology*</u></p> <p>Ecological Value of Site - no additional cost</p> <p>Ecological Enhancement - £100</p> <p>Protection of Ecological Features – no additional cost</p> <p>Change in Ecological Value – no additional cost for 2 credits, £10 for 3 credits & £15 for 4 credits</p> <p>Building Footprint - no additional cost</p> <p>* The cost of employing an ecologist to undertake work under this category has not been incorporated into the additional cost as it is assumed that for medium & large sites ecological surveys will be required as standard. Small sites, where an ecological survey is not standard, should add £1,000.</p> |

Table 7. Code for Sustainable Homes categories. Average costs above base build cost are included as a guide. Costs are taken from the DCLG Code for Sustainable Homes Cost Review 2010.

The reduction in CO₂ emissions is the most critical factor in determining the total cost of building to the Code. Up to level 3 of the Code for Sustainable Homes it is possible to meet the mandatory CO₂ reduction through fabric

improvement measures. However, from level 4 low/zero carbon technologies are required to meet some or all of the dwellings thermal and/or electrical demands. After the energy category water and health are the categories with the highest costs.

Costs of meeting code levels will reduce over time due to technology cost curves, innovation, learning effects and changing Building Regulations as most of the extra cost of achieving the code for sustainable homes (hereafter the Code) will become the cost of building a Building Regulations compliant dwelling.⁵

Many of the credits available under the Code for Sustainable Homes are measures that are already required or encouraged by Colchester Borough Council's planning policies. There is flexibility within the Code for Sustainable Homes, which allows developers to maximise credits from categories that are easily achieved based on the individual site.

Category 1: Energy and CO₂ Emissions

The Energy category is a major source of Code credits, with an overall weighting of 36.4%. There are nine issues under this category; with only one mandatory issue (Ene 1 – Dwelling Emission Rate).

As from 1 October 2010 amendments to Building Regulations mean that credits can be achieved under Ene 1 for Code level 3 by default as the amendments improve the Target Emission Rate by 25% from the 2006 Target Emission Rate (maximum CO₂ emissions rate in kg per m² per annum arising from energy use for heating, hot water and lighting for the actual dwelling). Level 4 is a 25% improvement (44% improvement from 2006 regulations), level 5 is a 100% improvement (from 2006 regulations) and level 6 dwellings must have net zero emissions.

The figure, below, outlines the most cost effective way of meeting each code level under difference development scenarios.

⁵ Department of Communities and Local Government (2010) Code for Sustainable Homes: A Cost Review, p. 67.

| Development scenario | Lowest cost energy strategy at each Code level | | | | | | | | | |
|----------------------|------------------------------------------------|------------------------------------------|-------------------------------------|--------------------------------------------------|--------------------------------------|------------------------------------------|--------------------------------------|------------------------------------------|----------------------|----------------------|
| | 1 | 2 | 3 | 4 | 5 | 6 | | | | |
| Small brownfield | Good fabric ⁶ | Better fabric ⁷ | Good fabric + air source heat pumps | Good fabric + community gas CHP | Best fabric + community gas CHP + PV | Best fabric + gas CHP + PV | | | | |
| Medium brownfield | | | | Best ⁸ fabric + air source heat pumps | | | Best fabric + block biomass | Best fabric + block biomass + PV | | |
| Large urban | | | | Good fabric + community gas CHP | | | | | Biomass boilers + PV | Biomass boilers + PV |
| Small infill | | | | Best fabric + air source heat pumps | Best fabric + block biomass | Best fabric + block biomass + PV | | | | |
| Small greenfield | | | | | | | Best fabric + community gas CHP + PV | Best fabric + community biomass CHP + PV | | |
| Medium greenfield | | | | | Best fabric + community gas CHP + PV | Best fabric + community biomass CHP + PV | | | | |
| Medium edge of town | | | | | | | | | | |
| Large edge of town | | | | | Best fabric + community gas CHP + PV | Best fabric + community biomass CHP + PV | | | | |
| Strategic greenfield | Best fabric + community gas CHP + PV | Best fabric + community biomass CHP + PV | | | | | | | | |

Table 8. Summary of lowest cost energy strategy at each Code level for each development scenario⁹

⁶ Good fabric is estimated to cost £215 per flat, £42 per terrace, £186 per semi and £243 per detached. Reference as above, p.27.

⁷ Better fabric is estimated to cost £1,358 per flat, £1,992 per terrace, £2,539 per semi and £3,066 per detached. Reference as above, p.27.

⁸ Best fabric is estimated to cost £4,268 per flat, £6,845 per terrace, £8,642 per semi and £10,334 per detached. Reference as above, p.27.

⁹ Department of Communities and Local Government (2010) Code for Sustainable Homes: A Cost Review, p. 51.

Other issues in this category are:

- Ene 2 – Building fabric
- Ene 3 – Energy Display Devices
- Ene 4 – Drying space
- Ene 5 – Eco-labelled white goods
- Ene 6 – External lighting
- Ene 7 – Low and zero carbon technologies
- Ene 8 – Cycle storage
- Ene 9 – Home office

Many of the credits can be gained at little extra cost, for example the provision of private gardens will ensure that external drying space is available.

There are a number of local policies which support the actions required to achieve credits under this category. In particular policy ER1 of the Core Strategy states that “sustainable construction techniques will also need to be employed in tandem with high quality design and materials to reduce energy demand... residential dwellings will be encouraged to achieve a minimum 3 star rating in accordance with the code for sustainable homes”. Criterion (vii) of policy DP12 of the Development Policies DPD requires the provision of ‘external drying areas’ as part of residential development. Credits can be gained for this under Ene 4. Policy ER1 of the Core Strategy states that “new developments will be encouraged to provide over 15% of energy demand through local renewable and low carbon technology sources”. One credit is awarded under Ene 7 for a reduction in CO₂ emissions of 10% and two credits are awarded for a reduction of 15%. This issue also linked to Ene 1, providing the opportunity to maximise credits. Policy DP17 of the Development Policies requires proposals for development to “incorporate satisfactory and appropriate provision for (ii) cyclists, including routes, secure cycle parking and changing facilities where appropriate”. Further, the Parking Standards SPD requires the provision of at least one cycle parking space as part of new dwellings; with credits available for this under Ene 8.

Category 2: Water

This category has a weighting of 9% and includes a mandatory requirement in relation to indoor water consumption. As with the dwelling emission rate issue the reduction in water consumption increases with each Code level. The only other issue in this category is external water use (Wat 2).

At Code level 3 the costs under this category are fairly low with the average cost of meeting the internal water consumption target being £200 and with volume house builders reporting that based on volume orders level 3 can be achieved at no extra cost. In 2010 Part G of the Building Regulations was amended to include a requirement for water use to be limited to 125 litres per person, per day, which will further reduce the costs of meeting this category. A credit can be achieved under the external water use category at a cost of just £40-50 per dwelling by providing a water butt.

The achievement of credits under this category is supported by policy DP20 of the Development Policies DPD, which requires all development proposals to “incorporate measures for the conservation and sustainable use of water”. The use of sustainable drainage systems and measures to conserve water within individual buildings are referred to in the policy.

Colchester Borough Council is entirely justified in seeking water efficiency levels which are tighter than Building Regulations. Climate change is leading to more frequent droughts, with consequent reduced water availability. Climate change projections for Colchester suggest that summer precipitation could decrease by 7% in the short term and 15% in the medium-long term¹⁰. In addition to a reduction in summer precipitation changing precipitation patterns, in particular more frequent downpours of heavy rain will affect the capture of rainwater and therefore the availability of water resources. The Environment Agency has identified that the catchment area of Anglian Water Services, which provides water to the Borough, is seriously water stressed. In their Water Resource Management Plan Anglian Water Services state that

¹⁰ Climate change projections for Colchester Borough are set out in Colchester Borough Council's Climate Risk Assessment.

they can supply water to the Borough up to at least 2035. However, there are potential supply deficits against dry year averages or critical peak period forecasts. Various measures are identified as necessary to ensure water supply, including the implementation of demand management measures (leakage control, household metering and the promotion of water efficiency), education around reduced usage, increased supply networks from external sources and transfer schemes.¹¹ The implementation of the Code for Sustainable Homes will thus help to reduce the water usage in the Borough; helping to secure supply.

Category 3: Materials

There are numerous credits available under this category, including some mandatory requirements. The weighting factor is 7.2%. As achieving maximum credits under this category would involve a drastic change in specifications it is likely that under Code levels 3 and 4 the maximum credits will not be sought.

There is policy support for the use of materials with lower environmental impacts, Policy ER1 of the Core Strategy states “sustainable construction techniques will also need to be employed in tandem with high quality design and materials” and policy DP1 of the Development Policies DPD states “all development must be designed to a high standard, avoid unacceptable impacts on ... environmental sustainability”.

Category 4: Surface Water Run-off

There are mandatory requirements under this category in relation to the peak rate of run-off and volume of run-off. Credits are also available if the site is located within flood zone 1 or if mitigation measures are incorporated into development on sites at medium or high risk of flooding.

¹¹ Royal Haskoning, Haven Gateway Water Cycle Study Phase 2, December 2009.

The Council already require development to avoid areas of flood risk and reduce the rate of discharge. This is supported by Policy DP20 of the Development Policies DPD, which states that: “development proposals shall incorporate measures for the conservation and sustainable use of water. These issues shall include ... appropriate SuDS for managing surface water runoff ...the use of SuDS will be particularly important as part of greenfield developments”. Policy DP1 of the Development Policies DPD states that development proposals must demonstrate that they will “incorporate... where appropriate, sustainable drainage systems”. Additionally, policy ENV1 of the Core Strategy states that “the Council will seek to direct development away from land at risk of fluvial or coastal flooding in accordance with PPS25, including areas where the risk of flooding is likely to increase as a result of climate change”.

Category 5: Waste

There are mandatory requirements under this category in relation to the storage of non-recyclable waste and recyclable household waste (Was 1) and construction site waste management (Was 2). There is also a category on composting (Was 3). The costs of achieving credits under this category are fairly low, for example credits can be achieved if the local authority has a recycling collection scheme in place and in terms of construction waste it is in the developers’ interest to reduce waste generated on site.

In terms of policy support, Policy ER1 of the Core Strategy states that “new developments will be expected to provide facilities and employ best practice technology to optimise the opportunities for recycling and minimising waste”. Further, Policy DP12 of the Development Policies DPD states that the Council will have regard to the provision of “an accessible bin and recycling storage area” and Policy DP1 of the Development Policies DPD states that development proposals must demonstrate that they will “incorporate any necessary infrastructure and services including recycling and waste facilities”.

Category 6: Pollution

There are two issues in this category which cover the global warming potential (GWP) of insulants and NO_x emissions from the heating system. Compliance with the GWP requirement for insulation materials can be achieved at no extra cost¹², however if biomass boilers are used no credits under the NO_x emissions issue can be achieved.

Category 7: Health and Well-Being

There are four issues under this category: daylighting (Hea 1), sound insulation (Hea 2), private space (Hea 3) and lifetime homes (Hea 4). This category has a rating of 14%. With the exception of private space there are a number of credits available under each category. With the exception of the lifetime homes issue, which is mandatory under Code level 6, the cost of achieving the credits is fairly low and some credits can be achieved by default. For example, a detached dwelling achieves four credits under the sound insulation issue.

There are a number of policies, which support the issues in this category. Policy DP12 of the Development Policies DPD states that the Council will have regard to “acceptable levels of daylight to all habitable rooms and no single aspect north-facing homes” (Hea 1). Policy DP1 of the Development Policies DPD states that development proposals must “protect existing public and residential amenity, particularly with regard to ... noise and disturbance” (Hea 2). Policy DP16 of the Development Policies DPD sets out requirements for the provision of private open space and public open space for dwellings (Hea 3). Policy DP12 of the Development Policies DPD states that “residential development will be guided by high standards for design, construction and layout” and the Council will have regard to “flexibility in the internal layout of dwellings to allow adaptability to difference lifestyles” (Hea 4). The supporting text to the policy states that “it is expected that new

¹² Department of Communities and Local Government (2010) Code for Sustainable Homes: A Cost Review, p. 39.

residential development will address the requirements of Lifetime Homes standards” (paragraph 5.6).

Category 8: Management

There are four issues under this category, which concern the reduction of the impact of the construction site and the provision of information to allow future residents to operate their home efficiently. These issues are: home user guide (Man 1), considerate constructors scheme (Man 2), construction site impacts (Man 3) and security (Man 4). The considerate constructors scheme is now widely used by the construction industry and credits are available for committing to meet best practice and by going beyond best practice.

In terms of policy support Policy DP1 of the Development Policies DPD requires development proposals to demonstrate that they will “create a safe and secure environment” (Man 4).

Category 9: Ecology

There are five issues under this category, which has a weighting of 12%: ecological value of site (Eco 1), ecological enhancement (Eco 2), protection of ecological features (Eco 3), change in ecological value (Eco 4) and building footprint (Eco 5). Many of the nine credits available under this category can be met by carrying out an ecological survey and by incorporating the recommendations for ecological enhancement into the design of the development.

The Core Strategy seeks to direct development to previously developed land and protect nature conservation assets. Policy SD1 states that “development proposals will be expected to make efficient use of land and take a sequential approach that gives priority to accessible locations and previously developed land”. Policy ENV1 states that “unallocated greenfield land outside of settlement boundaries will be protected and where possible enhanced” and “the Borough Council will conserve and enhance Colchester’s natural and

historic environment, countryside and coastline”. Policy DP21 of the Development Policies DPD states that “development will only be supported where it ... will conserve or enhance the biodiversity value ... maximises opportunities for the restoration, enhancement and connection of natural habitats in accordance with the Essex Biodiversity Action Plan ... and incorporates beneficial biodiversity conservation features and habitat creation where appropriate”. In relation to the building footprint issue (Eco 5) Policy H2 of the Core Strategy states that the Council “will seek housing densities that make efficient use of land”.

6. BREEAM

BREEAM is the world’s leading and most widely used environmental assessment method for buildings. BREEAM stands for Building Research Establishment Environmental Assessment Method. The aims of BREEAM are to:

- Mitigate the impacts of building on the environment.
- Enable buildings to be recognised according to their environmental benefits.
- Provide a credible, environmental label for buildings.
- Stimulate demand for sustainable buildings.

As with the Code for Sustainable Homes BREEAM is flexible, although there are some mandatory requirements. Schemes achieve a rating from pass to excellent. The table, below, lists the issues common to all BREEAM schemes. It is important to note that different uses have different credits available and so this section of the SPD is less detailed than the Code section as not all credits are available to all uses.

| | |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Management Commissioning Considerate Constructors Scheme Construction site impacts Building Users Guide Security | Land Use and Ecology Reuse of land Contaminated land Ecological value of land & protection of ecological features Mitigating ecological impact Enhancing site ecology Long term impact on biodiversity |
| Waste Construction site waste management Recycled aggregates | Transport Provision of public transport Proximity to amenities Travel plan |
| Health and Wellbeing Glare control High frequency lighting Internal & external lighting levels Lighting zones & controls Potential for natural ventilation Thermal comfort Thermal zoning Indoor air quality Volatile organic compounds Microbial contamination | Materials Materials Specification – major building elements Hard landscaping & boundary protection Reuse of building façade Reuse of building structure Responsible sourcing Insulation Designing for robustness |
| Pollution Refrigerant GWP – building services Preventing refrigerant leaks NOx emissions of heating source Flood risk Minimising watercourse pollution Reduction of night time light pollution Noise attenuation | Water Water consumption Water meter Major leak detection Sanitary supply shut off |
| Energy Reduction of CO ₂ emissions Sub-metering of substantial energy uses External lighting Low or zero carbon technologies Lifts | Innovation Exemplary performance levels Use of BREEAM Accredited Professionals New technologies and building processes |

Table 9. BREEAM Categories

The Department for Education and Skills commissioned a report looking into the costs of schools achieving BREEAM. The findings of this report are useful in terms of identifying what credits can be achieved at little extra cost.

The report found that achieving a rating of ‘good’ can be done at very little extra cost and ‘very good’ can be achieved at an extra cost of £18/m². A

rating of 'excellent' is difficult to achieve without renewables and is onerous for small developments. The average cost of achieving an 'excellent' rating is £60/m².

As with the Code for Sustainable Homes the energy credits are the most expensive to achieve and the size of the development is important in determining cost.

The following credits are examples of issues that are given or accommodated at little or no additional cost:

- Seasonal commissioning after occupation;
- Considerate constructors scheme;
- Monitoring of construction site impacts including waste segregation;
- Consultation with local community and building occupiers, including Crime Reduction Advisor;
- Whole life costing;
- Design of materials for robustness;
- Review of furnishings and fittings for VOCs;
- Building thermal simulation at design stage to ensure thermal comfort;
- Provision of cyclist facilities;
- Water conservation credits;
- Dedicated storage of segregated recyclable materials; and
- Enhancing site ecology.

Management

The management category includes a number of issues, with the aim of ensuring that the construction and user impacts are managed in an environmentally sound way in terms of resource use, energy consumption and pollution. It includes minimum standards for commissioning, considerate constructor's scheme and building users guide. The category has a weighting of 12%.

Policy DP1 of the Development Policies DPD provides policy support for the implementation of issues in this category.

Health and Wellbeing

This category seeks to ensure that adverse health risks for users of the building are minimised and wellbeing is maximised. Issues covered include ensuring that users of the building have adequate levels of daylight, can enjoy an outdoor view, are able to control lighting and temperature within the building, and there is the potential for natural ventilation. There are two minimum standards under this category; high frequency lighting, which will reduce health problems from the flicker of fluorescent lights and microbial contamination, which will reduce risk of legionellosis in operation. The category has a weighting of 15%.

Energy

This category aims to reduce CO₂ emissions from the building, including the building fabric, lighting and lifts, and provide a proportion of the energy use from low or zero carbon technologies. Minimum standards are required under the following issues: reduction of CO₂ emissions, sub-metering of high energy load and tenancy areas, and low or zero carbon technologies. This category has the highest weighting of all categories at 19%.

Policy ER1 of the Core Strategy provides policy support for the implementation of issues in this category.

Transport

This category seeks to reduce the need to travel and promote sustainable modes of travel by locating development in close proximity to public transport and amenities, providing safe facilities for cyclists and pedestrians and limiting the amount of car parking. The category has a weighting of 8%.

Policies TA1 and TA2 of the Core Strategy and DP1 and DP17 of the Development Policies DPD provide policy support for the implementation of issues in this category. Policy TA1 states that development will be “focused on highly accessible locations to reduce the need to travel” and policy TA2 states that development shall contribute towards excellent walking and cycling connections. Policy DP1 states that development must “provide a design and layout that takes into account the potential users of the site including giving priority to pedestrian, cycling and public transport access” and policy DP17 states that “all developments should seek to enhance accessibility for sustainable modes of transport”. The Council has adopted the Essex Vehicle Parking Standards document, which includes maximum car parking spaces for all non-residential uses.

Water

This category seeks to reduce water consumption through the installation of flush volumes and flow rates for installed sanitary fittings, a water meter and leak detection systems. There are two minimum standards under this category: water consumption and water meter. There are three credits available under the water consumption issue depending on the reduction in water consumption achieved. The category has the lowest weighting at 6%.

Policy DP20 of the Development Policies DPD provides policy support for the implementation of issues in this category.

Materials

This category recognises and encourages the specification of building, landscaping and boundary materials with a lower environmental impact over the full lifecycle of the building. Credits are awarded according to the Green Guide rating and an exemplary credit is awarded under the first issue. Credits can be gained if the façade and structure are re-used. Credits are also available for the responsible sourcing of materials and for designing for robustness. The category has a weighting of 12.5%.

Policies ER1 of the Core Strategy and DP1 of the Development Policies DPD provide policy support for the implementation of issues in this category.

Waste

This category promotes resource efficiency and seeks to minimise waste at source and ensure that waste is re-used or recycled. There is one mandatory issue: recyclable waste storage, which requires dedicated recyclable storage areas. The category has a weighting of 7.5%.

Policies ER1 of the Core Strategy and DP1 of the Development Policies DPD provide policy support for the implementation of issues in this category.

Land Use and Ecology

The purpose of this category is to minimise the impacts of development on biodiversity and enhance the ecological value of a site. Credits are awarded for the re-use of previously developed land, re-use of contaminated land, use of land with low ecological value, maintaining and enhancing ecological value, and securing long term maintenance and enhancement of biodiversity. There is one mandatory issue, which is mitigating ecological impact. Two credits are available under this issue, which covers minimising the impact of building on existing site ecology and change in ecological value. The category has a weighting of 10%.

Policies SD1 and ENV1 of the Core Strategy and DP21 of the Development Policies DPD provide policy support for the implementation of issues in this category.

Pollution

A variety of issues are covered in this category. Three issues cover refrigerant global warming potential and leaks. Credits are awarded for a

reduction in NO_x emissions from heating sources, which will reduce pollution of the local environment. Credits are available if development is located in an area of low flood risk or if mitigation measures are included in areas of medium/ high flood risk and sustainable drainage systems ensure that the peak run-off from the site to the watercourses is no greater for the developed site than it was for the pre-development site. Night time light pollution and noise pollution are also issues. Concentrating lighting in appropriate areas and minimising upward lighting will reduce light pollution, energy consumption and nuisance to neighbours. The category has a weighting of 10%.

Policies ENV1 of the Core Strategy and DP20 of the Development Policies DPD provide policy support for minimising flood risk and the provision of sustainable drainage systems.

Innovation

Under this category a maximum of 10 credits are available as additional recognition for a procurement strategy, design feature, management process or technological development that innovates in the field of sustainability above and beyond the level currently recognised and rewarded within BREEAM issues.

7. Implementation

The Code for Sustainable Homes and BREEAM must be carried out by an accredited assessor. The BREEAM website¹³ includes a directory of accredited Code for Sustainable Homes and BREEAM assessors. Colchester Borough Council recommends that sustainability issues be addressed as early as possible in the development process and that an assessor is brought onto the project team at the design stage. Sustainability information provided with the planning application should be included in the design and access statement or as a separate report, and if no information is submitted, the applicant may be asked for further details. It may be useful to carry out a

¹³ <http://www.breeam.org/>

design stage assessment and include this as part of the planning application, although this is not essential.

Provision of the post-completion certificate will be a condition of approval, as will achieving the standards themselves. As with other policies, non-compliance with the standards or failure to provide adequate information is grounds for refusing planning permission or enforcement.

Where it can be demonstrated that compliance with the Code or BREEAM would not be practicable applicants must include a section in the design and access statement explaining how sustainability considerations have been incorporated into the development. Reference should be made to:

- How the design contributes to reducing energy use.
- Any renewable or low carbon energy technologies incorporated into the development.
- The provision of open space and the opportunities this provides for biodiversity, flood storage and people.
- Sustainable drainage systems.
- Sustainable waste management such as provision of space for recycling and composting.
- How the development promotes sustainable modes of travel.



Local Development Framework Committee

Item

9

31 January 2011

| | | | |
|-----------------------|------------------------------------------------------------|---------------|-------------------------|
| Report of | Head of Strategic Policy and Regeneration | Author | Shelley Blackaby |
| Title | Habitat Regulations Assessment monitoring programme | | |
| Wards affected | All | | |

The Local Development Framework Committee is asked to note the Habitat Regulations Assessment monitoring programme

1. Decision(s) Required

- 1.1 To note the first stage of work carried out as part of the Habitat Regulations Assessment monitoring programme.

2. Reasons for Decision(s)

- 2.1 To ensure that the Committee are aware of the Habitat Regulations Assessment monitoring programme.

3. Alternative Options

- 3.1 The Committee could decide not to progress with the Habitat Regulations Assessment monitoring programme. This approach would fail to comply with the appropriate assessments of the Core Strategy and Site Allocations Development Plan Documents. The appropriate assessments committed the Council to undertake a programme to monitor visitors to Natura 2000 sites in order to ensure that population growth does not affect the integrity of these internationally important sites.

4. Supporting Information

- 4.1 Natura 2000 sites are Special Protection Areas (SPAs) and Special Areas of Conservation (SAC). SPAs are sites classified in accordance with Article 4 of the EC Directive on the conservation of wild birds more commonly known as the Birds Directive. They are classified for rare and vulnerable birds, listed in Annex I to the Birds Directive, and for regularly occurring migratory species. SACs are classified in accordance with the EC Directive on the conservation of natural habitats and of wild fauna and flora (the Habitats Directive). Article 3 of this Directive requires the establishment of a European network of important high-quality conservation sites that will make a significant contribution to conserving the 189 habitat types and 788 species identified in Annexes I and II of the Directive.
- 4.2 Within Colchester Borough there are three SPAs and one SAC. The SPAs are: Abberton Reservoir, the Blackwater Estuary and the Colne Estuary. The Blackwater Estuary and Colne Estuary form part of the Essex Estuaries SAC.

- 4.3 Under the Habitat Regulations local planning authorities are required to carry out an appropriate assessment of spatial plans that are likely to adversely affect the integrity of Natura 2000 sites. Appropriate assessments were carried out for Colchester Borough Council's Core Strategy and Site Allocations Development Plan Documents (DPDs). The appropriate assessments concluded that recreational disturbance, as a result of a growing population, could potentially affect the integrity of Natura 2000 sites. Recreational users can damage habitat and cause severe disturbance to wildlife, particularly nesting birds in spring and feeding and roosting waterfowl in winter.
- 4.4 In order to be able to conclude that the Core Strategy and Site Allocations DPDs will not adversely affect the integrity of the Natura 2000 sites it was agreed with Natural England that a monitoring programme should take place throughout the lifetime of the DPDs. This monitoring programme will monitor visitors to the Natura 2000 sites and compare this to the condition of the Natura 2000 sites and housing completions.
- 4.5 Tendring District Council and Braintree District Council are also required to monitor visitors to Natura 2000 sites as the appropriate assessments of their Core Strategy's also identified recreational disturbance from a growing population as a potential issue. The Spatial Policy Team at Colchester Borough Council has devised a methodology for the monitoring programme that Natural England support and are carrying out the monitoring programme on behalf of Tendring District Council and Braintree District Council. The Council has prepared and entered into a Service Level Agreement with Tendring and Braintree District Council's who are contributing financially to this work. The Natura 2000 sites in Tendring District therefore also form part of the monitoring programme (Hamford Water SPA and the Stour and Orwell Estuaries SPA). There are no Natura 2000 sites within Braintree District, but they are still required to engage in the monitoring programme as population growth in Braintree District has the potential to increase visitors to Natura 2000 sites in Colchester and Tendring.
- 4.6 For the first three years of the monitoring programme sites will be surveyed in June and November every year as these are the most sensitive times of year for the key features of the Natura 2000 sites. After the initial three year period it may be possibly to survey every 2-3 years (in June and November).
- 4.7 In November 2010 survey work took place and a Year One Interim Report has been prepared outlining the findings of the survey. The findings are very detailed as results have been presented for each of the ten areas surveyed. The overall key findings are as follows:
- 134 groups were observed within ten different areas.
 - There were a variety of activities that took place within the Natura 2000 sites surveyed. In total 56 groups visited to dog walk, 35 to walk, 19 to bird watch, 10 to exercise and 4 to cycle.
 - Kirby Quay was the only site where all groups visited for a single purpose, which was to dog walk.
 - Most of the visitors to Strood Channel were dog walkers from Mersea Island.
 - The highest percentage of groups walking was at Cudmore Grove.
 - There were more people exercising at Brightlingsea Marshes than at any other site.
 - There were a high proportion of groups bird watching at Abberton Reservoir and The Walls, Mistley.
 - The most frequent reason given for visiting was because sites were close to home.

- There were very few visitors to Old Hall Marshes and no visitors to Colne Point.
- 78 people travelled to the Natura 2000 sites by car, 40 walked and 3 cycled.
- All groups at Abberton Reservoir drove to the site and all visitors to Kirby Quay walked to the site.
- The desire to be by the coast was high for many of the groups surveyed, even where they felt that they had good access to alternative areas of open spaces close to home.

4.8 Survey work will be repeated in June 2011 and a Year One Final Report will be completed. Survey work for year 2 of the monitoring programme will be carried out in November 2011 and June 2012. Over time the Spatial Policy Team hope to broaden the monitoring programme and carry out monitoring work on behalf of other local planning authorities.

5. Strategic Plan References

5.1 The Habitat Regulations Assessment monitoring programme will contribute to the Council's corporate objective to be cleaner and greener.

6. Consultation

6.1 Natural England, the government's advisor on the natural environment, has been consulted on the methodology for this programme and the Year One Interim Report.

7. Publicity Considerations

7.1 None

8. Financial Implications

8.1 This monitoring programme is being undertaken on behalf of Tendring District Council and Braintree District Council and is therefore a source of income generation for the Council.

9. Equality, Diversity and Human Rights Implications

9.1 An Equality Impact Assessment has been prepared for the Local Development Framework and is available to view on the Colchester Borough Council website by following this pathway from the homepage :- Council and Democracy > Policies, Strategies and Performance > Diversity and Equality > Equality Impact Assessments > Strategic Policy and Regeneration > Local Development Framework.

10. Community Safety Implications

10.1 None

11. Health and Safety Implications

11.1 None

12. Risk Management Implications

12.1 None

