

Local Plan Committee Meeting

**Grand Jury Room, Town Hall, High Street,
Colchester, CO1 1PJ
Monday, 16 December 2019 at 18:00**

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

Information for Members of the Public

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COLCHESTER BOROUGH COUNCIL
Local Plan Committee
Monday, 16 December 2019 at 18:00

The Local Plan Committee Members are:

Councillor Nick Barlow
Councillor Lee Scordis
Councillor Lewis Barber
Councillor Tina Bourne
Councillor Phil Coleman
Councillor Andrew Ellis
Councillor Chris Hayter
Councillor Patricia Moore
Councillor Beverley Oxford

Chairman
Deputy Chairman

The Local Plan Committee Substitute Members are:

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

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

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

1 Welcome and Announcements

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

2 Substitutions

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

3 Urgent Items

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

4 Declarations of Interest

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

5 Have Your Say!

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

6 Local Plan Committee minutes 21 October 2019

7 - 24

The Councillors will be invited to confirm that the minutes are a correct record of the meeting held on 21 October 2019.

7 Local Plan Update

The Committee will be provided with a verbal update by Executive Director, Ian Vipond, on the current situation regarding the Local Plan.

8 Planning Obligations Supplementary Planning Document

25 - 86

The Committee will receive a report from the Assistant Director Policy and Corporate explaining that the Council had prepared a Supplementary Planning Document (SPD) on Planning Obligations, with the intention to consult on the SPD for a six-week period prior to incorporation of consultation comments and its return to the Local Plan Committee for adoption.

9 Affordable Housing Supplementary Planning Document and Self and Custom Build and Specialist Housing Supplementary Planning Document

87 - 142

The Committee will receive a report from the Assistant Director Policy and Corporate explaining that the Council had prepared a separate Affordable Housing Supplementary Planning Documents (SPD) due to its national and local level of importance and a second Self and Custom Build and Specialist Housing SPD covering other specific types of housing contributions. It was intended to consult on the SPDs for a six-week period, prior to incorporation of consultation comments and their return to the Local Plan Committee for adoption.

10 Authority Monitoring Report

143 -
212

A report by the Assistant Director Policy and Corporate giving details of Authority Monitoring Report which provided an annual summary of key statistics allowing the Council to monitor the effectiveness of its Local Plan.

11 Exclusion of the Public (not Scrutiny or Executive)

In accordance with Section 100A(4) of the Local Government Act 1972 to exclude the public, including the press, from the meeting so that any items containing exempt information (for example confidential personal, financial or legal advice), in Part B of this agenda (printed on yellow paper) can be decided. (Exempt information is defined in Section 100I and Schedule 12A of the Local Government Act 1972).

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

Local Plan Committee

Monday, 21 October 2019

Attendees: Councillor Lewis Barber, Councillor Nick Barlow, Councillor Tina Bourne, Councillor Phil Coleman, Councillor Andrew Ellis, Councillor Chris Hayter, Councillor Patricia Moore, Councillor Lee Scordis

Substitutes: No substitutes were recorded at the meeting

Also Present:

173 Have Your Say!

Peter Clements, Chairman of West Mersea Neighbourhood Planning Group, addressed the Committee pursuant to the provisions of Meetings General Procedure Rule 5(3). He referred to the planning application for 100 houses at Brierley Paddocks which he considered to be premature. He explained that the emerging Local Plan had allocated two sites to accommodate 200 houses for Mersea Island and he was concerned that the sites were large and capable of accommodating many more units. He also referred to the limited infrastructure in terms of access, medical services, sewage, transport facilities and parking, five caravan sites and an influx of visitors in the summer months. He explained progress which had been made with the Neighbourhood Plan, with its concept based on a clear directive from the local community and the recent appointment of a consultant to progress the plan further with anticipated submission to the Borough Council in March 2020. He referred to the policies contained in the Plan included affordable housing provision, one- and two-bedroom housing and the inclusion of a medical centre at Brierley Paddocks. He was concerned about the potential for developers to build on both sites at Brierley Paddocks, advocating the developers be required to follow the due planning process and asked the Local Plan Committee members to seek the refusal of the planning applications by the Planning Committee.

Councillor J. Young, Portfolio Holder for Culture and Performance attended and, with the consent of the Chairman, addressed the Committee. She referred to the breadth of work undertaken by the Council's Planning Team which was exemplified by the variety of business items to be considered by the Committee at the meeting. She referred to the importance of the Local List in making a difference in the community; the specialist knowledge of the Planning Team, such as in relation to the Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS); the Council being a pilot authority for the Brownfield Land Register and the success that this had delivered and the support given to Parish Councils in undertaking a Neighbourhood Plan, which enabled local people to shape their communities.

Councillor Harris attended and, with the consent of the Chairman, addressed the Committee. He referred to Middlewick and the need to set aside some land for a future woodland cemetery, in order to plan for more growth for the nearby existing cemetery in Mersea Road. He also referred to the potential for increased traffic from the development of Middlewick Ranges and he asked the Committee to seek agreement from the Ministry of Defence to take the site off the market on the grounds of its potential impact of over-building in the urban area. He also referred to a World War II heritage asset located on the site which he considered should be protected.

The Chairman suggested Councillor Harris refer his request relating to the Ministry of Defence to the Cabinet which he considered would carry more influence and he explained that, in relation to the planning application at Brierley Paddocks, the Local Plan Committee was unable to influence the work of the Planning Committee.

Councillor Ellis sought clarification regarding the status of an emerging Neighbourhood Plan in relation to the determination of a planning application.

Karen Syrett, the Planning and Housing Manager explained that the matter of prematurity had been used in a number of appeals in relation to the Local Plan and Neighbourhood Plans, although with little success, explaining that the provisions of the National Planning Policy Framework (NPPF) were strict in relation to the use of prematurity arguments. She welcomed the progress of the West Mersea Neighbourhood Plan as reported and confirmed that contact would be made with Mr Clements regarding the status of the Plan in relation to the Brierley Paddocks planning application.

Some members of the Committee asked for clarification regarding requests to seek changes to the Local Plan.

The Planning and Housing Manager explained that a Plan had been submitted which was believed to be sound and, as such, it was not appropriate to seek to remove any of the sites, if only because it would be necessary to replace such sites with alternatives. She confirmed that all the sites in the Plan had been assessed and were considered to form the most appropriate strategy for the Borough. She further explained that the removal of any sites would also negatively impact the Council's five-year supply of housing.

174 Local Plan Committee minutes 22 July 2019

The minutes of the meeting held on 22 July 2019 were confirmed as a correct record.

175 Local Plan Update

John Akker addressed the Committee pursuant to the provisions of Meetings General

Procedure Rule 5(3). He explained that he had always supported the Local Plan but was concerned about the impact of Section 2 of the Plan so far as it impacted West Mersea. He referred to the submission of a premature planning application which, he considered, would call into question the consideration of the entire Plan by the Planning Inspector and may lead to the submission of other applications. He also referred to the 1500 representations made by residents of Mersea in response to the recent Local Plan consultation exercise. He speculated what may be the outcome should the application receive approval by the Planning Committee and asked the Committee to consider any provisions within the NPPF which would enable the planning application to be deferred, withdrawn or refused by the Council and for it to be considered by the Local Plan Inspector.

Mel Burley addressed the Committee pursuant to the provisions of Meetings General Procedure Rule 5(3). He referred to the different characteristics of Mersea, the Causeway, five caravan sites, and the influx of visitors in the Summer which led to gridlock on occasions. He referred to the need for residents to commute and to travel from the Island to school and was of the view that the number of additional houses allocated to the Island needed to be restrained. He referred to local opposition to the proposed development at Brierley Paddocks and the involvement of local residents in the formulation of the Neighbourhood Plan and the need for the Neighbourhood Plan to be taken into account. He asked for the planning application to be refused on prematurity grounds.

Julie Baker addressed the Committee pursuant to the provisions of Meetings General Procedure Rule 5(3). She referred to problems of health and safety and was of the view that the emerging Local Plan was not sound due to its impact on the safety of residents of Mersea Island. She referred to recent incidents of residents needing emergency medical treatment, the 40-minute travel time to hospital and subsequent deaths. She also explained the added time delay at times when the Causeway was unusable due to the tide. She also referred to the difficulty for some residents without access to the internet who were unable to make representations online. She considered Mersea residents were of the view that the number of houses allocated for the sites at Brierley Park should be restricted. She also asked why it was not possible to rely on the delivery of houses through in-fill development and she requested the provision of additional GPs and a fire service on the Island.

The Chairman explained that the Local Plan Committee was responsible for Planning policy whilst the Planning Committee was responsible for the determination of planning applications, as such the Local Plan Committee had no influence over the outcome of individual planning applications.

Councillor Moore was concerned about the inclusion of a medical centre within the Brierley Paddocks development due the location of the site on the edge of the town, requiring a bus journey for many elderly residents which she considered was

unacceptable and impractical. She was of the view that the majority of residents sought a central location for this facility.

Karen Syrett, Planning and Housing Manager, responded to the representations made by speakers under the Have Your Say! Arrangements. She confirmed that the determination of planning applications was not the responsibility of the Local Plan Committee; she explained that a drop-in session had previously been held in West Mersea in order to provide an opportunity for residents to respond to a consultation exercise but it had not been well attended; she confirmed it was not possible to include in-fill development within the housing allocations due to inability to predict accurately; she acknowledged the desire for a centrally located medical centre for Mersea but explained that it had not been possible to identify a suitable site closer to the centre of the town whilst the site at Brierley Paddocks offered sufficient land to include the provision of a medical centre although negotiations about the build had yet to be concluded. She further confirmed that the provision of additional GPs was not the responsibility of the Council and was also a national issue of concern.

The Planning and Housing Manager explained that Ian Vipond, Strategic Director of Policy and Place, would usually provide a strategic overview, particularly in relation to Section 1 of the Plan, to the Committee but he had been unable to attend the meeting on this occasion. She confirmed that the consultation responses and technical evidence base had been sent to the Inspector and she understood that a letter was due to be issued confirming the way forward for Section 1 and the examination. The Inspector had asked for points of clarification; Matters, Issues and Questions would be issued and would inform the examination; a thematic approach with explanatory scene-setting introductions had been suggested to the Inspector to assist understanding of the process and a timetable would be issued in due course, with examination hearing sessions expected to commence in mid-January 2020. She also offered to circulate the Inspector's letter to the Committee members once it was available.

The Chairman suggested that, in the absence of the Strategic Director, for any questions from Committee members which the Planning and Housing manager was unable to answer at the meeting responses be prepared after the meeting and published on the Council's website.

Councillor Barber asked for clarification when the examination of Section 2 of the Plan was likely to begin and on what matters the Inspector had sought clarification. He also suggested the potential need for a briefing for Committee members in order to direct questions to the Strategic Director.

The Planning and Housing Manager explained that it had not yet been possible to consider the detailed timetable; Section 2 of the Plan was being reviewed to ensure it remained fit for purpose and the Inspector had sought clarification on a variety of issues, including viability appraisal work from CAUSE and others.

The Chairman acknowledged the benefit of making arrangements for a further briefing session for Committee members.

Councillor Ellis indicated that he had a number of questions which he had intended to ask the Strategic Director and that he would pursue this outside of the meeting. He asked about the timing of the information about the examination hearing dates and the latest letter for the Inspector.

The Planning and Housing Manager explained that she expected a letter from the Inspector setting out the key milestones and the identification of Matters, Issues and Questions and she had been notified of timescales for the examination hearings earlier in the day.

RESOLVED that the Local Plan update provided by the Planning and Housing Manager be noted.

176 Colchester Local List – Selection Criteria Review 2019

The Committee considered a report by the Assistant Director Policy and Corporate following the completed consultation on the Colchester Local List Selection Criteria and summarising the responses from stakeholders during the eight-week consultation that was conducted between 4 August and 28 September 2019.

Jess Tipper, Archaeological Advisor, presented the report and, together with Karen Syrett, Planning and Housing Manager, responded to members questions. The Archaeological Advisor explained that the Colchester Local List safeguarded selected heritage assets which were considered historically or architecturally important at a local level; were valued by the local community and made a significant contribution to the character and setting of Colchester and the surrounding villages. It had been adopted by the Local Development Framework Committee in 2011 and there had been regular reviews of the List by the Local Plan Committee, resulting in additions, amendments and deletions. The Local List comprised 715 heritage assets in total covering urban Colchester, Wivenhoe, Boxted, Langham and Wakes Colne.

The current Selection Criteria for Colchester town's Local List, from 2011 applied to buildings only and required at least one of the following criteria to apply:

- Dated earlier than 1840 and in good or restorable condition;
- Dated between 1840-1945, largely complete and of an architectural and/or historic value which increased from 'good' for the oldest to 'very high' for the youngest buildings;
- Dated after 1945, complete with no inappropriate alterations or extensions and of the highest architectural or historic value;
- Has group or skyline value.

Various additional factors were also taken into account in marginal cases, including historic value, iconic value, contribution to the historic character of an area, prominence in the townscape or landscape, quirkiness, rarity in Colchester terms, and sustainability.

A review of the Local List Selection Criteria had been approved by the Local Plan Committee in September 2018 and the proposed revisions, which provided for a much wider set of criteria and reflected the broad definition of heritage assets in the National Planning Policy Framework, were set out in the Appendix to the report. In addition details of the six consultation responses received as a result of the consultation exercise were detailed in an Appendix. Five responses had been positive and/or offered no objections to the proposed selection criteria and three responses proposed new heritage assets for the List which would be considered for adoption, following agreement of the Selection Criteria. One response raised specific concerns about the proposed revised criteria.

Councillor Barber sought clarification on the difference between a Community Asset and Local Listing and the protections offered by each.

The Planning and Housing Manager explained that the Local List was concerned with heritage assets whilst Community Assets were a register of community facilities which enabled communities to bid for an asset should it be placed on the market for sale, although without any provision for the sale to take place. As such an asset could potentially be registered on the Local List and as a Community Asset.

Councillor Ellis welcomed the expansion of the selection criteria and sought clarification regarding the circumstances surrounding the comments from respondents, including Philip Crummy from the Colchester Archaeological Trust and Colchester Historic Buildings Forum, who had indicated they had not been informed about the consultation exercise.

The Archaeological Officer confirmed that he regularly liaised with Philip Crummy and the Colchester Archaeological Trust and he appreciated their help and advice. He explained that he had not consulted the groups prior to the consultation exercise commencing but, as one of a range of key stakeholders, they had been included in the consultation exercise itself. He also confirmed that no response had been received from the Colchester Archaeological Trust and he offered to contact Philip Crummy to ensure he was aware of the proposals and that no breakdown in the consultation process had occurred.

Councillor Moore also welcomed the revised selection criteria and asked whether there would be anything detrimental in adopting the new criteria, how often the register would be updated and how quickly an asset could be added to the register.

The Archaeological Officer confirmed that he wasn't aware of any detrimental

consequences should the broader range of criteria be adopted; a press release was issued annually calling for new nominations to the List and, in cases of emergency, listings could be submitted to any meeting of the Local Plan Committee for consideration.

Councillor Coleman sought confirmation that the proposed five-year review of the criteria would be adequate.

The Archaeological Officer confirmed that he considered a five-yearly cycle of review to be adequate, subject to any future relevant changes in legislation.

Councillor Scordis referred to the potential inclusion of cast iron lamp-posts such as those in Roman Road and Gladstone Road in the Local List, given the programme of street light replacement by Essex County Council which had led to the loss of 19th century lamp-posts. This proposal was welcomed by Councillors Barber and Ellis who were aware of similar examples of street furniture and surfaces in other wards in the Borough, whilst acknowledging the potential differing opinions and priorities of owners of these assets. Nevertheless, further exploration of the proposal was supported.

The Archaeological Officer reported that he was aware that Colchester Civic Society was in the process of recording the examples of old street lamps in the town and he welcomed the suggestion that they be nominated for assessment for inclusion in the Local List.

The Chairman suggested all members of the Council be informed of the revised criteria and the benefits available from the Local List in securing heritage assets.

The Planning and Housing Manager acknowledged the desire to conserve examples of heritage street furniture whilst explaining that such Local Listings would not carry sufficient weight to prevent their legitimate replacement by the Highway Authority, except in relation to examples in Conservation Areas, the setting of a Listed Building or areas subject to an Article 4 Direction. Nevertheless, she offered to look into the matter and to discuss the proposal with Essex County Council officers.

Councillor Ellis referred to the potential for the Committee, in cases of emergency, to give the Planning and Housing Manager authority, following consultation with the Chairman, to approve the inclusion of an asset in the Local List.

The Chairman welcomed the suggestion for a fast track process in cases of emergency and suggested the Committee be provided with further information on relevant law and guidance at a future meeting to enable the proposal to be fully assessed.

The Planning and Housing Manager confirmed that the fast track suggestion would require changes to the Officer Scheme of Delegation and offered to provide the

Committee with further detailed information as soon as possible, including the potential, in cases of emergency, for assets to be added to the Local List temporarily during a period between Committee meetings with formal confirmation at the next available meeting.

RESOLVED that the proposed revisions to the Colchester Local List Selection Criteria be approved and the criteria be reviewed every five years.

177 Colchester Local List – Former Pumping Station, Rowhedge Wharf

Phil George, on behalf of East Donyland Parish Council, addressed the Committee pursuant to the provisions of Meetings General Procedure Rule 5(3). He supported the recommendation contained in the report with its references to distinctive, attractive and historic value in relation to the Pumping Station. He referred to the interest from Rowhedge residents and East Donyland Parish Council to protect the building. He also referred to the Rowhedge Heritage Trust (RHT) which, with the Parish Council's support, was exploring options to acquire the building. If successful it was intended to be used to showcase heritage displays and meeting space for the village, with potential for part of the building to be used by the Parish Council. He was of the view that the community would greatly benefit from the retention of the building and, accordingly, asked the Committee to support the recommendation in the report.

Lucy Bannatyne, on behalf of RHT, addressed the Committee pursuant to the provisions of Meetings General Procedure Rule 5(3). She supported the recommendation for the former Pumping Station to be added to the Local List and she considered it represented a strong case based against the criteria. She referred to the age of the building, its history and purpose, the architectural style of the building, its location between new and older parts of the village and she shared the recollections of a village member who had worked in the Pumping Station. She also referred to subsequent uses of the building and explained her view that there was a tangible future use for the building and she explained the aims of the RHT. She explained that the Trust hoped to use the building to house memorabilia and displays and as a base for village activities.

Councillor Lilley, Portfolio Holder for Communities, Wellbeing and Public Safety attended and, with the consent of the Chairman, addressed the Committee. He supported the recommendation for the former Pumping Station to be added to the Local List and for the building to be used by the RHT and the Parish Council. He was concerned about the implications of a planning application which included the former Pumping Station and the intentions of the developers in relation to the provision of additional new housing. He supported the proposal for officers to be given authority to add buildings to the Local List in cases of emergency. He referred to negotiations being undertaken between the developer and the RHT and was of the view that the ownership of the building should be gifted to the Trust for the benefit of the community.

Councillor Fox, Portfolio Holder for Housing attended and, with the consent of the Chairman, addressed the Committee. He supported the inclusion of the former Pumping Station on the Local List and referred to the considerable local support for the protection of the building. He referred to the Listed Building status of the Rowhedge Water Tower and the importance of retaining the Pumping Station to supplement the Water Tower history, as a resource for the local community, as a link between the older parts of the village and the development at the Wharf and to address the need for additional community space. He referred to heritage assets generally and fully supported the enhanced selection criteria, particularly in relation to maritime assets and thanked the Archaeological Officer for the work he had undertaken.

The Committee considered a report by the Assistant Director Policy and Corporate explaining that the former pumping station at Rowhedge Wharf had been identified as a heritage asset that was suitable for inclusion on Colchester's Local List.

Jess Tipper, Archaeological Advisor, presented the report and, together with Karen Syrett, Planning and Housing Manager, responded to members questions. The Archaeological Advisor explained that the disused pumping station was a distinctive and architecturally attractive local landmark that dating from the turn of the 20th century. It had survived virtually intact and was realistically capable of reuse. It was one of a small number of distinctive buildings relating to early water supply and was important to the history of Rowhedge and to the history of water supply and public health reforms in the late 19th and early 20th century. Accordingly, it complied with both the existing and proposed selection criteria.

If approved the Pump House would be added to the existing Local List information within the Historic Environment Record and on the Council's interactive planning map.

Councillor Scordis referred to the support from the Parish Council, a local charity wishing to educate the village, the opportunity to deliver a much needed community asset, the Listed Building status of the Water Tower, the architectural merits of the building and history of the Pumping Station. As such he supported the Local Listing of the building.

Councillor Ellis referred to the charm of the building, its unfortunate remoteness from the Water Tower and the ambitious aspirations of the RHT. He asked whether the building had been registered as a Community Asset and whether there was anything that could be done to assist the RHT to secure the building as a community asset, rather than its conversion for residential use.

The Planning and Housing Manager explained the power available to the Council to determine applications for change of use, she was unaware of its current status in terms of it being a Community Asset but she offered to look into this further outside of the meeting. She explained that in order to register a building as a Community Asset it had to be nominated by a community and its capacity for future community use had to be

demonstrated.

Councillor Bourne welcomed the Committee's consideration of the status of the building and she warned against the danger of communities potentially using Community Asset registration and Local Listing in order to avoid added residential development. She welcomed the detailed case presented to the Committee by the representatives from RHT and the Parish Council in terms of how the building would be put to good use by the community. She considered there may be other similar buildings in the borough, potentially hidden from view or their value only being recognised once a threat had been come to light and she referred to the form and value of late Victorian municipal buildings, like the Rowhedge pumping station. She also expressed concern about the potential loss of valued buildings and gratitude for the assistance offered by local groups such as the Civic Society as well as Town and Parish Councils in seeking to preserve buildings of merit.

Councillor Barber welcomed the report and the information provided on the value of the pumping station and he supported the view that more buildings needed to be saved from demolition. He advocated a request being sent to all Councillors to seek their assistance in identifying buildings of value for potential Local Listing and for inclusion on the Community Asset Register. Councillor Ellis supported the wider circulation of information on the Local List and the Community Asset Register, suggesting the potential for the Council's Communications Team to issue a press release using the example of Rowhedge pumping station capture people's imagination and to build momentum around the heritage value of old buildings.

The Chairman welcomed all the positive contributions during the course of the discussion and supported the need for assistance from people and groups with local knowledge in the identification of heritage assets. He further proposed that the Member Development Group be asked to consider the inclusion within the Member Development Programme of a training session for all councillors on the possibilities derived from the Local List and the Community Asset Register.

The Archaeological Advisor confirmed that the Local List had recently been extended to include of the borough as a whole and, following the approval of the revised criteria, his intention was to work with various local groups to help identify potential heritage assets. He hoped some momentum would have been generated by the example of the pumping station and that it would be possible to build upon this for the future.

RESOLVED that the –

- (i) Proposed amendment to the Colchester Local List be approved and the former Pumping Station at Rowhedge Wharf be adopted onto the Local List.
- (ii) Member Development Group be asked to consider the inclusion within the Member Development Programme of a training session for all councillors on the

possibilities derived from the Local List and the Community Asset Register.

178 Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS) - Update

David Cooper addressed the Committee pursuant to the provisions of Meetings General Procedure Rule 5(3). He asked whether it was still possible to add to the RAMS policy, particularly with regard to the section on relevant habitat sites and the potential to take into account the habitats on Mersea Island, as partially identified in the West Mersea Neighbourhood Plan, although it had yet to be adopted. He also referred to Cudmore Grove Country Park and the acknowledgement in the RAMS policy that it was not an appropriate place to locate a children's playground, due to the consequent increase in footfall and damage in the area. He also advocated the need for large scale residential development to include consideration of Suitable Alternative Natural Green Spaces (SANGS) to mitigate damage to the natural environment in places such as Mersea Island and Dedham.

The Committee considered a report by the Assistant Director Policy and Corporate providing an update on the work by 12 Essex planning authorities on the mitigation strategy to protect the internationally designated Essex Coast from the effects of increased recreational disturbance as a result of population growth throughout Essex. The Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS) a tariff of £122.30 per dwelling to apply to all residential proposals.

Shelley Blackaby, Planning Policy Officer, presented the report and, together with Karen Syrett, Planning and Housing Manager, responded to members questions. The Planning Policy Officer explained that Committee members had been advised that consultation on the draft SPD would commence in May 2019 but this had been delayed due to some of the local authorities commissioning legal advice. Numerous minor changes had been made to ensure that the SPD was clear and fit for purpose. As such, consultation on the draft SPD was expected to commence in January 2020.

Since February 2019 a significant work had taken place to progress the RAMS and to ensure that Habitats sites were not adversely affected through increased recreational disturbance. In Colchester a direct payment had been set up to make minor applications straight forward and avoid the need for a legal fee. Chelmsford City Council (CCC) had offered to become the Accountable Body and, as such, would hold all contributions from the 12 partners and employ the project staff. It was anticipated that sufficient development contributions would have been collected to fund the appointment of a Delivery Officer to oversee the project in 2020. In addition, the Essex Planning Officers Association (EPOA) Chief Officer's group had agreed to become the Project Board to govern and oversee the project and determine which avoidance and mitigation measures to fund. The project had also recently become part of the 'Bird Aware' brand which had been developed to communicate the importance of birds and their habitats

and was considered an early avoidance measure which would help to spread the message of the importance of the Essex coast and the need to protect birds in a positive way.

Councillor Barber welcomed the contingency included in the financial considerations and sought clarification on how the tariff had been calculated and the governance arrangements between the twelve partner Authorities.

The Planning Policy Officer explained that consultants had been appointed to assess the issue including what, when and why people visited the coast, from which a Zone of Influence (Zoi) had been created. The projected number of houses planned to be built in the Zoi up to 2038 and the avoidance and mitigation measures needed to protect the coast were identified, from which the tariff had been calculated. She acknowledged the tariff was lower than others but that it was subject to review. She confirmed that Colchester had already started to collect the tariff, whilst some of the other Authorities in the partnership had opted not to do so as yet. She also referred to the officer steering group which met on a monthly basis.

Councillor Moore asked whether it was possible to adjust the RAMS policy to meet the requirements of individual Authorities, she supported concerns about the need to protect the natural environment from damage due to the location of inappropriate facilities, she was concerned about the risk of the RAMS policy leading to alternative mitigation measures being overlooked or disregarded and she was also concerned that the drawing up of the Zoi had been a desk top exercise.

The Planning Policy Officer confirmed that the Habitat Regulations were very strict and the RAMS had been developed on the advice of Natural England, as Government advisers on nature conservation, had advocated a partnership, county-wide approach to the mitigation issue. She confirmed that the RAMS acknowledged the legitimate wish of people to visit the coast and the need to raise awareness of the impact of their activities. She confirmed that large scale development would be expected to provide SANGS, she explained that surveys and workshops had been undertaken by the consultants who had assessed the issues affecting the Essex coast and she referred to the engagement which would take place directly with local people by the Delivery Officer and Rangers.

Councillor Ellis asked about the offer from Chelmsford City Council to become the Accountable Body for the project, whether Chelmsford's boundaries included an area of coastline, whether the governance arrangements for the project included the involvement of local councillors and the reason why some of the partner Authorities had decided to delay the introduction of the tariff, to seek an alternative legal opinion and the implication of the consequent loss of financial contributions towards mitigation measures. He also sought clarification on how the financial contributions were distributed and whether they were ring-fenced.

The Planning Policy Officer confirmed that Uttlesford District Council was the twelfth Authority to join the partnership, Chelmsford City Council had a very small area of coastline, had successfully assumed the Chairmanship responsibilities for the meetings and had undertaken to build a proposal to assume the role of Accountable Body. She explained that although the Delivery Officer and Rangers would be employed by the Accountable Body they would work for the RAMS partnership as a whole. She also explained that the implications of the Habitat Regulations had been fully understood by this Council and its officers, the duty placed on the Council as the competent authority under these Regulations had also been recognised and legal advice had been sought to confirm the duties. However, some of the other partnership authorities had opted to delay collecting the tariff pending the outcome of their own legal advice.

The Planning and Housing Manager confirmed that a joint commissioning of legal advice had been offered to the partnership but only Chelmsford and Tendring had agreed to share the costs involved. She also explained that the advice from Natural England was that, in areas where the tariff wasn't being collected, consideration would be given to holding the Local Authority liable for the cost of mitigation of development.

The Planning Policy Officer confirmed that the financial contributions raised from the collection of the tariff would initially be used to fund the employment of staff, thereafter the money would be directed towards physical projects on sites in those Authority areas which were collecting contributions. She explained that the Zol was the area from where 75% of visitors to the habitat sites came and that Colchester fell within multiple Zol, including the Dengie which was the largest Zol. She also explained that funds collected in Colchester had already been spent on the Bird Aware brand which was specifically concerned with educating people about disturbance of the coast.

RESOLVED that -

- (i) The Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS) Strategy Document (Technical Report and Mitigation Report) be approved and consultation on the amended draft Supplementary Planning Document (SPD) be agreed.
- (ii) Authority be delegated to the Planning and Housing Manager (PHM) to make minor changes to the RAMS Strategy Document and SPD, should it be necessary, with any changes considered by the PHM, in consultation with the Chairman and Group Spokespersons, to be more than minor to be reported back to the Committee.

179 Neighbourhood Planning - Update

The Committee considered a report by the Assistant Director Policy and Corporate providing an update on progress of Neighbourhood Planning in Colchester. Shelley Blackaby, Planning Policy Officer, presented the report and responded to members questions. The Planning Policy Officer explained that four Neighbourhood Plans had been adopted – Wivenhoe, Boxted and Myland and Braiswick and West Bergholt which was adopted following the preparation of the report. It was anticipated

that Eight Ash Green Neighbourhood Plan would be made (adopted) later in the year.

Detailed progress of the Neighbourhood Planning activity in the Borough was set out in the report and summarised as follows:

- Boxted – Adopted 2016 and part of the Development Plan used for Decision Making;
- Myland and Braiswick – Adopted 2016 and part of the Development Plan used for Decision Making;
- Wivenhoe – Adopted 2019 and part of the Development Plan used for Decision Making;
- West Bergholt – Referendum held on 19 September 2019 and Council adopted the plan on 16 October 2019. Part of the Development Plan used for decision making;
- Copford with Easthorpe - Work stopped and then restarted in 2018;
- Eight Ash Green - Final Examiner's report received recommending the plan with modifications proceeds to referendum on 7 November 2019;
- Great Tey - A draft plan is expected to be published for consultation in spring 2020;
- Marks Tey - Initial draft of plan published and will be refined once neighbourhood characterisation study is complete;
- Messing - No active NHP group currently;
- Stanway - No active NHP group currently;
- Tiptree - Analysis of consultation responses underway to inform Neighbourhood Plan;
- West Mersea - A consultant to be appointed shortly to assist in drafting the plan.

It was confirmed that Planning officers continued to provide significant support to the neighbourhood planning groups by means of a named officer to advise and assist. A guide on the support that could be provided had been made available on the neighbourhood planning pages of Council' website.

Councillor Barber welcomed the report and stated his gratitude to the Planning Team for the support that they had provided to the West Bergholt Neighbourhood Planning Team. He commented on the pre-dominance of rural areas having conducted Neighbourhood Planning work and considered there would be merit in investigating ways in which the work could be carried out in urban areas and he asked whether it was possible to provide an estimate of cost of delivering a complete Neighbourhood Planning process. Councillor Ellis supported the principle of Neighbourhood Planning within the urban core of the borough whilst acknowledging the difficulty of motivating community groups to start the process and to continue the work going forward.

The Chairman considered the difficulties for communities in urban areas was the lack a framework from which to initiate and sustain the work such as a Parish or Town Council and the relatively higher turnover of people moving in and out of urban areas.

RESOLVED that the update on the progress of neighbourhood planning in Colchester Borough be noted.

180 Brownfield Land Register - Update

The Committee considered a report by the Assistant Director Policy and Corporate providing recommendations to encourage further sites to come forward for possible inclusion in the Brownfield Land Register (BLR).

Sean Tofts, Planning Policy Officer, presented the report and, together with Karen Syrett, Planning and Housing Manager, responded to members questions. The Planning Policy Officer explained that the Council had produced and maintained a BLR since December 2017, following the Council's participation in a pilot scheme. Although sites could be submitted at any time, since the initial publication of the BLR no further sites had been submitted for consideration. This was thought to be partially due to the large proportion of suitable brownfield land within Colchester already being included on the BLR and that large areas of brownfield land had already been successfully redeveloped. Nevertheless, there was a perception that brownfield land should be developed before releasing/allocating greenfield sites. Accordingly, it was proposed to run a targeted campaign over six weeks from 24 October to 4 December in order to increase awareness of the register. It was further proposed that the campaign would include:

- Enhanced visibility on the website;
- Social Media Marketing;
- Press Release;
- Direct requests to Parish Councils

An update would be reported alongside the Annual Monitoring Report (AMR) which would include information on any new sites submitted for inclusion and any changes in permissions granted or sites completed on the current BLR.

Councillor Coleman supported the proposals set out in the report and was of the view that a call for brownfield sites should be undertaken on an annual basis

Councillor Ellis commented on Colchester's strong record of having maximised development on brownfield sites and this was an issue upon which there was no grounds for criticism. However, he was concerned about the timing of a campaign to increase awareness given the current status of the emerging Local Plan and the danger that sites would then be classified as windfall sites and, as such, would not form part of the housing trajectory. He therefore sought clarification as to whether it would be better to postpone the campaign to a later date and to hold any potential new brownfield sites in reserve.

The Planning and Housing Manager explained the example of the Woods Factory site at Tufnell Way which was classified as a windfall site and not an allocation in the Local

Plan and when the 700/800 units were delivered they contributed to the Council's housing supply.

Councillor Bourne referred to the ongoing perception that there was still plenty of brownfield sites in the borough and that these should be developed before greenfield sites were released. As such she understood why the proposal to initiate a campaign had come to the Committee for consideration. She doubted whether many sites would be forthcoming as a consequence of the campaign and she welcomed the Council's previous success in delivering development on brownfield sites.

The Planning Policy Officer acknowledged the merits in keeping brownfield sites in reserve but he explained that it was important to bear in mind that brownfield sites tended to take a long time to come forward due to issues such as flooding or contamination.

Councillor Moore supported the view to defer the updating of the register and for this to be timed so that it could be used to the Council's best advantage and for assets not to be wasted by allowing them to become windfall sites. She sought clarification regarding the point at which housing numbers are allocated after a planning permission is granted.

The Planning and Housing Manager explained that housing numbers were counted as they were completed with evidence being requested from developers as to when completions were likely to take place and the monitoring of completions being undertaken on a quarterly basis using building control returns. These completions were used to inform a detailed housing trajectory of a five year and a fifteen-year supply. She also explained that the Local Plan identified sites which should be sufficient to meet the housing targets whilst the housing trajectory included smaller sites which were too small to feature in a Local Plan, a windfall allowance was also included and for each five year period the number of windfall sites was identified. She was aware of Local Authorities who included a windfall allowance in their Local Plan but she considered this approach had a high degree of risk as this was difficult to justify and there could be no certainty about delivery. She further commented that if a site was identified through the call for brownfield sites and was added to the register, it would then assume a suitability for residential development and, accordingly, would be open to a developer to submit a planning application. This would count in terms of housing delivery numbers and it would be added to the housing trajectory but it would not be included in the housing numbers contained in the Local Plan. The Planning and Housing Manager also explained that the BLR was open to anyone proposing a new site at any time and that the initiation of a campaign was to address the perception that there were still many brownfield sites available for development.

Councillor Barber explained that he understood the view for the campaign to be delayed to a more advantageous time but he welcomed the detailed explanation provided by the Planning and Housing Manager and acknowledged the counter view to initiate a

campaign now in order to address the public perception issue.

Councillor Scordis was concerned about any sites added to the BLR not being included in the housing numbers contained in the Local Plan and the lack of opportunity, as a consequence, to provide viable alternatives to sites already allocated. Councillor Bourne supported the view to delay the campaign, given the register was open to nominations at any time and publicity could be undertaken at a more suitable time.

The Chairman welcomed the work that had been undertaken in maintaining the BLR but supported the view that no action be taken at the current time to actively promote the register.

RESOLVED that no further action be taken at this time to initiate a campaign to publicise the Brownfield Land Register but that the matter be kept under review.

181 National Planning Regulations and Guidance – Update on Recent Changes

David Cooper addressed the Committee pursuant to the provisions of Meetings General Procedure Rule 5(3). He referred to the ability to use both the Community Infrastructure Levy (CIL) and Section 106 contributions together and he referred to recent Government Guidance explaining how health facilities and health and wellbeing impacts could be incorporated in planning policy making. He also commented on the proposed housing development on Mersea Island and the view of the health authority that the development would place pressure on the local primary care services and, without mitigation would constitute a negative impact. He sought clarification as to whether it would be possible to use the flexibility of the CIL for the two planning application sites on Mersea Island.

The Committee considered a report by the Assistant Director Policy and Corporate highlighting recent changes to Government guidance on a range of planning issues.

Sandra Scott, Place Strategy Manager, presented the report and, together with Karen Syrett, Planning and Housing Manager, responded to members questions. The Place Strategy Manager explained that further revisions to the National Planning Policy Guidance (PPG) had been published. Revisions with particular implications for the plan-making process included:

- Further guidance on what was considered suitable evidence to demonstrate deliverability of a five-year housing land supply;
- Requirements for addressing the housing needs of different groups;
- Detail on measuring biodiversity gain;
- Strengthening the weight that could be given to neighbourhood plans;
- Changes to CIL/Section 106 regulations including the removal of restrictions on pooling contributions.

The Place Strategy Manager explained that this Council had not adopted a CIL and, as

such, it would not be possible at the current time. She confirmed that the policy on CIL would be reviewed when the Council had an up to date Local Plan.

Councillor Bourne referred to the relaxing of the restrictions on pooling contributions and whether it could be applied retrospectively to previous planning decisions, particularly in relation to applications which had generated very small contributions which had proved to be difficult to allocate.

The Planning and Housing Manager was of the view that it would now be possible to pool these types of contributions to enable one larger project to be delivered using multiple smaller contributions. She also explained that the Council's process for allocating Section 106 funding had evolved over a period of time and it was intended, for the future, that ward councillors would become involved in the process at an earlier stage and that the standard charges for small developments, which would benefit from pooling opportunities, would be resumed.

Councillor Ellis commented on the prescriptive nature of the requirement for contributions to mitigate against one specific development. He strongly welcomed the sharing of all kinds of Local Plan related government guidance and legislative information with Local Plan Committee members and asked for consideration to be given to this being done on a routine basis so far as was possible.

Councillor Scordis referred to the development of a metric to demonstrate the achievement of a biodiversity net gain and asked who would be responsible for its enforcement and monitoring. Councillor Ellis welcomed the consideration of the biodiversity net gain initiative and was of the view that it would be a very important policy for the Committee members to consider at a future meeting.

The Place Strategy Manager indicated that the responsibility for enforcing and monitoring the biodiversity metric was likely to rest with the planning authorities and, as such, she considered this process would benefit from the compilation of guidance to ensure a standard and straight forward approach.

Councillor Barber referred to an apparent change in the relationship between the Neighbourhood Plan and the Local Plan and asked whether it was likely in the future that the Neighbourhood Plan would steer the direction of the Local Plan.

The Place Strategy Manager explained that, once a Neighbourhood Plan was adopted it became part of the Development Plan and, as such, had the same status as an adopted Local Plan. She clarified that the change referred to in the report was to remove the added weight which had hitherto been given to the most recently adopted document.

RESOLVED that the contents of the report be noted.

16 December 2019

Report of	Assistant Director of Policy and Corporate	Author	Laura Chase
Title	Planning Obligations Supplementary Planning Document		☎ 01206 282473
Wards affected	All		

1. Executive Summary

- 1.1 Councils are able to require planning applicants to provide financial contributions to mitigate development impacts under Section 106 of the Town and County Planning Act 1990. The National Planning Policy Framework ensures that the collection of such contributions is confined to measures that are required to mitigate the impact of development.
- 1.2 To ensure consistent and effective guidance to collecting contributions, the Council has prepared a Supplementary Planning Document (SPD) on Planning Obligations. It is intended to consult on the SPD for a six-week period prior to incorporation of consultation comments and its return to the Local Plan Committee for adoption.
- 1.3 The SPD covers a range of topic areas including housing, sustainable transport, flood protection and water management; sports, recreation and leisure; green infrastructure; natural environment mitigation; historic environment and community infrastructure. More detailed guidance on Affordable Housing, and on Self and Custom and Specialist Housing is provided in two separate SPDs considered elsewhere on this Committee's agenda.

2. Recommended Decision

- 2.1 To approve publication of a Planning Obligations Supplementary Planning Document (SPD) for a six-week consultation period from 24 January – 6 March 2020.
- 2.2 For the Committee to delegate authority to the Planning & Housing Manager to make minor revisions to the document prior to publication.

3. Reason for Recommended Decision

- 3.1 The adoption of this guidance will help ensure a consistent approach to securing planning obligations needed to mitigate the effects of development. It will be used as a material consideration in the determination of any planning application submitted within the Borough.

4. Alternative Options

- 4.1 The alternative would be not to adopt more detailed guidance, however this would limit the Council's ability to secure necessary funds to mitigate planning impacts and ensure sustainable, high-quality development.

5. Background Information

- 5.1 Supplementary Planning Documents (SPDs) cannot set out new policy, but instead expand upon how Local Plan policies should be applied. In this case, the Planning Obligations SPD provides detail on Local Plan policies concerning requirements for planning obligations. The approach of this SPD is considered to be compatible with policies in both the adopted and emerging Local Plans, allowing for adoption of this SPD in the transitional period between submission of the emerging plan and its adoption.
- 5.2 General provisions for local authorities and applicants to enter into planning obligations requiring planning applicants to provide contributions to mitigate development impact are set out in Section 106 of the Town and Country Planning Act 1990, as amended. The National Planning Policy Framework (NPPF, para 56) requires that planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition.
- 5.3 The SPD explains that Colchester assesses requirements for planning obligations in line with its evidence base of infrastructure requirements and agreed processes for setting contributions through the planning application process. These processes are intended to ensure that, in line with national policy, all planning obligations meet the tests of being necessary; directly related to the development; and fairly and reasonably related in scale and kind. This means that all planning obligations will be justified based on the circumstances of each case and will be required to mitigate and/or address specific infrastructure needs and impacts arising from a development.
- 5.4 The Council's Development Management team encourages all applicants to contact it in the early stages of development proposals for pre-application advice. Consideration of appropriate planning obligations through the pre-application and application process involves an assessment by the Council of the potential impact of a proposal on relevant infrastructure and constraints. The Council's adopted Supplementary Planning Documents on Community Facilities (2013), Open Space, Sport and Recreation Facilities (2006, charging schedule update 2017) and Affordable Housing (2011) have been used to guide requests, but given the age of these documents, an updated consolidated approach to advice is required and is presented in the new SPD.
- 5.5 The scope of planning obligations covers both local and strategic projects, with the proviso that contributions to any strategic project will need to provide essential mitigation for the impact of the proposed development in order for the scheme to be acceptable. The evidence-based package of proposed planning obligations then forms the basis for negotiating the final package of obligation requests.
- 5.6 The SPD sets out a range of obligation types which may be required as part of any Planning Obligation Agreement. Each section sets out the policy background to requiring such obligations, the relevant points at which they might be required, when the obligation is expected to be provided, any exceptions and any other relevant information.
- 5.7 Topic areas include:
- Housing
 - Sustainable Transport, including Travel Planning
 - Flood Protection and Water Management
 - Sports, Recreation and Leisure
 - Green Infrastructure and Open Space
 - Natural Environmental Mitigation including RAMs and Biodiversity
 - Historic Environment

- Community Infrastructure
 - Early Years, Childcare, Education
 - Health and Social Wellbeing
 - Social and Community Facilities
- CCTV

5.8 Where appropriate, more detailed information is contained in the following subsidiary SPDs or appendices:

SPDs

- Affordable Housing SPD and Self and Custom and Specialist Housing SPD (covered by a separate report on the agenda for this Committee)
- Recreational Disturbance, Avoidance and Mitigation Strategy SPD (considered at February 2019 Local Plan Committee)

Appendices

For the following areas, appendices to this SPD contain formulae to facilitate a per unit charge:

- Community Facilities
- Sports, Recreation and Leisure
- Town Centre

This is on the basis that these are categories where there is a demonstrable link between population increase and pressure to expand facilities. The pressure is considered to arise at both local and strategic level, leading to the division for project funding of 35% for Borough-wide projects and 65% for local projects. Projects are identified through a range of evidence as appropriate, including consultant studies, facility audits, and feasibility studies/business cases.

- 5.9 The need for additional detailed reports for other areas will be monitored. Review or addition of appendices containing formulae will be brought to Local Plan Committee for approval, while topics meriting a SPD will also be subject to a formal consultation period.
- 5.10 The SPD highlights and cross-references to requests from other authorities for development contributions to ensure that CBC requests are considered in the context of all other relevant requests. In particular, Essex County Council is updating their guidance on planning obligations and have carried out a consultation on a draft ECC Developers' Guide to Infrastructure Contributions.
- 5.11 A Sustainability Appraisal (SA) Report has been prepared for the Local Plan which appraises the policies this supplementary guidance relates to. This can be viewed online. A SEA Screening Opinion and Habitats Regulations Screening has been undertaken for this SPD and will be made available as part of the consultation.

6. Equality, Diversity and Human Rights implications

- 6.1 An Equality Impact Assessment has been prepared for the Local Plan, and is available to view by clicking on this link:- <http://www.colchester.gov.uk/article/12745/Policy-and-Corporate>
- 6.2 The adoption of guidance on planning obligations will not have an adverse impact on equality, diversity and human rights.

7. Strategic Plan References

- 7.1 Securing planning contributions to support growth addresses all of the GROW objectives of the Strategic Plan as it they will add to funding for required infrastructure and well-

being initiatives across the Borough needed to help make Colchester an even better place to live, work and visit.

8. Environmental and Carbon Implications

- 8.1 The Council has declared a Climate Emergency and has committed to being carbon neutral by 2030.
- 8.2 The purpose of the planning system is to contribute to the achievement of sustainable development as defined in the National Planning Policy Framework. Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways. These are economic, social and environmental objectives.
- 8.3 This report/consideration of this application has taken into account the Climate Emergency and the sustainable development objectives set out in the NPPF. It is considered that the report demonstrates that a robust process for securing planning obligations can contribute to achieving sustainable development

9. Consultation

- 9.1 Consultation on the SPD will be carried out in accordance with the Council's adopted guidance on consultation, which is contained in its [Statement of Community Involvement](#). This provides that SPDs will be consulted on for a 6-week period, with consultees to include statutory consultees, general consultees on our database, and other relevant stakeholders. It is intended to consult on this SPD, along with the Affordable Housing and Self and Custom and Specialist Housing SPDs, for a 6-week period from 24 January – 6 March 2020. Consultation responses will inform the final version of the SPD which will be submitted to the Local Plan Committee for approval.

10. Publicity Considerations

- 10.1 The Council and its Communication team will proactively manage the SPD and consultation on it to ensure developers and the general public are aware of the benefits of developing a clear and consistent approach to the collection of planning obligations.

11. Financial implications

- 11.1 Adoption of clear and consistent guidance to secure planning contributions to mitigate the impact of future development will help the Council fund the delivery of required infrastructure and strengthen its ability to secure match funding from other sources.

12. Health, Wellbeing and Community Safety Implications

- 12.1 Adoption of clear and consistent guidance to secure planning contributions to mitigate the impact of future development will help promote positive health and community safety benefits to our residents.

13. Health and Safety Implications

- 13.1 NA

14. Risk Management Implications

- 14.1 The adoption of Supplementary Planning Documents is intended to support adopted planning policies and reduce the risk of inappropriate development. The Plan provides consistent advice to landowners, developers, officers, Councillors and members of the public.

Appendix

Draft Planning Obligations Supplementary Planning Document



Planning Obligations Supplementary Planning Document

[Text Box]

December 2019

Planning Obligations SPD

Introduction

- Purpose of this Document

- Scope of Document

Policy Background

- National Policy including NPPF

- Colchester approach to planning obligations

 - New Local Plan

 - Evidence Base, including Infrastructure Delivery Plan

 - Relationship to others (ECC, Health etc)

- Corporate Objectives

Obligation Types

- Housing - link to Housing SPD

 - Policy Background

 - Affordable Housing approach summary

- Sustainable Transport

 - Policy Background

 - Possible Obligations

 - Timing/Trigger for payment or provision of works

 - Maintenance payments

- Flood Protection and Water Management

 - Policy Background

 - Possible Obligations

 - Timing/Trigger for payment or provision of works

 - Maintenance payments

- Sports, Recreation and Leisure

 - Policy Background

 - Possible Obligations

 - Timing/Trigger for payment or provision of works

 - Maintenance payments

Green Infrastructure and Open Space

- Policy Background

- Possible Obligations

- Timing/Trigger for payment or provision of works

- Maintenance payments

Natural Environmental Mitigation including RAMS and Biodiversity

- Policy Background

- Possible Obligations

- Timing/Trigger for payment or provision of works

- Maintenance payments

Historic Environment

- Policy Background

- Possible obligations

- Timing/Trigger for payment or provision of works

Community Infrastructure – early years, childcare and education

- Policy Background

- Possible Obligations

- Provision of works

Community Infrastructure – Health and Social Wellbeing

- Policy Background

- Possible Obligations

- Timing/Trigger for payment or provision of works

Community Infrastructure – Social and Community Facilities

- Policy Background

- Possible Obligations

- Timing/Trigger for payment or provision of works

- Maintenance payments

Connectivity – Broadband and CCTV

- Policy Background

Possible Obligations

Timing Trigger for payment or provision of works

Maintenance payments

Implementation of this Planning Obligation SPD

Negotiations/Viability

Drafting of Agreements

Financial Contributions

Index Linking

Monitoring and Enforcement of obligations

Reporting on the use of Obligations

Appendices

Appendix 1 - Glossary of Terms

Appendix 2 – Supporting information and calculations for Sport, Leisure and Recreation

Appendix 3 – Supporting information and calculations for Community Facilities

Appendix 4 – Supporting information and calculations for Town Centre Improvements

Introduction

Purpose of this Document

The Council and developers have a responsibility, through the planning process, to manage the impact of growth upon infrastructure and ensure that any harm caused by development is mitigated and that the necessary infrastructure is provided. The Council expects new development to contribute to site related infrastructure needs.

The purpose of this document is to set out the Borough Council's general approach towards seeking planning obligations, taking into account the requirements of national and local guidance. The document takes the form of a Supplementary Planning Document (SPD), which is a subsidiary element of the Local Plan providing greater detail on the Council's policies set out in the main Local Plan. This guidance will be an important material consideration in the decision-making process.

SPDs cannot create new policy themselves but must instead relate to planning policies contained within a council's Local Plan. There are policies in both the adopted Colchester Local Plan and the Emerging Local Plan that can be used to provide the 'policy hook' for this SPD. This document can be reviewed if required following adoption of the emerging Local Plan if necessary.

Scope of Document

This draft SPD sets out what will be required through Section 106 planning obligations. It identifies topic areas where planning obligations may be applicable and outlines the Borough Council's general procedural approach to securing planning obligations. For topic areas requiring further guidance, the document provides links to separate detailed policy documents.

This draft SPD has been produced as a general guide based on varying scales of development, but proposals will be assessed on a site by site basis with the individual circumstances of each site being taken into consideration. The document is also not intended to be exhaustive; other obligations may be required.

The Council may at a later stage adopt a Community Infrastructure Levy (CIL) to run alongside a new Local Plan, however CIL would complement and not duplicate planning obligations. A CIL charging schedule linked to the plan would stipulate a charge, per square metre of gross internal floorspace, for relevant classes of development and projects that would be agreed

Public Consultation

In accordance with the Government guidance in the Town and Country Planning (Local Development) (England) Regulations 2004, Regulation 18, and the Council's Statement of Community Involvement; the SPD will be the subject of public consultation for a period of six weeks. The consultation for this will run from: 24 January – 6 March 2020.

Ways to respond to the consultation include:

By email to planning.policy@colchester.gov.uk

By post to: Planning Policy, Colchester Borough Council, Rowan House, 33 Sheepen Road, Colchester, CO3 3WG

All consultation responses must be received no later than 5pm on 6th March 2020.

If you have any questions about the consultation, please contact the Planning Policy Team via planning.policy@colchester.gov.uk

If you would like this document in an alternative format such as large print, braille or another language please contact the Planning Policy Team.

Following this consultation, the final version of the document will be amended and presented for consideration of the Local Plan Committee before adoption.

Sustainability Appraisal

A Sustainability Appraisal (SA) Report has been prepared for the Local Plan which appraises the policies this supplementary guidance relates to. This can be **viewed online.**

An SEA Screening Opinion and Habitats Regulations Screening has been undertaken for this SPD. This concludes that there will not be significant environment effects. These opinions can also be viewed online <**INSERT LINK**>.

Policy Background

National Policy

The statutory framework for planning obligations is set out in Section 106 of the Town and Country Planning Act 1990, as amended. Regulations 122 and 123 of the Community Infrastructure Levy (CIL) Regulations 2010 (as amended); the National Planning Policy Framework (March 2012 and revised July 2018 and February 2019) and Planning Practice Guidance (PPG) on Planning Obligations set out the Government's policy on planning obligations.

In addition to Section 106 planning obligations associated with individual planning obligations, national policy also provides scope for a Community Infrastructure Levy (CIL). CIL is a charge which local authorities can place on developers to help fund infrastructure needed to support new development in their areas. Unlike Section 106 Planning Obligations, CIL receipts are not earmarked for particular infrastructure. Instead, CIL monies are pooled into one fund which can be used for infrastructure, as set out in what is termed a Regulation 123 List. The 123 List set out a list of infrastructure needed to support new development across the administrative area. Planning obligations may not currently be used to fund an item that is locally intended to be funded by CIL. Colchester has periodically researched the deliverability of adopting a CIL charging schedule but like most other Councils in Essex has not proceeded to adoption. This will be kept under review. This guidance accordingly focuses on planning obligations only.

National Planning Policy Framework (NPPF)

The NPPF 2019 requires that planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition. They must only be sought where they meet all of the following statutory tests:

- A) necessary to make the development acceptable in planning terms;
- B) directly related to the development; and
- C) fairly and reasonably related in scale and kind to the development.

Where up-to-date policies have set out the contributions expected from development, planning applications that comply with them should be assumed to be viable (See paras 54-57 2019 NPPF).

Given that the 2019 NPPF requires that its policies are material considerations for planning applications from the day of its publication, its guidance informs the SPD's approach to how planning obligations are treated in the development management process.

Colchester Approach to Planning Obligations

Colchester assesses requirements for planning obligations in line with its evidence base on infrastructure requirements and agreed processes for setting contributions through the planning application process. These processes are intended to ensure that, in line with national policy, all planning obligations meet the tests of being necessary; directly related to the development; and fairly and reasonably related in scale and kind. This means that all planning obligations will be justified based on the particular circumstances of each case and will be required to mitigate and/or address specific infrastructure needs and impacts arising from a development.

Local Plan Policy

Government policy is clear that an up-to-date Local Plan ensures that developers have greater certainty over where development can take place, what type of development is appropriate and what policy requirements will be expected of them. This allows developers to identify all the costs of development at an early stage and factor this in to the price paid for land. This level of certainty has been provided in Colchester through both the adopted Local Plan as well as the emerging Local Plan.

Current policy on planning obligations is based on the following:

Adopted Core Strategy (2008, Focused Review 2014)

Policy SD2 Delivering Facilities and Infrastructure

The Borough Council will work with partners to ensure that facilities and infrastructure are provided to support sustainable communities at both the local and strategic level.

The Council will seek to ensure new development makes a reasonable contribution to the provision of related facilities and infrastructure through either planning obligations, or if adopted, a Community Infrastructure Levy. The viability of developments will be considered when determining the extent and priority of development contributions.

Policy SD3 Community Facilities

The Borough Council will work with partners to deliver strategic and local community facilities.

Table 6d – Key Facilities and Infrastructure – provides a list of projects, categorised as either ‘necessary’ or of ‘local and wider benefit’ to be delivered for Growth Areas specified in the plan.

Existing Guidance

The Council has adopted Supplementary Planning Guidance for several areas related to the provision of planning obligations. This document updates guidance contained in the following SPDs:

Community Facilities – adopted 2013

Open Space, Sport and Recreation Facilities (2006, charging schedule update 2017)

Affordable Housing (adopted 2011, updated SPD prepared alongside this document)

The following additional Council guidance documents remain relevant:

[Cycling Delivery Strategy SPD \(adopted 2012\)](#)

[Planning for Broadband \(adopted as guidance 2016\)](#)

Development Policies (2010, Focused Review 2014)

Policy DP3 Planning Obligations and the Community Infrastructure Levy

The Council may choose to implement a Community Infrastructure Levy to help fund necessary local and strategic infrastructure. The Council will continue to seek planning obligations through Section 106 agreements with details set out in Supplementary Planning Documents.

Site Allocations (2010)

The Site Allocations document identifies key infrastructure requirements for allocations.

Emerging Local Plan (submitted for Examination October 2017)

The Emerging Local Plan continues requirements to ensure new development supports delivery of required infrastructure and carries forward the approach in the adopted Local Plan.

Section 1 Policy SP5 Infrastructure and Connectivity

Development must be supported by provision of infrastructure, services and facilities that are identified to serve the needs arising from new development.

Section 2 Policy SG7 Infrastructure Delivery and Impact Mitigation

All new development should be supported by, and have good access to, all necessary infrastructure. Where a development proposal requires additional infrastructure capacity, to be deemed acceptable, mitigation measures must be agreed with the Local Planning Authority and the appropriate infrastructure provider. Such measures may include (not exclusively):

- (i) Financial contributions towards new or expanded facilities and the maintenance thereof;*
- (ii) On-site provision (which may include building works);*
- (iii) Off-site capacity improvement works; and/or*
- (iv) The provision of land.*

Developers will be expected to contribute towards the delivery of relevant infrastructure. They will either make direct provision or will contribute towards the provision of local and strategic infrastructure required by the development either alone or cumulatively with other developments.

Small sites can have a cumulative effect on infrastructure and proportional contributions will be sought from all developments where this is demonstrated to be the case. Developers and land owners must work positively with the Local Planning Authority, neighbouring authorities and other infrastructure providers throughout the planning process to ensure that the cumulative impact of development is considered and then mitigated, at the appropriate time, in line with published policies and guidance.

Exceptions to this policy will only be considered whereby:

- (i) It is proven that the benefit of the development proceeding without full mitigation outweighs the collective harm;*
- (ii) A fully transparent open book viability assessment has proven that full mitigation cannot be afforded, allowing only for the minimum level of developer profit and land owner receipt necessary for the development to proceed;*
- (iii) Full and thorough investigation has been undertaken to find innovative solutions to issues and all possible steps have been taken to minimise the residual level of unmitigated impacts; and*
- (iv) Obligations are entered into by the developer that provide for appropriate additional mitigation in the event that viability improves prior to completion of the development.*

The site policies in the emerging Local Plan set out the amount and type of development provided within each site allocation. They also set out what specific supporting infrastructure and other requirements are needed for each site. Policy PP1 provides generic requirements for infrastructure and mitigation. (policies attached as appendices).

Evidence Base

The Council maintains an up-to-date evidence base on infrastructure requirements in the Borough, reflecting the need to support Local Plan work.

Infrastructure Delivery Plan

The Infrastructure Delivery Plan (IDP) (May 2017) provides the basis to determine general requirements for a wide range of infrastructure. The IDP shows what infrastructure is required; how it will be provided; who will provide it; how it will be funded; and when it could be provided for the following areas:

- Schools and other educational facilities
- Health and social wellbeing

- Utilities
- Transport, including pedestrian facilities
- Flood defences
- Managing the impact of unstable land
- Emergency services
- Waste
- Social and community (including libraries, allotments and community halls)
- Leisure and recreational facilities (including children's play, youth and sports facilities)
- Open space/green infrastructure

In most cases, information contained in the IDP is based on and supplemented by more detailed supporting work which is referenced in the document and available on the Council's Local Plan evidence base website. Other departments within the Council also maintain their own evidence which is used to inform requests for contributions.

Design Review Panel

The Council has a variety of internal specialists who will provide comments on planning applications regarding urban design, landscape, arboriculture, archaeology, listed buildings and heritage. For large scale developments, it may be appropriate for a Design Review Panel to be formed in order to ensure high standards of design within the Borough to ensure the highest possible quality of development. In this instance, the Council will form a Panel of independent and impartial individuals. This could be drawn from the Design Council who will assess the design quality of a proposal, or alternatively through the Essex Quality Design Review Panel. Design review can be at the pre application early design stages or through the master planning process. The cost will be borne by the site promoter/developer.

This can help to ensure planning obligations are met within the development and enables the land to be used most efficiently.

More information can be found on the [Design Council](#) and [ECC Design Review Panel](#) websites.

Obligation Types

The following sections of this document set out the obligation types which may be required as part of any Planning Obligation Agreement. Each section sets out the policy background to requiring such obligations, the relevant points at which such a contribution may be required, when the obligation is expected to be provided, any exceptions and any other relevant information. For the following topics the general information is supplemented by a further detailed guidance note or SPD:

- Housing Issues, including affordable housing, self and custom-build, rural exception sites, and specialist residential

- Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS)
- Green Infrastructure, including Colchester Orbital

However, it should be noted the above list is not exhaustive, and other topics may be added as required.

Essex County Council's (ECC) Developer's Guide to Infrastructure Contributions (2016) provides details of the impacts that development may have on ECC services and infrastructure, and guidance to developers regarding how Section 106 agreements and CIL may be used to secure works, finance and/or land to mitigate impacts. This should be read alongside this document. This is available on the [ECC website](#).

Process for identifying and agreeing planning obligations associated with new development proposals

The Council's Local Plan contains high level information about what planning obligations a developer can expect to consider when thinking about purchasing land or working up a scheme for development. The LPAs Development Management Team encourages all applicants to contact it in the early stages of development proposals for pre-application advice. At this stage, applicants will be made aware of policies and potential requirements for planning obligations which could be relevant to their particular proposal. Further information regarding the Councils pre-application process can be found [online](#).

Consideration of appropriate planning obligations will involve an assessment by the Council of the potential impact of a proposal on the infrastructure and impact issues highlighted above. Both local and strategic projects will be addressed, with the proviso that contributions to any strategic project will need to provide essential mitigation for the impact of the proposed development in order for the scheme to be acceptable.

The Council's Development Team meets regularly to provide a co-ordinated approach to planning obligations for larger projects involving assessment and identification of key projects in the context of local and national policy.

The evidence-based package of proposed planning obligations form the basis for negotiating an agreed approach with the applicant.

Housing

Policy Background

The NPPF states that Local Planning Authorities (LPAs) should deliver a wide range of high quality homes and create sustainable, inclusive and mixed communities. LPAs are required to plan for a mix of housing to meet the needs of different groups in the community, including older people, people with disabilities and people wishing to build their own homes (See paragraphs 61 –64 of the NPPF).

Adopted Local Plan

Core Strategy Policy H3, Housing Diversity, provides that housing development will need to contribute to the provision of affordable housing and homes that are suitable to the needs of older persons, persons with disabilities and those with special needs. Policy H4 provides guidance on affordable housing, including a 20% affordable housing requirement for new development on sites of 10 or more dwellings within Colchester Town, Stanway, Tiptree, Wivenhoe and West Mersea; and developments of 5 or more dwellings in other villages.

Emerging Local Plan

Policy DM 10 Housing Diversity provides that the LPA will seek to secure a range of housing types and tenures on developments and should provide for the needs of particular groups including older people, specialist housing, self-build/custom build, gypsies and travellers, students, and hospice.

Policy DM8 provides guidance on affordable housing, including a 30% affordable housing requirement on sites of more than 10 dwellings in urban areas and above 5 units in designated rural areas; which reflects updated Strategic Housing Market Assessment evidence and evidence on the overall quantum of housing requirements contained in the Objectively Assessed Housing Need Study.

Guidance on Housing

The Council has prepared a SPD on Affordable Housing which contains more detailed guidance. Planning obligations will be used to secure the following elements related to the provision of affordable housing:

- the number of units;
- the type of units;
- the tenure of units;
- the location of units;
- commuted sums in lieu of provision where appropriate.

The definition of affordable housing that the Council uses will reflect the most up-to-date definition contained in national guidance.

The Affordable Housing SPD should be reviewed when considering the planning obligation requirement in the first instance, however some key points are highlighted below:

Calculation of contribution: The affordable housing contribution percentage will be confirmed at the time an application is submitted. Regard to the Adopted and Emerging Local Plan will be required until such a time as the Emerging Local Plan is adopted. Sites allocated in the emerging Local plan will be expected to provide 30% affordable housing in line with emerging policy in the same plan.

Location of affordable housing: Affordable housing is expected to be provided in-kind and on-site. Financial contribution in lieu of on-site provision of broadly equivalent value will only be considered in exceptional cases, once it has been demonstrated that off site provision is not possible.

Mix of Affordable Housing: To ensure affordable provision is weighted to make a proportionate contribution to the assessed need, the Council will expect the affordable housing mix to be no less than 80% market rent and no more than 20% other routes to home ownership (as defined in the NPPF).

The Council has also prepared a SPD on Self and Custom Build and Specialist Housing which contains detailed guidance on those forms of housing.

Physical Infrastructure – Highways, Access and Sustainable Transport

Policy Background

The NPPF requires the planning system to promote sustainable transport. (See Section 9 of the NPPF). Transport issues are to be considered from the earliest stages of plan-making and development proposals so that the potential impact of development on transport networks can be addressed and sustainable transport options are delivered.

Adopted Local Plan

Policy TA1 of the adopted Core Strategy provides that the Council will work with partners to improve accessibility and change travel behaviour through means such as travel plans, improvements to gateways and by managing travel demand.

Policy TA2 Walking and Cycling promotes walking and cycling and provides that development shall contribute towards these connections and quality cycle parking where appropriate.

Policy TA3 Public Transport promotes improving public transport and increasing modal shift towards sustainable modes.

Policy TA4 Roads and Traffic requires developers to contribute towards transport infrastructure improvements to support the development itself, and to enhance the broader network to mitigate impacts on existing communities.

Emerging Local Plan

The Emerging Local Plan carries forward the focus on sustainable transport. The strategic Section 1 policy SP5 highlights the requirement for transport infrastructure to support new strategic and local developments and to improve connectivity by promoting more sustainable travel patterns and choices.

Policy PP1 Generic Infrastructure and Mitigation Requirements includes requirements for mitigation for area-wide transport issues and safe pedestrian access. Policies for site allocations include site specific transport infrastructure requirements as relevant.

The objectives of the Core Strategy policies noted above are restated in Policy DM20 Promoting Sustainable Transport and Changing Travel Behaviour which provides that the Council will work with developers and other partners to increase modal shift towards sustainable modes by improving accessibility of development through the promotion of walking and cycling, further improving public transit, enhancing personal safety, and accommodating necessary car travel.

Policy DM21 Sustainable Access to Development requires development to provide safe and secure access and to enhance wider accessibility for sustainable modes of transport. Developers can be asked to produce Travel Plans in accordance with Essex County Council guidance for non-residential development generating significant amounts of movement, all new residential developments and schools; and where

appropriate for non-residential developments, become members of the Colchester Travel Plan Club.

Possible S106 Obligations

Essex County Council (ECC) is the Highway Authority for the Colchester Borough area. Colchester Borough Council consults Essex County Council on planning proposals that affect the highway network. Essex County Council provides advice on the scope of obligations for highway infrastructure works where it is considered that there is a need to mitigate the impact of new development(s) on the highway network. Developers should refer to [The Essex County Council Developers' Guide to Infrastructure Contributions](#) for detailed information further to the process described below. In general, the delivery of highway improvements is secured by agreement under s.278 of the Highways Act 1980. These agreements with ECC Highways require the developer to carry out works at their expense as opposed to securing a financial contribution towards works. Colchester Borough Council also provide additional advice on sustainable access and connectivity linked to safe and alternative modes of travel.

All development proposals will be assessed on their own merits in relation to the impact they have upon the highway network. There are no types of development which are exempt from such highway infrastructure obligations, but each will be considered having regard to the network capacity, trip generation and safety. Development proposals need to mitigate their own impact through the provision of appropriate mitigation measures. These may include:

- Contributions to Colchester Travel Club
- Contributions to improving Bus services and infrastructure
- Contributions to Car Clubs/Car Sharing schemes
- Cycling and footway links/improvements/crossing
- Cycle/footbridges
- Electric Vehicle Charging Infrastructure
- Link roads
- New and/or improved junctions
- New roads
- Pedestrian crossings
- Raised kerbs
- Signage
- Traffic Regulation Orders e.g. to impose waiting restrictions
- Traffic lights

Please refer to the Council's [Cycling Delivery Strategy SPD](#) for further information on cycling-related planning contributions.

Timing/Trigger for payment or provision of works

The developer is required to implement and secure the agreed highway infrastructure works in such a way that the works can be adopted by the Highway Authority once it has been agreed that they are in an adopted standard. In general, the developer is obliged to submit suitable detailed engineering drawings to the Highways Authority prior to any commencement of the development on site, for the Highway Authority's approval.

Before occupation of a development, the developer is usually obliged to implement the approved scheme and the Highway Authority will issue a certificate of practical completion. The developer will still have responsibility for maintaining the highway works for a minimum of 12 months and to carry out any remedial works required following the issue of the certificate of practical completion. After the 12-month period, or when the remedial works have been satisfactorily completed, a certificate of adoption will be issued, and the works adopted by the Highway Authority.

Developers will be required to pay fees to cover ECC's costs incurred in approving the detailed engineering drawings, and for inspecting the highway works and issuing the relevant certificate. Details of these fees are to be included in a Section 106 Agreement, or where appropriate a Section 278 Agreement as above. The full details of the processes will be set out in any relevant Section 106 or Section 278 Agreements.

Maintenance Payments

Where the infrastructure works include items with the possibility of a major maintenance requirement e.g. traffic signals or where the works are beyond the usual ECC specification, the Highway Authority will require a commuted sum from the developer to maintain that infrastructure for 15 years after adoption. The borough council may also seek maintenance payments for items of infrastructure for which it is responsible.

Further Information

Where a developer intends to carry out works to/in the public highway they will be required to provide third party insurance.

Developers will be required to enter into a bond for an amount specified by the Highway Authority to ensure that the highways works are completed to the Authority's satisfaction, should the developer default on any of its obligations in relate to the works. This bond will vary dependent on the works required. The bond can be a formal bond with an approved third-party surety, or it can be a deposit in cash to Essex County Council as the Highway Authority.

Land compensation bonds will be required where there is a possibility of existing properties being affected by new highway development, e.g. by increased noise resulting from new highway development, including the possibility of a reduction in price.

Flood Protection and Water Management

Policy Background

The NPPF deals with the challenge of climate change, flooding and coastal change (See Section 14 of the NPPF). Planning authorities should adopt proactive strategies to mitigate and adapt to climate change, taking full account of flood risk, coastal change and water supply and demand consideration.

Adopted Local Plan

Development Policy DP20 Flood Risk and Management of Surface Water Drainage provides that development will only be supported where it can be demonstrated that it meets flood defence requirements and minimises flood risk both within the development boundary and off site in Flood Zones 2 and 3. All development proposals shall incorporate measure for the conservation and sustainable use of water including Sustainable Urban Drainage (SuDS) for managing surface water runoff.

Emerging Local Plan

Emerging Local Plan Policy DM23 Flood Risk and Water Management carries forward the requirements to address flood risk contained in the adopted Local Plan. Development proposals will be required to deliver or contribute to the delivery of flood defence/protection and/or flood mitigation measures.

Policy PP1 Generic Infrastructure and Mitigation Requirements includes requirements for wastewater treatment and SuDS.

In considering proposals for development the Council will follow a sequential risk-based approach in line with national guidance, including the application of the 'exception test' which should consider flood risk from all sources when considering whether development in that location is appropriate.

Possible S106 Obligations

Areas of flood risk include risk from all sources of flooding such as rivers and the sea, directly from rainfall onto the ground surface and rising groundwater, overwhelmed sewers and drainage systems, and from other water bodies.

As a coastal and estuarine area, in addition to storm rainfall issues, Colchester is vulnerable to flood risk from the North Sea and the Colne and Roman Rivers including tidal surge.

As the Lead Local Flood Authority, Essex County Council is responsible for the production of a Surface Water Management Plan (SWMP) for the Colchester area. There may be instances where individual sites come forward for development, which in turn raises issues of flood risk or water management, particularly if development is proposed within a Critical Drainage Area as identified in the SWMP. If these cannot be addressed on site or by way of condition, it is anticipated that a Section 106 Agreement

may be needed. These may need to alleviate any/all forms of flood risk and such techniques could include:

- Flood alleviation controls - new or enhanced provision such as flood plain, levees, reservoirs.
- Bio-retention areas
- Wetlands
- Channels
- Detention basins
- Ponds
- Infiltration/filtration
- Green Roofs
- Permeable paving

Further information regarding SWMP can be found on the [Essex County Council website](#).

Timing/Trigger for payment or provision of works

There is no general rule for the timing of payments as each scheme will be judged on a case by case basis. Should off-site works be required, it is expected these would be in place prior to the first occupation or completion of the development.

Maintenance Payments

Where the flood protection and water management infrastructure works include items with the possibility of major maintenance requirements or where works are beyond the usual specification, the Council will require a commuted sum from the developer to maintain that infrastructure for 15 years after adoption.

Sport, Recreation and Leisure

Policy Background

The NPPF states that the planning system has an important role in facilitating active environments, social interaction and creating healthy, inclusive communities. Access to high quality open space and opportunities to increase physical activity, sport and recreation can make an important contribution to the health and well-being of communities (see Section 8 of the NPPF).

The Council recognises the important role community facilities such as social facilities, sports and leisure, parks and green spaces have in well-being for residents of existing and new communities.

Adopted Local Plan

Core Strategy Policy PR1 Open Space requires not only the protection and enhancement of the existing network of green links and open spaces but also sports facilities, and to secure additional areas where deficiencies are identified.

Development Policy DP15 (Retention of Open Space and Indoor Sports Facilities) protects existing open space and indoor sports facilities and provides that if justified, alternative and improved provision can be created elsewhere in a location well related to the functional requirements of the relocated use.

Development Policy DP16 (Private Amenity Space and Open Space Provision for New Residential Development) set standards for the provision of private amenity space and new public areas of accessible strategic or local open space. Precise levels of provision depend on the location of the proposal and the nature of open space needs in the area, but 10% of the gross site area provides a general rule of thumb. Commuted sums are only likely to be acceptable for certain developments, including small sites, dwellings for the elderly, or town centre locations.

Emerging Local Plan

Policy ENV3 The Colchester Green Infrastructure Strategy identifies a network of enhanced green links and spaces in the borough, including a new multi user route, the Colchester Orbital, around urban Colchester. The Local Planning Authority will seek opportunities from future developments, where appropriate, to improve the Green Infrastructure network including connectivity between the Colchester Orbital route, new developments and the wider countryside.

Policy DM4 provides that new residential development will be required to contribute to the provision or enhancement of sport or leisure facilities where a need has been identified and outlines the criteria that must be satisfied where development includes change of use.

Policy DM17 provides the Council's default position to protect and enhance the existing network of green links and open spaces and outlines a number of criteria that must be satisfied where development includes change of use of any existing or proposed public or private open space.

Policy DM18 Provision of Public Open Space and DM19 Private Amenity Space carry forward the Council requirements for private and public amenity space.

Possible S106 Obligations

Sufficient leisure and recreation facilities should be provided or existing facilities enhanced to meet the needs of a development and should be secured in perpetuity. Colchester Borough Council has identified its current needs in the Indoor Sports Facilities Strategy and Action Plan and Playing Pitch Strategy and Action Plan 2015-2037. The future maintenance and management of such provision will also need to be secured. Further detailed information on planning obligations for sport, leisure and recreation is contained in **Appendix 2**.

The Evidence

Playing Pitch and Indoor Sports Facilities studies were completed in 2015 by KKG for the Council in line with the NPPF and Sport England guidance. These studies informed Table 11.1 of the Council's Infrastructure Delivery Plan which shows the needs for play and youth facilities arising from future growth by location for the plan period. Figures currently reflect 2011 Census mean occupancy rates of 2.3 people per dwelling.

Table 11.3 of the Council's Infrastructure Delivery Plan lists grass sports pitch requirements. This information has been included in Appendix 1 of this document and will underpin Council requests for planning contributions arising from new development. The requirements and costs for these facilities will be updated as appropriate.

Indoor sports hall requirements are outlined in Table 11.5 of the Council's Infrastructure Delivery Plan. There may be other needs for health and fitness stations (e.g. gymnasias) and other specialist provision e.g. squash, indoor bowls, indoor tennis etc., which are usually provided by the private sector and have not been included within the IDP assessment.

A need for a 25m 6 lane swimming pool is outlined in paragraph 11.58 of the Council's Infrastructure Delivery Plan following Sports England's Facilities Planning Model. Funding provision for this facility is currently unknown and it is assumed this would be funded solely through developer contributions.

Where a proportion of on-site provision is made, a pro-rata reduction will be made in calculating the level of the off-site contribution.

For non-sporting activities and facilities see the Community Facilities section in this document and Appendix 3.

Category	Facility	Sources of detailed information in addition to Appendix 2
Indoor and Outdoor Playing Pitches	Strategic and local pitches, both grass and artificial, including rugby, football, cricket, baseball, hockey, netball and tennis	See CBC Indoor Sports Facilities Strategy and Action Plan CBC Playing Pitch Strategy and Action Plan 2015-2037.
Indoor Sports Facilities	Sport including: team sports, training and conditioning, gymnastics, group exercise classes, etc.	Sport England guidance

For allotments, children's play, youth facilities, informal local space, amenity greens, green infrastructure including the Colchester Orbital and green links, country parks, natural and semi-natural greenspace, parks and recreation grounds see the Green Infrastructure and Open Spaces section of this document and Appendix 2.

Note: the calculation of planning obligations within the above categories also need to be considered in terms of whether they serve local or strategic catchment areas.

New facilities should seek to offer flexible uses and combine facilities and services which might have historically been provided on a separate basis. For instance MUGAs provide scope for a range of playing pitches and outdoor activities. The potential for mixed use of new facilities could mean that recreation and leisure facilities could be combined with other areas of planning gain covered within this guidance, including health, education and community facilities.

Maintenance Payments

An appropriate maintenance contribution will be required for all adopted open space and associated facilities such as play equipment provided on-site. Where provision is provided offsite, a maintenance contribution may be required, this will be dependent upon the type of provision and facilities. This will be calculated according to the landscape layout and quantified elements to be provided by the developer. Should a developer wish to self-manage such areas the Council would consider this subject to public access and agreeing a maintenance specification and inspection regime, secured through a legal agreement.

Timing/trigger for payment or provision of works

In the case of a large-scale development, it may be that the payments or provision would be phased to meet the proportional impact of each phase. Trigger points for payments or provision will be included in the legal agreement, as will the period in which any contribution will have to be spent.

Green Infrastructure & Open Space

Green infrastructure is defined in the NPPF as a network of multifunctional green space, urban and rural, which is capable of delivering a wide range of environmental and quality of life benefits for local communities.

Paragraph 170 and 171 of the 2019 NPPF outline that policies and decisions should contribute to and enhance the natural and local environment including by providing net gains for biodiversity, creating ecological networks and taking a strategic approach to green infrastructure.. Paragraph 185 further seeks the conservation of the historic environment. Paragraph 91 and 150 identify the role that green infrastructure plays in supporting healthy lifestyles and climate change adaptation.

Paragraph 96 identifies the importance of a network of high-quality open spaces as well as opportunities for sport and physical activity for health and well-being. Paragraph 98 details how public rights of way and access should be protected and enhanced.

Policy Background

Adopted Local Plan

Core Strategy Policy PR1 outlines the Council's aim to provide a network of strategic green links between the rural hinterland, river corridors and key green spaces within Colchester Town. PR1 requires the protection and enhancement of the existing network of green links, open spaces and sports facilities and to secure additional areas where deficiencies are identified.

Core Strategy Policy ENV1 requires the protection and enhancement of a network of strategic green links between the rural hinterland, river corridors and key green spaces and areas of accessible open space that contribute to green infrastructure across the Borough.

Emerging Local Plan

Policy ENV3 seeks to protect, enhance and deliver a comprehensive green infrastructure network comprising strategic green links between the rural hinterland, urban Colchester, river corridors and open space across the Borough.

The Council are working with stakeholders to support the delivery of a new multi user route, the Colchester Orbital, around urban Colchester.

Policy ENV3 states the LPA will seek opportunities from future developments to improve connectivity between the Colchester Orbital, new developments and the wider countryside. The LPA will seek contributions or require work to be undertaken as part of new developments to create new paths where gaps are evidence in the existing green infrastructure network or Orbital or to enhance the quality of the existing route.

Possible S106 Obligations

Strategic and local green spaces, including urban parks, semi-natural greenspace and children's play are important for people of all ages and backgrounds, particularly for those from lower income areas. They contribute to sense of place, quality of life and the economic energy of our towns and countryside.

A wide range of local and strategic green space needs and opportunities has been identified through the evidence base. The future management and maintenance of such provision will also need to be secured through obligations.

Further detailed information on planning obligations for Green Infrastructure, Open space and Children's Play is contained in **Appendix 2**.

Evidence Base

Colchester Borough Council has identified its current needs for green infrastructure and open space in the Green Infrastructure Strategy 2011 and the Open Space, Sport and Recreation Study 2007. The latter study identifies specific quantity, accessibility and quality standards for new development that needs to be met for open space and children's play provision.

In line with this document, the Council will a Green Infrastructure SPD which sets out the requirements for green infrastructure, including the Green Orbital surrounding the urban area of Colchester.

Where a proportion of on-site provision is made, a pro-rata reduction will be made in calculating the level of the off-site contribution.

Category	Facility	Sources of detailed information in addition to Appendix 2
Local Open Space	Allotments, Children's play and youth facilities, Informal local open space or amenity green	See Green Infrastructure SPD See CBC Open Space, Sport and Recreation Study See Fields in Trust guidance for designated play areas
	Cycle and footway links and improvements	See Cycle Delivery SPD
Strategic Open Space	Green infrastructure, including Colchester Orbital and other links, country parks, natural/semi-natural green space, parks and recreation grounds	See Green Infrastructure SPD See CBC Open Space, Sport and Recreation Study

Note: the calculation of planning obligations within the above categories also need to be considered in terms of whether they serve local or strategic catchment areas. Local Open Space should be provided in accordance with the requirements of specific site policies where appropriate, alongside requirements in the evidence base referenced above.

Strategic Open Space should be provided in accordance with the requirements of specific site policies of the emerging Local Plan and Appendix 1, Colchester Green Orbital, alongside requirements in the evidence base referenced above..

Proportionate contributions to strategic open space and green infrastructure could take the form, as appropriate, of enhancement to the strategic infrastructure and/or connectivity improvements to access from the local site area to the strategic location

New facilities should seek to offer flexible uses and combine facilities and services which might have historically been provided on a separate basis. MUGAs provide scope for a range of playing pitches and outdoor activities. The potential for mixed use of new facilities could mean that recreation and leisure facilities could be combined with other areas of planning gain covered within this guidance, including health, education and community facilities.

Timing/Trigger for payment or provision of works

In the case of a large-scale development, it may be that the payments or provision would be phased to meet the proportional impact of each phase. Trigger points for payments or provision will be included in the legal agreement, as will the period in which any contribution will have to be spent.

Maintenance payments

An appropriate maintenance contribution will be required for all adopted open space and associated facilities such as play and outdoor gym equipment provided on-site. Where provision is provided offsite, a maintenance contribution may be required, this will be dependent upon the type of provision and facilities. This will be calculated according to the landscape layout and quantified elements to be provided by the developer. Should a developer wish to self-manage such areas the Council would consider this subject to public access and agreeing a management plan including maintenance specification and inspection regime, secured through a legal agreement.

Natural Environment

Policy Background

The NPPF seeks to conserve and enhance the natural environment. It states that the planning system should contribute to and enhance the natural and local environment. The planning system is intended to minimise impacts on biodiversity and provide net gains in biodiversity where possible, thereby contributing to the Government's commitment to halt the overall decline in biodiversity. Remediating and mitigating despoiled, degraded, contaminated and unstable land are other ways of enhancing the environment (See Paragraph 170 of the 2019 NPPF). Paragraphs 175 and 176 of the 2019 NPPF, states that where significant harm to the environment resulting from a development proposal cannot be avoided, adequately mitigated, or, as a last resort, compensated for, planning permission should be refused.

The Essex coastline stretches over 350 miles, extending from the Thames Estuary to the Port of Harwich and to the Store Estuary, with majority of the coast designated under the UK Conservation of Habitats and Species Regulations 2017 as part of the European Natura 2000 network. To understand the recreational impacts affecting different areas along the Essex coastline as a result of increased visitor numbers from new residential developments; Natural England, the Statutory Authority responsible for the conservation of habitats and species, identified the need for a strategic approach.

Adopted Local Plan

Core Strategy Policy ENV1 Environment provides that the council will conserve and enhance Colchester's natural and historic environment, countryside and coastline. It will safeguard the Borough's biodiversity, geology, history and archaeology through the protection and enhancement of designated sites, with more detailed requirements on biodiversity and environmental requirements contained in Policy DP21 Nature Conservation and Protected Lanes, Policy DP22 Dedham Vale Area of Outstanding Natural Beauty and Policy DP23 Coastal Areas.

Policy UR2 Built Design and Character includes a commitment to enhancing Colchester's unique historic character, and DP14 Historic Environment provides detail on measures to protect and enhance historic assets.

Emerging Local Plan

The emerging Local Plan ENV1 policy carries forward the wording of the adopted ENV1 policy on conservation and enhancement of Colchester's natural and historic environment, countryside and coastline.

More detailed requirements are carried forward in policies ENV2 Coastal Areas, ENV4 Dedham Vale Area of Outstanding Natural Beauty, ENV5, Pollution and Contaminated Land, CC1, Climate Change and PP1 Generic Infrastructure and Mitigation Requirements.

Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS)

Following Natural England's requirement for a strategic approach to protect the internationally designated Essex Coast from the effects of increased recreational disturbance as a result of population growth throughout Essex, eleven Essex LPAs have been working together to prepare a [RAMS Strategy](#) and [SPD](#). These documents outline the measures to avoid and mitigate likely significant effects to the Essex coast and ensure compliance with the Habitats and Species Regulations 2017.

Possible S106 Obligations

Any environmental mitigation measure will be considered on a site by site basis. Many issues will be localised and, where small scale, will be dealt with by way of planning conditions. There may be circumstances where schemes require environmental mitigation measures to be included within a Section 106 Agreement.

All residential development in Colchester Borough is likely to significantly affect Habitats sites, through increased levels of recreational disturbance, in-combination with other plans or programmes. All residential development proposals will be required to avoid/mitigate the impacts of recreational disturbance on Habitats sites. The RAMs set a tariff of £122.30 per dwelling. This tariff will apply to all residential proposals, even proposals for one dwelling. This is because the whole of the Colchester borough is within the Zone of Influence and the RAMS seeks to avoid and mitigate the in-combination effects from all new dwellings.

For larger strategic residential sites, it will be necessary for the tariff payment as outlined above to be provided in addition to bespoke mitigation measures. Bespoke measures are not a replacement of the tariff payment.

Further detail on this is available in a separate Supplementary Planning Document. The background and evidence is included in the [RAMs Strategy Document](#).

Some cases may require payments, other cases may require the details of the mitigation measures, to be included in an agreement so that a robust legal mechanism is in place to ensure appropriate mitigation is carried out. Each site will be considered on its own merits. Environmental matters which may be included in a Section 106 Agreement include, but are not limited to:

- Major contamination issues
- Biodiversity offsetting
- Ecological mitigation/remediation
- Climate change mitigation
- Environmental enhancements
- Mitigating the likely significant effects, alone, from development on Habitats sites

- Biodiversity net gain
- District licensing for great crested newts

The Government's Spring Statement (March 2019) confirmed that the Environment Bill will mandate biodiversity net gain for all new developments in England being required to deliver an overall increase in biodiversity. Currently, the Environment Bill has not been published, this should be reviewed for more specific details in the first instance.

Timing/Trigger for payment or provision of works

The cost of such mitigation measures will normally be covered in full by the developer. Any contamination matters will usually be required to be dealt with fully prior to commencement of any development or in accordance with an agreed phasing strategy.

Environmental mitigation will largely be required to be carried out prior to the commencement of the development, with some further works being complete prior to first occupation of the development. Some further environmental issues may require ongoing mitigation. Where the development cannot fully mitigate its impact on environmental matters, compensatory measures may be sought. This will only occur when all other avenues of mitigation have been exhausted. The appropriate level of contribution will be considered on a case by case basis.

Further information on Biodiversity Offsetting can be found at:

<https://www.gov.uk/biodiversity-offsetting>

This covers all aspects of Biodiversity Offsetting and offers links to useful guidance documents produced by Natural England and DEFRA. These include a guide for developers and information on pilot schemes taking place.

Historic Environment

Policy Background

National policy seeks to conserve and enhance the historic environment (see paragraph 192 of the 2019 NPPF). Paragraph 195 of the 2019 NPPF, states that where proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits or outweigh that harm or loss.

Adopted Local Plan

Policy UR2 Built Design and Character states that the council is committed to enhancing Colchester's unique historic character. It highlights areas and buildings that will be required to be preserved and protected and requires that archaeological assessments will be required as appropriate.

Policy DP14 provides more detail on the protection of heritage assets and makes provision for Conservation Areas, locally listed buildings, preserving the wider setting of heritage assets and identifying and protected sites of archaeological importance. Heritage Statement and/or Archaeological Evaluations will be required for proposal affect the setting of heritage assets and/or known or possible archaeological sites.

Emerging Local Plan

Policy DM16 carries forward the requirements of UR2 and DP14 in the adopted Local Plan to protect and enhance heritage assets and distinguishes between different magnitudes of harm identified reflecting the 2019 NPPF (para.195-196). Policy PP1 and the site allocation policies include requirements in respect of archaeological investigation and action as appropriate.

Possible Planning Obligations

The majority of heritage asset issues will be dealt with through conditions, given that the historic character of the development will be fundamental to how its further development is managed. There are occasional circumstances however, where a legal agreement may be required to manage complex financial and/or phasing arrangements, as in the repair of a derelict building. More often legal agreements will be required to secure archaeological works and the display of significant finds. Please see the Council's guide to [Managing Archaeology in Development](#) for further information on the requirements for archaeological investigation, recording and management

Community Infrastructure

General Introduction

National and local policy increasingly recognises the links between well-being and the provision of integrated services that promote cross-over benefits from one area to another. While the sections below separate out education from health and community facilities, where appropriate, community infrastructure contributions will be consolidated to allow co-location of services in multi-purpose buildings to encourage efficient use of community spaces; creation of community gathering places; and synergies between different uses.

Early Years, Childcare and Education

Policy Background

The commitment to ensuring a sufficient choice of school places is found in Paragraph 94 of the 2019 NPPF.

Adopted Local Plan

Core Strategy Policy SD3 Community Facilities provides that the Council will work with partners to deliver key community facilities including educational facilities. A list of area specific educational facility requirements is found in Table 6d Key Facilities and Infrastructure.

Policy DP4 supports the provision of new community facilities. The Council will also seek to maximise the shared use of education and community facilities.

Emerging Local Plan

Section 1 Policy SP5 Infrastructure requires the provision of sufficient school places in the form of expanded or new primary and secondary schools together with early years and childcare facilities, with larger development setting aside land and/or contributing to the cost of delivering land for new schools where required.

Policy DM3 Education Provision notes the Council's positive approach to appropriate and well-designed new school educational facilities. Please refer to the [Essex Design Guide](#) for further guidance on school design.

Essex County Council Requests

The Education Act 1996 outlines local authorities with a responsibility for providing sufficient school places. Essex County Council is the local authority with such responsibility. The

All residential developments of 20 or more dwellings will be assessed to establish if a developer contribution towards additional Early Years and Childcare is necessary.

Commercial developments that will employ 50 or more people may also be expected to provide a contribution.

Contribution requests for school places will be calculated in line with the number and type of houses and flats that are being proposed that are suitable to accommodate children.

Further information can be found in the ECC Developers Guide to Infrastructure Contributions available online.

Possible S106 Obligations

Strategic site on-site facilities will be required where justified by the level of growth.

The Department for Education published guidance for 'Securing developer contributions for education' in April 2019, which underlines the principles that:

- Housing development should mitigate its impact on community infrastructure, including schools;
- Developer contributions towards new school places should provide both funding for construction and land where applicable subject to viability assessment when strategic plans are prepared and using up-to-date cost information; and
- The early delivery of new schools within strategic developments should be supported where it would not undermine the viability of the school, or of existing schools in the area.

Sites of a strategic nature specified in the emerging Local Plan include:

- Policy SP8 Tendring/Colchester Borders Garden Community (E14):
A secondary school, primary schools and early-years facilities
- Policy SP9 Colchester/Braintree Borders Garden Community (E15):
At least one secondary school, primary schools and early-years facilities
- Policy WC2 – Stanway, land to the North of London Road:
A new primary school with co-located early years and childcare nursery places.

It is also expected that other developments will need to make provision on site or a financial contribution.

Provision of works

Details of the criteria that any new school or pre-school site must meet and requirements for the provision of land for new facilities are set out in the Essex County Council Developers' Guide to Infrastructure Contributions which is available to download from Essex County Council's website.

Where appropriate Section 106 Agreements will seek to secure a community use agreement for the public use of school sports facilities, and a separate contribution will be levied for this purpose. It should be noted that the Sport England Strategy 2016-2021 includes goals relating to schools opening up, or keeping open, their sports facilities for local community use. Sport England also offers a range of Design Guidance and advice to maximise the public benefit of community use of sport facilities on education sites.

Timing/Trigger for payment or provision of works

The timing for the provision of any required education facility contributions will be considered on a case by case basis, with the specific requirements being set out within any Section 106 Agreement. It is likely to be linked to phases of a development, with facilities being required either upon a certain level of units being completed, or when a certain threshold of occupation at a development is reached.

Community Infrastructure – Health and Social Wellbeing

Policy Background

An important element of creating sustainable communities is the provision and protection of community uses such as health, well-being and recreation. Local authorities are required to work with public health leads and health organisations to understand and take account of the health status and needs of the local population (See paragraphs 91 and 92 of the 2019 NPPF). This requirement is actively pursued in North Essex, through a range of cross-sectoral groups developing innovative approaches to the provision of coordinated services. For example, the North Essex Health and Local Authority Strategic Planning Working Group includes representation from a wide range of health providers, planners, public health, emergency services, and health sector estate management representatives and considers a range of health and planning issues, including a coordinated approach amongst all health-related services to planning obligation requests.

Adopted Local Plan

Core Strategy Policy SD3 Community Facilities provides that the Council will work with partners to deliver key community facilities including health facilities. A list of area specific facility requirements is found in Core Strategy Table 6d Key Facilities and Infrastructure. Development Policy DP2 states that all development should be designed to help promote healthy lifestyles and requires Health Impact Assessments for larger developments (excess of 100 residential units or non-residential development in excess of 2500 sqm). Policy DP4 supports the provision of new community facilities.

Emerging Local Plan

Section 1 Policy SP5 Infrastructure and Connectivity seeks to ensure that new development maximizes its positive contribution to the creation of healthy communities and that access to essential health and care infrastructure is provided as part of new developments. Policy DM1 carries forward the requirements found in adopted Policy DP2 for developments to promote healthy lifestyles and to provide Health Impact Assessments on larger developments (excess of 100 residential units or non-residential development in excess of 2500 sqm).

Possible Section 106 contributions

The approach to section 106 contributions to health, care and wellbeing is evolving in the wake of increasing demands on health from a growing and aging population; health workforce recruitment and retention issues; incorporation of digital options; and recognition of the importance of preventive, self-care and well-being measures. More information on the evolving nature of healthcare provision is available in the Council's [Infrastructure Delivery Plan](#). Health Impact Assessments (HIAs) will highlight how

developments will positively impact on key elements of health and wellbeing and allow for the early identification of potential unintended consequences. Mitigation may be sought from a developer should a HIA identify unintended impacts and will, therefore, be site specific.

New healthcare provision may be provided through Section 106 Agreements where contributions toward it are justified by evidence from relevant providers. In light of the wider well-being agenda, health requests for Section 106 contributions will include innovative ways of delivering health services using digital technology; promotion of active lifestyle initiatives such as fitness/sports participation, and co-location of health facilities (potentially including primary, acute and emergency services) in shared use community buildings. Where a number of sites generate the need for a health facilities pooled Section 106 contributions will be required. Requests for contributions will be made using the Health and Wellbeing Statement developed by the Suffolk and North East Essex Integrated Care System (attached as Appendix 4). Social care requirements can be found in the ECC developer's contributions guide

Timing/Trigger for payment or provision of works

The timing for the provision of any required healthcare facility contributions will be considered on a case by case basis, with the specific requirements being set out within any Section 106 Agreement. It is likely to be linked to phases of a development, with facilities being required either upon a certain level of units being completed, or when a certain threshold of occupation at a development is reached. The relevant health sector and local authority bodies will continue to develop whole system processes to ensure that planning and health provide opportunities for improved and integrated health and wellbeing outcomes for communities

Community Infrastructure – Social and Community Facilities

Policy Background

National guidance seeks to deliver social, recreational and cultural facilities and services needed by the community. (see paragraph 91 and 92 of the 2019 NPPF). It requires planning authorities to plan positively for the provision and use of shared space, community facilities and other local services to enhance the sustainability of communities and residential environments through access to essential facilities set out below.

Adopted Local Plan

Core Strategy Policy SD3 Community Facilities provides that the Council will work with partners to deliver key community facilities including educational facilities. A list of area specific community facility requirements is found in Core Strategy Table 6d Key Facilities and Infrastructure. Policy DP4 supports the provision of new community facilities more generally.

Emerging Local Plan

Policy DM2 provides that new development will be required to provide or contribute towards the provision of community facilities to meet the needs of new and expanded communities and mitigate impacts on existing communities, which will be secured by Section 106 or CIL contributions.

Possible S106 Obligations

All new residential development is likely to generate a need for community facilities, so requests for contributions will cover all applications for additional residential development. This may be addressed through the provision of new facilities or by enhancing and expanding existing ones. Larger residential developments may be required to include land or buildings on-site to address the needs of new residents. Such facilities may include:

- Multi-use space for community groups and clubs
- Community centres or village halls
- Place of worship
- Cemeteries
- Public house
- Local shops
- Playgrounds, formal activity spaces and informal play spaces
- Libraries

The Essex County Council Developers Guide to Infrastructure Contributions March 2016, outlines where contributions may be sought for community facilities which are operated by the County Council. Further Information can be found in the [ECC Guide](#).

Other factors to consider will include the ability, or otherwise, of nearby existing facilities to serve the community and the particular needs and requirements of the local area.

As part of the Section 106 agreement a nominated partner or organisation may be required to be identified as the future operator/manager of any building or space provided as an on-site community facility for a specified period of time. This can be a Parish Council, charity, or other community group.

There are a variety of ways with which the Council identifies community facility need. These include regular consultation with key community groups in the area, community led/parish plans and audits of existing facilities.

The Council maintains a Community Facilities Audit which provides a catalogue of community facilities in each ward and information on usage of those facilities. It also includes any works needed in order to improve the space for community use. The Audit is be regularly updated with input from local community representatives including: local councillors, parish councillors, members of Neighbourhood Action Panels, local community and voluntary sector groups.

Location of the facility in relation to the development Contributions to community facilities off-site will be calculated based on identified need in the local area. **Appendix 3** provides a schedule of expected contributions per residential unit which reflects the following factors:

- Building Cost Information service (BCIS) cost estimates for community centres
- Census figures for average household size (currently 2.3 people)

The schedule will be updated as required to reflect updated cost and statistical information.

Timing/Trigger for payment or provision of works

Such facilities should be provided once a proportion of a proposed development is occupied,. This will vary depending on the scale of development and will be agreed as part of the Section 106 Agreement.

Community Infrastructure – Public Realm

Policy Background

Section 7 of the NPPF states that the Government attaches great importance to the design of the built environment. It is important to plan positively for high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development proposals.

Adopted Local Plan

Policy UR2 Build Design and Character provides that the council will promote and secure high quality and inclusive design in all developments to make better places and which enhances the built character and public realm of the area. Policy PR2 People-friendly Streets promotes improvements to streets in their function as important public spaces and states that centres will be the focus for streetscape improvements. New developments will be required to contribute towards public realm improvements.

Emerging Local Plan

Policy TC1 identifies the Town Centre as the priority focus for new Town Centre development and seeks to deliver more attractive public spaces and streetscapes there by support for proposals that positively contribute towards creating an attractive, vibrant and safe Town Centre. Policy DM15 Design and Amenity requires that development proposals provide attractive, well connected and legible streets and spaces.

Possible S106 Obligations

General

For developments large enough to have public space within the site, most matters will be covered by planning conditions. Each case will be considered on its individual merits.

Section 106 Agreements may require the following issues to be addressed in respect of on-site and off-site public realm improvements:

- Improvements to paving, street furniture and planting on the adopted public highway and other public space directly adjoining the site.
- Where a development site is adjacent to an open space and requires direct mitigation e.g. to link the open space into the development or replacement boundary treatment to open space.
- Adoption of the improvements and maintenance costs.
- Financial arrangement for their management.
- Access and use restrictions/assurances.

Town Centre

Developments within the Town Centre boundaries, as illustrated on the Policies Map, will be expected to contribute to the Town Centre public realm projects listed in **Appendix 4**. The list will be updated as required.

This reflects the benefit that all new residents to Colchester derive from access to the facilities, activity and public realm in the Town Centre and the additional pressure they add to its access and capacity. An attractive public realm is vital for enhancing resident and visitor experiences and as town centre uses change and move away from retail and towards a more experiential offer. Additionally, public realm improvements can address ASB issues associated with run down areas of the town centre. The Better Town Centre SPD provides detailed information on the context and approach to town centre enhancement.

For non-residential projects, contributions will be proportionate to the scale of the proposal. Given the role the Town Centre plays in serving as the main sub-regional destination for comparison retail, leisure and services, other new developments outside the boundary of the Town Centre may be requested to contribute to Town Centre public realm improvements if there is a direct relationship with enhancements, or if justified by potential levels of additional Town Centre footfall and usage generated by the development. Planning contributions will strengthen Council bids for other funding sources where match funding or alignment with other related development is involved.

Timing/Trigger for payment or provision of works

On-site public realm improvements can be phased alongside the development. There is a requirement for a developer to design and construct the area of public realm to a design and specification agreed by the Council. It will then be transferred to the appropriate Council (Parks or Highways) once it is in an adoptable condition, unless a management company is being established to manage future maintenance. Upon transfer, a commuted maintenance payment will be required to cover the initial costs of maintaining the public realm. Development will not commence until the developer has submitted to and received written approval for a public realm Scheme from the Borough Council.

Once the scheme has been implemented and the Council are satisfied the scheme is acceptable, a Certificate of Practical Completion will be issued and a 12-month maintenance period will commence. At the end of this maintenance period a Certificate of Adoption will be issued. It will then be transferred to the relevant Council and a commuted maintenance payment will become payable. The amount will vary from site to site depending on the materials used and cost of maintaining the area of public realm. The maintenance period shall cover a period of 15 years with details of the appropriate payment of this being set out in any Section 106 Agreements.

CCTV

Policy Background

CCTV can be required if necessary to enhance security within the wider area. Developers will need to work with the local authority to deliver CCTV packages that integrate it within overall provision of digital connectivity for developments.

The provision of CCTV is to be considered where it enhances the security and safety of the locality and contributes to the cumulative impact on the public realm across the wider Borough.

In addition, it may be identified as a need from the outset of a large scale development, particularly mixed use schemes and those incorporating entertainment and leisure venues, commercial and retail. Other isolated areas may also require CCTV. All these cases will be looked at on an individual basis.

Where it is felt necessary as a consequence of development, the provision of or a contribution towards CCTV will be required. This will include the cost of the equipment, its initial set up, linking to the control centre, maintenance and running costs over an agreed time period.

Developers will need to work with the local authority to deliver CCTV packages that integrate it within overall provision of digital connectivity for developments. Where it is known at the planning stage that CCTV is required, developers will be expected to lay the necessary cabling and connections at the outset. This will avoid unnecessary disruption to local residents when the cameras are installed and linked to the control centre.

Adopted Local Plan

Policy DP1 (iv) Design and Amenity requires that development proposal must demonstrate that they create a safe and secure environment.

Emerging Local Plan

Policy DM15 (vi) Design and Amenity requires that development proposals must demonstrate that they create a safe, resilient and secure environment which supports community cohesion and is not vulnerable to neglect

Possible Section 106 contributions

Each case will be considered on its individual merits.

Section 106 Agreements may require the following issues to be addressed in respect of CCTV in the locality and the Town Centre.

- Improvements to CCTV coverage of key transport links and walkways

- Where a development site is adjacent to an open space that has a risk or history of anti-social behavior and crime and requires direct mitigation
- Adoption of the improvements and maintenance costs.
- Financial arrangement for their management.
- Access and use restrictions/assurances.

Implementation of the Planning Obligations SPD

Negotiations/Viability

The NPPF provides in paragraph 57 that where up-to-date policies have set out the contributions expected from development, planning applications that comply with them should be assumed to be viable. The Council has tested the viability of its policies as required, both through work on CIL viability carried out in relation to the adopted Local Plan, and with the full plan Viability Report forming part of the evidence base of the emerging Local Plan. ([attach links](#))

Paragraph 57 provides that it is up to the applicant to demonstrate whether particular circumstances justify the need for a viability assessment at the application stage, and that the weight to be given to such an assessment is a matter for the decision maker having regard to the circumstances of the case.

The use of further viability assessments at the decision-making stage should not therefore be necessary. In exceptional circumstances where a viability assessment is submitted to accompany a new planning application this should be based upon, and refer to, the latest plan-wide viability work completed by the Council. The applicants should provide evidence of what has changed since the Council's work was conducted.

Where an applicant formally requests the Borough Council to consider a reduced level of obligations for a scheme, a full viability report, prepared by the applicant, should be enclosed as part of the submission of the planning application. The information to be provided as part of a Financial Viability Assessment on any development scheme can be found on the Borough Council's Validation Requirement List (see Financial Viability Checklist). This list includes all documents that should be submitted with a planning application, and details on the content of the Financial Viability Assessment.

Once submitted, this report (including scheme viability statements, appraisals and relevant information) will be considered and assessed by the Borough Council and an independent viability advisor appointed by the Council with reasonable agreed costs borne by the Applicant. Financial Viability Assessments will be published in full by the Council unless exceptional circumstances can be demonstrated.

Essex Planning Officers Association have produced a Viability Protocol that sets out overarching principles for how Essex Local Planning Authorities will approach development viability. The protocol does not alter Local Plan policies or the guidance set out in this SPD but provides additional advice and guidance on the information requirements and approach taken when assessing viability at the decision-making stage. ([Attach link](#))

The viability assessment will need to address the fundamental issue of whether an otherwise viable development is made unviable by the extent of the planning obligations. The assessment will need to derive a Residual Value for a proposed scheme, which can then be compared against the Existing Use Value or in certain circumstances an

Alternative Use Value. It is important to note that Planning Practice Guidance states that land values used to inform viability assessments should be calculated using a site's existing use value plus a premium for the landowner and should **not** be based on the price paid for a site.

If the viability report submitted by the Applicant fails to satisfy the Council that a reduced level of contributions should be applied or that the level of planning contributions that the development can viably support cannot mitigate the impact of the proposed development, then the planning application may be refused.

Where the level of planning contributions that the development can viably support cannot mitigate the impact of the proposed development, the development will need to wait until development values improve, land values can be re-negotiated, or alternative funding sources can be secured.

If the Applicant can demonstrate, to the satisfaction of the Borough Council, that the scheme cannot be fully compliant and remain financially viable, the Council may consider a reduced level of contributions in one or more areas through consideration at regularly scheduled Development Team meetings of relevant officers.

Drafting of Section 106 Agreements

Section 106 Agreements will be drafted by the Council's Legal Services team, or by external solicitors acting on behalf of the Council. Applicants will be required to pay the Council's reasonable costs incurred in drafting and completing the agreement or the costs of external solicitors acting on behalf of the Council, where relevant.

Straightforward obligations which require only a financial contribution and/or planning obligations on one party only will normally be the subject of a Unilateral Undertaking (rather than an agreement). The Council has a number of standard templates that can be used for public open space, sport and recreation and community facilities. These are available on the planning validation pages of the Council's website. Where individual Unilateral Undertakings are required the applicants legal team can prepare a draft for approval or it can be prepared by the Council's Legal Service. Applicants will be expected to meet the Council's reasonable costs incurred in preparing or approving an Undertaking.

In all circumstances where a legal agreement is required, the applicant will be expected to provide details of land ownership at the beginning of the application process. These should be copies of the Title document and plan obtained within the preceding 3 months from the Land Registry, or if the land is unregistered, copies of the most recent conveyance.

Unilateral Agreements for developments under 10 units

As noted in the relevant sections above, the Council collects contributions for community and sport/recreation projects to mitigate the impact arising from small scale housing

development. As these developments of less than 10 units are exempt from affordable housing contributions, a s.106 agreement will not be sought and instead a unilateral undertaking will be required to facilitate payment in accordance with the schedule of payments derived from the adopted SPD and draft unilateral undertaking as set out in Appendix X for Community Facilities and Appendix X for Sport and Recreation.

Financial Contributions

Where a financial obligation is necessary, payment would normally be required on commencement or on first occupation of a development. However, in the case of a large-scale development, it may be that the payments would be phased to meet the proportional impact of each phase. Trigger points for payments will be included in the legal agreement, as will the period in which any contribution will have to be spent.

It is reasonable to expect that, when contributions are paid to the Council the monies will be held in an interest-bearing account. Those that remain unspent at the end of the period specified in the obligation from the date when the money was paid will be returned to the payee in accordance with the terms of the individual agreements.

Index Linking

All financial contributions will be subject to indexation from the date of agreement of this SPD. The indexation period will therefore start with the date of adoption and end with the date when each payment becomes due. The indices to be used are the BIS PUBSEC Tender Price Index of Public Sector Building Non-Housing Indices.

Monitoring and Enforcement of Obligations

Monitoring of obligations will be undertaken by the Council's Planning Contributions Officer to ensure that all obligations entered into are complied with by both the developer and the Council. A monitoring fee will be charged and this will be based on the number of clauses to be monitored and the reasonable costs incurred by the Planning Contributions Officer. This fee is payable prior to commencement of the development.

In cases where developers have difficulty making payments at the appropriate times as required by the legal agreement, the Council will work with the developer to find a solution. This may involve the payment of an obligation at a later stage in the development, or payment by installments. However, where it is imperative that the relevant measure is in place prior to a development being occupied, the obligation to fund it will always become payable on commencement.

If enforcement of financial obligations fails then the Council will use the relevant legal channels to remedy this, and the party in breach will be liable for any legal costs incurred by the Council.

Reporting on the use of Section 106 Obligations

The Council will report at least annually on Section 106 monies received, held and spent and this will be available on the Council's website. The report cover the previous financial year from 1 April to 31 March and will include information relating to money received and for what purpose as well as information about schemes funded through Section 106 monies.

Appendix 1 - Glossary of Terms

Affordable Housing – The Council's definition of affordable housing is drawn from latest Government guidance, currently the February 2019 National Planning Policy Framework:

Affordable housing - housing for sale or rent, for those whose needs are not met by the market (including housing that provides a subsidised route to home ownership and/or is for essential local workers); and which complies with one or more of the following definitions:

- a. **Affordable housing for rent:** meets all of the following conditions: (a) the rent is set in accordance with the Government's rent policy for Social Rent or Affordable Rent, or is at least 20% below local market rents (including service charges where applicable); (b) the landlord is a registered provider, except where it is included as part of a Build to Rent scheme (in which case the landlord need not be a registered provider); and (c) it includes provisions to remain at an affordable price for future eligible households, or for the subsidy to be recycled for alternative affordable housing provision. For Build to Rent schemes affordable housing for rent is expected to be the normal form of affordable housing provision (and, in this context, is known as Affordable Private Rent).
- b. **Starter homes:** is as specified in Sections 2 and 3 of the Housing and Planning Act 2016 and any secondary legislation made under these sections. The definition of a starter home should reflect the meaning set out in statute and any such secondary legislation at the time of plan-preparation or decision-making. Where secondary legislation has the effect of limiting a household's eligibility to purchase a starter home to those with a particular maximum level of household income, those restrictions should be used.
- c. **Discounted market sales housing:** is that sold at a discount of at least 20% below local market value. Eligibility is determined with regard to local incomes and local house prices. Provisions should be in place to ensure housing remains at a discount for future eligible households.
- d. **Other affordable routes to home ownership:** is housing provided for sale that provides a route to ownership for those who could not achieve home ownership through the market. It includes shared ownership, relevant equity loans, other low cost homes for sale (at a price equivalent to at least 20% below local market value) and rent to buy (which includes a period of intermediate rent). Where public

grant funding is provided, there should be provisions for the homes to remain at an affordable price for future eligible households, or for any receipts to be recycled for alternative affordable housing provision or refunded to Government or the relevant authority specified in the funding agreement.

Biodiversity offsetting -Biodiversity offsetting is a policy approach that seeks to minimize the environmental impacts of a development project by ensuring that any damage in one place is compensated for somewhere else, maximising overall biodiversity gain where possible.

Community Facilities – Buildings which enable a variety of local activity to take place including, but not limited to, the following:

- Schools, universities and other educational facilities
- Libraries
- Community centres
- Health, wellbeing and care facilities
- Museums and art galleries
- Child care centres
- Sport and recreational facilities
- Youth clubs
- Playgrounds, other formal activity spaces and informal play space
- Places of worship
- Emergency services

Some community activities can also be provided via privately run facilities (e.g. pubs and village shops).

Community Infrastructure Levy (CIL) - A mechanism by which local authorities can set a standard charge on specified development in their area to pay for new infrastructure required to support growth.

Green and Blue Infrastructure – A network of multi-functional green space, urban and rural, which is capable of delivering a wide range of environmental and quality of life benefits for local communities. ‘Green’ applies to most open space, while ‘blue’ applies to water-related infrastructure.

Habitat Regulations Assessment (HRA) -The Habitat Regulation assessment is a statutory requirement under The Conservation of Habitats and Species Regulations 2017. A HRA is required for a plan or project which, either alone or in combination with other plans or projects is likely to have a significant effect on the integrity of a Habitats site (Special Protection Area, Special Area of Conservation and Ramsar sites).

Infrastructure – Infrastructure means any structure, building, system, facility and/or provision required by an area for its social and/or economic function and/or well-being including (but not exclusively)

- Footways, cycleways and highways
- Public transport
- Drainage and flood protection
- Waste recycling facilities
- Education and childcare
- Healthcare
- Sports, leisure and recreation facilities
- Community and social facilities
- Cultural facilities
- Emergency services
- Green infrastructure
- Open space
- Affordable housing
- Broadband
- Facilities for specific sections of the community such as youth or the elderly.

Local Plan - A plan for the future development of a local area, drawn up by the local planning authority in consultation with the community. In law this is described as the development plan documents adopted under the Planning and Compulsory Purchase Act 2004.

National Planning Policy Framework (NPPF) - Government policy which sets out in one document planning requirements and objectives in relation to a wide range of planning issues including housing, employment, transport, and the historic and natural environment.

Neighbourhood Plan – A Plan prepared by a Parish Council, Neighbourhood Forum, or other locally constituted community group, for a particular neighbourhood. Once “made” it comprises part of the Development Plan

Open space- All open space of public value, including not just land, but also areas of water (such as rivers, canals, lakes and reservoirs) which offer important opportunities for sport and recreation and can act as a visual amenity. See also Green and blue Infrastructure

Planning obligation - A legal agreement entered into under section 106 of the Town and Country Planning Act 1990 to mitigate the impacts of a development proposal. It can restrict development, activities or uses required, or stipulate provision of a financial contribution.

Recreational disturbance Avoidance and Mitigation Strategy (RAMS) - A strategy to avoid and mitigate likely significant effects from increased recreational disturbance, in-combination with other plans and projects on Essex Coast Habitats sites.

Section 106 contribution – See Planning obligation

Section 278 agreement - Section 278 of the Highways Act 1980 allows a developer to carry out works to the public highway. This is generally necessary where planning permission has been granted for a development that requires improvements to, or changes to, public highways.

Supplementary planning documents - Documents which add further detail to the policies in the development plan. They can be used to provide further guidance for development on specific sites, or on particular issues, such as design. Supplementary planning documents are capable of being a material consideration in planning decisions but are not part of the development plan.

Travel plan - A long-term management strategy for an organisation or site that seeks to deliver sustainable transport objectives and is regularly reviewed.

Unilateral Undertaking - A legal agreement entered into under Section 106 of the Town and Country Planning Act 1990 to secure payments in the form of planning contributions. This type of planning obligation can only be entered into by the owner of the land.

Appendix 2 – Supporting information and calculations for Sport, Leisure and Recreation

Appendix 3

Health and Well-being statement to be included in responses to planning applications for Suffolk and North East Essex Integrated Care System

As an Integrated Care System it is our ambition that every one of the one million people living in Suffolk and North East Essex is able to live as healthy a life as possible and has access to the help and treatment that they need in the right place, with good outcomes and experience of the care they receive.

Suffolk and North East Essex Integrated Care System, recognises and supports the role of planning to create healthy, inclusive communities and reduce health inequalities whilst supporting local strategies to improve health, social and cultural wellbeing for all aligned to the guidance in the NPPF section 91.

The way health and care is being delivered is evolving, partly due to advances in digital technology and workforce challenges. Infrastructure changes and funds received as a result of this development may incorporate not only extensions, refurbishments, reconfigurations or new buildings but will also look to address workforce issues, allow for future digital innovations and support initiatives that prevent poor health or improve health and wellbeing.

The NHS Long term plan requires a move to increase investment in the wider health and care system and support reducing health inequalities in the population. This includes investment in primary medical, community health services, the voluntary and community sector and services provided by local authorities so to boost out of hospital care and dissolve the historic divide between primary and community health services. As such, a move to health hubs incorporating health and wellbeing teams delivering a number of primary and secondary care services including mental health professionals, are being developed. The Acute hospitals will be focussing on providing specialist treatments and will need to expand these services to cope with additional growth. Any services which do not need to be delivered in an acute setting will look to be delivered in the community, closer to people's homes.

The health impact assessment(HIA) submitted with the planning application will be used to assess the application. This HIA will be cross-referenced with local health evidence/needs assessments and commissioners/providers own strategies so to ensure that the proposal impacts positively on health and wellbeing whilst any unintended consequences arising are suitably mitigated against.

Appendix 4 – Supporting information and calculations for Community Facilities

The Council has adopted a simple formulaic approach to the calculation of this contribution, which reflects the average build costs for new community centres currently is £2400 per square metre, (provided by BCIS technical indices 2019). The standard community floorspace to be provided by each new dwelling (0.75 square metres), and household size (expressed as the number of bedrooms).

The census 2011 indicated that the average number of persons per household in Colchester Borough was 2.33 persons. The financial contribution per dwelling is therefore $£2400 \times 0.75 = £1800$, and the average contribution per person is therefore $£1800 \text{ divided by } 2.33 = £772.53$

In order that the amount of contribution reflects the size of the dwelling, the contribution sought from each dwelling for the provision of community facilities will be based on the minimum estimations of household size below

Minimum estimations on household size;

- Studio and 1 bed: 1 person = £772.53
- 2 bedrooms: 2 people = £1545.06
- 3 bedrooms: 3.5 people
- 4 bedrooms 5 people
- 5 bedrooms: 6 people
- 6 bedrooms: 7 people

35% of contribution to 'boroughwide' community facilities

65% of contribution to 'catchment area' community facilities.

No. Bedrooms	Total Contribution	Boroughwide Contribution	Catchment Contribution
Studios and 1 bedroom	£772.53	£270.38	£502.14
2 bedrooms	£1545.06	£540.77	£1004.29
3 bedrooms	£2703.85	£946.35	£1757.50
4 bedrooms	£3862.65	£1351.93	£2510.72

5 bedrooms	£4635.18	£1622.31	£3012.87
6 bedrooms	£5407.71	£1892.70	£3515.01

The most up-to-date data will be used at the time of the application; the figures quoted in this SPD are subject to changes made periodically to building costs in BCIS classification CI/SfB 532.

Worked Example: For a 6 unit development consisting of 3 nos. 2-bedroom dwellings and 3 nos. 3-bedroom dwellings, the contribution payable would be:

3 x £1545.06 (2-bedroom unit contribution rate) = £4635.18 +

3 x £2703.85 (3-bedroom unit contribution rate) = £8111.55

Total Contribution toward Community Facilities = £12 746.73

Appendix 4 – Supporting information and calculations for Town Centre public realm improvements

Contributions requested

No. Bedrooms	Boroughwide Contribution
Studios and 1 bedroom	£270.38
2 bedrooms	£540.77
3 bedrooms	£946.35
4 bedrooms	£1351.93
5 bedrooms	£1622.31
6 bedrooms	£1892.70

Potential Town Centre S106 Projects

Project	Details
St Nicholas's Square Public Realm	New Public Realm scheme looking to create a vibrant, safe public space, drawing footfall into and through the town centre, extending the perception of the East of the town centre beyond to firstsite and providing attractive outside dining opportunities for the new restaurants and hotel situated on the square.
Balkerne Gardens Public Realm	New Public Realm scheme looking to capitalise on the Mercury Theatre redevelopment and create an attractive gateway from the Hole In the Wall through to Head Street and beyond
Holy Trinity Church	Historic Church in Colchester Town Centre owned by CBC with restrictive covenant from the Diocese of Chelmsford limiting tenancy to community use only.
High Street improvements	Improvements and upgrading of pavements and street furniture along High Street

16 December 2019

Report of	Assistant Director of Policy and Cooperate	Author	Bethany Jones ☎ 282541
Title	Affordable Housing Supplementary Planning Document and Self and Custom Build and Specialist Housing Supplementary Planning Document		
Wards affected	All wards affected		

1. Executive Summary

- 1.1 Local Planning Authorities are able to request affordable housing, self and custom build housing and specialist housing from planning applicants to meet the needs of different groups within the community in line with paragraph 61 of the National Planning Policy Framework (NPPF). This is further outlined for self and custom build provision via the Self Build and Custom Housebuilding Act 2015.
- 1.2 There are many factors which need to be considered during the planning application process as there are many scales and locations of development where different provisions are required. To ensure consistent and effective guidance, the Council has prepared two Supplementary Planning Documents (SPDs). A separate Affordable Housing SPD has been prepared due to its national and local level of importance. A second Self and Custom Build and Specialist Housing SPD has also been prepared, which covers other specific types of housing contributions. It is intended to consult on the SPDs for a six-week period, prior to incorporation of consultation comments and be returned to the Local Plan Committee for adoption.
- 1.3 Due to the linked nature of the Affordable Housing SPD and Self and Custom Build and Specialist Housing SPD, both SPDs are considered in the same Committee report. However, these will remain separate SPDs.
- 1.4 A third SPD (Planning Obligations) is also proposed for consultation. More detailed guidance on the Planning Obligations SPD is considered elsewhere on this Committee's agenda.

2. Recommended Decision

- 2.1 To approve publication of the Affordable Housing SPD and Self and Custom Build and Specialist Housing SPD for a six week consultation period from 24 January to 6 March 2020.
- 2.2 For the Committee to delegate authority to the Planning & Housing Manager to make minor revisions to the document prior to publication.

3. Reason for Recommended Decision

- 3.1 The adoption of this guidance will help to guide the delivery of affordable housing, self and custom build housing and specialist housing across the Borough. Both SPDs will be

used as a material consideration in the determination of any planning application submitted within the Borough.

4. Alternative Options

- 4.1 The alternative would be to not adopt the more detailed guidance; however, this would limit the Council's ability to secure diversity of housing within new development.

5. Background Information

- 5.1 Supplementary Planning Documents (SPDs) cannot set out new policy, but instead expand upon how Local Plan policies should be applied. In this case, the Affordable Housing SPD and Self and Custom Build and Specialist Housing SPD provide detail on Local Plan policies concerning requirements for these specific types of housing. The approach of these SPDs are considered to be compatible with policies in both the Adopted and Emerging Local Plans, allowing for adoption of this SPD in the transitional period between submission of the Emerging Local Plan and its adoption.
- 5.2 The National Planning Policy Framework (NPPF) outlines that the housing needs of different community groups should be addressed and reflected in planning policies including but not limited to those who require affordable housing, families with children, older people, students, people with disabilities, service families, travellers, people who rent their homes and people wishing to commission or build their own homes (paragraph 61).
- 5.3 The Council's Development Management team encourages all applicants to contact the team in the early stages of development proposals for preliminary (pre application) advice. Through this, the Council are able to outline what the likely contribution from the proposed development may be, in terms of affordable housing, and where relevant other specific types of housing. The Council's current adopted SPD for Affordable Housing (2011), is becoming outdated due to more recent evidence being produced. The introduction of the Self and Custom Housebuilding Act 2015, postdates the currently adopted Local Plan, and therefore there is no local guidance available. As a result, it is considered necessary for the Council to outline their updated consolidated approach to such housing provisions and these are presented in two distinct SPDs.
- 5.4 Both SPDs set out the policy background, evidence base, delivery and example Section 106 agreements. A glossary and relevant local policy extracts are included as appendices.
- 5.5 The Affordable Housing SPD and Self and Custom Build and Specialist Housing SPD provides the context of when and how these specific housing types can be delivered across the Borough. This is intended to ensure that, in line with national and local policy, these specific types of housing are secured through the planning application process in order to meet the needs of the local community.
- 5.6 The Affordable Housing SPD outlines the affordable housing provision for above policy threshold sites, rural exception sites, vacant building credit and alternatives to only be considered in exceptional circumstances including off site provision and commuted sums.
- 5.7 The Self and Custom Build and Specialist Housing SPD is divided into two main sections, the first detailing the delivery of different type of self build, design requirements and how self build can be delivered as affordable housing. The second section details delivery of

different types of specialist housing with particular reference to wheelchair users and delivery of specialist types of affordable housing.

- 5.8 The Planning Obligations SPD, being considered elsewhere on the Committees' agenda, outlines the main points for housing provisions and references both the more detailed Affordable Housing SPD and Self and Custom Build and Specialist Housing SPD, for further information.
- 5.9 A Sustainability Appraisal (SA) Report has been prepared for the Local Plan which appraises the policies this supplementary guidance relates to. This can be viewed [online](#).
- 5.10 A SEA Screening Opinion and Habitats Regulations Screening will be undertaken for both SPDs and will be made available as part of the consultation.

6. Equality, Diversity and Human Rights implications

- 6.1 An Equality Impact Assessment has been prepared for the Local Plan, and is available to view by clicking on this link: -
<https://cbccrmdata.blob.core.windows.net/noteattachment/Equality%20Impact%20Assessment%20June%202017.pdf>
- 6.2 The adoption of guidance on affordable housing, self and custom build and specialist housing will not have an adverse impact on equality, diversity and human rights.

7. Strategic Plan References

- 7.1 The provision of affordable housing, self and custom build housing and specialist housing encompasses the Council's priority of ensuring all residents benefit from the growth of the Borough.

8. Consultation

- 8.1 Draft SPDs must be consulted upon as set out in the Council's [Statement of Community Involvement](#) (SCI). This outlines that SPDs will be consulted on for a 6-week period, with consultees to include statutory consultees, general consultees on our database, and other relevant stakeholders. It is intended to consult on these SPD's, along with the Planning Obligations SPD, for a 6-week period from 24 January to 6 March 2020. Consultation responses will inform the final version of the SPDs which will be submitted to the Local Plan Committee for approval.

9. Publicity Considerations

- 9.1 The Council and its Communication team will proactively manage the SPD and consultation on it to ensure developers and the general public are aware of the benefits of developing a clear and consistent approach to securing affordable housing, self and custom build housing and specialist housing.

10. Financial implications

- 10.1 Adoption of clear and consistent guidance to secure specific housing contributions will help the Council to fund its delivery.

11. Health, Wellbeing and Community Safety Implications

- 11.1 Adoption of clear and consistent guidance to secure the provision of housing to meet the varied needs of residents across the Borough, will help to promote positive health and community safety benefits to our residents.

12. Health and Safety Implications

- 12.1 None.

13. Risk Management Implications

- 13.1 The Affordable Housing SPD and Self and Custom Build and Specialist Housing SPD will reduce the risk of the Council being challenged for not providing housing to meet the needs of different groups in the community as outlined in National Policy and the Self Build and Custom Housebuilding Act 2015.
- 13.2 The SPDs provide consistent advice to landowners, developers, officers, Councillors and members of the public.

14. Environmental and Carbon Implications

- 14.1 The Council has declared a Climate Emergency and has committed to being carbon neutral by 2030. The purpose of the planning system is to contribute to the achievement of sustainable development as defined in the National Planning Policy Framework. Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways. These are economic, social and environmental objectives.
- 14.2 This report has taken into account the Climate Emergency and the sustainable development objectives set out in the NPPF. It is considered that the report demonstrates that provision of specialist housing can contribute to achieving sustainable development.

Appendices

A - Affordable Housing SPD Consultation Draft

B - Self and Custom Build and Specialist Housing SPD Consultation Draft

Background Papers

None.



Affordable Housing

Supplementary Planning Document

Consultation Draft

December 2019

Contents

1. Introduction	3
What is a Supplementary Planning Document?	3
Public Consultation	3
Sustainability Appraisal	4
2. Affordable Housing Definition	5
3. Policy Context	6
National Policy	6
Local Policy	7
Current Adopted Local Plan	7
Emerging Local Plan	7
4. Evidence Base	9
Figure 1: Annual requirement for all new housing in Colchester (SHMA Update, 2015).....	9
5. Delivery of Affordable Housing.....	12
Calculating Number of Affordable Units.....	12
Off Site Affordable Housing and Commuted Sums	13
Viability.....	14
Exceptions to Affordable Housing Policy.....	15
Rural Exception Sites	15
Vacant Building Credit.....	17
6. The Planning Process	18
7. Planning Obligations	19
Appendices	20
A. Glossary	20
B. Adopted Local Plan Policies	22
C. Emerging Local Plan Policies	24

List of Tables

Table 1 – Affordable Housing Calculation Examples	13
Table 2 – Commuted Sums Example Calculations.....	14

Table of Figures

Figure 1: Annual requirement for all new housing in Colchester (SHMA Update, 2015).	9
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1. Introduction

What is a Supplementary Planning Document?

- 1.1 Supplementary Planning Documents (SPDs) are intended to explain or provide further detail to policies or site allocations in a Local Plan document. They could take the form of design guides, area development briefs, master plans or issue-based documents. They will be used in deciding planning applications and will help the Council defend its decisions at appeals.
- 1.2 The planning policies adopted by Colchester Borough Council enable the Council to ask developers to provide affordable housing on site or make a financial contribution towards it. The purpose of this SPD is to give clear guidance on the Council's expectations for the provision of affordable housing and the process for delivering this.
- 1.3 This SPD will have the status of a material consideration in the determination of planning applications, once adopted by the Council following public consultation.
- 1.4 The SPD does not contain any new policies but provides detailed guidance to supplement existing and emerging policies in the Local Plan and the revised National Planning Policy Framework (NPPF) published in February 2019.
- 1.5 The aim of this document is to help guide the delivery of affordable housing in Colchester which will help to meet the strategic vision and objectives of the Colchester Local Plan by supporting the creation of a sustainable long-term future for communities.
- 1.6 This SPD will replace the Colchester Borough Council Affordable Housing SPD, August 2011.

Public Consultation

- 1.7 In accordance with the Government guidance in the Town and Country Planning (Local Development) (England) Regulations 2004, Regulation 18, and the Council's Statement of Community Involvement; the SPD will be the subject of public consultation for a period of six weeks. The consultation for this will run from: 24 January to 6 March 2020.
- 1.8 Ways to respond to the consultation include:

Online via the Consultation Portal. This can be accessed via [<INSERT LINK>](#).

Alternatively, responses can be sent to the Council via:

- email to: planning.policy@colchester.gov.uk
- post to: Planning Policy, Colchester Borough Council, Rowan House, 33 Sheepen Road, Colchester, CO3 3WG

All consultation responses must be received no later than 5pm on 23 March 2020. If you have any questions about the consultation, please contact the Planning

Policy Team via planning.policy@colchester.gov.uk

If you would like this document in an alternative format such as large print, braille or another language please contact the Planning Policy Team.

- 1.9 Following this consultation, the final version of the document will be amended and presented for consideration of the Local Plan Committee before adoption.

Sustainability Appraisal

- 1.10 A Sustainability Appraisal (SA) Report has been prepared for the Local Plan which appraises the policies this supplementary guidance relates to. This can be viewed online **<INSERT LINK>**.
- 1.11 An SEA Screening Opinion and Habitats Regulations Screening has been undertaken for this SPD. These opinions can also be viewed online **<INSERT LINK>**.

2. Affordable Housing Definition

2.1 Affordable Housing is defined in the NPPF 2019 as the following:

Housing for sale or rent, for those whose needs are not met by the market (including housing that provides a subsidised route to home ownership and/or is for essential local workers); and which complies with one or more of the following definitions:

- a) **Affordable housing for rent:** meets all of the following conditions: (a) the rent is set in accordance with the Government's rent policy for Social Rent or Affordable Rent, or is at least 20% below local market rents (including service charges where applicable); (b) the landlord is a registered provider, except where it is included as part of a Build to Rent scheme (in which case the landlord need not be a registered provider); and (c) it includes provisions to remain at an affordable price for future eligible households, or for the subsidy to be recycled for alternative affordable housing provision. For Build to Rent schemes affordable housing for rent is expected to be the normal form of affordable housing provision (and, in this context, is known as Affordable Private Rent).
- b) **Starter homes:** is as specified in Sections 2 and 3 of the Housing and Planning Act 2016 and any secondary legislation made under these sections. The definition of a starter home should reflect the meaning set out in statute and any such secondary legislation at the time of plan-preparation or decision-making. Where secondary legislation has the effect of limiting a household's eligibility to purchase a starter home to those with a particular maximum level of household income, those restrictions should be used.
- c) **Discounted market sales housing:** is that sold at a discount of at least 20% below local market value. Eligibility is determined with regard to local incomes and local house prices. Provisions should be in place to ensure housing remains at a discount for future eligible households.
- d) **Other affordable routes to home ownership:** is housing provided for sale that provides a route to ownership for those who could not achieve home ownership through the market. It includes shared ownership, relevant equity loans, other low-cost homes for sale (at a price equivalent to at least 20% below local market value) and rent to buy (which includes a period of intermediate rent). Where public grant funding is provided, there should be provisions for the homes to remain at an affordable price for future eligible households, or for any receipts to be recycled for alternative affordable housing provision or refunded to Government or the relevant authority specified in the funding agreement.

2.2 The terms 'affordability' and 'affordable housing' have different meanings. 'Affordability' is a measure of whether housing may be afforded by certain groups of household, with reference to local incomes and house prices. 'Affordable housing' refers to particular products outside the main housing market.

3. Policy Context

National Policy

- 3.1 The revised NPPF 2019 provides the national policy context for the provision of housing, this is further supported by Planning Practice Guidance (PPG). The relevant sections of the PPG relate to Planning Obligations and Self Build and Custom Housebuilding. The PPG is an on-line resource and is updated as required.
- 3.2 Chapter 5 of the NPPF '*delivering a sufficient supply of homes*' outlines the government objective of boosting the supply of homes, this includes ensuring the needs of groups with specific housing requirements are addressed.
- 3.3 Paragraph 61 states that *"the size, type and tenure of housing needed for different groups in the community should be addressed and reflected in planning policies (including but not limited to, those who require affordable housing, families with children, older people, students, people with disabilities, service families, travellers, people who rent their homes and people wishing to commission or build their own homes)."*
- 3.4 Paragraph 62 outlines that where a need for affordable housing is identified, planning policies should specify the type of affordable housing required (as outlined by the definitions shown in Annex 2 of the NPPF and replicated in Chapter 2 of this SPD) and expect it to be met on site unless:
- Off-site provision or appropriate financial contribution in lieu can be robustly justified; and
 - The agreed approach contributes to the objective of creating mixed and balanced communities.
- 3.5 The provision of affordable housing can only be sought for major developments, unless in designated rural areas (planning policies can provide a threshold). Where vacant buildings are being reused or redeveloped, affordable housing contributions should be proportionate (paragraph 63 of NPPF). Footnote 4 clarifies that this contribution should be equivalent to the existing gross floorspace of the existing buildings. This does not apply to vacant buildings which have been abandoned.
- 3.6 Paragraph 64 states that major development involving the provision of housing, should expect at least 10% of the homes to be available for affordable home ownership (as part of the overall affordable housing contribution from the site). Unless this would exceed the level of affordable housing requirement in the area or significantly prejudice the ability to meet the identified affordable housing needs of specific groups. Exemptions to providing affordable housing should be made where the development proposes:
- Solely Build to Rent homes;

- Specialist accommodation for groups of people with specific needs;
- Developed by people who wish to build/commission their own homes; or
- Exclusively for affordable housing, an entry level exception site or a rural exception site.

3.7 Paragraph 77 also advises that a Rural Exceptions Site policy may be appropriate to provide for the local housing needs of rural communities.

Local Policy

3.8 Colchester Borough Council is currently in a unique situation with regard to plan making. The Council is working in collaboration with Braintree and Tendring District Councils on strategic cross boundary issues for North Essex. This has resulted in a strategic Section One of the Emerging Local Plan which is shared by all three Local Planning Authorities. Section Two of each authorities Local Plan includes individual local authority policies and allocations.

3.9 The Colchester Local Plan was submitted to the Planning Inspectorate on 9th October 2017 and is currently the subject of an extended examination.

3.10 As such, both the Adopted and Emerging Local Plan policies can be considered in decision making as outlined in paragraph 48 of the NPPF. Until such a time as the Emerging Local Plan is adopted, consideration of both Local Plans will be required.

Current Adopted Local Plan

3.11 The current Development Plan consists of the Core Strategy adopted in 2008 and subject to a Focused Review in 2014, Site Allocations DPD adopted 2010 and Development Policies DPD adopted in 2008 and subject to Focused Review in 2014. The Development Plan informs development within the Borough up to 2023.

3.12 Policy H3 – Housing Diversity, provides that housing development will need to contribute to the provision of affordable housing and homes that are suitable to the needs of older persons, persons with disabilities and those with special needs to create inclusive and sustainable communities.

3.13 Policy H4 – Affordable Housing, provides the local requirement of affordable housing, including a 20% affordable housing provision for new developments of 10 or more dwellings within Colchester Town, Stanway, Tiptree, Wivenhoe and West Mersea; and developments of 5 or more dwellings in other villages.

3.14 Full extracts of the above-mentioned policies can be found in Appendix B.

Emerging Local Plan

3.15 The Council is preparing a new Local Plan for the Borough which once adopted will replace the current Local Plan. The new Local Plan will inform development

in the Borough over the period 2017 to 2033 and will include new housing allocations to meet the predicted growth of the Borough over that period.

3.16 Emerging Policy DM8 – Affordable Housing, provides guidance on the local requirement for affordable housing, including a 30% affordable housing provision on sites of more than 10 dwellings in urban areas and above 5 units in designated rural areas. This reflects the updated Strategic Housing Market Assessment and evidence on the overall quantum of housing requirements contained in the Objectively Assessed Housing Need Study. The Policy was also informed by viability work. Further detail is contained in Chapter 4 below.

3.17 Full extracts of the above-mentioned policy can be found in Appendix C.

4. Evidence Base

- 4.1 In 2015 the Braintree, Chelmsford, Colchester and Tendring Housing Market Area updated the report for both the Objectively Assessed Housing Needs Study (OAN) (Peter Brett Associates, July 2015) and Strategic Housing Market Assessment Update (SHMA) (HDH Planning and Development Ltd., December 2015). The OAN Study was further updated in November 2016 (Peter Brett Associates) to review the findings of the original report in light of new evidence and produce a revised housing needs assessment for the same period 2013-2037. This ensures compliance with paragraph 47 and 50 of the NPPF 2012. It should be noted that as the Emerging Local Plan has been submitted before 24th January 2019, the standard methodology has not been used within these reports.
- 4.2 The SHMA forms the main Evidence Base for the Council's assessment of affordable housing provision. The SHMA identified an overall level of need of 278 affordable dwellings (266 rent and 12 shared ownership) per year between 2013 and 2037 (based on an OAN housing need figure of 920 dwellings per annum). See Figure 1 below. The SHMA also outlines that an additional 94 sheltered and extra care housing units should be provided annually within the identified OAN. However, the total is dependent on future patterns of demand amongst potential residents of this accommodation increasing notably beyond current levels.

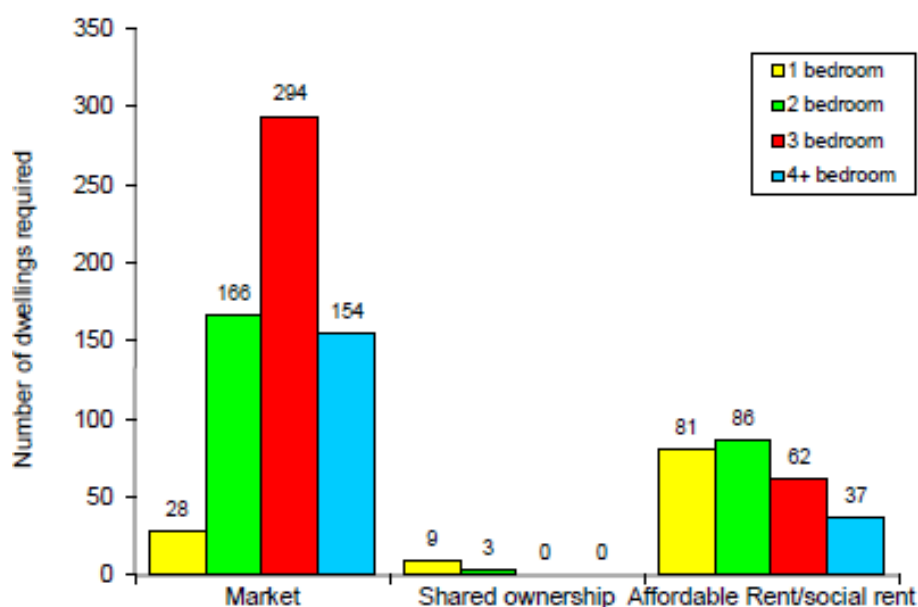


Figure 1: Annual requirement for all new housing in Colchester (SHMA Update, 2015).

- 4.3 The SHMA concludes that a figure of 30-35% affordable housing provision would be appropriate.

- 4.4 To support the Emerging Local Plan, a Viability Assessment by Hyas (April 2017) and Economic Viability Study for Colchester by The Three Dragons and Troy Planning + Design (June 2017) have been prepared. Both reports demonstrate that the Local Plan Policies in relation to affordable housing provision requiring 30% for new dwellings of more than 10 units and the Garden Communities are financially viable and achievable.
- 4.5 The Economic Viability Study for Colchester also found that a requirement of 30% affordable housing for sites of 6 to 10 units in designated rural areas is achievable.
- 4.6 The study modelled affordable housing at 30% and 35% in line with the recommendations from the SHMA. A value lower than this was not assessed due to initial findings demonstrating this was not necessary. The affordable units were split 80/20 between rented and shared ownership tenure as this best reflects the requirements of the registered providers to develop affordable housing schemes that meet their financial criteria whilst addressing the high need for affordable rented tenure identified in the SHMA.
- 4.7 The Housing White Paper (February 2017) suggested that all sites over 10 dwellings may have to meet a requirement for 10% of units to be affordable home ownership. This requirement was included in the 2019 NPPF, as paragraph 64 states that where major development includes the provision of housing, at least 10% of the homes should be available for affordable home ownership (as part of the overall affordable housing contribution from the site). At the time of the Economic Viability Study, this was not reflected in national policy, however the requirement was considered in the assessment as a result of the Housing White Paper. Viability of the schemes assessed in the study would not be affected for sites over 10 dwellings providing 10% affordable home ownership. For smaller sites the proportion of intermediate units may need to be increased, but this will not have an adverse impact.
- 4.8 [The Inspector's Letter](#) dated 8 June 2018 on the Examination into Section 1 of the Emerging Local Plan outlines that additional information surrounding viability will be required to demonstrate that 30% affordable housing can be delivered at the Garden Communities.
- 4.9 Accordingly, a [Viability Assessment Update](#) for the Section 1 Local Plan has been prepared by Hyas dated June 2019. The update includes an assessment for each Garden Community with a 30% affordable housing contribution (adjusted for West of Braintree to allow for a 30% contribution for the Braintree area and 40% contribution for the Uttlesford area). This includes a tenure mix of 60/40 split between affordable rent and shared ownership to accord with the expectation that 10% of housing from large sites would be made available for affordable home ownership. The analysis across the Viability Assessment demonstrates that all three Garden Communities can be considered viable.

- 4.10 Notwithstanding the above, in the [Inspector's Supplementary Letter](#) dated 27 June 2018 it is stated that: *"there is a good prospect that affordable housing need will be met over the Plan period in Braintree and Colchester if their overall housing requirements are met in full, even after allowing for the fact that a proportion of sites will be exempt from the policy requirements"*.
- 4.11 The SHMA indicated a shortfall for all accommodation sizes with the greatest net need varying upon tenure type. For market housing, the greatest need is for three-bedroom properties, affordable rent/social rent for two-bedroom properties and shared ownership for one-bedroom properties. The Council consider this overall need is best met if the affordable housing provision is informed by the latest assessment of local market conditions, housing need and shortages relative to supply in determining the optimum affordable housing mix.

5. Delivery of Affordable Housing

- 5.1 The Council will expect the provision of affordable housing for sites above the policy thresholds to be provided on the proposed development site. The Council also expects that affordable housing should be provided without any form of public subsidy.
- 5.2 Affordable housing will be expected to be delivered on new build sites and when buildings are converted to a residential use or where a change of use is made from any residential use with shared facilities (such as bed-sit accommodation, or a care home) to independent residential units with separate facilities. They may also be created when a private dwelling is converted into flats. The policy will apply in these circumstances to any net increase where the resulting number of units is above the threshold.
- 5.3 Negotiation with the applicant will be undertaken to confirm the final mix of affordable housing types/tenure. In schemes over 15 units, affordable housing should be provided in more than one single parcel. The affordable housing mix on any site should normally be “pepper potted” throughout the scheme in groups, the size and location of which should be discussed and agreed with the Council.
- 5.4 The affordable housing provision should proportionally reflect the dwellings provided on the overall scheme, however this should be informed by the latest assessment of local market conditions, housing need and shortages to determine the most appropriate mix.
- 5.5 Proposals that, in the opinion of the Council seek to under-develop or split sites into smaller land parcels in order to avoid providing affordable housing on site will be refused planning permission unless a proportionate number of affordable units are provided.
- 5.6 The Council has an ongoing need for affordable housing for wheelchair users. In accordance with Emerging Policy DM12; 95% of affordable housing should meet a minimum of Building Regulations Part M4 Category 2 and 5% of affordable homes should meet Part M4 3 (2) (b) or Part M4 3 (2) (a) as agreed with the Council in accordance with identified need. Encouragement will be given for such requirements by the Council, until such a time as the above mentioned policy is found sound via the Section 2 Local Plan examination. Upon adoption of the Section 2 Local Plan, this will become a requirement. Further information regarding specialist residential accommodation, can be found in the Self and Custom Build and Specialist Housing SPD.

Calculating Number of Affordable Units

- 5.7 Allocations within the Emerging Local Plan are expected to comply with Emerging Policy DM8 which requires 30% affordable housing for developments of more than 10 dwellings.
- 5.8 The number of dwellings to be provided as affordable housing in any one instance will be calculated by rounding up or down to the nearest whole number. The number will be rounded down if it is .5.

- 5.9 The affordable housing mix should be no less than 80% market rent and no more than 20% as other affordable routes to home ownership.
- 5.10 The affordable housing provision applies to the total number of dwellings across the development; it does not only apply to the part of the development above the relevant threshold.
- 5.11 Examples of calculating the number of affordable houses is outlined in Table 1 below.

Table 1 – Affordable Housing Calculation Examples

Policy Reference	AF Requirement	Total Units	Calculation	Affordable Units Required
H4	20%	6	$6 \times 20/100 = 1.2$	1
H4	20%	30	$30 \times 20/100 = 6$	6
DM8	30%	6	$6 \times 30/100 = 1.8$	2
DM8	30%	30	$30 \times 30/100 = 9$	9

Off Site Affordable Housing and Commuted Sums

- 5.12 In exceptional circumstances the Council may accept that on-site provision is not appropriate, for example where there is a proposal that includes a significant proportion of studio-flats or bed-sits, which do not meet affordable housing needs.
- 5.13 In these circumstances, the provision of affordable units elsewhere will only be acceptable where each of the following are met:
- An alternative site or sites have been identified which would enable affordable housing provision that matches what would have been provided on the original site and is appropriate to the identified local housing needs to be met;
 - The alternative site(s) can deliver the off-site provision in an appropriate timescale and in an appropriate locality elsewhere within the Borough;
 - The off-site affordable housing provision is deliverable prior to the on-site market development being completed;
 - The number of affordable units will reflect the benefit the applicant gains through using 100% of the site for market housing compared with on-site affordable housing is provided; and
 - The off-site provision will be in addition to the affordable housing that would normally have been required for the alternative site.

- 5.14 In circumstances where the Council accepts that the provision of affordable

housing cannot be provided on site and an alternative site is not available or acceptable to the Council, the applicant will be required to pay a commuted sum to the Council to be spent to provide affordable housing elsewhere in the Borough.

- 5.15 The level of payment in the form of a commuted sum will be based on the difference between the open market value for a similar size and type of property in the same area; and the transfer price paid by the registered provider. When calculating the appropriate commuted sum, the mix, ratio and type of dwellings will also be taken into account as if the units were to be provided on site to ensure that this as far as possible accurately replicates the cost of provision on site. See Table 2 below for example calculation.

Table 2 – Commuted Sums Example Calculations

Dwelling Type	Open Market Value	Transfer Price	Commuted Sum
Two Bedroom Flat	£220,000	£135,000	£85,000
Three Bedroom House	£340,000	£170,000	£170,000

Viability

- 5.16 Developers should factor prospective planning obligations and contributions as well as other predictable development costs into land price negotiations. The provision of affordable housing will have an impact on the value of land for residential development, but this in isolation will not generally result in the development being uneconomic when compared to existing use value.
- 5.17 Paragraph 2 of the viability section of the Planning Practice Guidance (PPG) outlines that *“policy requirements, particularly for affordable housing, should be set at a level that takes account of affordable housing and infrastructure needs and allows for the planned types of sites and development to be deliverable, without the need for further viability assessment at the decision making stage”*. As such, the Council does not expect viability to be an issue at the decision-making stage for allocations within the Local Plan, as sites are expected to have been proven deliverable through plan making. Further viability assessments should therefore not be necessary to support a planning application.
- 5.18 Where there are concerns about viability, applicants are encouraged to consult with the Council at an early stage, to consider how any such constraints and barriers to delivery can be reduced.
- 5.19 A viability assessment evidencing the identified level of housing need, financial viability or deliverability, will be expected as part of any residential planning application where a policy compliant level of affordable housing is not included. In accordance with paragraph 57 of the NPPF, all viability assessments will be made publicly available via the planning portal as part of the documents submitted in support of a planning application. The assessment will be scrutinised by the Council’s approved viability assessor, at a cost to be borne by the applicant, and form part of the decision-making process in accordance with national planning policy

and guidance.

- 5.20 Where it is demonstrated that the scale of affordable housing provision and other policy burdens would result in the proposed development not being financially viable, the Council may consider a lower contribution, in exceptional circumstances only.

Exceptions to Affordable Housing Policy

- 5.21 Certain forms of residential accommodation will not be subject to the provision of affordable housing or a financial contribution towards it. These will include care homes, hostels, student housing, residential schools and colleges (where the accommodation is directly linked to educational facilities on site) and military housing, provided that the proposed accommodation does not fall within use class C3 and, that a planning condition is to be imposed limiting the accommodation to these specific users. The provision of any of these forms of residential accommodation will not count towards the overall provision of affordable housing in the Borough. Any self-contained use class C3 units (dwelling houses) provided as part of these proposals will be expected to comply with the affordable housing requirements.
- 5.22 Replacement single dwellings will not need to make provision, unless additional dwelling units above the thresholds are being created. Where additional units are being created, then the affordable housing calculation will be applied across the whole site to the net increase in dwelling numbers where policy compliant.
- 5.23 Extensions to existing dwellings will not need to make a contribution; unless separate units of accommodation with their own facilities, above the thresholds, are being created and this is not for use by a dependent relative of the occupants of the main dwelling.

Rural Exception Sites

- 5.24 Policy H4 in the Adopted Local Plan and Policy DM8 in the Emerging Local Plan support affordable housing development on rural exception sites. However, these must be sites that are contiguous with or adjacent to existing village settlement boundaries and address a local need that has been robustly demonstrated by way of a local housing needs survey and development is supported by the Parish Council on behalf of their residents.
- 5.25 The Rural Community Council for Essex (RCCE), an independent charity, employs a Rural Housing Enabler who works with rural communities, providing independent advice and support, acting as a facilitator and helping them through the process of providing affordable housing. The Rural Housing Enabler has the appropriate level of expertise to carry out a Local Housing Needs Survey, that will establish how many people in the parish need housing and the most appropriate tenure. This information is needed to support a planning application for rural exception housing.
- 5.26 The Council encourages all applicants proposing affordable housing on rural exception sites to work with a registered provider that supports the work of the

Rural Housing Enabler employed by the RCCE. These registered providers have experience in delivering affordable housing in rural areas and work within an agreed framework.

- 5.27 To inform the prioritisation and allocation of dwellings in rural areas, the survey analysis should identify types of local connection that households in housing need have within the Parish.
- 5.28 The Local Housing Needs Survey should be up to date and reflect the current needs of the area. A Local Housing Needs Survey which predates the planning application by five or more years will not be considered adequate to support a development proposal.
- 5.29 It is expected that the proposed dwellings will all remain permanently available to local people on low incomes who cannot afford market housing. Proponents of the scheme (developers/landowners/housing associations etc.) will need to enter into a Section 106 Agreement with the Council to ensure they remain permanently available to local people on low incomes.
- 5.30 The dwellings will be allocated to persons with a local connection to the Parish who are in need of an affordable dwelling and are unable to obtain a property on the open market.
- 5.31 The mechanism for allocating the dwellings will be specified in the S106 Agreement. This will prioritise applicants with a local connection in the first instance and will be agreed between the Local Authority and the Parish Council on a scheme by scheme basis.
- 5.32 In order to ensure that the units remain permanently available as affordable housing, on each occasion that it is necessary to reallocate any of these units, the procedure for allocation will follow the same principles set out above. In the instance where there is no need within the Parish, this will be cascaded to an adjoining Parish within the Borough.
- 5.33 In order for the Council to assess if an open market element of a rural exception site is justified, any proposal including this must also provide a robust, independently prepared and audited viability assessment of the proposed development. The extent of the funding gap to be bridged in order for the proposal to be viable, including the income from cross-subsidy generated through open-market sales, that will assist in creating the additional scheme revenue that can fund the affordable housing on the site without requiring additional public subsidy, should be clearly set out. As outlined in paragraph 5.18 above, the assessment will be scrutinised by the Council's approved viability assessor, at a cost to be borne by the applicant, and form part of the decision-making process in accordance with national planning policy and guidance.

Vacant Building Credit

- 5.34 Vacant building credit was introduced to promote development on brownfield sites. It allows the floorspace of existing buildings that are to be redeveloped to be offset against the calculations for section 106 affordable housing requirements. It applies to any building that has not been abandoned and is brought back into any lawful use or is demolished to be replaced by a new building.
- 5.35 The PPG explains that existing gross floorspace (assuming it has not been abandoned) should be credited against that of the new development. Where there is an overall increase in floor space in the proposed development, the local planning authority should then calculate the amount of affordable housing contribution or provision required from the development as set out in their local plan on the basis of that additional floorspace.
- 5.36 The example given in the PPG is as follows: 'where a building with a gross floorspace of 8,000 square metres is demolished as part of a proposed development with a gross floorspace of 10,000 square metres, any affordable housing contribution should be a fifth of what would normally be sought'.
- 5.37 For example, the revised affordable housing calculation for a proposal of 60 dwellings including 4,500sqm proposed gross internal area, where the existing vacant gross internal area is 3,000sqm equates to a 33% difference. This would result in the requirement of 6 affordable dwellings (the remaining 54 units would be market dwellings).
- 5.38 For wholly residential schemes, the total proposed gross internal area will be the area of all dwellings. Where flatted development is included within the development, the proposed gross internal area will include all communal and circulation areas. For mixed use schemes, the proposed gross internal area of the proposed residential elements will be included.
- 5.39 Where the revised affordable housing sought does not result in whole numbers, the number of affordable dwellings will be rounded up or down to the nearest whole number to achieve the required percentage provision (see paragraph 5.7 above).

6. The Planning Process

- 6.1 Prospective applicants are encouraged to discuss their proposals at the earliest possible stage; through a preliminary enquiry (pre-application advice). Further information about this can be found on our website - <https://www.colchester.gov.uk/info/cbc-article/?catid=pre-app-advice-planning&id=KA-01221>
- 6.2 Engaging in a preliminary enquiry allows the design and potential 'heads of terms' of the S106 Agreement to be factored into the formulation of the development proposals at an early stage and can save time later in the process.
- 6.3 As part of the submission of a planning application on above threshold - level sites, the Council will expect an affordable housing statement. This should provide details of the number, mix, tenure, unit sizes (including number of bedrooms and persons) of affordable homes and how this reflects the overall mix, etc, along with the location of these units within the site. Applications should refer to the proportion of affordable units, specify how the mix and tenure will reflect that of the scheme as a whole and, express willingness to pepper pot across the site.
- 6.4 Where an application is received in outline, the appropriate contribution will be reserved through a planning obligation, so that it can be resolved when a detailed or reserved matters application is made, when the size of the development and the appropriate level of contribution will be known.
- 6.5 In addition to the provisions of this SPD, proposals for new housing will also be considered having regard to other relevant local policies, which include requirements for other planning contributions. Applicants are advised to seek preliminary advice from the Council where there is any doubt as to the policy considerations that will apply, prior to formally submitting their planning applications, to ensure all relevant policies are addressed.

7. Planning Obligations

- 7.1 In accordance with paragraph 54 of the NPPF, Local Planning Authorities should consider where unacceptable development could be made acceptable through the use of planning obligations, where it is not possible to address the unacceptable impact through planning conditions.
- 7.2 Under section 106 of the Town and Country Planning Act 1990, the following obligations may be secured to mitigate the impacts of a development proposal, in terms of specific housing details:
- Precise scale and scope of the form, delivery and management of the affordable housing in relation to the specific circumstances of the development. This can include:
 - The number, size, tenure and siting of the affordable housing;
 - The phasing of the development;
 - Appropriate trigger points for the provision of affordable housing to an affordable housing provider, to ensure that it is provided in a timely manner in relation to the market housing and delivered in full before an agreed percentage of the market housing has been completed;
 - Eligibility and allocation restrictions on occupancy or disposal to meet local housing need;
 - Mechanisms for ensuring that the affordable housing dwellings are used solely and exclusively for affordable housing in perpetuity;
 - Compliance with public subsidy funding conditions when public subsidy is allocated;
 - Provision of a financial contribution where applicable;
 - Ensure intermediate affordable units for shared ownership (sale) remain affordable;
 - The Council expect that the ownership of the affordable housing units will be transferred to a Housing Association/Registered Provider.
- 7.3 The Council will draw up the S106 Agreement and any related nomination agreement. The Council's legal costs related to these, will be payable by the developer on an indemnity basis on completion of the S106 Agreement.
- 7.4 Proposed variations to the terms of a completed S106 can only be agreed by a deed of variation. Requests to vary agreements should be made to the planning officer in the first instance. The full costs of the variation are payable by the applicant.

Appendices

A. Glossary

Commuted Sum – A ‘one-off’ payment of a capital sum by an individual, authority or company to the Highway Authority, Local Authority, or other Body, as a contribution towards the future maintenance of the asset to be adopted or transferred.

Development Plan – This includes adopted Local Plans and Neighbourhood Plans, as defined in section 38 of the Planning and Compulsory Purchase Act 2004. The Development Plan is the starting point for decision making.

Financial Contribution – The sum of money that a landowner or developer is required to pay to the Council to ensure the delivery of services and infrastructure, including affordable housing, needed as a result of planning permission being granted.

Homes England – An executive non-departmental public body to accelerate housing.

Housing Association – Independent societies, bodies of trustees or companies established for the purpose of providing low-cost social housing for people in housing need. See Registered Provider.

Nomination Agreement - An agreement negotiated between the Council and a Registered Provider which guarantees the Council’s ability to access Registered Providers owned new build accommodation for applicants on the Council’s Housing Register.

Preliminary Enquiry – An enquiry submitted to the Council in writing in advance of a planning application being submitted, to obtain an informal officer view on the likelihood of obtaining planning permission and any particular requirements and/or planning obligations that the Council is likely to seek for the proposal.

Registered Provider – A provider of social housing, registered with Tenant Services Authority under powers in the 2008 Housing and Regeneration Act. This term encompasses housing associations, trusts, cooperatives and companies.

Rural Housing Enabler – A Rural Community Council of Essex (RCCE) employee who works with rural communities providing independent advice and support, acting as a facilitator and helping them through the complicated process of providing affordable housing.

Regulator of Social Housing – regulation of providers of social housing to promote a viable, efficient and well-governed social housing sector able to deliver homes that meet a range of needs.

Section 106 Agreement - Legal agreement under Section 106 of the Town and Country Planning Act 1990. Used as a means of securing the provision

of affordable housing and other contributions.

Strategic Housing Market Assessment (SHMA) – A Strategic Housing Market Assessment is a comprehensive study of the local housing market, using surveys and involving wide ranging stakeholder participation, to produce an assessment of housing needs and market housing within the local area.

Social Housing – historic term for affordable housing.

Staircasing – The facility that enables a householder to purchase an increased proportion of a shared ownership (intermediate affordable) dwelling.

Statement of Community Involvement (SCI) - This sets out the standard that the Local Planning Authority intend to achieve in relation to involving the community and all stakeholders in the preparation, alteration and continuing review of all Local Development Plan Documents and in significant planning applications, and also how the local planning authority intends to achieve those standards. The SCI will not be a Development Plan Document but is subject to independent examination.

Supplementary Planning Document (SPD) – A document produced by the Local Planning Authority to add further detailed guidance and information on a particular subject such as Sustainable Construction or Housing. An SPD is subject to a formal consultation period and then is used as a material consideration when determining planning applications.

B. Adopted Local Plan Policies

Policy H3 – Housing Diversity

Colchester Borough Council intends to secure a range of housing types and tenures on developments across the Borough in order to create inclusive and sustainable communities. Housing developments should provide a mix of housing types to suit a range of different households, whilst also realising the opportunities presented by accessible locations. The mix of housing types should therefore be informed by an appraisal of community context and housing need.

Housing developments will also need to contribute to the provision of affordable housing and homes that are suitable to the needs of older persons, persons with disabilities and those with special needs.

Policy H4 – Affordable Housing

The Borough Council is committed to improving housing affordability in Colchester. The Council will be seeking to secure 20% of new dwellings (including conversions) to be provided as affordable housing (normally on site), as follows:

- In Colchester Town and Stanway, Tiptree, Wivenhoe and West Mersea, affordable housing will be required on housing developments for 10 or more dwellings.*
- In the other villages, affordable housing will be required on housing developments for 5 or more dwellings.*
- An equivalent financial contribution will also be sought for developments below these thresholds.*

Where it is considered that a site forms part of a larger development area, affordable housing will be apportioned with reference to the site area as a whole.

This level balances the objectively assessed need for affordable housing in the Borough established by the Council's evidence base against the requirement for flexibility to take account of changing market conditions. For sites where an alternative level of affordable housing is proposed below the target, it will need to be supported by evidence in the form of a viability appraisal.

In exceptional circumstances, where high development costs undermine the viability of housing delivery, developers will be expected to demonstrate an alternative affordable housing provision.

Affordable housing development in the villages of rural Colchester Borough will be supported on rural exception sites contiguous with village settlement boundaries, provided a local need is demonstrated by the Town/Parish Council on behalf of their residents based on the evidence gained from an approved local housing needs survey. A proportion of market housing which facilitates the provision of significant additional affordable housing may be appropriate on rural exception sites. Information to demonstrate that the market housing is essential to cross-subsidise the delivery of the affordable housing and that the development would not be viable without this cross subsidy will be required. At the scheme

level, the number of open market units on the rural exception site will be strictly limited to only the number of units required to facilitate the provision of significant affordable housing units on a rural exception site. The number of affordable units on a site should always be greater than the number of open market units delivered in this way. The actual number will be determined on local circumstances, evidence of local need and the overall viability of the scheme. General design of the homes should be comparable regardless of tenure within a single integrated development layout.

The Council will require developments to integrate affordable housing and market housing, with a consistent standard of quality design and public spaces, to create mixed and sustainable communities.

C. Emerging Local Plan Policies

Emerging Policy DM8 – Affordable Housing

The Council is committed to improving housing affordability in Colchester. Accordingly, 30% of new dwellings (including conversions) on housing developments of more than 10 dwellings in urban areas and above 5 units in designated rural areas (in accordance with Planning Policy Guidance), should be provided as affordable housing (normally on site).

Where it is considered that a site forms part of a larger development area, affordable housing will be apportioned with reference to the site area as a whole.

This level balances the objectively assessed need for affordable housing in the Borough established by the evidence base, against the requirement for flexibility to take account of changing market conditions. At present the overwhelming need in Colchester is for affordable rented properties, which should be reflected in development proposals. For sites where an alternative level of affordable housing is proposed below the target, it will need to be supported by evidence in the form of a viability appraisal.

In exceptional circumstances, where high development costs undermine the viability of housing delivery, developers will be expected to demonstrate an alternative affordable housing provision.

The Local Planning Authority will require developments to integrate affordable housing and market housing, with a consistent standard of quality design and public spaces, to create mixed and sustainable communities. The affordable housing provision should proportionately reflect the mix of market units unless otherwise specified by the Local Planning Authority. In schemes over 15 units the affordable housing should be provided in more than one single parcel. Elsewhere the affordable housing mix on any site should normally be "pepper potted" throughout the scheme in groups, the size and location of which should be discussed and agreed with the Local Planning Authority.

Affordable housing development in villages will be supported on rural exception sites close to village settlement boundaries, provided a local need is demonstrated by the Parish Council on behalf of their residents, based on evidence gained from an approved local housing needs survey. A proportion of market housing which facilitates the provision of significant additional affordable housing may be appropriate on rural exception sites. Information to demonstrate that the market housing is essential to cross-subsidise the delivery of the affordable housing and that the development would not be viable without this cross-subsidy will be required. At the scheme level, the number of open market units on the rural exception site will be strictly limited to only the number of units required to facilitate the provision of significant affordable housing units on a rural exception site. The number of affordable units and total floorspace on

a site should always be greater than the number of open market units or

floorspace. The actual number will be determined on local circumstances, evidence of local need and the overall viability of the scheme.

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



Self and Custom Build and Specialist Housing

Supplementary Planning Document

Consultation Draft

December 2019

Contents

1. Introduction.....	3
What is a Supplementary Planning Document?	3
Public Consultation	3
Sustainability Appraisal.....	4
2. Key Definitions.....	5
Self build and Custom Housebuilding	5
Specialist Housing	6
3. Policy Context.....	7
National Policy	7
Local Policy	7
Current Adopted Local Plan.....	7
Emerging Local Plan.....	8
4. Evidence Base.....	9
5. Delivery of Self and Custom Build	11
Types of Self Build.....	11
Provision of Self and Custom Build.....	12
Serviced Plot of Land.....	12
Design Requirements	12
Self Build as Affordable Housing.....	13
Neighbourhood and Community Planning.....	14
6. Delivery of Specialist Accommodation.....	15
7. The Planning Process	17
8. Planning Obligations.....	18
Appendices	19
A. Glossary	19
B. Adopted Local Plan Policies	21
.....	21
C. Emerging Local Plan Policies	22

List of Tables

Table 1 - Design Code Examples	13
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1. Introduction

What is a Supplementary Planning Document?

- 1.1 Supplementary Planning Documents (SPDs) are intended to explain or provide further detail to policies or site allocations in a Local Plan document. They could take the form of design guides, area development briefs, master plans or issue-based documents. They will be used in deciding planning applications and will help the Council defend its decisions at appeals.
- 1.2 The planning policies adopted by Colchester Borough Council enable the Council to ask developers to provide specialist housing and/or self and custom building provision on site. The purpose of this SPD is to give clear guidance on the Council's expectations for the provision of self and custom build housing and specialist housing and the process for delivering this.
- 1.3 This SPD will have the status of a material consideration in the determination of planning applications, once adopted by the Council following public consultation.
- 1.4 The SPD does not contain any new policies but provides detailed guidance to supplement existing and emerging policies in the Local Plan and the revised National Planning Policy Framework (NPPF) published in February 2019.
- 1.5 The aim of this document is to help guide the delivery of self and custom build and specialist housing in Colchester which will help to meet the strategic vision and objectives of the Colchester Local Plan by supporting the creation of a sustainable long-term future for communities.

Public Consultation

- 1.6 In accordance with the Government guidance in the Town and Country Planning (Local Development) (England) Regulations 2004, Regulation 18, and the Council's Statement of Community Involvement; the SPD will be the subject of public consultation for a period of six weeks. The consultation for this will run from: 24 January to 6 March 2020.
- 1.7 Ways to respond to the consultation include:

Online via the Consultation Portal. This can be accessed via [<INSERT LINK>](#).

Alternatively, responses can be sent to the Council via:

- email to: planning.policy@colchester.gov.uk
- post to: Planning Policy, Colchester Borough Council, Rowan House, 33 Sheepen Road, Colchester, CO3 3WG

All consultation responses must be received no later than 5pm on 23 March 2020. If you have any questions about the consultation, please contact the Planning Policy Team via planning.policy@colchester.gov.uk

If you would like this document in an alternative format such as large print, braille or another language please contact the Planning Policy Team.

- 1.8 Following this consultation, the final version of the document will be amended and presented for consideration of the Local Plan Committee before adoption.

Sustainability Appraisal

- 1.9 A Sustainability Appraisal (SA) Report has been prepared for the Local Plan which appraises the policies this supplementary guidance relates to. This can be viewed online [<INSERT LINK>](#).
- 1.10 An SEA Screening Opinion and Habitats Regulations Screening has been undertaken for this SPD. These opinions can also be viewed online [<INSERT LINK>](#).

2. Key Definitions

Self build and Custom Housebuilding

2.1 Self build and custom build is defined in the NPPF 2019 as:

“Housing built by an individual, a group of individuals, or persons working with or for them, to be occupied by that individual. Such housing can be either market or affordable housing.”

2.2 The Self Build and Custom Housebuilding Act 2015 (as amended by the Housing and Planning Act 2016) provides a legal definition of self build and custom housebuilding. The Act does not distinguish between self build and custom housebuilding and provides that both are where individuals, an association of individuals, persons working with or for individuals or associations of individuals, build or complete houses to be occupied as homes by those individuals.

2.3 In considering whether a home is a self build or custom build, local authorities must be satisfied that the initial owner of the home will have primary input into its final design and layout. It does not include the building of a house or plot acquired from a person who builds the house mainly to plans or specification decided or offered by that person.

2.4 There are various types of self build and custom build projects including:

- Individual self/custom build - an individual purchases a plot of land and builds a house to live in. They may do some or all the build themselves or employ a builder, architect or project manager to oversee the build.
- Group self/custom build - a group of people come together to design and develop a custom build housing development which they then live in. They may build this themselves or with help from a developer to manage the project.
- Developer-led custom build - a developer divides a larger site into individual plots and provides a design and build service to purchasers. This gives people a chance to customise existing house designs to suit their needs and can sometimes offer a chance to finish the house internally.
- Community-led - community led housing projects who help a group of people to build mostly affordable homes together, either individually or in cooperation with a builder or housing provider. This could utilise Community Land Trusts, which often take a long-term formal role in the ownership, stewardship and management of the homes to ensure they remain affordable in perpetuity. Alternatively, housing co-operatives can

own or lease properties and rent them to their members who also manage and control the housing.

- Cohousing - a cohousing project involves a constituted group of people creating their own neighbourhood of homes, with shared facilities such as a communal house.

Specialist Housing

- 2.5 Specialist housing can cater to the specific needs of a variety of people within the community, including older persons; students; people with disabilities; service families; hospice provision and gypsy and travellers.
- 2.6 The specialist accommodation required by these groups varies from non-supported housing, independent self-contained accommodation with limited support, such as sheltered housing, to residential care homes that provide non self-contained residential accommodation for people who need regular care and support.
- 2.7 Supported living can be delivered in a range of settings, including individual flats or houses, shared accommodation or clusters. Supported living refers to the way support is organised rather than specifying one type of accommodation that is required.
- 2.8 Specialist housing does not necessarily have associated support requirements but could cater to the specific needs of the groups requiring it through the built form of the accommodation provided, such as purpose-built student accommodation or pitches for non-nomadic Gypsy and Travellers.

3. Policy Context

National Policy

- 3.1 The revised NPPF 2019 provides the national policy context for the provision of housing, this is further supported by Planning Practice Guidance (PPG). The relevant sections of the PPG relate to Planning Obligations, Self Build and Custom Housebuilding, and Housing for older and disabled people. The PPG is an on-line resource and is updated as required.
- 3.2 Chapter 5 of the NPPF '*delivering a sufficient supply of homes*' outlines the government objective of boosting the supply of homes, this includes ensuring the needs of groups with specific housing requirements are addressed.
- 3.3 Paragraph 61 states that "*the size, type and tenure of housing needed for different groups in the community should be addressed and reflected in planning policies (including but not limited to, those who require affordable housing, families with children, older people, students, people with disabilities, service families, travellers, people who rent their homes and people wishing to commission or build their own homes).*" Footnote 26 confirms that "people wishing to commission or build their own homes" is in relation to the Self Build and Custom Housebuilding Act 2015.

Local Policy

- 3.4 Colchester Borough Council is currently in a unique situation with regard to plan making. The Council is working in collaboration with Braintree and Tendring District Councils on strategic cross boundary issues for North Essex. This has resulted in a strategic section one of the Emerging Local Plan which is shared by all three Local Planning Authorities. Section two of each authorities Local Plan includes individual local authority policies and allocations.
- 3.5 The Colchester Local Plan was submitted to the Planning Inspectorate on 9th October 2017 and is currently the subject of an extended examination.
- 3.6 As such, both the Adopted and Emerging Local Plan policies can be considered in decision making as outlined in paragraph 48 of the NPPF. Until such a time as the Emerging Local Plan is adopted, consideration of both Local Plans will be required.

Current Adopted Local Plan

- 3.7 The current Development Plan consists of the Core Strategy adopted in 2008 and subject to a Focused Review in 2014, Site Allocations DPD adopted 2010 and Development Policies DPD adopted in 2008 and subject to Focused Review in 2014. The Development Plan informs development within the Borough up to 2023.
- 3.8 Policy H3 – Housing Diversity, provides that housing development will need to contribute to the provision of affordable housing and homes that are suitable to

the needs of older persons, persons with disabilities and those with special needs to create inclusive and sustainable communities.

3.9 Policy H5 – Gypsies, Travellers, and Travelling Showpeople, provides the planning policy mechanism to secure accommodation for Gypsies, Travellers and Travelling Showpeople.

3.10 As the Self Build and Custom Housebuilding Act 2015 (as amended by the Housing and Planning Act 2016), postdates the Adopted Core Strategy and Development Policies, there is not a bespoke policy regarding this. National policy is the key material consideration in decision making.

3.11 Full extracts of the above-mentioned policies can be found in Appendix B.

Emerging Local Plan

3.12 The Council is preparing a new Local Plan for the Borough which once adopted will replace the current Local Plan. The new Local Plan will inform development in the Borough over the period 2017 to 2033 and will include new housing allocations to meet the predicted growth of the Borough over that period.

3.13 Emerging Policy DM10 – Housing Diversity, seeks to secure a range of housing types and tenures on developments for the needs of particular groups including older people, specialist housing, self build/custom build, gypsies and travellers, students and hospices.

3.14 Emerging Policy DM11 provides more detailed requirements for accommodation for Gypsies, Travellers and Travelling Showpeople.

3.15 Emerging Policy DM12 provides specific housing standard requirements including a minimum of 10% of market housing and 95% of affordable housing to meet Building Regulations 2015 Part M4 (2) accessible and adaptable standards and 5% of affordable homes to be Part M4 3 (2) (b) wheelchair user standards. There is a minor modification proposed for DM12 by the Council. This is the inclusion of an additional criterion to include sprinkler systems in high rise accommodation, HMOs, care homes and sheltered accommodation; this is a CBC corporate decision following the Grenfell Fire.

3.16 Full extracts of the above-mentioned policies can be found in Appendix C.

4. Evidence Base

- 4.1 In 2015 the Braintree, Chelmsford, Colchester and Tendring Housing Market Area updated the report for both the Objectively Assessed Housing Needs Study (OAN) (Peter Brett Associates, July 2015) and Strategic Housing Market Assessment Update (SHMA) (HDH Planning and Development Ltd., December 2015). The OAN Study was further updated in November 2016 (Peter Brett Associates) to review the findings of the original report in light of new evidence and produce a revised housing needs assessment for the same period 2013-2037. This ensures compliance with paragraph 47 and 50 of the NPPF 2012. It should be noted that as the Emerging Local Plan has been submitted before 24th January 2019, the criteria and/or methodologies of the NPPF 2019 have not been used within these reports.
- 4.2 The SHMA forms the main Evidence Base for the Council's assessment of specialist housing provision. This includes older persons, people with disabilities, family households, students and service families. The SHMA concludes that an additional 94 sheltered and extra care housing units should be provided each year within the OAN (920 dwellings per year). However, these 94 units is dependent on future patterns of demand amongst potential residents of this accommodation increasing notably beyond current levels.
- 4.3 To support the Emerging Local Plan, a Viability Assessment by Hyas (April 2017) and Economic Viability Study for Colchester by The Three Dragons and Troy Planning + Design (June 2017) have been prepared.
- 4.4 The study concludes that policies regarding accessibility and adaptability of dwellings which require 5% self build plots on sites over 100 units and additional costs for accessible housing, Part M of Building Regulations (2015) are achievable.
- 4.5 The Colchester Gypsy Traveller Accommodation Assessment (GTAA) May 2017 concludes that in Colchester over the period to 2033 there is a need for two additional pitches for Gypsy and Traveller households (planning definition) and a need for up to 13 additional pitches for Gypsy and Traveller households. This comprises 10 pitches for households not meet the planning definition as these households no longer travel or have ceased to travel permanently and 3 pitches for Romany Gypsies and Irish and Scottish Travellers who may be able to demonstrate a right to culturally appropriate accommodation under the Equality Act (2010). As there are no Travelling Showpeople identified in Colchester, there is no current or future need for additional plots.
- 4.6 The SHMA and Authority Monitoring Report are available in full on the [Councils website](#).

4.7 The Council holds a register of individuals and/or associations of individuals who are seeking to acquire serviced plots of land within the Borough for self and custom build housing. There is currently no fee to register interest, but people must be:

- Aged 18 or over:
- A British citizen, a national of an EEA State other than the United Kingdom or a national of Switzerland: and
- Seeking (either alone or with others) to acquire a serviced plot of land in the relevant authority's area to build a house to occupy as that individual's sole or main residence.

5. Delivery of Self and Custom Build

- 5.1 The Self and Custom Housebuilding Act 2015 requires the Council to keep and maintain a register of individuals, and associations of individuals, who are seeking to acquire self build serviced plots of land in the Borough for their own self build and custom housebuilding.
- 5.2 The register provides information on the number of individuals and associations on the register; the number of serviced plots of land sought; the preferences people on the register have indicated, such as general location within the Borough, plot sizes and type of housing intended to be built.
- 5.3 Self and custom build properties can also be an opportunity to provide specialist accommodation. This can include bungalows for people with limited mobility, smaller plots to provide opportunities for households seeking lower cost market housing and larger plots suitable for semi-detached properties to cater for extended families wishing to build together.
- 5.4 In principle the Council will support self and custom build housing proposals where this is meeting a demand identified by the Council's register. However, the proposal will be required to be in compliance with the wider policies and principles of the Local Plan.
- 5.5 For more information and to apply to be included on the register please see our website; <https://www.colchester.gov.uk/info/cbc-article/?catid=things-to-know&id=KA-01218>

Types of Self Build

- 5.6 Self Build plots can be delivered in a number of ways including:
- Multiple individual service plots;
 - Single or small sites delivering open market plots;
 - Single or small sites delivering affordable plots, including on rural exception sites (sites often delivered by organisations such as Housing Associations and Community Land Trusts);
 - Sites identified and/or delivered by Town/Parish Councils via their Neighbourhood Plan.

Provision of Self and Custom Build

- 5.7 As outlined in sections 2.4 and 5.6 above, there are a number of ways in which self and custom build housing can be delivered. This can include either individuals, a group of individuals or can be developer or Town/Parish Council led. Whichever approach is taken, it should be ensured that the proposal meets the definition of self and custom housebuilding as outlined in the NPPF 2019: "Housing built by an individual, a group of individuals, or persons working with or for them, to be occupied by that individual. Such housing can be either market or affordable housing."
- 5.8 At the time a planning application is submitted for larger schemes (sites above 100 dwellings), in an identified area of need for self and custom housebuilding (based on information provided by the register), an area of land shall be identified to accommodate 5% of the total number of units as self build plots.
- 5.9 Where there is evidence of local demand for serviced plots, providers should seek to provide a mix of serviced plots to meet the range of demand and affordability evidenced by the local demand.

Serviced Plot of Land

- 5.10 National Planning Practice Guidance (Self-build and custom housebuilding paragraph 26) provides a definition of a serviced plot of land as a plot of land that either has access to a public highway and has connections for electricity, water and waste water, or in the opinion of the relevant authority, can be provided with access to these, within the duration of a development permission granted in relation to that land.
- 5.11 Access to a public highway can include sections of private or unadopted road, it does not mean that the plot is immediately adjacent to the public highway; just that there is the guaranteed right of access to the public highway.
- 5.12 Connections for electricity, water and waste water means that the services must either be provided to the boundary of the plot so that during construction, connections can be made, or adequate alternative arrangements are possible, such as the use of a cesspit rather than mains drainage.

Design Requirements

- 5.13 Whether a person commissions a specialist builder to help deliver their own home or a person is more directly involved with the organising and construction of their home; both routes require significant input from the home owner in the design process of the dwelling.

- 5.14 To ensure that self-build and custom housebuilding is of high-quality design, sites with multiple serviced plots or other forms of self build or custom housebuilding provision, will be required to be supported by a Design Code.
- 5.15 A Design Code should be prepared by the provider at the outline planning stage and should clearly set out design rules and parameters for future development. Design Codes will vary depending on the amount of development proposed and the context of the site.
- 5.16 Examples of what could be included in a Design Code is provided in table 1 below.

Table 1 - Design Code Examples

Design Code Parameter
Plot Size and Width
Plot Ratios, Site Coverage and Density
Building Types
Building Height, Massing and Bulk
Views and Vistas e.g. relationship to heritage assets, topography
Car Parking, Cycle Access and Provision
Waste and Recycling Storage
Infrastructure e.g. community energy facilities such as combined heat

- 5.17 The Council will support the use of Plot Passports for self build and custom housebuilding development where supported by a Design Code.
- 5.18 Plot Passports can provide potential plot purchasers with a simple and concise summary of the design parameters for a specific plot. It should clearly show the location, permissible building lines, heights and footprints as well as separation distances to adjacent plots. A Plot Passport should also be clear about the number of dwellings that can be built on a single plot as well as specifying car parking provision and access arrangements.
- 5.19 The Council recognises that modular housing, which is built off-site, can help deliver custom housebuilding that is more cost effective than traditional housebuilding methods. The Council will support modular housing where it complies with Design Codes, policies and standards in the Local Plan.
- 5.20 All residential development, including self build and custom housebuilding should comply with other policies in the Local Plan.
- 5.21 Where self and custom build housing is being provided as part of a large scale phased scheme, the phasing plan should clearly identify in which phase the self and custom build properties will be provided.

Self Build as Affordable Housing

- 5.22 The Council will not normally expect developments to offer the affordable housing element as self build. However, there are a number of mechanisms for delivering self build housing that is affordable housing. These mechanisms include:

- Where developers or landowners are able to work in partnership with a recognised Housing Association, Community Land Trust or alternative registered affordable housing provider;
- Where a self build commits (via S106) that the resale of the dwelling shall be restricted to an eligible household for at least a 20% discount on market prices in perpetuity.

5.23 Where affordable self build plots are to be delivered on rural exception sites, there will also be a need to establish that a household has a local connection to the Parish where the plot is proposed. For further information about local connections and affordable housing, please see the Affordable Housing SPD.

5.24 Subject to viability evidence, open market self build plots may also be appropriate to enable the development of affordable housing on rural exception sites in accordance with Adopted Policy H4 and Emerging Policy DM8 to support the delivery of affordable housing in rural areas.

Neighbourhood and Community Planning

5.25 Powers introduced through the Localism Act 2011 include Neighbourhood Planning and the Community Right to Build. These powers can provide communities with the opportunity to encourage self and custom build housing by creating new planning policies or allocating new community development sites.

5.26 The Council will engage with communities to support locally proposed Self Build projects wherever possible, subject to the wider planning considerations.

5.27 More information about Neighbourhood Plans and Neighbourhood Development Orders is available on our website at - <https://www.colchester.gov.uk/info/cbc-article/?catid=neighbourhood-planning&id=KA-01416>

6. Delivery of Specialist Accommodation

- 6.1 Across Colchester, housing developments should be inclusive and accommodate a diverse range of households and housing needs to create mixed communities. Such as families, single persons, older persons, students, people with disabilities, those with care and/or support needs, low income households and Gypsies and Travellers.
- 6.2 The requirements outlined below relate largely to policies contained in the Emerging Local Plan Section 2. Encouragement will be given for such provision by the Council until such a time as the policies are found sound via the Section 2 Local Plan examination. Upon adoption of the Section 2 Local Plan, these will become a requirement.
- 6.3 The Council will expect a minimum of 10% of market housing to meet Building Regulations 2015 Part M4 (2) accessible and adaptable standards, in accordance with Emerging Policy DM12.
- 6.4 The Council has an ongoing need for affordable housing for wheelchair users. In accordance with Emerging Policy DM12; 95% of affordable housing should meet a minimum of Building Regulations Part M4 Category 2 and 5% of affordable homes should meet Part M4 3 (2) (b) or Part M4 3 (2) (a) as agreed with the Council in accordance with identified need. The application of these Part M requirements will be subject to consideration of the impact on viability, site constraints and suitability of the development; in accordance with national policy and guidance.
- 6.5 Due to the variety of specialist housing and the wide range of needs the accommodation can cater to, the Council will advise on the quantum of specialist accommodation required at the time an application is submitted (Emerging Policy DM12). This could be providing housing for a range of specialist groups including but not limited to people with disabilities, people with care needs and other vulnerable people; hospice provision; or housing for older people.
- 6.6 The Council will consider the latest assessments of need, including the Strategic Housing Market Assessment, Joint Strategic Needs Assessment and the Essex Gypsy and Traveller and Travelling Showpeople Accommodation Assessment.
- 6.7 The Council will also consult Essex County Council to seek advice on their priority specialist residential accommodation needs.
- 6.8 The type of specialist accommodation sought will depend on the scale and type of market accommodation proposed and the viability of the proposed development to support the specialist accommodation, taking into account the commercial model of the specialist residential accommodation required.

- 6.9 Specialist residential accommodation will not be considered to constitute part of the affordable housing requirement, irrespective of whether the accommodation is subject to suitable restrictions on occupation and price, because it is meeting a different identified housing need. The only exception to this being the provision of affordable housing for wheelchair users as identified as a need in paragraph 6.4.
- 6.10 As outlined in Emerging Policy DM11, the need for 6 pitches by 2021 for Gypsies, Traveller and Travelling People can be accommodated through expansion of the existing site at Severalls Lane. This is operated by Essex County Council.
- 6.11 Through strategic sites and allocations within the Garden Communities, the remaining need of 9 pitches will be finalised through the process of masterplanning and agreements made during the planning application process.
- 6.12 As outlined in Policy H4 and Emerging Policy DM11, any further proposals should be located within a reasonable proximity to existing sustainable settlements, access to shops, schools and other community facilities. Sites should provide adequate space for vehicles and appropriate highway access.

7. The Planning Process

- 7.1 Prospective applicants are encouraged to discuss their proposals at the earliest possible stage; through a preliminary enquiry (pre-application advice). Further information about this can be found on our website - <https://www.colchester.gov.uk/info/cbc-article/?catid=pre-app-advice-planning&id=KA-01221>
- 7.2 Engaging in a preliminary enquiry allows the design and potential 'heads of terms' of the S106 Agreement to be factored into the formulation of the development proposals at an early stage.
- 7.3 Where an application is received in outline, the appropriate contribution will be reserved through a planning obligation, so that it can be resolved when a detailed or reserved matters application is made, when the size of the development and the appropriate level of contribution will be known.
- 7.4 In addition to the provisions of this SPD, proposals for new housing will also be considered having regard to other relevant local policies, which include requirements for other planning contributions. Applicants are advised to seek preliminary advice from the Council where there is any doubt as to the policy considerations that will apply, prior to formally submitting their planning applications, to ensure all relevant policies are addressed.

8. Planning Obligations

- 8.1 In accordance with paragraph 54 of the NPPF, Local Planning Authorities should consider where unacceptable development could be made acceptable through the use of planning obligations, where it is not possible to address the unacceptable impact through planning conditions.
- 8.2 Under section 106 of the Town and Country Planning Act 1990, the following obligations may be secured to mitigate the impacts of a development proposal, in terms of specific housing details:
- Amount, type, mix and design requirements of self build or custom housebuilding.
 - Providers will be required to market appropriately serviced plots and ensure they remain available for at least 12 months. If after 12 months, a serviced plot has been made available and actively marketed at a price agreed by the Local Planning Authority to be reasonable, but has not sold, the plot can either remain on the open market or be built out by the developer in accordance with the Design Code and other relevant Local Plan policies.
 - Self build or custom housebuilding plots to be commenced within three years of a plot being purchased. If a purchased plot has not commenced within three years, the purchasers will be refunded the original price by the plot provider and the plot will revert to market housing.
 - Amount, type, mix and tenure of the Specialist Residential Accommodation to be provided in perpetuity.
- 8.3 The Council will draw up the S106 Agreement and any related nomination agreement and the Council's legal costs related to these, will be payable by the developer on an indemnity basis on completion of the S106 Agreement.
- 8.4 Proposed variations to the terms of a completed S106 can only be agreed by a deed of variation. Requests to vary agreements should be made to the planning officer in the first instance. The full costs of the variation are payable by the applicant.

Appendices

A. Glossary

Affordable Housing – Housing for sale or rent, for those whose needs are not met by the market (including housing that provides a subsidised route to home ownership and/or is for essential local workers); and which complies with one or more of the following definitions:

- a) **Affordable housing for rent:** meets all of the following conditions: (a) the rent is set in accordance with the Government's rent policy for Social Rent or Affordable Rent, or is at least 20% below local market rents (including service charges where applicable); (b) the landlord is a registered provider, except where it is included as part of a Build to Rent scheme (in which case the landlord need not be a registered provider); and (c) it includes provisions to remain at an affordable price for future eligible households, or for the subsidy to be recycled for alternative affordable housing provision. For Build to Rent schemes affordable housing for rent is expected to be the normal form of affordable housing provision (and, in this context, is known as Affordable Private Rent).
- b) **Starter homes:** is as specified in Sections 2 and 3 of the Housing and Planning Act 2016 and any secondary legislation made under these sections. The definition of a starter home should reflect the meaning set out in statute and any such secondary legislation at the time of plan-preparation or decision-making. Where secondary legislation has the effect of limiting a household's eligibility to purchase a starter home to those with a particular maximum level of household income, those restrictions should be used.
- c) **Discounted market sales housing:** is that sold at a discount of at least 20% below local market value. Eligibility is determined with regard to local incomes and local house prices. Provisions should be in place to ensure housing remains at a discount for future eligible households.
- d) **Other affordable routes to home ownership:** is housing provided for sale that provides a route to ownership for those who could not achieve home ownership through the market. It includes shared ownership, relevant equity loans, other low-cost homes for sale (at a price equivalent to at least 20% below local market value) and rent to buy (which includes a period of intermediate rent). Where public grant funding is provided, there should be provisions for the homes to remain at an affordable price for future eligible households, or for any receipts to be recycled for alternative affordable housing provision or refunded to Government or the relevant authority specified in the funding agreement.

Custom Build – Where an individual, an association of individuals, or persons working with or for individuals or associations of individuals, build or complete houses to be occupied as homes by those individuals. Often this will involve the appointment of a specialist builder.

Development Plan – This includes adopted Local Plans and Neighbourhood Plans, as defined in section 38 of the Planning and Compulsory Purchase Act 2004. The Development Plan is the starting point for decision making.

Financial Contribution – The sum of money that a landowner or developer is required to pay to the Council to ensure the delivery of services and infrastructure, including affordable housing, needed as a result of planning permission being granted.

Homes England – An executive non-departmental public body to accelerate housing.

Preliminary Enquiry – An enquiry submitted to the Council in writing in advance of a planning application being submitted, to obtain an informal officer view on the likelihood of obtaining planning permission and any particular requirements and/or planning obligations that the Council is likely to seek for the proposal.

Section 106 Agreement - Legal agreement under Section 106 of the Town and Country Planning Act 1990. Used as a means of securing the provision of affordable housing and other contributions.

Self Build - Where an individual, an association of individuals, or persons working with or for individuals or associations of individuals, build or complete houses to be occupied as homes by those individuals. This includes the individual physically build the property themselves.

Specialist Housing – Housing that caters to the specific needs of an identified group/people within the community, including older persons; students; people with disabilities; service families; hospice provision and gypsy and travellers.

Strategic Housing Market Assessment (SHMA) – A Strategic Housing Market Assessment is a comprehensive study of the local housing market, using surveys and involving wide ranging stakeholder participation, to produce an assessment of housing needs and market housing within the local area.

Statement of Community Involvement (SCI) - This sets out the standard that the Local Planning Authority intend to achieve in relation to involving the community and all stakeholders in the preparation, alteration and continuing review of all Local Development Plan Documents and in significant planning applications, and also how the local planning authority intends to achieve those standards. The SCI will not be a Development Plan Document but is subject to independent examination.

Supplementary Planning Document (SPD) – A document produced by the Local Planning Authority to add further detailed guidance and information on a particular subject such as Sustainable Construction or Housing. An SPD is subject to a formal consultation period and then is used as a material consideration when determining planning applications.

B. Adopted Local Plan Policies

Policy H3 – Housing Diversity

Colchester Borough Council intends to secure a range of housing types and tenures on developments across the Borough in order to create inclusive and sustainable communities. Housing developments should provide a mix of housing types to suit a range of different households, whilst also realising the opportunities presented by accessible locations. The mix of housing types should therefore be informed by an appraisal of community context and housing need.

Housing developments will also need to contribute to the provision of affordable housing and homes that are suitable to the needs of older persons, persons with disabilities and those with special needs.

H5 – Gypsies, Travellers, and Travelling Showpeople

The Council will identify sites to meet the established needs of gypsies, travellers and travelling Showpeople in the Borough.

The Council will seek to locate sites within reasonable proximity to existing settlements, and with access to shops, schools and other community facilities. Sites should also provide adequate spaces for vehicles and appropriate highway access. Any identified need for 'transit' (temporary) sites for gypsies and travellers will be met in appropriate locations related to the current working patterns of the travelling community.

In the intervening period up to the adoption of a new Local Plan, the Borough Council will use the national Planning Policy for Traveller Sites and the National Planning Policy Framework as material considerations in the determination of planning applications for gypsy, traveller and travelling show people accommodation.

C. Emerging Local Plan Policies

Emerging Policy DM10 - Housing Diversity

The Local Planning Authority will seek to secure a range of housing types and tenures on developments across the Borough in order to create inclusive and sustainable communities. Housing developments should provide a mix of housing types to suit a range of different households as identified in the latest Strategic Housing Market Assessment, whilst also realising the opportunities presented by accessible locations.

The Local Planning Authority will seek to provide for the needs of particular groups as follows:

Older people – *The Local Planning Authority will require developers to demonstrate how their proposal will be capable of meeting and adapting to the long term needs of the increasing number of older residents. This would include the provision of dwellings constructed to meet requirements M4(2) of the Building Regulations 2015 (accessible or adaptable dwellings) as provided in the Housing Standards policy DM12, or subsequent government standards as appropriate, where there is proven need. The Council will also support proposals that make specific provision for older persons housing, subject to proposals meeting other policy requirements or the need outweighing other considerations.*

Specialist Housing- *The Local Planning Authority will support provision of schemes providing higher levels of care for specialist groups including those eligible under Essex County Council's Independent Living Programme; disabled people; people with care needs; and other vulnerable people. New development proposals for these groups will be supported where there is a proven need; they are located within settlements; and are accessible by public transport. As provided in the Housing Standards policy DM12, the Council will require a provision of dwellings constructed to meet requirements of M4(3) of the Building Regulations 2015 (wheelchair user dwellings), or subsequent government standard as appropriate, where there is proven need.*

Self build/custom-build housing – *The Local Planning Authority will support proposals for self build/custom-build housing, to meet demand as indicated by registrations on the Council's Self build Register. Registrations should accord with eligibility criteria as appropriate, which may include demonstration of sufficient financial resources and a sufficient local connection. Proposals will be encouraged both on individual sites and as part of larger schemes, including rural exception sites.*

Gypsies and Travellers – *The Local Planning Authority will meet identified need for gypsy and traveller accommodation, with specific allocations and policy considerations set out in Policy DM11.*

Students - *Planning permission will be granted for purpose-built student accommodation subject to other policies in this plan and where:*

- (i) the location is appropriate in terms of access to public transport and university and college facilities; and*
- (ii) the proposal will not result in an excessive concentration of student accommodation in any one locality.*

Specific proposals for University based accommodation are contained in policy EC1.

Hospice provision – *The Local Planning Authority will support the provision of hospice care in the local community through the use of existing or new sites.*

Emerging Policy DM11 – Gypsies, Travellers, and Travelling Showpeople

The Local Planning Authority will identify sites to meet the established needs of gypsies, travellers and travelling Showpeople in the Borough.

There is an overall need for 15 pitches over the life of the plan to 2033 which takes into account the need for both the statutory requirement to provide 2 pitches for nomadic travellers as well as the additional need for 13 pitches for those identifying as gypsies and travellers.

The need for 6 pitches by 2021 can be met by expansion of the existing site at Severalls Lane. The existing site has successfully operated since 2012 and is considered a sustainable location for small scale expansion. The need for the remainder of the plan period will be met through strategic sites and allocations within the Garden Communities, to be finalised through the process of agreeing detailed allocations and masterplans for those areas.

Proposals for any further applications will be judged on the basis that sites should be located within reasonable proximity to existing sustainable settlements, and with access to shops, schools and other community facilities. Sites should also provide adequate space for vehicles and appropriate highway access.

Emerging Policy DM12 - Housing Standards

Residential development will be supported where high standards of design, construction and layout are promoted. In considering proposals for new residential development, the Local Planning Authority will have regard to the following:

- (i) New buildings or extensions should be designed to minimise the overshadowing of neighbouring properties as well as to avoid other adverse microclimatic effects;*
- (ii) Acceptable levels of daylight to all habitable rooms and no single aspect north-facing homes;*
- (iii) Acceptable levels of privacy for rear-facing habitable rooms and sitting-out areas;*

- (iv) A management and maintenance plan to be prepared for multi- occupancy buildings and implemented via planning conditions to ensure the future maintenance of the building and external spaces;*
- (v) Internal space standards demonstrated to be in accordance with the National Described Space Standards (DCLG, 2015) or any future replacement of this;*
- (vi) A minimum of 10% of market housing and 95% of affordable housing to meet Building Regulations 2015 Part M4 (2) accessible and adaptable standards and 5% of affordable homes to be Part M4 (3)(2)(b) wheelchair user standards.*
- (vii) Vehicle parking standards as set out in Policy DM22 including the requirements for cycle parking facilities. In the case of flats, secure cycle storage should be incorporated into flat blocks and readily located at the building entrances;*
- (viii) An accessible refuse and recycling storage area, and external drying areas; and*
- (ix) Measures to maximise the potential of broadband provision and ensure other infrastructure requirements are met as referenced in Policy SG6; and*
- (x) All new applications for high rise accommodation, housing in multiple occupation (HMOs), care homes and sheltered accommodation will be expected to include sprinkler systems.***

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

16 December 2019

Report of	Assistant Director of Policy and Corporate	Author	Bethany Jones
Title	Authority Monitoring Report		☎ 282541
Wards affected	All wards affected		

1. Executive Summary

- 1.1 The Authority Monitoring Report provides an annual summary of key statistics that allow the Council to monitor the effectiveness of its Local Plan.
- 1.2 Key statistics for the monitoring period 1 April 2018 to 31 March 2019 include:
 - 1,659 planning applications received
 - 1,165 homes completed
 - 110 new build affordable units delivered
 - 41% of new or converted dwellings built on previously developed land (brownfield)
 - Potential net loss of -2,587 square metres of commercial floorspace, and potential net gain of + 5,820 square metres of commercial floorspace; resulting in a net balance of +3,233 sqm if all applications were implemented.
 - Council adoption of 46,182m² additional areas of open spaces.
 - Funding from DEFRA to manage a two year community project focusing on behavioural change by encouraging walking and cycling for short journeys and switching off engines when not moving (idling).

2. Recommended Decision

- 2.1 To approve the 2018-19 Authority Monitoring Report (AMR) for publication on the Council's website.

3. Reason for Recommended Decision

- 3.1 Until the Localism Act came into effect in April 2012, Section 35 of the Planning and Compulsory Purchase Act required that every Local Planning Authority (LPA) should prepare and publicise an Annual Monitoring Report containing information on the implementation of the Local Development Scheme (LDS) and the extent to which the policies set out in Local Development Documents (LDDs) and Local Plans are being achieved.
- 3.2 The Localism Act removed the requirement for local authorities to submit their AMR to Government but retains a duty for local authorities to monitor policies. The Council accordingly still needs to demonstrate the effects of its policies in what is, as of 2015, termed an Authority Monitoring Report (AMR) instead of an Annual Monitoring Report providing the opportunity for updates as and when data is available.

4 **Alternative Options**

- 4.1 There are no alternatives as the Council needs to provide a monitoring source of information on the delivery of its planning functions.

5. **Background Information**

- 5.1 The AMR provides key information that helps the Borough Council and its partners to evaluate planning policies in the context of current trends and delivery levels. The full report covering the period April 2018 to March 2019 is attached as Appendix 1 and will be available to view on the Council's website, and upon request to the Planning Policy team.
- 5.2 As part of the Localism Act, authorities can now choose which targets and indicators to include in their monitoring reports as long as they are in line with the relevant UK and EU legislation. Their primary purpose is to share the performance and achievements of the Council's planning service with the local community. The format of this AMR accordingly is designed to clearly demonstrate how the Council is meeting targets and indicators arising from the adopted policies in the Local Plan and provides information that can be used in reviewing the Plan. The AMR also includes information on how the Council is working with partners to meet the duty to co-operate on cross-boundary strategic matters.
- 5.3 The AMR is divided into a number of key themes covering progress in meeting Local Plan policy aspirations across a variety of areas.
- 5.4 The Housing section documents historic delivery rates and provides a detailed list of housing units delivered last financial year. The requirement for the Council to demonstrate how it intends to meet the five year housing land supply requirement has been addressed by the publication of a separate Housing Land Position Statement which was last published in April 2019 and demonstrated that the Council has a five year land supply. The Councils 15 year supply is/will be included the AMR when published.
- 5.5 At the time of publication for Local Plan Committee, data from Essex County Council regarding Travel Plans and Traffic Count was still awaited. A verbal update will be provided at Committee and this information will be included in the AMR when published.
- 5.6 Other key findings include:
- The total number of applications (major, minor and other i.e. discharge of condition and preliminary inquiries) received between 1 April 2018 and 31 March 2019 of 1,659 shows a slight decrease on last year's total of 1,674; and remains below the pre-recession figure of 2,015 in 2007-08.
 - A net of 1,165 dwellings were built between 1 April 2018 and 31 March 2019. This is higher than the previous year's total of 1,048 and the Objectively Assessed Need target of 920 dwellings a year for Colchester.
 - During the monitoring year 2018/19, 110 new build affordable housing units were delivered consisting of 87 affordable rent, and 23 Shared Ownership. No new build social rent properties were delivered in this monitoring period. The total of 110 units represents 9.4% of all new homes delivered. The comparable figures for the previous two years were 132 (12.5%) in 17/18 and 100 (10.96%) in 16/17. This year's total is a continuation of recent trends where the majority of new build affordable housing is being delivered through Section 106 obligations. It is still difficult for Registered

Providers to deliver affordable housing led developments in Colchester. For the year 2018/19, £178,922.13 was received in commuted sums for affordable housing. This money was provided to meet requirements for affordable housing in lieu of affordable dwellings within some permitted schemes.

- Of the 1,165 dwellings completed in the monitoring period, 41% were on previously developed land (brownfield). This is a decrease on the previous years' figure of 62%. The Council seeks to continue to make brownfield sites a priority for redevelopment within the Borough, however many of the larger, less constrained sites have now been redeveloped.
- The Borough has seen moderate amounts of new employment development over the last few years, mainly relating to industrial and storage and distribution uses (planning use classes B1(c), B2 and B8) uses and driven by a small number of large developments. At the same time, the Borough has been losing significant amounts of B class space as a result of permitted development, to the extent that net development rates have been negative in recent years.
- If all applications that have been granted during the monitoring period were implemented, there would be a net loss of - 2,587sqm of commercial floorspace across the Borough, of which 1,586 sqm is as a result of office to residential developments from 3 applications (182609; 181014 and 181881). There would also be a net gain of 5,820 sqm of commercial floorspace, with 1,681 sqm from the introduction of 2 storage buildings (application reference: 180551). Overall, this would result in a net balance of a gain of 3,233 sqm. This is much more positive than the overall balance of a loss of 827sqm from 2017/18.
- While AMR figures show continued losses of retail floorspace within the Town Centre (overall net loss of 343 sqm in 2018/19), there has been an overall net gain of office floor space of 177sqm, permitted over this monitoring period. This demonstrates the variety of uses within the Town Centre.
- During the monitoring period, there has been a continued gain in D2 leisure floorspace outside of the town centre, totalling 1,968sqm. Majority of this relates to a large scale proposal for the change of use of a vacant unit at Colchester Retail Park to a gym.
- The Colchester Travel Plan Club has continued to work with existing members during the monitoring period, and 6 new full members have joined the partnership including the Mercury Theatre and the Hythe Mills and Avon Way student accommodations.
- The AMR shows that there was no loss/damage to Scheduled Monuments, Designated Sites (including SSSI, SAC, SPA, SINCE and RAMSAR) or key community facilities in 2018/19.
- The Council adopted 46,182m² additional areas of open space during this monitoring period.
- Two Conservation Areas have been adopted during the monitoring period. These are Mill Field Estate and North Station Road and Environs Conservation Areas.
- The Council have been awarded funding (£249,100) from DEFRA to manage a two year community project focusing on behavioural change by encouraging walking and cycling for short journeys and switching off engines when not moving (idling).

- Following the declaration of a Climate Emergency in July 2019 by the Council, a Conservation and Environment Sustainability Task and Finish Group have been formed to undertake a number of projects including developing a roadmap for the Borough to be carbon neutral by 2030 and the launch of the Colchester Woodland Project; to plant 200,000 trees across the Borough over the next five years to help offset 32,000 tonnes of carbon in the lifetime of the trees.

6. Equality, Diversity and Human Rights implications

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

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

7. Strategic Plan References

- 7.1 The Strategic Plan is relevant in particular to contributing towards priorities under the themes Growth: ensure residents benefit from Colchester's economic growth with skills, jobs and improving infrastructure; and Opportunity: ensure a good supply of land available for new homes through our Local Plan.

8. Consultation

- 8.1 The AMR considers the effectiveness of Local Plan policies which have been through a comprehensive consultation programme as set out in the Council's Statement of Community Involvement (SCI).

9. Publicity Considerations

- 9.1 The AMR provides a wealth of statistical information on the Borough which may warrant press attention.

10. Financial implications

- 10.1 There are no direct financial implications. The AMR however, provides evidence to evaluate the effect of wider economic influences on Council planning policies and highlights the potential for the Council to benefit from Government funding linked to housing delivery.

11. Health, Wellbeing and Community Safety Implications

- 11.1 There are no health, wellbeing or community safety implications for the Council.

12. Health and Safety Implications

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

13. Risk Management Implications

- 13.1 Monitoring policies to ensure their effectiveness is intended to reduce the risk of inappropriate development. It will provide consistent advice to landowners, developers, officers, Councillors and members of the public.

14. Environmental and Carbon Implications

- 14.1 The Council has declared a Climate Emergency and has committed to being carbon neutral by 2030. The purpose of the planning system is to contribute to the achievement of sustainable development as defined in the National Planning Policy Framework. Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways. These are economic, social and environmental objectives.
- 14.2 The AMR includes a chapter titled 'Climate Change' which highlights the Council's latest initiatives in relation to reduce the impacts of climate change across the Borough.

Appendices

A - Authority Monitoring Report 2019

Background Papers

None.



AUTHORITY MONITORING REPORT 2019

December 2019



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All references to the county of Essex are to Essex as it is currently constituted i.e. without the unitary authorities of Southend-on-Sea and Thurrock unless stated otherwise.

All references to 'Colchester' refer to Colchester Borough unless stated otherwise, e.g. Colchester town.

Contents

1. Introduction	1
2. Statistical Profile of Colchester	3
3. Duty to Cooperate	7
4. 2018-19 Progress on Plan Preparation	10
5. Planning Applications	16
6. Key Theme: Housing Indicators	17
7. Key Theme: Economic Growth	27
8. Key Theme: Transport	37
9. Key Theme: Environment and Heritage	41
10. Key Theme: Accessible Services and Community Facilities	46
11. Key Theme: Climate Change	48

Appendices

Appendix A – Local Plan Policies	50
Appendix B – Glossary	53
Appendix C – Local Development Scheme 2019-2022	58

List of Tables

Table 1: Statistical Profile of Colchester	3
Table 2: Local Development Scheme Progress	10
Table 3: Neighbourhood Plans Progress	14
Table 4: Planning Applications Summary 1 April 2018 to 31 March 2019	16
Table 5: New Dwelling Completions in Colchester 2001/2 to 2018/19	18
Table 6: Essex Local Authority Housing Delivery	19
Table 7: Housing Completions (site by site basis) 1 April 2018 to 31 March 2019 ...	21
Table 8: Employment Floorspace Granted 2018/19	31
Table 9: Applications leading to the largest potential gains and losses in floorspace across Colchester 2018/19	31
Table 10: Employment Land granted on PDL	33
Table 11 Employment Land Requirements for the North Essex Garden Communities	36
Table 12a: Town Centre uses within the Town Centre Area	36
Table 12b: Town Centres Uses within the Local Authority Area	36
Table 13 Residential Travel Information Packs	40
Table 14: Colchester Heritage Assets	42
Table 15: Household Waste Activity	44
Table 16: Infrastructure Projects Delivery Update	46

Table of Figures

Figure 1: New Dwelling Completions in Colchester 2001/02 to 2018/19	19
Figure 2: Percentage of Windfall Site Completions 2014/15 to 2018/19	20
Figure 3: Dwellings on Brownfield and Greenfield Land	24
Figure 4: Types of Enterprises in Colchester	28
Figure 5: Total Number of Rateable Commercial Properties by Major Class in Colchester, 2000 to 2019	34
Figure 6: Total Floor Space (000m ²) by Major Category in Colchester, 2000 to 2019	34
Figure 7: Projected Employment Land Use in Colchester 2015 – 2037	35
Figure 8: Colchester Cordon Traffic Count 2008 – 2017	37

Key Headlines from the 2018 – 2019 AMR
<p>The Local Development Scheme was updated in February 2019.</p>
<p>Updated evidence base documents and Sustainability Appraisal were developed to support the Emerging Local Plan following receipt of letters from the Inspector in June 2018.</p>
<p>The Wivenhoe Neighbourhood Plan concluded examination with the Final Examiners Report published in March 2019, recommending the plan with modifications proceeds to referendum. The Wivenhoe Neighbourhood Plan was made (adopted) in May 2019.</p> <p>Eight Ash Green and West Bergholt Neighbourhood Plans both held Regulation 16 Consultations between 22 January and 5 March 2019. Both Examiners Reports recommended subject to modifications, to proceed to referendum.</p> <p>The West Bergholt Neighbourhood Plan was made (adopted) in October 2019. Eight Ash Green Neighbourhood Plan has been successful in referendum in November and is scheduled to be made (adopted) in December 2019.</p>
<p>1,165 new dwellings were built in Colchester Borough.</p>
<p>110 new build affordable units were built in across the Borough.</p>
<p>41% of new or converted dwellings were built on previously developed land (brownfield).</p>
<p>46,182m² additional areas of open spaces were adopted by the Council.</p>
<p>A Climate Emergency was declared by the Council in July 2019. Since this time a Conservation and Environment Sustainability Task and Finish Group has been formed, and the Colchester Woodland Project has been launched to plant 200,000 trees across the Borough over the next five years to help offset 32,000 tonnes of carbon in the lifetime of the trees.</p>

1. Introduction

Background to the Report

- 1.1 This Authority Monitoring Report (AMR) contains information about the extent to which the Council's planning policy objectives are being achieved. The monitoring indicators and monitoring of policies cover the period from 1 April 2018 to 31 March 2019. However, further information from outside of this period is included, particularly within the context sections, to reflect the latest information.
- 1.2 The Localism Act removed the requirement for Local Planning Authorities (LPAs) to produce an annual monitoring report for Government, but it did retain an overall duty to monitor planning policies. Authorities can now choose which targets and indicators to include in their monitoring reports as long as they are in line with the relevant UK and EU legislation. Their primary purpose is to share the performance and achievements of the Council's planning service with the local community. The monitoring report also needs to demonstrate how councils are meeting the requirement to cooperate with other authorities on strategic issues.

Monitoring Information

- 1.3 The AMR includes information on the progress the Council is making on a number of key areas. The information provided reflects the monitoring requirements set forth in the Localism Act 2010, the National Planning Policy Framework (NPPF) and associated regulations and guidance. The format focuses on key areas of delivery, including monitoring progress in plan making and in assessing the success of policies concerned with delivery of housing and employment development.
- 1.4 Additionally, the AMR includes relevant measurable indicators for the thematic areas covered by the Local Plan of transport and accessibility; environment and rural communities; and energy, resources, waste water and recycling.
- 1.5 Some historic indicators have been updated or removed from this years' report due to information availability issues and changes in monitoring by both the Borough and County Councils.

Local Plan Progress

- 1.6 Information on the timetable for preparation and adoption of the Development Plan Documents is contained in the Local Development Scheme (LDS) which is updated on a regular basis, most recently February 2019. While the Council is in the process of examining a new Local Plan, the AMR measures progress on the adopted Local Plan. Upon adoption of the Emerging Local Plan, the monitoring indicators will require review in order to reflect the policies and targets within the new Local Plan. This is likely to occur in the AMR 2021.
- 1.7 The overall strategic policies for Colchester contained in the Core Strategy were found to be 'sound' by a Government-appointed Inspector and the Document was adopted by the Council in December 2008. Two further Local Development Documents;

Development Policies and Site Allocations were found sound and adopted in October 2010. Selected Core Strategy and Development Policies were modified by a Focused Review in July 2014.

- 1.8 The development of a new Local Plan has involved an initial Issues and Options consultation, carried out in January/February 2015; a Preferred Options document consultation, carried out from 9 July - 16 September 2016; and a Publication Draft Consultation carried out from 16 June – 11 August 2017. The plan is comprised of a strategic Section 1 which provides policies shared by Braintree, Colchester and Tendring Councils along with a locally specific Section 2 which contains policies and allocations specific to Colchester. Both sections of the Local Plan were submitted to the Planning Inspectorate in October 2017.
- 1.9 Section 1 is currently subject to examination, with hearing sessions having occurred in January and May 2018. Following receipt of a letter from the Inspector on 27 June 2018; updated evidence base documents including Sustainability Appraisal have been prepared. A technical consultation was carried out from 19 August - 30 September 2019. Examination hearing sessions are scheduled to recommence from 14 January to 30 January 2020. The examination of Section 2 will follow.
- 1.10 Further information regarding the progress of the Emerging Local Plan can be found in Chapter 4.

2. Statistical Profile of Colchester

2.1 The Borough of Colchester is located in the north east of Essex, bordered by Braintree District, Tendring District, Maldon District and Babergh District Councils. The borough is diverse with the main town being Colchester, other large settlements include Stanway, Tiptree, West Mersea and Wivenhoe, and large areas of countryside. Table 1 below summaries key statistics for the Borough of Colchester.

Table 1: Statistical Profile of Colchester

Indicator	Data	Source
Total Population (2018)	192,5000	Population estimates, ONS
HOUSING		
Number of dwellings	80,570 as at 1 st April 2018	Ministry of Housing, Communities and Local Government (MHCLG) live tables
Affordable Homes delivered for the year 2018 - 19	125	Registered Providers Returns
Average household size (persons)	2.33	2011 Census
Average household price (£)	£291,855 as at April 2019	Hometrack
Lower quartile house price (£)	£210,000 as at April 2019	Hometrack
Total Empty Properties ¹ (classified as empty for Council Tax purposes)	There were 2,006 empty properties as 3 rd October 2019 (1,961 privately owned or owned by Registered Providers and 45 owned by CBC)	Colchester Borough Council
Length of time Total Empty Properties have been empty	0 - 6 months = 1,189 7-12 months = 353 1-2 years = 256	Colchester Borough Council

¹ These figures also include properties that fall under the exemption categories. Empty properties may be exempt if they:

- are owned by a charity (these are exempt for up to 6 months)
- are left empty by someone who has gone into prison
- are left empty by someone who has moved to give personal care, or who has moved to receive personal care
- are waiting for probate or letters of administration to be granted (after someone has died) and for up to six months after
- have been repossessed
- are the responsibility of a trustee on behalf of someone who is bankrupt
- have no-one allowed to live in them by law
- are waiting to be lived in by a minister of religion.

Indicator	Data	Source
	2-5 years = 129 5+ years = 79	
Households on the Housing Register	As at 30th April 2019 there were 3,107 households	Gateway to Homechoice
Homelessness households	For the year 2018-19 CBC accepted a homeless duty for 115 households and prevented homelessness for 186 households and relieved homelessness for 90 households.	Colchester Borough Council
Households in temporary accommodation	As at 31 st March 2019 there were 179 households in temporary accommodation.	Colchester Borough Council
Further information on housing in Colchester	Colchester Housing Strategy	https://www.colchester.gov.uk/info/cbc-article/?catid=strategies-and-statistics&id=KA-01436
EMPLOYMENT		
Economically active population	96,800	Annual population survey, ONS
In employment	95,400	As above
Total employees	84,100	As above
Self-employed	11,300	As above
Unemployed (model-based)	3,100	As above
Universal Credit (including Job Seekers Allowance)	2,330 (1.9% of individuals aged 16-64) (August 2019)	Claimant count, ONS
Economically inactive population	27,600	Annual Population Survey, ONS
Full-time employees	52,000 (2017)	Business Register and Employment Survey, ONS
Part-time employees	32,000 (2017)	As above
Number of businesses (total)	7,040 Enterprises (March 2018), accounting for 8,315 "Local units"	Inter Departmental Business Register (ONS)
Visitor trips numbers	6,475,000 Day trips; 274,000 Staying visitor trips;	Cambridge Model to measure Economic Impact of Tourism on Colchester Borough 2017

Indicator	Data	Source
	948,000 Staying visitor nights.	
Visitor spend/value	£366.1 million	Cambridge Model to measure Economic Impact of Tourism on Colchester Borough 2017
Tourism related employment	6,795	Cambridge Model to measure Economic Impact of Tourism on Colchester Borough 2017
Educational achievement	On average 49% of pupils are achieving up to 8 qualifications including English, Maths and 6 other qualifications (English Baccalaureate or GCSEs) in 2016/17	Department for Education, National Statistics
Further information on Colchester's economy	Colchester Economic Strategy	https://www.colchester.gov.uk/info/cbc-article/?catid=our-council-strategies&id=KA-01485
ENVIRONMENT		
Area of Ancient Woodland	568 ha	Ancient Woodland Inventory
Number of houses at risk from surface water flooding within Critical Drainage Areas	3,299 (1 in 100 years event risk level)	Surface Water Management Plan 2013
Number of Neighbourhood Plans	4 adopted (Myland and Braiswick, Boxted, Wivenhoe, and West Bergholt) 1 awaiting formal adoption (Eight Ash Green) 5 being prepared	Colchester Borough Council
Number of Air Quality Management Areas	4	Colchester Borough Council

Indicator	Data	Source
Number of Conservation Areas	24	Colchester Borough Council
Number of Listed Buildings and Scheduled Monuments	1,606	Historic England
Number of listing on Heritage at Risk Register	7	Historic England
Number of Historic Parks & Gardens	3	Historic England
Nationally designated sites Special Sites of Scientific Interest (SSSIs)	8 SSSIs- Abberton Reservoir, Marks Tey Pit, Roman River, Upper Colne Marshes, Wivenhoe Pit, Colne Estuary, Bullock Wood, Tiptree Heath, Cattawade Marshes Upper Colne Marshes Colne Estuary	Natural England
Areas of Outstanding Natural Beauty (AONB)	1 (Dedham Vale AONB)	Colchester Borough Council
Internationally Designated Sites (Special Areas of Conservation – SAC and Special Protection Area – SPA).	Essex Estuaries SAC – 46,410ha	Environment Agency
	Abberton Reservoir SAC	
	Colne Estuary Mid Essex (Phase 2) SPA – 2719ha	
	Abberton Reservoir SPA - 718ha	
	Blackwater Estuary (Mid Essex Coast Phase 4) SPA – 4,403ha	

3. Duty to Cooperate

- 3.1 The Town and Country Planning (Local Planning) (England) Regulations 2012 require that the LPA's monitoring report must give details of what action has been taken during the monitoring year to satisfy the duty to cooperate. CBC has met this requirement by holding a number of meetings on cross-border, sub-regional and regional issues with relevant stakeholders.
- 3.2 The [Duty to Cooperate Statement](#) (October 2017) submitted with the Local Plan provides detailed information on how the duty to cooperate requirement has been met in preparing a new Local Plan. Partners include but are not limited to district/borough/city councils, the County Council, Essex-wide bodies such as the Essex Planning Officers' Association and Essex Chief Executives' Association, North Essex Garden Communities Ltd. Board and the Haven Gateway Partnership covering north-east Essex and south-west Suffolk.
- 3.3 In November 2016, Colchester Borough Council signed a Memorandum of Cooperation with Braintree and Tendring District Councils and Essex County Council confirming that the Councils are collaborating on joint Local Plan work to identify an agreed strategic approach to the allocation and distribution of large scale housing led, mixed use development, including employment opportunities and infrastructure provision, in the form of Garden Communities. Consideration of how potential cross-boundary settlements should be handled, including the potential for development of settlement based on Garden Settlement principles, is being informed by jointly commissioned studies with Braintree and Tendring.
- 3.4 As part of the evidence gathering work for the Local Plan, the Council has been meeting with providers of key infrastructure to identify any major constraints or issues to consider in the generation of growth options and the identification of a preferred option. The Council has spoken to providers of roads, rail network and rail services, bus services, education, health, water and sewerage, environmental protection, electricity, and gas. The [Infrastructure Delivery Plan](#) submitted as part of the Evidence Base for the Local Plan, documents the requirements for infrastructure generated by development proposed in the Local Plan.
- 3.5 Cooperation around the production of an evidence base has also included the Council's participation in Essex-wide work on population forecasts and on a Gypsy and Traveller Accommodation Assessment. The Council jointly commissioned work to establish an [Objectively Assessed Housing Need](#) target along with Braintree, Chelmsford and Tendring to provide a consistent approach to the development of identifying housing need across local authority boundaries.
- 3.6 Various updates to the evidence base documents including those jointly commissioned, have occurred throughout the Local Plan process. A collaborative approach by Colchester Borough Council, Braintree District Council and Tendring District Council known as the North Essex Authorities (NEAs) has and will continue throughout the examination of the section 1 Local Plan.
- 3.7 A number of [Statements of Common Ground \(SoCG\)](#) have been established between the NEAs and various stakeholders throughout the Local Plan process and in the lead

up to the examination of Section 1. During this monitoring period the following SoCG have been signed by the NEAs with:

- Natural England;
- Anglian Water Services Limited;
- Environment Agency;
- North East Essex Clinical Commissioning Group and Colchester Hospital University Trust; (Colchester Borough Council and Tendring District Council only)
- Maldon District Council;
- Galliard Homes;
- Andrewsfield New Settlement Consortium;
- R F West Ltd, Livelands, D.G. Sherwood and Crest Nicholson Operations Limited;
- Gateway 120, Cirrus Land Limited and L&Q New Homes Limited;
- Mersea Homes;
- University of Essex; and
- Essex County Council, Greater Anglia and Highways England.

3.8 A SoCG has also been signed by the NEAs and Uttlesford District Council during the examination process of the Local Plan in May 2018. As the examination continues, SoCG are likely to be updated. No updates were agreed during this monitoring period.

3.9 Joint planning work is continuing with the preparation of Development Plan Documents (DPDs) for each of the two Garden Communities affecting Colchester which provide detail on their location and design. An [Issues and Options consultation](#) on DPDs for the Tendring/Colchester Borders and Colchester/Braintree Borders Garden Communities were held from 13 November 2017 to 2nd February 2018.

3.10 The Inspector of the Section 1 Local Plan wrote to the [NEAs on 8 June 2018](#) outlining areas of future work required to progress the emerging Local Plan and three options for the NEAs to consider.

3.11 The Inspector concluded in his letter dated 8 June 2018 that each of the NEAs had met the duty to cooperate in the preparation of the Section 1 Local Plan.

3.12 The NEAs decided to undertake additional work including an update to the Sustainability Appraisal; and continue the examination of the Local Plan, as outlined in a letter to [the Inspector 19 October 2018](#). The NEAs have continued to work in partnership during this process and have published a number of additional evidence base documents to address the concerns outlined by the Inspector.

3.13 Following public consultation of the above mentioned documents in Summer 2019 (19 August to 30 September 2019), the Inspector has written to the NEAs on [21 October 2019](#) to outline an initial approach and timetable for continuation of the Examination. Following this, the Inspector has published his Matters, Issues and Questions on [11 November 2019](#), to which the NEAs are preparing hearing session statements and rebuttals and necessary. During this time, the collaborative approach engrained in the Section 1 Local Plan process has continued. The NEAs will continue

to work together during the additional hearing sessions scheduled to commence from 14 January 2020. Further information regarding the Emerging Local Plan can be found in Section 4 below.

- 3.14 To support the delivery of the Garden Communities, the NEAs have also worked in partnership with Essex County Council to prepare submissions to the Housing Infrastructure Fund (HIF) to secure government funding for infrastructure to support housing growth across North Essex. It was announced in August 2019 that the A120/A133 link road and Rapid Transit System bids were successful and have secured a multi-million pound investment. Further information regarding the HIF bids can be found on the [Essex County Council website](#).

4. 2018-19 Progress on Plan Preparation

4.1 The current Local Development Scheme (LDS) sets out the programme for plan preparation from 2019 to 2022. This is available on the [Council's website](#), see Appendix C – Local Development Scheme 2019-202 for a summary chart. During this monitoring period, the LDS was revised in February 2019 to reflect the updated Local Plan timeline. The table below summarises the progress of the documents in the LDS and identifies key milestones.

Table 2: Local Development Scheme Progress

Development Plan Document	Progress / Current stage Comments	Target Date/ Key Milestones
New Local Plan	<p>Issues & Options Consultation Feb/March 2015</p> <p>Preferred Options Draft and Consultation July-September 2016</p> <p>Submission Plan Consultation June- August 2017</p> <p>Submission to PINs 9 October 2017</p> <p>Examination Hearing Sessions for Section One from 16 January to 25 January 2018</p> <p>Additional Hearing Session 9 May 2018</p> <p>Letters from Inspector received 8 June 2018, 27 June 2018 and 2 August 2018</p> <p>NEAs responded to Inspector's letters, 20 July 2018 and 19 October 2018</p> <p>NEAs prepared updated evidence base documents including SA during 2018/19 financial year.</p> <p>Technical Public Consultation on updated evidence base documents 19 August - 30 September 2019</p>	<p>Further Examination Hearings Sessions (Section One) from 14-30 January 2020</p> <p>Section One Adoption Spring 2020 (if adopted independently)</p> <p>Local Plan Adoption Winter 2020/21</p>
Community Infrastructure Levy (CIL)	<p>Draft Schedule delayed to align with the New Local Plan</p> <p>Consultation on Draft Schedule Evidence Base February 2016</p>	<p>Schedule to align with Local Plan adoption</p>

Development Plan Document	Progress / Current stage Comments	Target Date/ Key Milestones
Planning Obligations SPD	Initial draft prepared for member approval for public consultation Presentation at Local Plan Committee December 2019	Scheduled for adoption in Summer 2020
Recreational disturbance Avoidance and Mitigation Strategy (RAMS) SPD	Initial Draft of SPD approved for consultation and note the findings of the RAMS Strategy Document Local Plan Committee February 2019 As other partners have adopted the RAMS Strategy Document, this was adopted by Local Plan Committee October 2019 Approval of updated RAMS SPD for consultation by Local Plan Committee October 2019	RAMs SPD Consultation scheduled for January 2020
Statement of Community Involvement (SCI)	Latest revision adopted in September 2018 Subject to review following government regulation changes or new examples of best practise introduced.	No update currently required. Position to be reviewed annually.
Joint Strategic Growth DPD(s)	Planning Framework Document(s) related to strategic growth areas will need to be aligned with New Local Plan and comply with Duty to Co-operate with neighbouring authorities. Issues and Options Consultation November 2017 to February 2018	Programmed for adoption in Winter 2022/23, dependent upon Local Plan adoption.

4.2 As noted above, the Inspector of the section 1 Local Plan wrote to the NEAs on 8 June 2018 outlining areas of future work required to progress the Emerging Local Plan and three options for the NEAs to consider. A supplementary post hearing letter was also received on 27 June 2018 confirming the OAHN study and requirement figures contained in the Emerging Local Plan to be soundly based.

4.3 Further information about the three options was provided via a secondary letter on 2 August 2018. As a result of this the Local Plan Committee meeting scheduled for 13 August 2018 was postponed to give members more time to consider implications of the Inspector's letter and to obtain further advice. The Local Plan Committee meeting was rescheduled to 13 September 2018 where it was agreed additional work would be undertaken to continue the examination.

- 4.4 On 19 October 2018 the NEAs responded to the Inspector's letters to seek confirmation of the proposed programme for preparation of the updated evidence base, Sustainability Appraisal and a proposed period of suspension of the examination until February 2019 when this additional work is scheduled for completion.
- 4.5 A further letter from the Inspector was received on 21 November 2018 outlining points of clarity regarding the proposed methodology for the Sustainability Appraisal. The Inspector advises that the NEAs should take as much time as is required to ensure this additional work addresses all the concerns outlined in the Inspectors letter dated 8 June 2018.
- 4.6 It was agreed that it would be appropriate for the examination to be suspended until all the NEAs have considered and approved the updated evidence base and Sustainability Appraisal and confirmed their position on the Plan's Strategy.
- 4.7 The NEAs have been providing a monthly report to the Inspector to report on progress of this further work.
- 4.8 Due to the need to clarify further details with the Inspector and the consultation period required for the proposed Sustainability Appraisal methodology, and the requirement for the updated evidence base to be approved by Local Plan Committee (and the government processes of Braintree and Tendring) and the purdah period due to elections, the timetable has been impacted.
- 4.9 Local Plan Committee approved public consultation for the updated evidence base documents on 22 July 2019. Following approval by both Braintree District Council and Tendring District Council, a public consultation was carried out between 19 August - 30 September 2019. The following documents were the subject of this technical consultation:
- Additional Sustainability Appraisal;
 - North Essex Rapid Transit System: from Vision to Delivery;
 - Modal Share Strategy for the North Essex Garden Communities;
 - Employment Provision for the North Essex Garden Communities;
 - Build Out Rates at the Garden Communities;
 - Habitats Regulations Assessment;
 - Delivery Mechanisms Position Statement;
 - State Aide Position Statement;
 - Viability Assessment Update;
 - Infrastructure Order of Costs Estimate;
 - Infrastructure Planning, Phasing and Delivery; and
 - Suggested amendments to the Publication Draft Braintree, Colchester and Tendring Local Plans: Section 1.

- 4.10 Following this public consultation, all responses were forwarded to the Inspector for review and further consideration. The Inspector outlined that further hearing sessions are required to gain additional information in order to be able to determine whether or not the Section 1 Plan is sound and legally-compliant. The further hearing sessions will focus on the documents that were subject to the updated evidence base documents consultation outlined above.
- 4.11 The Inspector issued further Matters, Issues and Questions on 11 November 2019 to set out the topics for the further hearing sessions, the issues of consideration and the questions which require further information. Although further hearing statements are not obligatory (for all participants except the NEAs), the Inspector has requested these are received via the Programme Officer by 2 December 2019. Any responses to hearing statements, including the NEAs are to be received via the Programme Officer by 16 December 2019.
- 4.12 Further Hearing Sessions are scheduled from Tuesday 14 January to Thursday 30 January 202 at the JobServe Community Stadium (formerly The Weston Homes Community Stadium). For more information on the further examination hearing sessions please see documents [IED018](#), [IED019](#) and [IED/020](#) on the Braintree website.
- 4.13 All correspondence mentioned above between the NEAs and the Inspector is available on [Braintree's website](#).

Neighbourhood Plans

- 4.14 Neighbourhood planning has remained high on the national government's agenda since regulations were introduced in 2012. Revisions to the Neighbourhood Planning Regulations in January 2018, the revised NPPF (February 2019) and changes to the National planning practice guidance in May 2019 continue to demonstrate the importance of Neighbourhood Plans (NPs) for housing provision and local planning matters.
- 4.15 A number of Neighbourhood Plans have progressed during the monitoring period. Table 3 summarises the current position of NPs within the Borough.
- 4.16 During the 2018-19 monitoring period, the following has occurred:
- Wivenhoe Neighbourhood Plan concluded examination with the Final Examiners Report published in March 2019, recommending the plan with modifications proceeds to referendum;
 - Eight Ash Green and West Bergholt Neighbourhood Plans both held Regulation 16 Consultations between 22 January and 5 March 2019;
 - Continued work for a number of other Neighbourhood Plans.

4.17 The following key milestones have occurred in the next monitoring period (2019/20) but for completeness have also been recorded in this report:

- Wivenhoe Neighbourhood Plan successful in referendum on 2 May 2019 and the Plan was formally made (adopted) in May 2019 and is now part of the Development Plan used for decision making;
- West Bergholt Examination concluded in May 2019, with a successful referendum held on 19 September 2019. The West Bergholt Neighbourhood Plan was made at Full Council on 16 October 2019 and is now part of the Development Plan used for decision making;
- Eight Ash Green Examination concluded in September 2019, with a successful referendum held on 7 November 2019. The Eight Ash Green Neighbourhood Plan is being considered for formal adoption at Full Council on 5 December 2019; and
- Tiptree Neighbourhood Plan Regulation 14 Consultation held from 8 June 2019 to 21 July 2019.

4.18 The submission and Regulation 16 Consultation for the Tiptree Neighbourhood Plan is anticipated in the next monitoring period (2019/20).

Table 3: Neighbourhood Plans Progress

Neighbourhood Plan	Area Designated	Current Stage
Boxted	October 2012	Adopted December 2016, part of the Development Plan used for decision making.
Myland and Braiswick	January 2013	Adopted December 2016, part of the Development Plan used for decision making.
Messing	July 2013	Work abandoned. No active NHP group currently.
West Bergholt	July 2013	Adopted October 2019, part of the Development Plan used for decision making.
Wivenhoe	July 2013	Adopted May 2019, part of the Development Plan used for decision making.
Stanway	June 2014	Work abandoned. No active NHP group currently.
Tiptree	February 2015	Regulation 14 consultation held 8 June to 21 July 2019 Currently analysing consultation responses, submission and Regulation 16 consultation anticipated early 2020
Copford with Easthorpe	May 2015	Work had previously stopped in June 2016, has resumed in 2018 Evidence gathering and scoping with consultation on vision expected in due course.

Neighbourhood Plan	Area Designated	Current Stage
Eight Ash Green	June 2015	Successful referendum 7 November 2019. Awaiting formal adoption at Full Council on 5 December 2019.
Marks Tey	September 2015	Initial draft and consultation questionnaire accessible on their website for comment. Further evidence gathering and stakeholder feedback is planned. Awaiting Local Plan progress to help inform approach
West Mersea	November 2016	Evidence gathering and plan preparation Consultations undertaken at various times Consultant to be appointed shortly to assist in drafting the Plan.
Great Tey	June 2017	Evidence gathering and plan preparation Consultant appointed and call for sites carried out Summer 2019. Draft plan is expected to be published for consultation in Spring 2020.

5. Planning Applications

5.1 The level of planning applications provides a useful backdrop against which the effects of policies can be considered. Table 4 below summarises planning applications determined in this monitoring period.

Table 4: Planning Applications Summary 1 April 2018 to 31 March 2019

Planning Applications from 1 April 2018 to 31 March 2019	
The total number of applications received (major, minor and other)	1,659
The number of applications approved	1,320
The number of applications refused	101
The number of appeals made	47
The number of appeals allowed	8 (0 Partial, 1 Withdrawn & 21 Dismissed)
The number of departures	0 (for determinations within the period)
Minor applications decided within 8 weeks	93%
Major applications decided within 13 weeks	84%

5.2 The total number of applications received between 1 April 2018 and 31 March 2019 of 1,659 shows a slight decrease on last year's total of 1,664 and remains below the pre-recession figure of 2,015 in 2007/08 for the fourth consecutive year.

5.3 Decision rates remain high with 93% of minor applications decided within 8 weeks; the same percentage as recorded in 2017/18 and only 1% lower than in the 2016/17 year. Performance in the major applications category has dropped to 84%, compared to 93% for the last two monitoring years. However, this is likely due to an extension of time being agreed between the planning officer and the applicant for major applications where additional information or consultation is required in order for the application to be determined.

5.4 Although there has been a slight drop in the percentage of major applications determined within the 13 week statutory period; overall it can be seen that the Council's implementation of project management measures for applications, including pre-application advice and Planning Performance Agreements have and continue to enhance consistency and quality in processing applications.

6. Key Theme: Housing Indicators

Overview

- 6.1 In line with the NPPF, the Council is required to ensure sufficient housing land is supplied to meet local housing needs. The Council has developed an Objectively Assessed Need (OAN) target for the submitted Emerging Local Plan of 920 houses a year which takes into account the requirements of the NPPF 2012; and will ensure the Borough provides a 5 year supply of specific deliverable sites and identifies a supply of specific developable sites or broad locations for growth, for years 6-10 and, where possible, for years 11-15.
- 6.2 The target of 920 homes a year reflects a comprehensive evidence base which includes the following:
- Objectively Assessed Housing Need Study produced by Peter Brett Associates (PBA) in July 2015 and updated November 2016 for Braintree, Chelmsford, Colchester and Tendring Councils:
 - Review of the Strategic Housing Market Assessment (SHMA) work in Chelmsford, Colchester, Braintree and Tendring to bring it into compliance with the NPPF and PPG - HDH Planning and Development Ltd, December 2015.
- 6.3 Following publication of the revised NPPF in February 2019, chapter 5 sets out central government's position in relation to how LPAs will need to ensure the delivery of a sufficient supply of homes. This includes the expectation that strategic policy making authorities will follow a Standard Methodology for assessing local housing need unless there are exceptional circumstances. As the Emerging Local Plan has been submitted on or before 24th January 2019, as per the transitional arrangements outlined in the NPPF 2019, the Emerging Local Plan will be assessed upon the NPPF 2012. Accordingly, the Council believes there are exceptional circumstances that justify the use of an alternative methodology for strategic policies.
- 6.4 In other circumstances, i.e. decision making, the starting point for calculating housing need will be the Standard Method which will inform the 5 year land supply requirement until such time as the new Local Plan is adopted.
- 6.5 The Council has published an updated [Housing Land Annual Position Statement \(April 2019\)](#) for the current 5 year period. This demonstrates that Colchester has a sufficient supply of deliverable housing sites against the Emerging Local Plan target (920 dwellings per annum) and Standard Method (1,140 dwellings per annum (including 5% buffer)) which the council is required to have regard to until such a time when the Emerging Local Plan is adopted.

Housing Indicator 1	Housing Delivery	Indicator for Core Strategy Policy H1
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6.6 Most of the housing programmed for delivery in the 2001-2023 period has already been accounted for by previous Local Plan allocations, housing completions and planning permissions. Colchester delivered 16,702 new homes between 2001/02 and 2018/19 at an average rate of 928 dwellings per year. During the last monitoring period, a total of 1,165 units were delivered within the Borough. See Table 5 and Figure 1 below.

Table 5: New Dwelling Completions in Colchester 2001/2 to 2018/19

Year	Total Units
2001/2002	566
2002/2003	980
2003/2004	916
2004/2005	1,277
2005/2006	896
2006/2007	1,250
2007/2008	1,243
2008/2009	1,028
2009/2010	518
2010/2011	673
2011/2012	1,012
2012/2013	617
2013/2014	725
2014/2015	943
2015/2016	1,149
2016/2017	912
2017/2018	1,048
2018/2019	1,165
Total from 2001/02 to 2018/19	16,702



Figure 1: New Dwelling Completions in Colchester 2001/02 to 2018/19

6.7 Table 6 illustrates the context of delivery rates across other Essex authorities, Colchester continues to demonstrate a good track record against housing requirement.

Table 6: Essex Local Authority Housing Delivery

Authority	2014/15	2015/16	2016/17	2017/18	2018/19	Total Units
Basildon	678	816	412	341	340	2,587
Braintree	409	523	291	491	555	2,269
Brentwood	159	111	150	213	246	879
Castle Point	202	123	114	150	200	789
Chelmsford	826	792	1,002	1,008	1,256	4,884
Colchester	943	1,149	912	1,048	1,165	5,217
Epping Forest	229	267	157	526	426	1,605
Harlow	201	225	340	347	676	1,789
Maldon	68	230	243	166	306	1,013
Rochford	167	148	117	299	262	993
Southend-on-Sea	322	222	480	521	492	2,037
Tendring	267	245	658	565	915	2,650
Thurrock	309	634	603	855	409	2,810
Uttlesford	463	554	722	966	975	3,680
Essex Total	5,243	5,823	6,201	7,496	8,223	32,986

Source: Essex County Council, District/Borough and Unitary Councils

6.8 Colchester's build rate has been on target in recent years. When taking an average of the past three years Colchester has provided a net additional 1,041 new homes per year, which provides reassurance on future target delivery. In addition to locational and market factors, this reflects the Council's willingness to work with developers to bring schemes forward. The Council accordingly expects to be able to continue a sufficient rate of delivery.

6.9 Of the 1,165 dwellings completed in this monitoring period, 246 units were from windfall sites. This is in line with the average delivery rate of 22.8% of the total number of homes being delivered each year coming from windfalls. See Figure 2 below.

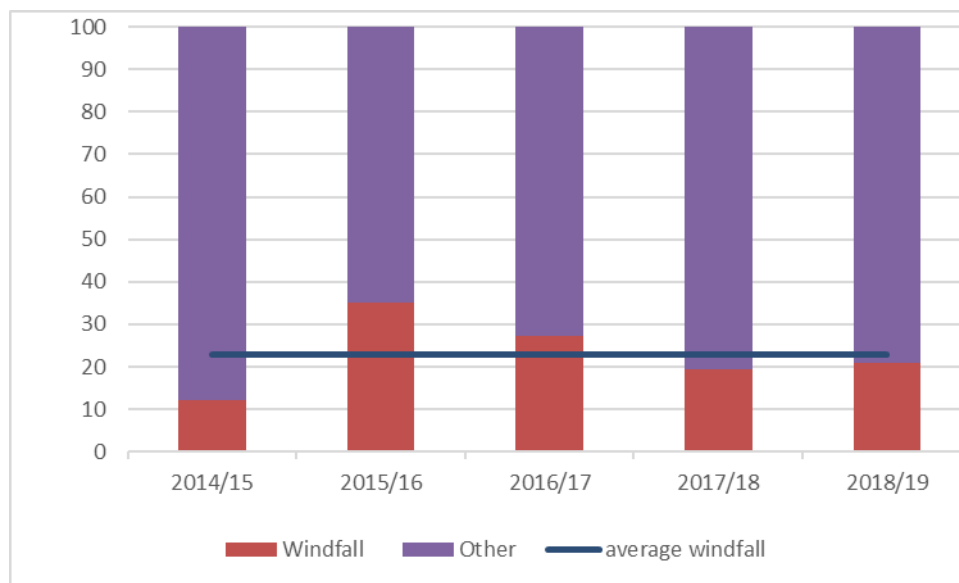


Figure 2: Percentage of Windfall Site Completions 2014/15 to 2018/19

6.10 The housing completions included in this report shows that a net of 1,165 homes were built between 1 April 2018 and 31 March 2019. This is higher than the previous years' total of 1,048 homes and demonstrates good local market conditions. See Table 7 below.

Table 7: Housing Completions (site by site basis) 1 April 2018 to 31 March 2019

Planning Reference	Address	Units
180144	78 STRAIGHT ROAD COLCHESTER	1
172275	37 FINCHINGFIELD WAY, COLCHESTER	1
145253	COACH HOUSE, BALKERNE CLOSE, COLCHESTER	1
172376	4A OSBOURNE STREET COLCHESTER	1
160470	TILNEY HOUSE, 54 NORTH HILL, COLCHESTER	1
170480	11 TRINITY STREET COLCHESTER	1
145980	2 LEAM CLOSE, COLCHESTER	1
152027	144 ST ANDREW'S AVENUE, COLCHESTER	1
152673	POPLAR COTTAGE, SPRING LANE, WEST BERGHOLT	1
160235	19 ST CLARE ROAD, COLCHESTER	1
171450	"THE GLEN" SPRING LANE, WEST BERGHOLT	1
121818	9 GREENFIELD HOUSES, MILL LANE, BIRCH	1
150589	MUSHROOM FARM, MILL LANE, LAYER DE LA HAYE	1
182469	"LITTLE WINTERS" RONDBUSH RD, LAYER MARNEY	1
152695	LAMB FARM, STOCKHOUSE RD, LAYER MARNEY	1
144968	LAND ADJACENT TO 15 PARKFIELD STREET, ROWHEDGE	1
142415	17 BROOMHILLS ROAD, WEST MERSEA	1
146409	13 NEW CAPTAINS ROAD, WEST MERSEA	1
161906	46 FAIRHAVEN AVENUE, WEST MERSEA	1
162108	BARN, BALLAST QUAY ROAD, FINGRINGHOE	1
162904	11 FAIRHAVEN AVENUE, WEST MERSEA	1
142145	17 BROOMHILLS ROAD, WEST MERSEA	1
151820	64 KINGSLAND ROAD, WEST MERSEA	1
161182	83 FAIRHAVEN AVENUE, WEST MERSEA	1
151820	64 KINGSLAND ROAD, WEST MERSEA	1
150091	MULBERRY COTTAGE, MERSEA ROAD, LANGENHOE	1
162171	2 BEACH ROAD, WEST MERSEA	1

Authority Monitoring Report 1 April 2018 to 31 March 2019

Planning Reference	Address	Units
183028	188 BERGHOLT RD, COLCHESTER	1
160433	"CREFFIELD HOUSE" 2A OXFORD ROAD, COLCHESTER	1
150531	7 CAMBRIDGE ROAD, COLCHESTER	1
131556	46 DARCY ROAD, COLCHESTER	1
145845	LAND ADJ 16 DE VERE ROAD, COLCHESTER	1
171303	7 NASH CLOSE, COLCHESTER	1
160524	54 KING HAROLD ROAD, COLCHESTER	1
136190	BROOK HOUSE BARN, BROOKHOUSE ROAD, GREAT TEY	1
160467 173338	1 CHURCH CORNER, BROOK ROAD, ALDHAM	1
144649	PONDEROSA, CAGE LANE, BOXTED	1
152353	CHURCH HALL FARM, CHURCH ROAD, WORMINGFORD	1
160168	HALLFIELDS FARM, MANNINGTREE ROAD, DEDHAM	1
170475	65 JOHN KENT AVENUE, COLCHESTER	1
180417	32 ST ANNES ROAD, COLCHESTER	1
182055	21 POINT CHASE, MARKS TEY	1
152042	39 HARVEY CRESCENT, STANWAY	1
163221	57 MALDON ROAD, TIPTREE	1
150893	LAND ADJ TO THATCHED COTTAGE, VINE ROAD, TIPTREE	1
170858	48 STANLEY ROAD, WIVENHOE	1
150844	28 DENHAM CLOSE, WIVENHOE, COLCHESTER, CO7 9NS	1
171691	1 DENHAM CLOSE, WIVENHOE	1
162400	29 BROMLEY ROAD, COLCHESTER	2
151985	320a-326 IPSWICH ROAD, COLCHESTER	2
151495	HIGH TREES, ST CLARE DRIVE, COLCHESTER	2
181761	POLICE STATION, EAST ROAD, WEST MERSEA	2
146478	UNIT 3, PORT LANE, COLCHESTER	2
120848	RAILWAY SIDING, NORTH OF HALSTEAD ROAD, STANWAY	2
152285	BISHNIBA, HEATH ROAD, STANWAY	2
150250	JOYCE BROOKS HOUSE, OXFORD ROAD, COLCHESTER	3

Authority Monitoring Report 1 April 2018 to 31 March 2019

Planning Reference	Address	Units
142693	66 BARRACK STREET, COLCHESTER	3
152466	95 MILITARY RD, COLCHESTER	3
131538	"HUNTERS ROUGH" & "CHERRYWOOD HOUSE"	4
171331	PROVIDENCE PLACE, COLCHESTER	4
163213	91 KING HAROLD ROAD, COLCHESTER	4
160016	495-499 IPSWICH ROAD, COLCHESTER	4
172946	Gothic House 128 the high street Wivenhoe	7
145776	BAWLEY HOUSE, WATER RADCLIFFE WAY, WIVENHOE	7
130939	41 PRIORY STREET, COLCHESTER	9
173320	90-91 EAST STEET, COLCHESTER	9
160071	BOURNE COURT, COLCHESTER	12
80712	B1B - FLAGSTAFF ROAD, COLCHESTER	12
145132	BETTS FACTORY, 505 IPSWICH ROAD, COLCHESTER	18
161318	VICTORIA PLACE, ELD LANE, COLCHESTER	20
144693	ROWHEDGE WHARF, ROWHEDGE PORT, ROWHEDGE	27
160551	ROWHEDGE WHARF, ROWHEDGE PORT, ROWHEDGE	29
161075	33 TO 37 LONDON ROAD, MARKS TEY	34
Various	LAKELANDS	38
130245	LAND ON NORTH EAST SIDE OF FACTORY HILL, TIPTREE	40
152826	DYERS ROAD AND WARREN LANE, STANWAY	51
160696	WYVERN FARM, LONDON ROAD, STANWAY	64
162607	EQUITY HOUSE, BERGHOLT ROAD, COLCHESTER	67
162302	AXIAL WAY, COLCHESTER	88
100502	FORMER SEVERALLS HOSPITAL PHASE 2, COLCHESTER	146
150473	CHESTERWELL, (Both Outlets)	146
152613	MEADOWS PHASE II, BOUNDARY ROAD	257

Housing Indicator 2	Percentage of new and converted dwellings on previously developed land (brownfield)	Indicator for Core Strategy Policies SD1, H1 and UR1
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6.11 During 2018/19 there were 1,165 net additional dwellings completed across the Borough, of these 480 units were completed on Previously Developed Land (brownfield), which accounts for 41%. A large proportion of the development attributed to greenfield development was accounted for by the completion of 'Meadows Phase II' which was approved under planning reference 152613. The student scheme is the equivalent to 257 dwellings in the year's completions and though on a greenfield site, the scheme is high density and makes an effective use of land. This somewhat skews the true representation of how much greenfield land was developed in comparison to PDL. Notwithstanding this, much of the larger brownfield sites within the Borough have now been successfully redeveloped and there are therefore less apparent opportunities for brownfield development.

6.12 Figure 3 below illustrates the historic delivery of new dwellings on brownfield and greenfield land, in comparison to the borough average.

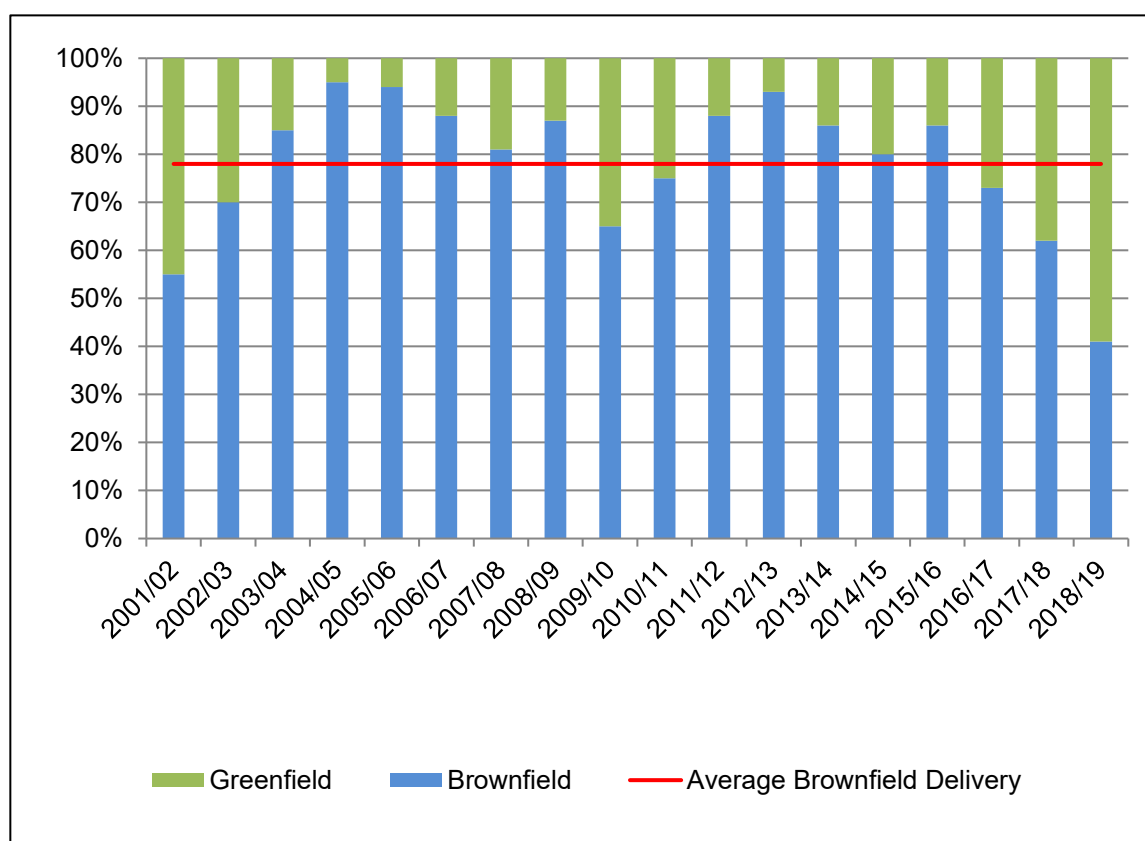


Figure 3: Dwellings on Brownfield and Greenfield Land

6.13 Paragraph 117 of the NPPF (2019) encourages local authorities to seek the effective reuse of brownfield land, provided that it is not of high environmental value. Figure 3 above illustrates that brownfield redevelopment has amounted to the majority of completions within the last decade. The Council seeks to continue to make brownfield

sites a priority for redevelopment within the Borough, however many of the larger, less constrained sites have now been redeveloped.

- 6.14 Within the monitoring period, 108 homes were provided in the Borough from office conversions on 9 sites. A further 9 applications are in the pipeline for redevelopment from office to residential with the potential to provide a total of 162 dwellings. It is highly likely that further homes will be provided within the 5 year period as office to residential conversions have made up a notable proportion of windfall historically.

Brownfield Register

- 6.15 The Council has a statutory requirement to publish and maintain a Brownfield Land Register. The Council has published a register which provides up-to-date and consistent information on brownfield sites that local authorities consider to be appropriate for residential led development. The register is in two parts, Part 1 comprises all brownfield sites appropriate for residential development and Part 2 outlines those sites granted permission in principle.
- 6.16 The Council has not yet granted any permissions in principle for brownfield sites, though several sites have permissions granted or pending decision through the traditional planning application process. No new sites have been submitted in this monitoring period. The register is live and is published on the Council website and provides transparent information about sites within the register. The Council continues to have an open call for sites for the register as advertised on the Council website.
- 6.17 There are 34 sites on the current register and several sites are currently progressing to successful redevelopment and will be removed from the register as and when sites are completed. Notably the former Cowdray Centre and the East Bay Mill Site have now been permissioned and are anticipated to deliver a total 280 new homes within the next 5-year period. Further to this, the Essex County Council Lexden Road hospital site is currently being considered for over 100 new homes. Rowhedge Wharf is also on the register and will be deleted when the site is completed.
- 6.18 Further information can be found [online](#).

Housing Indicator 3	Affordable housing completions	Indicator for Core Strategy Policies H4
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- 6.19 During this monitoring year 110 new build affordable housing units were delivered, 87 were affordable rent, and 23 were Shared Ownership. This amounts to 9.4% of all new homes delivered. No new build social rent properties were delivered. The comparable figures for the previous two years were 132 (12.5%) in 17/18, and 100 (10.96%) in 16/17. This year's total is a continuation of recent trends where the majority of new build affordable housing is being delivered through Section 106 obligations. It is still difficult for Registered Providers to deliver affordable housing led developments in Colchester. For the year 2018/19, £178,922.13 was received in commuted sums for affordable housing. This money was provided to meet requirements for affordable housing in lieu of affordable dwellings within some permitted schemes.

Housing Indicator 4	Percentage of affordable housing in rural areas	Indicator for Core Strategy Policies H4 and ENV2
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6.20 No new build affordable homes were delivered in rural areas during this monitoring period.

Housing Indicator 5	Gypsy and Travellers Provision	Indicator for Core Strategy Policy H5
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6.21 The Council worked with other districts to produce an Essex Gypsy and Traveller Accommodation Assessment (GTAA) to help provide an assessment of current provision and future need for pitches (Published in July 2014, with September 2014 revisions and a Colchester specific report in June 2017). The GTAA established that Colchester had 12 local authority pitches at Severalls Lane, 15 private pitches, and one site where the use was tolerated and considered lawful due to the length of time it had occurred.

6.22 Council monitoring established that in August 2019 there were 46 caravan/mobile units across 12 sites within the Borough. This includes 14 on the Local Authority Site at Severalls Lane. The actual number of caravans present in the Borough may vary at any point in time and explain any differences between the number of caravans permitted by planning applications and the number of caravans recorded in the caravan count.

6.23 The Council amended Core Strategy Policy H5 (Gypsies and Travellers) in its Focused Review (July 2014) to clarify that it will use national policies to help determine planning applications for gypsy and traveller sites prior to the adoption of a new Local Plan.

6.24 The development of new policies and allocations for gypsies, travellers and travelling show people has been guided by the Gypsy and Traveller Accommodation Assessment work noted above, which found that the Council will need to provide an overall total of 15 further pitches to meet demand to 2033, including 2 pitches for nomadic travellers, and 13 pitches for those identifying as gypsies and travellers. This is outlined in Emerging Local Plan policy DM11.

7. Key Theme: Economic Growth

Overview

7.1 Colchester has a vibrant economy ranked 10th in the UK Vitality Index by Lambert Smith Hampton which ranks 66 towns and cities outside of London. High scoring towns and cities have healthy and robust local economies, are best placed to support growth and will provide opportunities for business to expand. Complementary to this growth is a steadily growing population, estimated to be at 192,000 in 2019.

7.2 Colchester has risen 21 places in a year to 61st in the UK in the Hot Housing Index compiled by CACI and Property Week. This is largely attributed to the recent major investments in new hotels, visitor attractions and Fenwick (a large department store located on the High Street), as well as other business, school and housing developments across the Borough.

7.3 Future economic growth through job and business creation is outlined in the [Colchester Economic Growth Strategy \(2015-2021\)](#). A mid-term review of the strategy (2019) has highlighted the following priority sectors, classified as such due to high growth potential and high numbers of jobs:

- **Creative, Digital and Tech:** Publishing, software and games development and digital marketing enabled further by Ultrafast Gigabit broadband connectivity
- **Care:** The concentration of NHS and allied services and care homes together with demographic trends across North Essex offers opportunity for innovation and growth in the sector
- **Energy:** Colchester is well-positioned to benefit from the major projects coming on stream in the region including wind, nuclear and heat networks
- **Construction:** The North Essex construction pipeline is significant, including infrastructure projects, schools' expansion, major residential and associated commercial development. This will ensure growth in this sector for decades to come.

7.4 Other sectors are classified as 'core' to the local economy to support growth opportunities for the Borough and include the financial and business services, retail, tourism and advanced manufacturing sectors.

7.5 The North Essex Economic Strategy (NEES) 2040 has been developed in partnership with Braintree District, Colchester Borough, Essex County, Tendring District and Uttlesford District Councils. This provides a platform for strategic intervention at a scale which will achieve transformation in the overall economic prosperity of the North Essex area and compliment local economic activity delivered by the partners. The overall vision of the strategy is as follows:

“North Essex is a high-value, productive and sustainable economy. People choose to live and work locally, in new and established communities that are well connected and inspire innovation and creativity.”

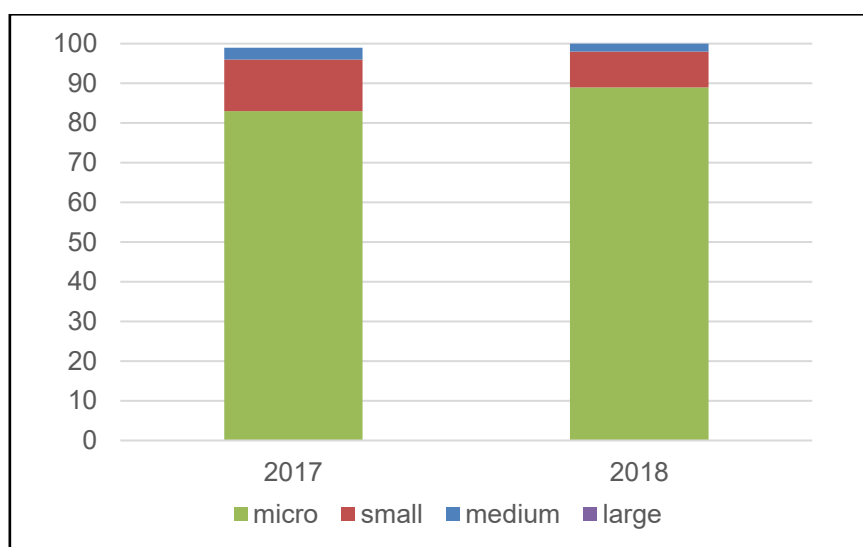
7.6 To deliver this vision, four key missions have been identified that will focus the partners shared activity over the next five years:

- Driving innovation and technology adoption;
- Developing a skilled and resilient workforce;
- Creating a network of distinctive and cohesive places; and
- Growing a greener, more sustainable economy.

7.7 The North Essex Economic Strategy was recently approved by Cabinet on 20 November 2019. The Strategy can be view [online](#).

Business and Demography Growth

7.8 As of March 2018, Colchester had 7,040 enterprises consisting of 8,315 local units, representing 11% of the total enterprises in Essex. The type of enterprise is defined by the number of employees. A micro enterprise would have 0-9 employees, small 10-49, medium 50-249 and large being above 250. Figure 4 below shows the type of enterprises in Colchester.



Source: ONS

Figure 4: Types of Enterprises in Colchester

Micro enterprises are the most dominant across Colchester, making up 83% of total enterprises in 2017, and increasing further to 89% in 2018. There have been minor fluctuations between small and medium enterprises, while there continues to be below 1% of the total enterprises classified as large in Colchester.

Employment Growth

7.9 The latest figures available from the ONS demonstrate that in 2017, 84,000 people in Colchester were in employment, which included 51,000 (61%) full time workers and 33,000 (39%) part time workers.

- 7.10 As of June 2019, there were 123,000 people within the Borough considered as working age (age 16-64). This included 95,100 of this population in employment, with self-employment comprising 11,800 people. Within the working age population, 26,000 people are economically inactive which includes students, sick, retired or homemakers and there are a further estimated 3,100 unemployed.
- 7.11 Although the number of people registered as claimants for out of work benefits appears high at 2,330 people (1.9% of the total Colchester population), as Universal Credit is rolled out across the Country, the number of people recorded as being on the Claimant Count is likely to rise due to the broader span of claimants who are required to look for work than previously required under Jobseekers Allowance. However, the Colchester figure of 1.9% of the total population, does compare favourably with the eastern region figure of 2.1% and the Great Britain average of 28%.
- 7.12 The total number of people unemployed has continued to decrease, from 3,900 in 2017/18, to 3,100 in this monitoring period. This represents 3.2% of the Colchester population, and is below both the Regional and National averages of 3.4% and 4.1% respectively.
- 7.13 In 2018, 46,000 people aged 16-64 had achieved an NVQ Level 4+ qualification (degree or higher-level) representing 38% of the working age population in Colchester. Although, a slight decline in comparison to 2017(40%), this remains above the regional average of 35% for the East of England, but slightly lower than the Great Britain figure of 39%.
- 7.14 In 2017/18, 1,120 apprenticeships were started; ranging from intermediate (410), advanced (530) and higher (170) levels. The apprenticeships also cover a wide age range with 280 apprentices aged 19, 310 aged 19-24 and 510 aged over 25.
- 7.15 In Colchester 7,770 people are studying a course in a Further Education College, with a training provider, within their local community or are employees undertaking an Apprenticeship or other qualification in the workplace (excludes School 6th Forms or Higher Education).

Key Programmes Update

- 7.16 Colchester Borough Council's commercial arm Colchester Amphora Trading is driving the development of the £200m Northern Gateway development which surrounds the Community Stadium, home of Colchester United FC. This landmark development is themed around health and leisure reflecting the need to keep the area's rapidly ageing population fit, active and healthy and encouraging participation in sport and leisure activities. Construction is well under way north and south of the A12's Junction 28, bringing 76 acres of new sport and leisure facilities to Colchester's booming population including a new cycling track, a new sports centre with café, gym, studio and sports hall and a new Club House for Colchester Rugby Club. New homes, a healthcare campus and potentially 500,000sq ft of new office space will be developed to the south of the A12.

- 7.17 Such developments offer great opportunities to rethink supporting infrastructure and the Northern Gateway development is leading the way on the installation of a pioneering new heat network which is one of only nine flagship schemes in the UK to be funded by the Government. The network will significantly reduce carbon emissions from heating buildings and is the largest scale project of its kind in the country.
- 7.18 Government funding has also been secured to install Gigabit fibre broadband to the development which will add 1gb simultaneous connectivity to the town centre's existing gigabit fibre network. This connectivity is proving to be very attractive to existing Colchester businesses and new businesses seeking improved connectivity. Full fibre Ultrafast Broadband is critical to attract new businesses into Colchester for a growing population. It's also vital to help existing businesses looking to expand and grow and is key to getting Colchester recognised as a hub for technology and digital businesses.
- 7.19 The University of Essex's £250m expansion plan is also spearheading local growth, which is well under way, servicing a double-digit rise in student population as well as the University's global ambitions. This year has seen the opening of a new £12m Innovation Centre offering 38,000sq ft of office space for 50 technology start-ups benefitting from its proximity to the internationally renowned University's computer science and engineering faculty. A new £18 million STEM Centre also opened earlier this year ensuring a strong talent pipeline for Studio X, an incubation facility co-located in the Innovation Centre.
- 7.20 2019 has seen the commencement of the £9m Mercury Rising expansion project which will completely renovate, improve and extend the theatre space, production and workshop facilities as well as building a new business incubation space to support local creative talent which complements the new creative business centre in Queen Street run by SPACE Studios. A new high-spec big top at Abbey Field is the temporary home of The Mercury Theatre which opened in Autumn 2019.
- 7.21 Amphora Trading has also brought 43,000sq ft of new premium office space to the town. Its development of two new office buildings, let to Birkett Long and Aston Lark, provide valuable income to the Council and contribute to a 34-place leap in the National Hot Office Location Index published by Property Week.

Economic Growth Indicator 1	Amount of floorspace developed for employment by type (sqm)	Indicator for Core Strategy Policies CE1, CE2 and CE3
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7.22 The [2015 Employment Land Needs Assessment](#) stated that the Borough recorded moderate amounts of new development over the last few years, mainly relating to industrial (B1c/B2/B8) uses and driven by a small number of large developments. At the same time, the Borough had and continues to be losing significant amounts of B class space as a result of permitted development, to the extent that permitted overall net floorspace has been negative in recent years.

7.23 This indicator shows the amount and type of employment floorspace (potential gains and losses and net balance) granted permission during the 2018/19 monitoring year.

Table 8: Employment Floorspace Granted 2018/19

	B1(a) m ²	B1(b)-B8 m ²	Total
Gains	371	5,977	6,348
Losses	-2,051	-536	-2,587
Net balance	-1,680	5,441	3,761

7.24 Table 8 outlines there has been a potential net loss of commercial floorspace across the Borough from planning permissions issued this monitoring period. A large proportion of the gain in B1-B8 floor space (1,681sqm) is accounted for in one application. Application reference 171396 relate to a retrospective planning application for the retention of the Direct Meats commercial buildings in Chappel.

7.25 If all applications were implemented, this would result in an overall potential net gain of +3,233 sqm as a result of planning applications granted between April 2018 and March 2019 or +1,248 sqm if the Direct Meats site is discounted for already being in use. See Table 9 below for specific application details. In any event, this is much more positive than the overall net balance or -827sqm from 2017/18.

Table 9: Applications leading to the largest potential gains and losses in floorspace across Colchester 2018/19.

Application Reference	Description	Address	Floorspace in sqm
Potential Losses B1(a) sqm			
182609	Notification for Prior Approval of a change of use from office block;(B1a) to 14 no. residential dwellings.	32 Crouch Street, Colchester	-780
181014	Change of use from office (B1) to 9 self-contained flats (C3) and; provision of 5 parking spaces.	East Street, Colchester	-550

Application Reference	Description	Address	Floorspace in sqm
181881	Notification of prior approval for a proposed change of use of; property at top floor/third floor from offices (B1) to 4 flats (4 x 1; bedroom) (C3)	St. Johns Street, Colchester	-256
Potential Gains B1(a) sqm			
180611	Construction of 1 office building with associated parking and; landscaping.	4 Wyncolls Road, Colchester	525
180703	Change of use from B1 offices to D1 non-residential and change of the; internal layout.	24 Crouch Street East, Colchester	349
181101	Change of use from D1(Health Centre) to B1 (a) (Solicitors' Offices).;18 North Hill and 21 Nunns Road. REVISED DESCRIPTION	North Hill, Colchester	335
180651	Change of use from Educational Facility to Offices	71 London Road, Copford	297
180894	Change of use from private residential to mixed use residential and; offices	London Road, Little Horkesley	198
Potential Losses B1 - B8 (excluding B1(a)) sqm			
180845	Change of use of storage buildings from B8 use (storage and; distribution) to B1 use (offices), part one and two storey extension; together with new bin store and additional cycle storage	Lodge Lane, Langham	-536
Potential Gains B1 - B8 (excluding B1(a)) sqm			
180551	2 No detached proposed storage buildings	Commerce Way, Colchester	1,681
180697	Construction of a new Fruit Preparation Facility	Factory Hill, Tiptree	702
181970	Change of use of Sui Generis building to Business Use, B1, B2 & B8; use, elevational changes to building and continued use of yard for; open storage	Brook Road, Great Tey	548

Economic Growth Indicator 2	Amount of floorspace developed for employment by type, which is on previously developed land (PDL) (sqm).	Indicator for Core Strategy Policies SD1, CE1, CE2, CE3, UR1
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7.26 The purpose of this indicator is to show the amount and type of employment floorspace (gross) granted permission on previously developed land during the 2018/19 monitoring period.

Table 10: Employment Land granted on PDL

	B1(a)	B1(b)-B8	Total
Gross on PDL	371	5,977	6,348
Gross on Greenfield	0	0	0
% on PDL	100%	100%	100%

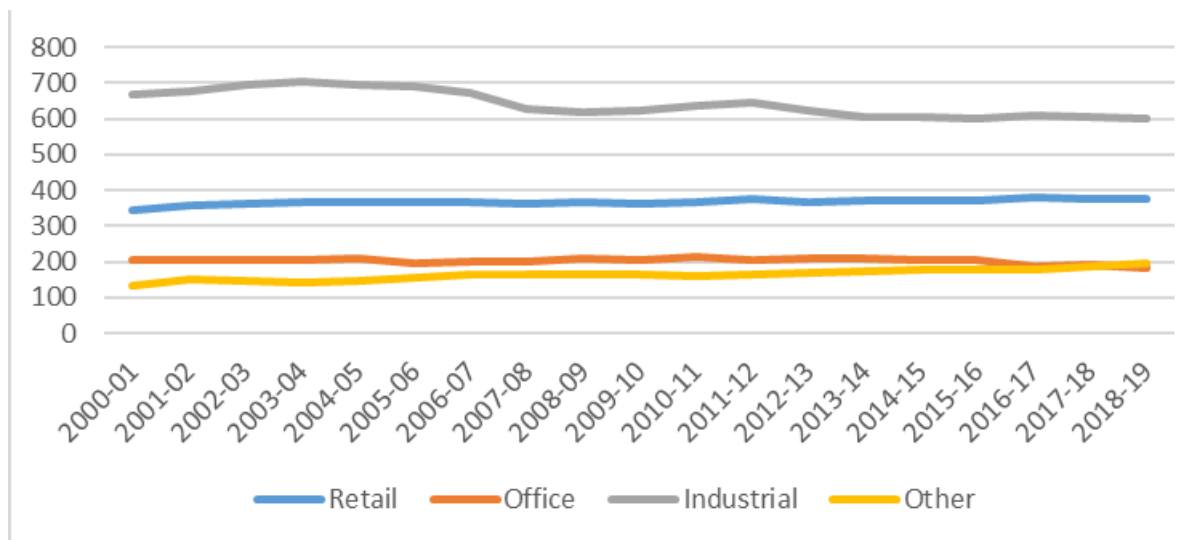
7.27 For the monitoring period it is apparent that all sites were considered to be PDL. This is largely due to most of the gains in various categories being through the change of use of existing buildings or extensions to existing buildings.

Economic Growth Indicator 3	Employment land available	Indicator for Core Strategy Policies CE1, CE2 and CE3
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7.28 Demand for commercial space is largely a derived demand from the levels of business formation and expansion in the economy in which continuing deindustrialisation and the growth of the service economy are reflected in changes in business stock. It is also subject to wider changes in working practices, such as hot desking, flexible and home-working in B1 jobs leading to intensification in the use of existing space.

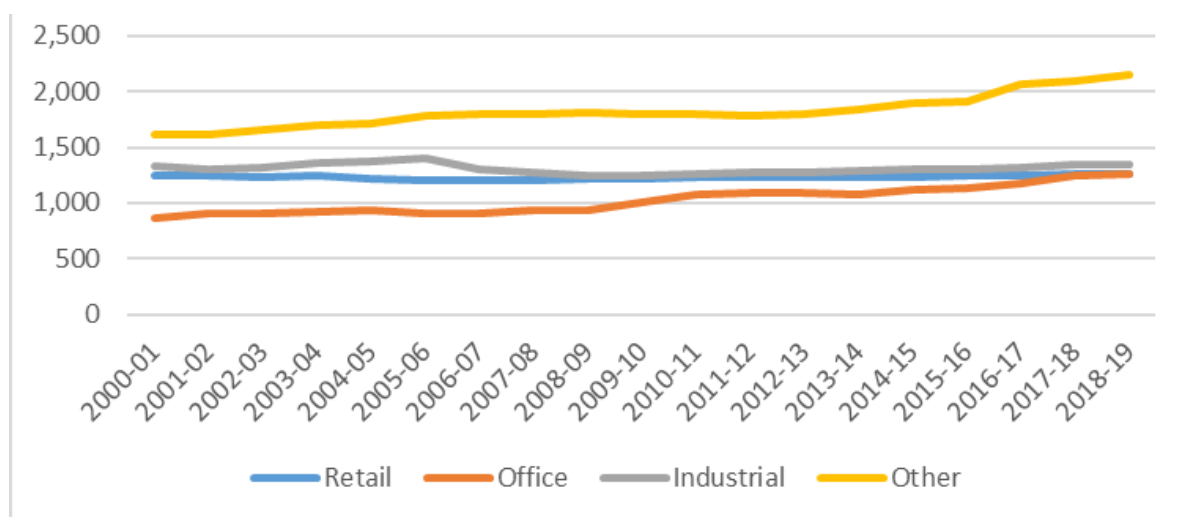
7.29 Available data for each year from 2000/2001–2018/2019 covers four major categories of rateable property – Office, Retail, Industrial (including factories and warehouses) and ‘Other’. This is a useful measure of local and wider economic changes.

7.30 Over 2000/01-2018/19 the stock of rateable properties increased by 23.8% but the total floor space increase was effectively nil, being 0.44%.



Source: VOA

Figure 5: Total Number of Rateable Commercial Properties by Major Class in Colchester, 2000 to 2019



Source: VOA

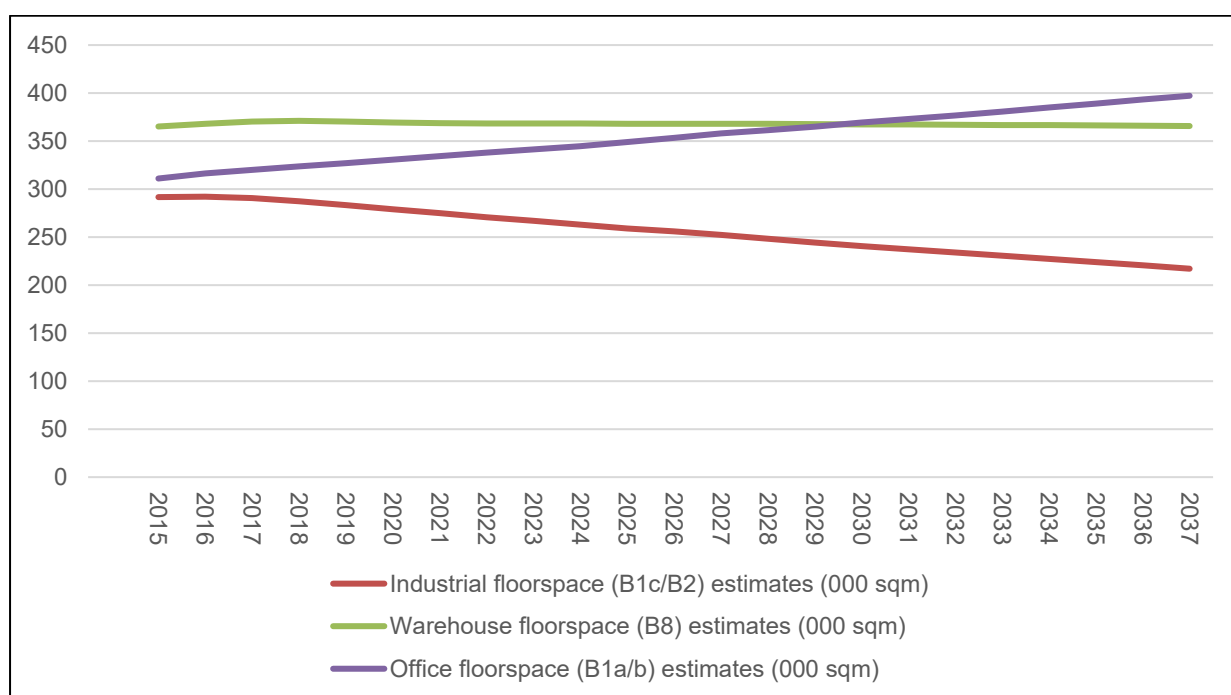
Figure 6: Total Floor Space (000m²) by Major Category in Colchester, 2000 to 2019

7.31 Within the major categories, there has been:

- A marginal increase in the number of retail properties but a notable positive increase in total floor space, possibly reflecting locally the national trend in reduction of retail space
- Significant increase in the number of office properties (constructed and in various stages of being let as shown in the Floor Space graph) but no net floor space growth reflecting the growth in start-up space
- A notable decline in the number and principally the floor space of industrial properties; and

- Significant increase in the number and especially the area of ‘Other’, encompassing health, social care, leisure, tourism, hospitality and sui generis.

7.32 The Council's May 2017 [Employment Land Supply Delivery Trajectory Report](#) provides an assessment of the availability and deliverability of sites identified by the council as having the potential to contribute towards meeting future office and industrial floorspace requirements identified in the Local Plan currently under examination, which covers the period to 2033. The report concludes that Colchester has sufficient employment space in overall quantitative terms to meet the needs associated with growth over the Plan period. The report considers 15 identified sites in detail but also notes that there will be other sites that make some contribution to meeting future needs including emerging proposals for new Garden Communities.



Source: EEFM, January 2016

Figure 7: Projected Employment Land Use in Colchester 2015 – 2037

7.33 As part of the additional evidence base prepared by the NEAs to support the Section 1 Emerging Local Plan, the Centre for Business and Economic Research (CEBR) were commissioned to prepare a report entitled [Employment Provision for the North Essex Garden Communities](#) July 2019. This report defines the amount of employment land required at each of the three Garden Communities through analysis of the existing sectors within the North Essex economy and the forecasted growth of these sectors using a variety of assumptions including past trends and the ability to intervene to attract particular sectors to the area. CEBR have applied industry standard employee to floorspace ratios which provides a volume of employment floorspace for each sector. This has then been converted into gross employment land.

7.34 Table 11 below outlines the employment land that is forecast to be required for each Garden Community.

Table 11 Employment Land Requirements for the North Essex Garden Communities

Location	Employment Land during Plan Period (to 2033)	Total Employment Land (including during Plan Period provision)
Tendring Colchester Borders	6.9ha	24.5ha
Colchester Braintree Borders	4.0ha	70.1ha
West of Braintree	9.1ha	43.4ha

Economic Growth Indicator 4	Total amount of floorspace for 'town centre uses' (sqm)	Indicator for Core Strategy Policy CE2a
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7.35 The purpose of this indicator is to show the amount of floorspace (potential gross and net) for town centre uses within (i) the town centre area and (ii) the local authority area which has been granted planning permission in the monitoring period.

Table 12a: Town Centre uses within the Town Centre Area

(i) Town Centre area (sqm)				
	A1-A2 Retail	B1(a) Offices	D2 Leisure	Total
Gains	75	526	342	943
Losses	-343	-349	-335	-1,027
Net balance	-268	177	7	-84

Table 12b: Town Centres Uses within the Local Authority Area

(ii) Local Authority Area (sqm)				
	A1-A2 Retail	B1(a) Offices	D2 Leisure	Total
Gains	435	371	1,968	2,774
Losses	-1,864	-2,051	-335	-4,250
Net balance	-1,429	-1,680	1,633	-1,476

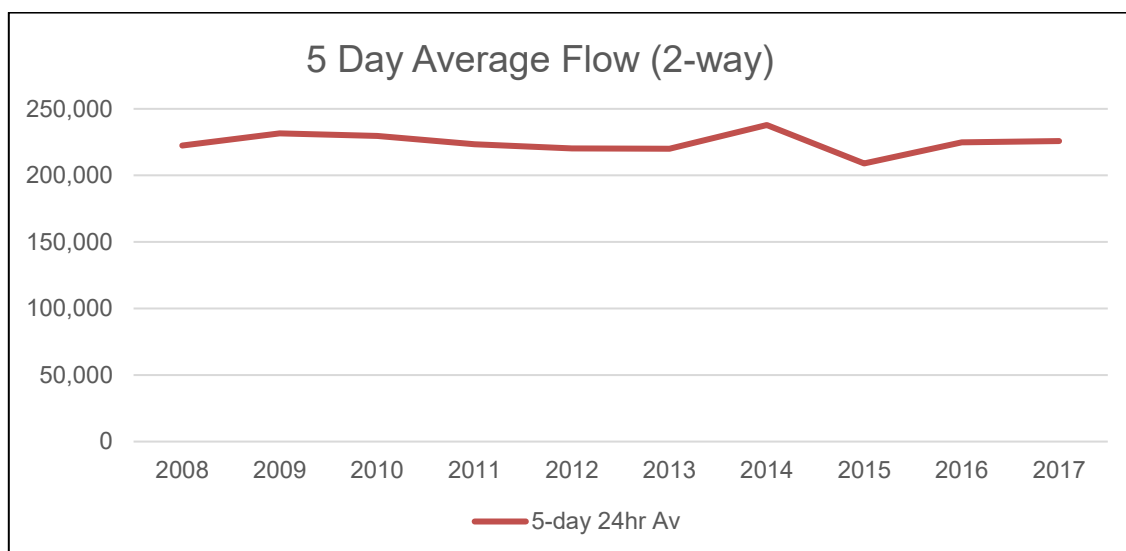
7.36 While Table 12a show potential losses of retail floorspace within the Town Centre, there is a net gain of office floor space that has been permitted over the monitoring period. The gains in floor space are largely due to a single planning application (reference 181101) which allowed the change of a health care centre (D1) to offices (B1a).

7.37 Additionally, Table 12b demonstrates a potential gain in D2 leisure floorspace in the Local Authority Area, this relates to the large scale proposal for the change of a use of a vacant unit on Colchester Retail Park which may now become a gym (reference 190297).

8. Key Theme: Transport

Overview

- 8.1 Continued engagement with the community has illustrated that transportation and traffic issues are still very high up on the public's list of priorities. The Core Strategy sets out the Borough Council's approach to transport, which seeks to change travel behaviour to manage demand, especially of peak hour car traffic.
- 8.2 The Colchester Cordon traffic count is based on data from 17 count sites in the urban area, to give a 24-hour traffic flow. Traffic increased slightly in this monitoring period, from 224,739 vehicles crossing the Colchester urban count cordon in 2016 to 225,833 vehicles in 2017 (based on 5-day average flows).
- 8.3 The 24 hour (5-day) average traffic flows from the year 2008 to 2017 can be seen in Figure 8 below. However, over a ten year period, traffic counted across the cordon has remained fairly static. This is against a background of continued population, employment and housing growth.



Source: Essex County Council

Figure 8: Colchester Cordon Traffic Count 2008 – 2017

Walking and Cycling in Colchester

- 8.4 Following the adoption of the Essex Cycling Strategy, Colchester Borough Council continues to work with Essex County Council on the Colchester Cycling Action Plan and the Walking Strategy and as part of the Government's Local Cycling and Walking Investment Plan.
- 8.5 In addition to this, a number of training and promotional campaigns have been delivered to encourage residents to take up cycling. Bikeability courses are on offer during school holidays to adults and children to develop cycle skills. A monthly e-newsletter updating on local cycling matters is also sent out.

Transport Infrastructure

- 8.6 Construction began on the A133 Ipswich Road/Harwich Road improvement scheme in September 2018. The scheme will see the replacement of the double roundabouts located at Ipswich Road and Harwich Road with a single roundabout at each location. The carriageway between Ipswich Road and Harwich Road junctions will also be widened to accommodate two formal lanes in each direction, and the scheme will include upgrading existing pedestrian crossings and general improvements to the current off-carriageway cycle and footway provisions. The scheme will improve the performance of the two key intersections on the A133.

Air Quality

- 8.7 In 2018/19 Colchester Borough Council continued work in implementing the Healthier Air for Colchester – Air Quality Action Plan (AQAP) 2016-2021. This AQAP was produced in partnership with Essex County Council and outlines the ambitious set of measures the Council proposes to take to improve air quality in Colchester between 2016 and 2021. Actions include the adoption of a new Hackney Carriage and Private Hire licensing policy which requires emission standards for taxis and a no vehicle requirement for vehicle idling within the boroughs Air Quality Management Areas (AQMA's).
- 8.8 Colchester Borough Councils AQAP identified that bus emissions within Colchester Town Centre are a significant source of pollution within AQMA 1 – central corridors. Since 2015, the Council both individually and in partnership have secured funding to retrofit 40 buses which serve the town centre with SCRT technology to operate at Euro VI standard. SCRT technology reduces emissions of NOx and NO2 by up to 95% and diesel particulate filters fitted to reduce particulate emissions. This allows buses to operate at the same emissions standard as new Euro VI buses.

Defra Funded Air Quality Project

- 8.9 The Council was awarded £249,100 (the third highest amount awarded) to deliver an air quality behaviour change project aimed at reducing air pollution in Colchester's Air Quality Management Areas (AQMA's).
- 8.10 The two year project's objectives are to reduce the numbers of vehicles on the road by increasing the number of people walking and cycling for short journeys particularly through the AQMA areas and to encourage widespread take up of No Idling (switching engines off) when parked and stationary at junctions and traffic lights. It has been shown from projects in other parts of the country that small changes to driving habits, such as switching the engine off whilst stationary, can reduce pollution by up to 30%.
- 8.11 This will be achieved through a bottom up approach working closely with the local community, partners and stakeholders to explore the issues around what causes air pollution, raise awareness of the health impacts of air pollution particularly from vehicles, instil a sense of personal responsibility and identify interventions and solutions to encourage personal action to reduce air pollution.

8.12 A short survey and educational video are currently published online and via the Council's social media to gain an understanding of current driving habits of people in Colchester and an insight into the current knowledge level of pollution and its effects on our health and well-being. The survey is open until 15 January 2020. More information is available [online](#), where the survey can also be completed.

Travel Change Behaviour

8.13 The Colchester Travel Plan Club (CTPC) has continued to work closely with CTPC members and Essex County Council to further develop their travel plans, and to begin the process of gaining Modeshift STARS accreditations.

8.14 While continuing to work closely with existing members like East Suffolk and North Essex Foundation Trust, the University of Essex, Colchester Institute and The Maltings student accommodation, a number of businesses have joined CTPC as full members this year. These include Hiscox, The Mercury Theatre, Turner Rise Retail Park and Re~Cycle, Bikes to Africa. Additionally, the Hythe Mills and Avon Way student accommodations have joined CTPC as full members, and CTPC has been working with them and the University to create a joined-up approach to travel change behaviour at the University.

8.15 The Borough Council continues to work closely with the train operating company under the Station Travel Plan. The Borough continues to be an active partner in the Community Rail Partnership scheme.

Transport Indicator 1	To obtain an agreed Travel Plan for all major commercial/community developments	Core Strategy Indicator for Policy TA1
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8.16 In total 7 establishments were accredited through the ECC Travel Plan Accreditation Scheme during 2017/18. Travel Plans are accredited against a list of travel plan measures, employee engagement and a set of specific targets. The accreditations were:

Business Travel Plan Accreditations – 2017/2018

- Colchester Borough Council – Gold
- Colchester Sixth Form College – Silver
- Colchester Institute – Silver
- University of Essex – Platinum
- The Oaks Hospital – Bronze
- Fenwick – Bronze
- Colchester Hospital – Bronze

8.17 A total of 215 Residential Travel Information Packs have been provided to new residents of residential developments in Colchester in 2017/18 as detailed below:

Table 13 Residential Travel Information Packs

Residential Travel Information Packs Issued – 2017/2018		
Development	Borough	Number of packs provided
Kiln Road Development	Colchester	20
Brian Cadman Gardens	Colchester	16
Kingswood Heath (former severalls hospital)	Colchester	100
Warren Lane (Stanway)	Colchester	10
Kingswood Heath (former severalls hospital)	Colchester	39
King George's Park, Rowhedge Wharf	Colchester	30

9. Key Theme: Environment and Heritage

Overview

9.1 The natural environment of the Borough has been shaped by both physical process and land management over time. These processes have created the high quality landscapes and diverse habitats and biodiversity/geodiversity found throughout the Borough. These include internationally significant areas of coastal and intertidal habitats, mudflats and salt marsh and shell banks, which constitute some of the features of interest within the Mid Essex Estuaries Special Area of Conservation (SAC).

9.2 New development has the potential to fragment or lead to the loss of habitat. The Council seeks to conserve and enhance Colchester's natural environment, countryside and coastline as well as preserving its archaeological and built heritage through the protection and enhancement of sites of international, national, regional and local importance.

9.3 The Borough Council continues to direct development away from land at risk from all types of flooding and will also seek to ensure that new development does not increase the risk of flooding either on or off site through the increased use of Sustainable Urban Drainage Systems (SuDS).

Environment Indicator 1	Number of planning applications approved contrary to Environment Agency advice on flood defence or water quality grounds	Core Strategy Indicator for Policy ENV1
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9.4 Between April 2018 and March 2019 no applications were granted contrary to Environment Agency advice.

9.5 A new indicator monitoring the number of SuDS schemes will be developed for the new Local Plan.

Environment Indicator 2	Number and area of Local Nature Reserves (LNRs) Local Sites (LoWs) within Colchester	Core Strategy Indicator for Policy ENV1
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9.6 No new Local Nature Reserves (LNRs) or Local Wildlife Sites (LoWs) were designated during the monitoring period.

Environment Indicator 3	Amount of development in designated areas (SSSI, AONB)	Core Strategy Indicator for Policy ENV1
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9.7 Policy ENV1 of the Core Strategy seeks to protect the Borough's biodiversity within designated sites. Of the 52 applications approved in the Dedham Vale Area of Outstanding Natural Beauty and 58 applications within other designated sites (SSSIs (7), SAC (2), SPA (4), SINC (41) and RAMSAR (4) sites), none resulted in direct harm or loss of the designations.

Environment Indicator 4	Increase in areas of public open space	Core Strategy Indicator for Policy PR1
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9.8 The Council adopted 46,182m² additional areas of open space during the monitoring year 2018/19.

Environment Indicator 5	Recorded loss of listed buildings Grade I and II+ (by demolition), Scheduled Monuments or nationally important archaeological sites and assets on the Colchester Local List to development	Core Strategy Indicator for Policy UR2
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9.9 In the 2018/19 monitoring period, no Listed Buildings (Grade I & II) were lost due to demolition, development or dereliction.

9.10 No Scheduled Ancient Monuments were lost as part of development proposals in the monitoring period.

9.11 At Local Plan Committee September 2018, it was agreed that the revised Local List would be integrated into the Colchester Historic Environment Record (HER) and published via the Colchester Heritage Explorer website. It was also agreed that the List be extended beyond Colchester and Wivenhoe to cover the Borough as a whole, following a review of the Local List criteria and selection process. A public consultation was also agreed for the use of an Article 4 Direction to support Local Listing which would provide greater scrutiny for assets on the list. There is currently a total of 716 heritage assets included on the Local List.

Table 14: Colchester Heritage Assets

Heritage Asset	2018/19	Comment
Grade I, II and II* Listed Buildings (National Heritage List for England)	1,561	Two new designations during monitoring period: <ul style="list-style-type: none"> • Three Gables, Anchor Lane, Dedham Heath, Dedham, listed on 14-Nov-2018, Grade II • Former Public Library, West Stockwell Street, Colchester listed on 30-Jan-2019, Grade II
Scheduled Ancient Monuments	45	No change
Number of heritage assets on the National Heritage at Risk Register (Grade II* and above)	7	Includes 1 Conservation Area (Birch), 2 Archaeological Sites and 4 Buildings/Structures

Heritage Asset	2018/19	Comment
Number of assets on Colchester's Local List	716	The Former Pumping Station, Rowhedge Wharf was added to the Local List in October 2019.
Number of Conservation Areas	24	<p>Consultations were held between 30 April to 10 June 2018 for proposed Conservation Areas of Mill Field Estate and North Station; and extension of Birch Conservation Area.</p> <p>Local Plan Committee (February 2019) granted approval for the statutory designation of Mill Field Estate Conservation Area.</p> <p>At Local Plan Committee April 2019, approval was granted for the statutory designation of North Station Road and Environs Conservation Area. Additional consultation was held between 10 September and 2 October 2019 for an amendment to the proposed boundary of the conservation area, no revisions were required as a result of this consultation and the designation was carried out as approved by Local Plan Committee in April 2019.</p>

Environment Indicator 6	Percentage of household waste recycled and composted	Core Strategy Indicator for Policy ER1
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9.12 Waste sent for disposal is a missed opportunity in a number of ways including, using waste as a resource, income generation from recycling, and the various environmental benefits.

9.13 This indicator enables the identification of how much waste is being generated by households in the Borough, and how much of this is collected, recycled or composed. Table 15 below summaries the household waste activity for this monitoring period.

Table 15: Household Waste Activity

Activity	Target	Achieved 2017/18	Achieved 2018/19	Commentary
Residual waste produced per household	340kg	374.5kg	346kg	<p>The target has been missed by 6kg, however performance remains excellent when benchmarked against other authorities which shows Colchester as one of the lowest producers of residual waste in the East of England.</p> <p>Compared against 2017/18, there has been a reduction of 28.5kg per household of residual waste. This is a significant reduction which reflects that the service changes are now fully embedded with residents.</p>
Household waste reused, recycled and composted	53%	50.62%	53.71%	<p>The target has been exceeded which reflects a significant improvement in performance above 2017/18 and levels of performance nationally. This is a continuation of improved performance since service changes were made and residents are continuing to recycle more.</p>
Number of weekly missed collections	150 missed bin per week (0.06% of all collections each week)	162 missed bins per week average (0.06% of all collections each week)	144 missed bins per week average (0.4% of all collections each week)	<p>Missed bins are under target by 6 collections per week. Regular performance monitoring and the embedding of service changes has seen an improvement on missed bin figures across all areas.</p>

Environment Indicator 7	Total RAMS contributions collected	Compliance with Habitat Regulations
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9.14 Twelve Essex LPAs have been working together on a mitigation strategy to protect the internationally designated Essex Coast from the effects of increased recreational disturbance as a result of population growth throughout Essex.

9.15 The Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS) set out the necessary measures to avoid and mitigate the effects from increased recreational disturbance. The RAMS sets a tariff of £122.30 per dwelling. This tariff will apply to all residential proposals, even proposals for one dwelling. This

is because the whole of the Borough is within the Zone of Influence and the RAMS seeks to avoid and mitigate the in-combination effects from all new dwellings.

9.16 Contributions have been collected from all residential proposals since December 2018. In this monitoring period, the Council has received a total sum of £19,391.

9.17 Chelmsford City Council (CCC) have put forward a proposal to become the Accountable Body. CCC will hold all contributions from the 12 LPA partners and employ the project staff. It is anticipated that sufficient development contributions will have been collected to fund the appointment of a Delivery Officer to oversee the project in 2020. The appointment of a Delivery Officer is one of the avoidance and mitigation measures.

9.18 The Essex Planning Officers Association (EPOA) Chief Officer's group have agreed to become the Project Board, with the role of overseeing the project and having the final decision on which avoidance and mitigation measures to fund. Officers are involved in discussions with the Essex Coastal Forum about securing member involvement.

9.19 In September 2019 the project become part of the 'Bird Aware' brand and launched a website: Bird Aware Essex Coast - <https://essexcoast.birdaware.org/home>. The Bird Aware brand was developed by a mitigation partnership on the south coast (Bird Aware Solent) to communicate the importance of the birds and their habitats that breed and winter at the coast. Joining the Bird Aware brand and launching the website is an early avoidance measure and will help to spread the message of the importance of the Essex coast and the need to protect the birds in a positive way.

9.20 More information regarding RAMs and the Strategy, is available on our [website](#).

10. Key Theme: Accessible Services and Community Facilities

Overview

10.1 Accessible services and facilities are vital to the development and maintenance of communities. Community facilities should be located within or near centres and other accessible locations to maximise community access and build a sense of local community identity. The Council supports the retention and enhancement of existing community facilities that can provide a range of services to the community at one accessible location. In addition, the Council will work with local partners, such as Parish Councils or Community Associations, to plan and manage community facilities.

10.2 The Borough Council will safeguard existing facilities where appropriate and will work with partners including the local community to bring together funding from a variety of public and private sources to improve existing facilities and deliver new community facilities where needed. Development proposals will be required to review community needs (e.g. through a Health Impact Assessment) and provide community facilities or contributions towards them to meet the needs of the new population and mitigate impacts on existing communities.

Community Indicator 1	Recorded losses of community facilities as a result of development	Core Strategy Indicator for Policies SD1, SD2, UR1, PR1, TA3, and TA4
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10.3 No community facilities were lost as a result of new developments during this monitoring period.

Community Indicator 2	Key infrastructure projects delivered (SD)	Core Strategy Indicator for Policies SD1, SD2, UR1, PR1, TA3, and TA4
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Infrastructure Project Delivery

10.4 Table 6d in Section 6 of the revised 2014 Core Strategy identifies a number of key infrastructure projects which have been subdivided into the categories 'necessary' and 'local and wider benefit'. The following progress is noted for projects delivered during the monitoring period.

Table 16: Infrastructure Projects Delivery Update

Infrastructure Project	Progress
Stanway Community Facility	Funding agreed and project commenced. Due for completion Spring 2021.
Boxted Community Hub	Funding agreed and project commenced. Forecast to be available Summer 2020.
Collingwood Road Scout Hut	Received S106 funding to the value of £158,169.79 to update current premises.
St Cedds Church Hall	Repairs to public access paths to entrance of Church Hall completed in May 2019.

Infrastructure Project	Progress
King George V Play Park	Refurbishment to play park undertaken during monitoring period.
Wivenhoe Congregational Church	Windows replaced during monitoring period.

Contributions secured towards Community, Leisure & Recreation

10.5 Core Strategy Policy PR1 seeks to ensure the protection and enhancement of Open Space, Sport and Recreational Facilities and Community Facilities. Contributions are being collected, monitored and allocated to local projects for the benefit of the increasing residential numbers.

10.6 Over this monitoring period, a total of £667,585.89 has been received for leisure facilities and a further £242,546.21 for community facilities.

11. Key Theme: Climate Change

Overview

11.1 Colchester Borough Council adopted an Environmental Sustainability Strategy in January 2015 and developed a Carbon Management Plan in 2016 to cover the period 2016 to 2020. In 2019, Colchester Borough Council became one of the first local authorities in the region to declare a Climate Emergency. As part of this, the Council have committed to raise awareness and support the public to take effective action on climate. Following this declaration, a Conservation and Environmental Sustainability Task and Finish Group has been formed to undertake a number of projects including the development of a roadmap for the Borough to be carbon neutral by 2030.

11.2 The first of several planned actions following the climate emergency declaration is the Colchester Woodland Project. The Council have launched a project to plant 200,000 trees across the Borough over the next five years to help offset 32,000 tonnes of carbon in the lifetime of the trees. More than 20 sites across Colchester have been identified for the first year of tree planting, with work commenced to replace dead and felled trees and planting new trees and copses in National Tree Week (23 November to 1 December 2019). Work has also already begun to identify a site for a new community woodland site with the aim of planting commencing at the end of 2021. For information regarding a Defra funded project regarding air quality, please see paragraph 8.9 above.

Climate Change Indicator 1	Carbon emissions and Climate Change	Supporting Indicator for Policy SD1
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11.3 By 2017, the Council had achieved a 55% reduction in its carbon emissions from the baseline year of 2008, exceeding the 40% target three years ahead of schedule. Although all viable projects in the current Local Authority Carbon Management Plan have been completed, the Council remains fully committed in its efforts to reduce greenhouse emissions across the borough.

11.4 The Council is currently gathering information to inform a baseline on the current carbon footprint of the Council's existing owned assets and fleet, incorporating Rowan House and other changes in assets since the last Local Authority Carbon Management Plan. This will inform a roadmap and projects towards achieving carbon neutrality by 2030.

Climate Change Indicator 2	Climate Change Adaptation	Supporting Indicator for Policies SD1, ENV1 and ER1
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11.5 The Council's wholly owned Energy Company (Colchester Amphora Energy Limited) is promoting the use of more low carbon sources of heat and power through a range of projects and initiatives, delivering new energy choices for people in Colchester.

11.6 Amphora Energy have successfully applied for Government funding from the Heat Network Investment Project (HNIP) pilot to deliver a District Heating scheme in the

Northern Gateway. This is one of only 9 schemes that have been awarded funding as part of the pilot. The scope to deliver District Heating within East Colchester is also being investigated.

Climate Change Indicator 3	Renewable energy installed by type	Core Strategy Indicator for Policy ER1
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- 11.7 Part 40 of The Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2008 gives permitted development rights to the installation of domestic microgeneration equipment. Planning permission is only required for a limited number of renewable energy technologies. This means that the number of renewable energy installations may be higher than that indicated by the number of planning applications.
- 11.8 During the monitoring period, three applications have been granted relating to renewable energy. This includes two solar applications (181947, 182368) and one biomass application (171396). Although this is an increase from no applications during the 2017/18 monitoring period, this remains below the 10 applications (9 solar and 1 Biomass) approved in 2015/16. This decrease may be due to government reductions in the tariff payments for energy produced from renewable sources.
- 11.9 BRE has developed the Home Quality Mark (HQM) as part of the BREEAM family of quality and sustainability standards. HQM will enable developers to showcase the quality of their new homes and identify them as having the added benefits of being likely to need less maintenance, cheaper to run, better located, and more able to cope with the demands of a changing climate. The HQM demonstrates a home's environmental footprint and its resilience to flooding and overheating in a changing climate, highlights the impact of a home on the occupant's health and wellbeing, and evaluates the digital connectivity and performance of the home. This is a new scheme and the Council will support developers who choose to register under this scheme. Reference is made to the Home Quality Mark in Emerging Local Plan Policy DM25.
- 11.10 The Home Quality Mark is optional, and the Council is not aware of any new dwellings or approvals being registered under the scheme in 2018/19.

Appendix A – Local Plan Policies

Core Strategy Policies

Sustainable Development Policies	
SD1	Sustainable Development Locations
SD2	Delivering Facilities & Infrastructure
SD3	Community Facilities
Centres and Employment Policies	
CE1	Centres and Employment Classification and Hierarchy
CE2	Mixed Use Centres
CE2a	Town Centre
CE2b	District Centres
CE2c	Local Centres
CE3	Employment Centres
Housing Policies	
H1	Housing Delivery
H2	Housing Density
H3	Housing Diversity
H4	Affordable Housing
H5	Gypsies, Travellers and Travelling Showpeople
H6	Rural Workers Dwellings
Urban Renaissance Policies	
U1	Regeneration Areas
U2	Built Design and Character
Public Realm Policies	
PR1	Open Space and Recreational Facilities
PR2	People Friendly Streets
Transport and Accessibility Policies	
TA1	Accessibility and Changing Travel Behaviour
TA2	Walking and Cycling
TA3	Public Transport
TA4	Roads and Traffic
TA5	Parking
Environment and Rural Communities Policies	
ENV1	Environment
ENV2	Rural Communities
Energy, Resources, Waste, Water & Recycling Policy	
ER1	Energy, Resources, Waste, Water and Recycling

Development Management Policies

DP1	Design and Amenity
DP2	Health Assessments
DP3	Planning Obligations and the Community Infrastructure Levy
DP4	Community Facilities
Centres and Employment	
DP5	Appropriate Employment Uses and Protection of Employment Land and Existing Businesses
DP6	Colchester Town Centre Uses
DP7	Local Centres and Individual Shops
DP8	Agricultural Development and Diversification
DP9	Employment Uses in the Countryside
DP10	Tourism, Leisure and Culture
Housing	
DP11	Flat Conversions
DP12	Dwelling Standards
DP13	Dwelling Alterations, Extensions and Replacement Dwellings
Urban Renaissance	
DP14	DP14 Historic Environment Assets
Public Realm	
DP15	Retention of Open Space and Indoor Sports
DP16	Private Amenity Space and Open Space Provision for New Residential Development
Transport and Accessibility	
DP17	Accessibility and Access
DP18	Transport Infrastructure Proposals
DP19	Parking Standards
Environment and Rural Communities	
DP20	Flood Risk and Management of Surface Water Drainage
DP21	Nature Conservation and Protected Lanes
DP22	Dedham Vale Area of Outstanding Natural Beauty
DP23	Coastal Areas
Energy, Resources, Waste, Water and Recycling	
DP25	Renewable Energy

Site Allocations Policies

SA CE1	Mixed Use Sites
Housing	
SA H1	Housing Allocations
SA H2	Gypsy and Traveller Accommodation
Urban Renaissance	
Town Centre and North Station	Town Centre and North Station
SA TC1	Appropriate Uses within the Town Centre and North Station Regeneration Area
East Colchester	
SA EC1	Residential development in East Colchester
SA EC2	Development in East Colchester
SA EC3	Area 1: Former Timber Dock
SA EC4	Area 2: King Edward Quay
SA EC5	Area 3: Magdalen Street
SA EC6	Area 4: Hawkins Road
SA EC7	University of Essex Expansion
SA EC8	Transportation in East Colchester
Garrison	
SA GAR1	Development in the Garrison Area
North Growth Area	
SA NGA1	Appropriate Uses within the North Growth Area
SA NGA2	Greenfield Sites in the North Growth Area
SA NGA3	Employment Uses in the North Growth Area
SA NGA4	Transport measures in North Growth Area
SA NGA5	Transport Infrastructure related to the NGAUE
Stanway Growth Area	
SA STA1	Appropriate Uses within the Stanway Growth Area
SA STA2	Phasing of Greenfield sites in Stanway Growth Area
SA STA3	Employment and Retail Uses in Stanway Growth Area
SA STA4	Transportation in Stanway Growth Area
SA STA5	Open Space in Stanway Growth Area
Tiptree	
SA TIP1	Residential sites in Tiptree
SA TIP2	Transport in Tiptree
SA GAR1	Development in the Garrison Area

Appendix B – Glossary

Affordable Housing – housing for sale or rent, for those whose needs are not met by the market (including housing that provides a subsidised route to home ownership and/or is for essential local workers); and which complies with one or more of the following definitions:

- **Affordable housing for rent:** meets all of the following conditions: (a) the rent is set in accordance with the Government's rent policy for Social Rent or Affordable Rent, or is at least 20% below local market rents (including service charges where applicable); (b) the landlord is a registered provider, except where it is included as part of a Build to Rent scheme (in which case the landlord need not be a registered provider); and (c) it includes provisions to remain at an affordable price for future eligible households, or for the subsidy to be recycled for alternative affordable housing provision. For Build to Rent schemes affordable housing for rent is expected to be the normal form of affordable housing provision (and, in this context, is known as Affordable Private Rent).
- **Starter homes:** is as specified in Sections 2 and 3 of the Housing and Planning Act 2016 and any secondary legislation made under these sections. The definition of a starter home should reflect the meaning set out in statute and any such secondary legislation at the time of plan-preparation or decision-making. Where secondary legislation has the effect of limiting a household's eligibility to purchase a starter home to those with a particular maximum level of household income, those restrictions should be used.
- **Discounted market sales housing:** is that sold at a discount of at least 20% below local market value. Eligibility is determined with regard to local incomes and local house prices. Provisions should be in place to ensure housing remains at a discount for future eligible households.
- **Other affordable routes to home ownership:** is housing provided for sale that provides a route to ownership for those who could not achieve home ownership through the market. It includes shared ownership, relevant equity loans, other low cost homes for sale (at a price equivalent to at least 20% below local market value) and rent to buy (which includes a period of intermediate rent). Where public grant funding is provided, there should be provisions for the homes to remain at an affordable price for future eligible households, or for any receipts to be recycled for alternative affordable housing provision or refunded to Government or the relevant authority specified in the funding agreement.

Authority Monitoring Report (AMR) – The Authority Monitoring Report sets out how well the Council is performing in delivering the objectives of its Local Development Framework. It was previously called the Annual Monitoring Report.

Brownfield (also known as Previously Developed Land (PDL)) – Previously developed land that is unused or may be available for development. It includes both vacant and derelict land and land currently in use with known potential for

redevelopment. It excludes land that was previously developed where the remains have blended into the landscape over time.

Community Facilities – Buildings, which enable a variety of local activity to take place including, but not limited to, the following:

- Schools, Universities and other educational facilities
- Libraries and community centres
- Doctors surgeries, medical centres and hospitals
- Museums and art galleries
- Child care centres
- Sport and recreational facilities
- Youth clubs
- Playgrounds
- Places of worship
- Emergency services

Some community activities can also be provided via privately run facilities (e.g. pubs and village shops).

Community Infrastructure Levy (CIL) – The Community Infrastructure Levy is a planning charge, introduced by the Planning Act 2008 as a tool for local authorities in England and Wales to help deliver infrastructure to support the development of their area.

Core Strategy – The Core Strategy sets out the long-term vision for the sustainable development of Colchester and the strategic policies required to deliver that vision. It provides for the enhancement of the environment, as well and defines the general locations for delivering strategic development including housing, employment, retail, leisure, community and transport, which are then given precise boundaries in the Proposals Map. The Colchester Borough Core Strategy was adopted by the Council in 2008, and a focused review in 2014 following publication of the NPPF in 2012.

Development Policies – A document that the council have produced alongside the Site Allocations document to guide future development within the Borough. The Policies contained within this Development Plan Document, along with other relevant national and Core Strategy Policies, replaced the 2004 Local Plan policies in the determination of planning applications.

Emerging Local Plan - The Emerging Local Plan will include all major planning policy for the District in a single document. Once adopted, this will replace the Core Strategy, Development Policies and Site Allocations. This is in two sections with the Section One of the Local Plan including policies on strategic cross boundary issues including infrastructure and housing numbers including proposals for three new Garden Communities, in partnership with Braintree District Council and Tendring District Council. Section two of each Local Plan considers the individual local authority policies and allocations.

Evidence Base – The evidence base for Colchester's Local Plan includes all the documents used to inform its policies and allocations, including studies, strategies, and national, regional and local policies. Evidence Base documents can be viewed via links on the Council's website.

Flood Risk Assessment – An assessment of the likelihood of flooding in a particular area so that development needs and mitigation measures can be carefully considered.

Greenfield – Land which has never been built on before or where the remains of any structure or activity have blended into the landscape over time.

Local Development Scheme (LDS) – This is the project plan for a three year period for the production of documents including the Local Plan, Supplementary Planning Documents and Neighbourhood Plans.

Natura 2000 – The European network of protected sites established under the Birds Directive and Habitats Directive (SPA, SAC).

Neighbourhood Planning - Neighbourhood planning is a way for communities to decide the future of the places where they live and work. The government introduced this new tier of planning through the Localism Act 2011.

North Essex Authorities (NEAs) – joint authorities working to progress large scale strategic development known as Garden Communities in North Essex. This includes Braintree District Council, Colchester Borough Council and Tendring District Council.

Planning Contributions – the principle of a developer agreeing to provide additional benefits or safeguards, often for the benefit of the community, usually in the form of related development supplied at the developer's expense.

Previously Developed Land (PDL) – See Brownfield.

Private Open Space – Open spaces usually in private ownership that can fulfil similar functions as public open spaces, but which tend to have significant access restrictions to the members of the public imposed through ownership rights or a requirement to pay to use facilities.

Proposals Map – The Proposals Map shows all boundaries and designations specified in a Development Plan Document (DPD) such as the Core Strategy, Site Allocations or Development Policies. The Colchester Borough Proposals Map was adopted by the Council in 2010.

Public Open Space – includes all spaces of public value, usually in public ownership, which are generally accessible to the public and which provide important opportunities for sport, outdoor recreation as well as fulfilling an amenity function.

Public Realm – Public realm relates to all those parts of the built environment where the public has free access. It encompasses all streets, square and other rights of way, whether predominantly in residential, commercial or community/civic uses; open spaces and parks; and the public/private spaces where public access is unrestricted (at least during daylight hours). It includes the interfaces with key internal and private spaces to which the public has normally has free access.

Ramsar Site – An area identified by an international agreement which supports endangered habitats.

Town and Country Planning Regulations ('The Regulations') – The identification of a consultation stage in relation to a Regulation, i.e. Regulation 25, 27, etc. refers to the relevant section of the June 2008 amendments to the Town and Country Planning (Local Development) (England) Regulations 2004. The Regulations cover the various stages in preparing and consulting on Local Plan documents.

Travel Plan – These provide information and incentives for new residential and employment sites to use public transport. Travel Plans typically include the issuing of travel pack to new residents and businesses which may include vouchers for 12 months free or discounted travel on public transport.

Site Allocations – The Site Allocations document sets out the criteria for the boundaries shown on the Proposals Map and provides area and use specific allocations. The Site Allocations DPD was adopted by the Council in 2010.

Site of Special Scientific Interest (SSSI) – A SSSI is an area that has been notified as being of special interest under the Wildlife and Countryside Act 1981. They include the best examples of the Country's wildlife habitats, geological features and landforms.

Special Area of Conservation (SAC) – A site of European Community importance designated by the member states, where necessary conservation measures are applied for the maintenance or restoration, at favourable conservation status, of the habitats and/or species for which the site is designated.

Special Protection Area (SPA) – A site designated under the Birds Directive by the member states where appropriate steps are taken to protect the bird species for which the site is designated.

Statement of Community Involvement (SCI) – This document sets out the standards that the Council intend to achieve in relation to involving the community and stakeholders in the preparation, alteration and continuing review of the Local Plan in the determination of significant planning applications.

Strategic Housing Market Assessment (SHMA) – The SHMA is a study carried out every few years to appraise the local housing market area and identify the need and demand for different housing types and tenures within that area.

Strategic Land Availability Assessment (SLAA) – The SLAA is a collective term for housing and employment land availability assessments. This is a process carried out as part of Local Plan preparation to identify new sites for housing and employment uses, required by national policy.

Supplementary Planning Document (SPD) – A document produced by the Council to add further detailed guidance and information on a particular subject. An SPD is subject to a formal consultation period and then is used as a material consideration when determining planning applications.

Sustainable Drainage Systems (SuDS) – A range of techniques for managing the runoff of water from a site. They can reduce the total amount, flow and rate of surface water that runs directly to rivers through storm water systems.

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.

Sustainable Development – Development which meets the needs of the present without compromising the ability of future generations to meet their own needs.

Appendix C – Local Development Scheme 2019-2022

LDS Timetable 2017 - 2022

