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Soundness Self-Assessment Checklist (March 2014)

This note was prepared by AMEC on behalf of the Planning Advisory Service. It aims to help local authorities prepare their plans in advance of an examination, taking into account the requirements of the National Planning Policy Framework. A separate checklist looks at legal compliance.

In summary – the key requirements of plan preparation are:

- Has the plan been positively prepared i.e. based on a strategy which seeks to meet objectively assessed requirements?
- Is the plan justified?
- Is it based on robust and credible evidence?
- Is it the most appropriate strategy when considered against the alternatives?
- Is the document effective?
- Is it deliverable?
- Is it flexible?
- Will it be able to be monitored?
- Is it consistent with national policy?

The Tests of Soundness at Examination

The starting point for the examination is the assumption that the Council has submitted what it considers to be a sound plan. Those seeking changes should demonstrate why the plan is unsound by reference to one or more of the soundness criteria.

The tests of soundness are set out in the National Planning Policy Framework (NPPF) (para 182): "The Local Plan will be examined by an independent inspector whose role is to assess whether the plan has been prepared in accordance with the Duty to Cooperate, legal and procedural requirements, and whether it is sound. A local planning authority should submit a plan for examination which it considers is 'sound' ", namely that it is:

1. Positively Prepared: based on a strategy which seeks to meet objectively assessed development and infrastructure requirements

This means that the Development Plan Document (DPD) should be based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development. The NPPF, together with the Marine Policy Statement (MPS) set out principles through which the Government expects sustainable development can be achieved.

2. Justified: the most appropriate strategy when considered against the reasonable alternatives, based on proportionate evidence This means that the DPD should be based on a robust and credible evidence base involving:

- Research/fact finding: the choices made in the plan are backed up by facts.
- Evidence of participation of the local community and others having a stake in the area; and

The DPD should also provide the most appropriate strategy when considered against reasonable alternatives. These alternatives should be realistic and subject to sustainability appraisal. The DPD should show how the policies and proposals help to ensure that the social, environmental, economic and resource use objectives of sustainability will be achieved.

3. Effective: deliverable over its period based on effective joint working on cross-boundary strategic priorities

This means the DPD should be deliverable, requiring evidence of:

- Sound infrastructure delivery planning;
- Having no regulatory or national planning barriers to delivery;
- Delivery partners who are signed up to it; and
- Coherence with the strategies of neighbouring authorities, including neighbouring marine planning authorities.
- The DPD should be flexible and able to be monitored.

The DPD should indicate who is to be responsible for making sure that the policies and proposals happen and when they will happen. The plan should be flexible to deal with changing circumstances, which may involve minor changes to respond to the outcome of the monitoring process or more significant changes to respond to problems such as lack of funding for major infrastructure proposals. Although it is important that policies are flexible, the DPD should make clear that major changes may require a formal review including public consultation. Any measures which the Council has included to make sure that targets are met should be clearly linked to an Annual Monitoring Report.

4. Consistent with national policy: enabling the delivery of sustainable development

The demonstration of this is a 'lead' policy on sustainable development which specifies how decisions are to be made against the sustainability criterion (see the Planning Portal for a model policy www.planningportal.gov.uk). If you are not using this model policy, the Council will need to provide clear and convincing reasons to justify its approach.

The following table sets out the requirements associated with these four tests of soundness. Suggestions for evidence which could be used to support these requirements are set out, although these have to be viewed in the context of the plan being prepared. Please don't assume that you have got to provide all of these, they are just suggestions of what could be relevant.

In addition, the Legal Compliance checklist (a separate document, see <u>www.pas.gov.uk</u>) should be completed to ensure that this aspect is covered.

The Duty to Co-operate will also be assessed as part of the examination process.

Soundness Test and Key Requirements

Possible Evidence

Evidence Provided

Positively Prepared: the plan should be prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development.

Soundness Test and Key Requirements	Possible Evidence	Evidence Provided
Soundness Test and Key Requirements Vision and Objectives Has the LPA clearly identified what the issues are that the DPD is seeking to address? Have priorities been set so that it is clear what the DPD is seeking to achieve? Does the DPD contain clear vision(s) and objectives which are specific to the place? Is there a direct relationship between the identified issues, the vision(s) and the objectives? Is it clear how the policies will meet the objectives? Are there any obvious gaps in the policies, having regard to the objectives of the DPD? Have reasonable alternatives to the quantum of development and overall spatial strategy been considered? Are the policies internally consistent? Are there realistic timescales related to the objectives? Does the DPD explain how its key policy objectives will be achieved?	 Possible Evidence Sections of the DPD and other documents which set out (where applicable) the vision, strategic objectives, key outcomes expected, spatial portrait and issues to be addressed. Relevant sections of the DPD which explain how policies derive from the objectives and are designed to meet them. The strategic objectives of the DPD, and the commentary in the DPD of how they derive from the spatial portrait and vision, and how the objectives are consistent with one another. Sections of the DPD which address delivery, the means of delivery and the timescales for key developments through evidenced infrastructure delivery planning. Confirmation from the relevant agencies that they support the objectives and the identified means of delivery. Information in the local development scheme, or provided separately, about the scope and content (actual and intended) of each DPD showing how they combine to provide a coherent policy structure. 	 Evidence Provided Section One of the Local Plan demonstrates these requirements in the following Sections; Strategic Context / Spatial Portrait 1.6-1.24 Key Issues and Strategic Priorities- 1.25-1.29 and Policy response 1.32 Strategic Vision- 1.30 Strategic Objectives- 1.31 Section Two of the Local Plan demonstrates these requirements in the following Sections; Context and Spatial Portrait including key issues and priorities. 11.1-11.6 Vision and Objectives -11.7
		Delivery, Timescale and Monitoring is demonstrated in 9.1-9.4 in Section One and 16.1-16.4 in Section Two of the DPD. Also evidenced in the IDP The LDS sets out relationship between the Local Plan and other

Soundness Test and Key Requirements	Possible Evidence	Evidence Provided
		DPDs existing and emerging.
The presumption in favour of sustainable development (NPPF paras 6-17) Plans and decisions need to take local circumstances into account, so that they respond to the different opportunities for achieving sustainable development in different areas. Local Plans should meet objectively assessed needs, with sufficient flexibility to adapt to rapid change, unless: —any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or —specific policies in this Framework indicate development should be restricted.	 An evidence base which establishes the development needs of the plan area (see Justified below) and includes a flexible approach to delivery (see 'Section 3 Effective', below). An audit trail showing how and why the quantum of development, preferred overall strategy and plan area distribution of development were arrived at. Evidence of responding to opportunities for achieving sustainable development in different areas (for example, the marine area) 	The Spatial Strategy (responds to the Local circumstances and constraints and opportunities which apply to the Borough as a whole. Set out in Policy SP2 in Section One and SG1 in Section Two of the Local Plan. Alternatives to the overall Quantum and Spatial Strategy were set out and consulted on in the Issues and Options also covered fully in the Sustainability Appraisal The Preferred Options Local Plan sets out the preferred strategy and quantum including an explanation for this preference supported by the Sustainability Appraisal
Policies in Local Plans should follow the approach of the presumption in favour of sustainable development so that it is clear that development which is sustainable can be approved without delay. All plans should be based upon and reflect the presumption in favour of sustainable development, with clear policies that will guide how the presumption should be applied locally.	 A policy or policies which reflect the principles of the presumption in favour of sustainable development (see <u>model policy at</u> <u>www.planningportal.gov.uk</u>) 	Policy SP1of the Local Plan provides a Policy which reflects the principles of Sustainable Development consistent with the NPPF. If refers to the context at the Strategic and Local context relating to sections One and Two of the Local Plan.
Objectively assessed needs	Background evidence papers demonstrating requirements based on population forecasts, employment projections and community	Evidence Documents providing the

Soundness Test and Key Requirements	Possible Evidence	Evidence Provided
Soundness Test and Key Requirements The economic, social and environmental needs of the authority area addressed and clearly presented in a fashion which makes effective use of land and specifically promotes mixed use development, and take account of cross- boundary and strategic issues. Note: Meeting these needs should be subject to the caveats specified in Paragraph 14 of the NPPF (see above).	 Possible Evidence needs. Technical papers demonstrating how the aspirations and objectives of the DPD are related to the evidence, and how these are to be met, including from consultation and associated with the Duty to Co-operate. 	 Evidence Provided economic, social and environmental OAN have been prepared and used to inform the Plan; A full list / copy of these are all included in the Evidence Base Key evidence includes; Objectively Assessed Housing Need Report 2015 and 2016 Update Study Strategic Housing Market Assessment Gypsy and Traveller Accommodation Assessment (and Updates) Employment Land Needs Assessment;
		Environmental Audits for East and West Colchester
		Local Wildlife Sites Review
		Green Infrastructure and Sports Facilities Strategies
		• Water Cycle Study / SFRA reports Sections One and Two.
		The Local Plan includes an interpretation between evidence and

Soundness Test and Key Requirements	Possible Evidence	Evidence Provided
		Policy. Further Topic / Technical Papers may be prepared to further expand this.
		The Duty to Co-operate Statement sets out how the OAN have been met reflecting strategic needs with neighbouring authorities and stakeholders
NPPF Principles: Delivering sustainable develop	ment	
 Building a strong, competitive economy (paras 18-22) 		
Set out a clear economic vision and strategy for the area which positively and proactively encourages sustainable economic growth (21),	 Articulation of a clear economic vision and strategy for the plan area linked to the Economic Strategy, LEP Strategy and marine policy documents where appropriate. 	The economic vision is incorporated into the Strategic Vision and reflected in Policy SP4 5.1-5.4 of Section One of the Local Plan.
		Within Section 2 of the Local Plan under 11.7 the Vision for Colchester includes a clear statement in respect of economic aspirations.
		12.24-12.25 of the Local Plan expands on the economic strategy for Colchester and its relationship to the LEP and its Economic Strategy for Growth.
Recognise and seek to address potential barriers to investment, including poor environment or any lack of infrastructure,	 A criteria-based policy which meets identified needs and is positive and flexible in planning for specialist sectors, regeneration, infrastructure provision, environmental 	Policies SP4, SG3 and SG4 of the Local Plan seek to accommodate OAN for economic requirements building in

Soundness Test and Key Requirements	Possible Evidence	Evidence Provided
services or housing (21)	 enhancement. An up-to-date assessment of the deliverability of allocated employment sites, to meet local needs, (taking into account that LPAs should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of an allocated site being used for that purpose) para (22) 	flexibility to allow for the need to overcome potential barriers. The IDP also reflects investment and infrastructure requirements to support delivery.
2. Ensuring the vitality of town centres (paras 23-37)		
Policies should be positive, promote competitive town centre environments, and set out policies for the management and growth of centres over the plan period (23)	 The Plan and its policies may include such matters as: definition of networks and hierarchies; defining town centres; encouragement of residential development on appropriate sites; allocation of appropriate edge of centre sites where suitable and viable town centre sites are not available; consideration of retail and leisure proposals which cannot be accommodated in or adjacent to town centres. 	A number of Policies are included in the Local Plan covering town centre issues; Policy SG5 sets out and defines a centre Hierarchy with a detailed explanation in the supporting text about the role and growth of each of the centres. SG6 Sets out the approach for town centre uses and the management of town centre uses outside of designated centres and the need for impact assessments and sequential test;
Allocate a range of suitable sites to meet the scale and type of retail, leisure, commercial, office, tourism, cultural, community services and residential development needed in town centres (23)	 An assessment of the need to expand (the) town centre(s), considering the needs of town centre uses. Primary and secondary shopping frontages identified and allocated. 	Further Policies in the Local Plan address needs and allocations supported by a Retail and Town Centre Study; Policy TC1 reflects the role of Colchester Town Centre at the top of

Soundness Test and Key Requirements	Possible Evidence	Evidence Provided
		the hierarchy and its importance to retail, leisure, culture and tourism;
		Policy TC2 identifies Primary and Secondary Shopping Frontages;
		Policy TC3 provides for allocations to meet the identified need informed by the evidence.
3. Supporting a prosperous rural economy (para 28)		
Support sustainable economic growth in rural areas. Planning strategies should promote a strong rural economy by taking a positive approach to new development. (28)	• Where relevant include a policy or policies which support the sustainable growth of rural businesses; promote the development and diversification of agricultural businesses; support sustainable rural tourism and leisure developments, and support local services and facilities.	The Local Plan includes a number of policies which facilitate sustainable economic growth in the rural areas around Colchester;
		Policy SG4 identifies and seeks to protect designated Local Economic Area, many of which are in rural locations;
		Site allocation Policies include Local Economic proposals / safeguards where appropriate in the Sustainable settlements;
		Policies OV1 and OV2 provide the context for sustainable development in the Other villages and Countryside;
		Policy DM6 provides detailed policy guidance to enable a sustainable rural

Soundness Test and Key Requirements	Possible Evidence	Evidence Provided
		economy to thrive and enhance where appropriate, balanced against other considerations / constraints
4. Promoting sustainable transport (paras 29- 41)		
Facilitate sustainable development whilst contributing to wider sustainability and health objectives. (29) Balance the transport system in favour of sustainable transport modes and give people a real choice about how they travel whilst recognising that different policies will be required in different communities and opportunities to maximise sustainable transport solutions will vary from urban to rural areas. (29) Encourage solutions which support reductions in greenhouse gas emissions and congestion (29) including supporting a pattern of development which, where reasonable to do so, facilitates the use of sustainable modes of transport. (30) Local authorities should work with neighbouring authorities and transport providers to develop strategies for the provision of viable infrastructure necessary to	 Joint working with adjoining authorities, transport providers and Government Agencies on infrastructure provision in order to support sustainable economic growth with particular regard to the facilities referred to in paragraph 31. Policies encouraging development which facilitates the use of sustainable modes of transport and a range of transport choices where appropriate, particularly the criteria in paragraph 35. A spatial strategy and policy which seeks to reduce the need to travel through balancing housing and employment provision. Policy for major developments which promotes a mix of uses and access to key facilities by sustainable transport modes. If local (car parking) standards have been prepared, are they justified and necessary? (39) Identification and protection of sites and routes where infrastructure could be developed to widen transport choice linked to the Local Transport Plan. 	Evidence includes; IDP East Colchester Rapid Transit Report AECOM Concept Framework studies The Strategic Approach set out in Section One of the Local Plan provides strong evidence of Joint Working. Inclusion of Essex County Council secures direct input representing many key infrastructure areas including transport; The relation of proposals in Section One of the Local Plan for Garden Communities to the Strategic Major infrastructure projects including the A12, A120 and rail network has
support sustainable development. (31) Opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure. (32) Ensure that developments which generate		required joined up working between the agencies, demonstrated in the Duty to Co-operate Statement and IDP The translation of these key objectives into Policy is in SP5 within Section One

Soundness Test and Key Requirements	Possible Evidence	Evidence Provided
significant movement are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised (34)		of the Local Plan. In addition the 3 site specific Garden Communities all reflect key sustainable transport opportunities which were explore in
Plans should protect and exploit opportunities for the use of sustainable transport modes for the movement of goods or people. (35)		the AECOM Concept Framework studies;
Policies should aim for a balance of land uses so that people can be encouraged to minimize journey lengths for employment, shopping, leisure, education and other activities. (37)		The Spatial Strategy set out in Policy SG1 in Section 2 of the Local Plan underpins the principle of locating development in the most sustainable location and in promoting alternative
For larger scale residential developments in particular, planning policies should promote a mix of uses in order to provide opportunities to undertake day-to-day activities including work on site. Where practical, particularly within large-scale developments, key facilities such as primary schools and local shops should be located within walking distance of most properties. (38)		The Strategic Place Polices cover the need to mitigate, enhance and manage cumulative impacts in relation to transport issues specifically under Policies NC4, SC3, EC3 and WC5 in section two of the Local Plan;
The setting of car parking standards including provision for town centres. (39-40)		Further Policies in Section of two of
Local planning authorities should identify and protect, where there is robust evidence, sites and routes which could be critical in developing infrastructure to widen transport choice. (41)		the Local Plan proactively support sustainable transport with DM20 promoting sustainable transport and encouraging the change in travel behaviours, DM21 Sustainable Access to development;
		Policy DM22 provides guidance and requirements in respect of Parking standards which reflects close working with the Highway Authority (Essex

Soundness Test and Key Requirements	Possible Evidence	Evidence Provided
		County Council) which has recently reviewed, consulted and adopted Essex wide Car parking standards. The relationship / justification is covered in the policy and relevant supporting text.
5. Supporting high quality communications infrastructure (paras 42-46)		
Support the expansion of the electronic communications networks, including telecommunications' masts and high speed broadband. (43)	 Policy supporting the expansion of electronic communications networks, including telecommunications and high speed broadband, noting the caveats in para 44. 	PolicySP5 in Section of the Local Plan makes specific reference to requiring new development to have the earliest and fastest connection to
Local planning authorities should not impose a ban on new telecommunications development in certain areas, impose blanket Article 4 directions over a wide area or a wide range of telecommunications development or insist on minimum distances between new telecommunications development and existing development. (44)		telecommunication infrastructure. In section two of the Local Plan Policy SG7 requires provision and contributions to all forms of infrastructure required for all development. In the explanatory text under 12.79 specific reference to telecommunications and digital infrastructure is made.
6. Delivering a wide choice of high quality housing (paras 47-55)		
Identify and maintain a rolling supply of specific deliverable sites sufficient to provide five years' worth of housing against their housing requirements; this should include an additional buffer of 5% or 20% (moved forward from later in the plan period) to ensure choice and competition in the market for land. 20% buffer applies where there has been persistent under	 Identification of: a) five years or more supply of specific deliverable sites; plus the buffer as appropriate Where this element of housing supply includes windfall sites, inclusion of 'compelling evidence' to justify their inclusion (48) A SHLAA 	 The Evidence Base includes; Housing Trajectory included in the Housing Land Supply Statement Strategic Housing Land

Soundness Test and Key Requirements	Possible Evidence	Evidence Provided
delivery of housing(47)		 Availability Assessment (SLAA_ Policy SP3 Section One of the Local Plan sets out housing numbers planned for in the plan period. Policy SP7 section One Local Plan numbers proposed to be delivered during the plan period from each of the 3 Garden Communities Policy SG2 in section two of the Local Plan sets out the Housing provision
Identify a supply of developable sites or broad locations for years 6-10 and, where possible, years 11-15 (47).	 Identification of a supply of developable sites or broad locations for: a) years 6-10; b) years 11-15 	The Local Plan provides broad areas for growth identified in Section One as Garden Communities under Policies SP7, SP8 and SP9 and SP10. In addition Section tow provides allocated sites in accordance with the spatial strategy contributing to a deliverable supply for years 6-10 and 11-15. Evidence supporting this; SLAA and Housing Land supply statement including Trajectory

Soundness Test and Key Requirements	Possible Evidence	Evidence Provided
Illustrate the expected rate of housing delivery through a trajectory; and set out a housing implementation strategy describing how a five year supply will be maintained. (47)	 A housing trajectory Monitoring of completions and permissions (47) Updated and managed SHLAA. (47) 	 The evidence to support the expected rate of housing delivery includes; SLAA report Latest Authority Monitoring Report Housing land Supply Statement including Housing Trajectory
Set out the authority's approach to housing density to reflect local circumstances (47).	Policy on the density of development.	Policy DM9 in section two of the Local Plan covers development densities and guidance to support this
Plan for a mix of housing based on current and future demographic and market trends, and needs of different groups (50) and caters for housing demand and the scale of housing supply to meet this demand. (para 159)	 Policy on planning for a mix of housing (including self-build, and housing for older people SHMA Identification of the size, type, tenure and range of housing) required in particular locations, reflecting local demand. (50) Evidence for housing provision based on up to date, objectively assessed needs. (50) Policy on affordable housing and consideration for the need for on-site provision or if off-site provision or financial contributions are sought, where these can these be justified and to what extent do they contribute to the objective of creating mixed and balanced communities. (50) 	 The Evidence is set out in the SHMA and the Local Plan Viability Study Policy SP7 in Section One of the Local Plan includes reference to requiring a mix and type and size of dwellings to reflect demand. In addition it also requires 30% affordable housing provision in each of the garden communities. Further policies in section two of the Local Plan cover a range of housing diversity issues including; Policy DM8- Affordable Housing;

Soundness Test and Key Requirements	Possible Evidence	Evidence Provided
		 Policy DM10 Housing Diversity covering locally identified needs including Older people, specialist housing, Self- build, Gypsies and Travellers, Students and Hospice provision DM 11 Gypsies and Travellers and Travelling Showpeople
In rural areas be responsive to local circumstances and plan housing development to reflect local needs, particularly for affordable housing, including through rural exception sites where appropriate (54). In rural areas housing should be located where it will enhance or maintain the vitality of rural communities.	 Consideration of allowing some market housing to facilitate the provision of significant additional affordable housing to meet local needs. Consideration of the case for resisting inappropriate development of residential gardens. (This is discretionary)(para 53) Examples of special circumstances to allow new isolated homes listed at para 55. 	Policy DM8, Sustainable settlement Policies and Policy OV1 of the Local Plan all make reference to provision for exceptions where appropriate and other circumstances where development may be acceptable in rural areas
7. Requiring good design (paras 56-68)		
Develop robust and comprehensive policies that set out the quality of development that will be expected for the area (58).	 Inclusion of policy or policies which seek to increase the quality of development through the principles set out at para 58 and approaches in paras 59-61, linked to the vision for the area and specific local issues 	Policies requiring good design are included in Section One of the Local Plan under the following policies; SP6- Place Shaping Principle
		SPO- Place Shaping Frinciple SP7- Development and Delivery of New Garden Communities in North Essex SP8, SP9 and SP10 area Garden

Soundness Test and Key Requirements	Possible Evidence	Evidence Provided
		Communities
		Further Policies in Section Two of the Local Plan include requirements and guidance on design, amenity and open space;
		DM15- Design and Amenity
		Open Space Policies DM17, DM18 and DM19
 Promoting healthy communities (paras 69- 77) 		
Policies should aim to design places which: promote community interaction, including through mixed-use development; are safe and accessible environments; and are accessible developments (69).	 Inclusion of a policy or policies on inclusive communities. Promotion of opportunities for meetings between members of the community who might not otherwise come into contact with each other, including through mixed-use developments which bring together those who work, live and play in the vicinity; safe and accessible environments where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion; and accessible developments, containing clear and legible pedestrian routes, and high quality public space, which encourage the active and continual use of public areas. (69) 	 SP6- Place Shaping Principle SP7- Development and Delivery of New Garden Communities in North Essex SP 8, 9 and 10 area Garden Communities In Section two of the Local Plan Strategic Allocations promote mix of uses requirements set out in Place Policies as appropriate
Policies should plan positively for the provision and use of shared space, community facilities and other local services (70).	 Inclusion of a policy or policies addressing community facilities and local service. Positive planning for the provision and integration of community facilities and other local services to enhance the sustainability of communities and residential environments; safeguard against the 	In Section One of the Local Plan Policies cover comprehensive provision requirements for the new communities under Policies SP8, SP9

Soundness Test and Key Requirements	Possible Evidence	Evidence Provided
	unnecessary loss of valued facilities and services; ensure that established shops, facilities and services are able to develop and modernize; and ensure that housing is developed in suitable locations which offer a range of community facilities and good access to key services and infrastructure.	and SP10 area Garden Communities In Section Two of the Local Plan Policy DM2- Community Facilities provides for positive planning.
Identify specific needs and quantitative or qualitative deficits or surpluses of open space, sports and recreational facilities; and set locally derived standards to provide these (73).	 Identification of specific needs and quantitative or qualitative deficits or surpluses of open space, sports and recreational facilities in the local area. (73) A policy protecting existing open space, sports and recreational buildings and land from development, with specific exceptions. (74) Protection and enhancement of rights of way and access. (75) 	 Evidence Base includes; Indoor Sports Facilities Strategy Playing Pitch Strategy Green Infrastructure Strategy Colchester Protected lanes Report Policies in Section two of the Local Plan covering open space / recreation issues include; ENV3 Green Infrastructure DM4 Sports Provision DM17 retention of open space and recreation facilities DM18 provision of open space
		DM19 Private Amenity space

Soundness Test and Key Requirements	Possible Evidence	Evidence Provided
Enable local communities, through local and neighbourhood plans, to identify special protection green areas of particular importance to them – 'Local Green Space' (76-78).	 Policy enabling the protection of Local Green Spaces. (Local Green Spaces should only be designated when a plan is prepared or reviewed, and be capable of enduring beyond the end of the plan period. The designation should only be used when it accords with the criteria in para 77). Policy for managing development within a local green space should be consistent with policy for Green Belts. (78) 	 Policy ENV3 Green Infrastructure in section two of the Local Plan refers to Green Space and the multi- functional opportunities. It includes reference to the Community led Colchester green Orbital . Evidence relevant includes; Green Infrastructure Strategy Colchester Green Orbital Aims and Objectives
9. Protecting Green Belt land (paras 79-92)		
Local planning authorities should plan positively to enhance the beneficial use of the Green Belt, such as looking for opportunities to provide access; to provide opportunities for outdoor sport and recreation; to retain and enhance landscapes, visual amenity and biodiversity; or to improve damaged and derelict land. (81) Local planning authorities with Green Belts in their area should establish Green Belt	 Where Green Belt policies are included, these should reflect the need to: Enhance the beneficial use of the Green Belt. (81) Accord with criteria on boundary setting, and the need for clarity on the status of safeguarded land, in particular. (85) Specify that inappropriate development should not be approved except in very special circumstances. (87) Specify the exceptions to inappropriate development (89-90) Identify where very special circumstances might apply to renewable energy development. (91) 	N/A No Green Belt applies to Colchester Borough
framework for Green Belt and settlement policy. (83) When drawing up or reviewing Green Belt boundaries local planning authorities should		

Soundness Test and Key Requirements	Possible Evidence	Evidence Provided
take account of the need to promote sustainable patterns of development. (84)		
Boundaries should be set using 'physical features likely to be permanent' amongst other things (85)		
10. Meeting the challenge of climate change, flooding and coastal change (paras 93-108)		
Adopt proactive strategies to mitigate and adapt to climate change taking full account of flood risk, coastal change and water supply and demand considerations. (94)	 Planning of new development in locations and ways which reduce greenhouse gas emissions. Support for energy efficiency improvements to existing building. Local requirements for a building's sustainability which are consistent with the Government's zero carbon buildings policy . (95)) 	The Spatial Strategy Policies SP2 (Section One) and SG1 (Section Two) of the Local Plan channels new development in the most sustainable location which in turn seeks to reduce greenhouse emissions. Section One of the Local Plan Policy SP6 includes reference to promoting a proactive approach in response to climate change issues. Section Two of the Local Plan includes Policy CC1 which reflects these requirements
Help increase the use and supply of renewable and low carbon energy through a strategy, policies maximising renewable and low carbon energy, and identification of key energy sources. (97)	 A strategy and policies to promote and maximise energy from renewable and low carbon sources, Identification of suitable areas for renewable and low carbon energy sources, and supporting infrastructure, where this would help secure the development of such sources (see also NPPF footnote 17) Identification of where development can draw its energy supply from decentralised, renewable or low carbon supply systems and for co-locating potential heat customers and suppliers. (97) 	Policy DM25 in section two of the Local Plan also covers a policy commitment to carbon reduction and the promotion of efficient use of energy resources. Policy CC1 and Place Policies including EC1 refer to requiring opportunities linking to the East Colchester Energy

Soundness Test and Key Requirements	Possible Evidence	Evidence Provided
		centre and to the HEAT network in North Colchester.
Minimise vulnerability to climate change and manage the risk of flooding (99)	 Account taken of the impacts of climate change. (99) Allocate, and where necessary re-locate, development away from flood risk areas through a sequential test, based on a SFRA. (100) 	Evidence Base underpinning the Water Management issues;
	• Policies to manage risk, from a range of impacts, through suitable adaptation measures	 Affinity Water Resource Management Plan
		 Strategic Flood Risk Assessment (Level 2) and Appendicies
		 Flood Risk Sequential Test Report
		 EA response to Sequential Test Methodology
		 Surface Water Management Plan (SWMP)
		• SLAA (First Sieve ruled out sites which were largely within Flood Risk Areas 2/3)
		The Local Plan responds to this evidence covering management and mitigation issues in Local Plan policies below;
		 Place Policies in Section two of the Local Plan include

Soundness Test and Key Requirements	Possible Evidence	Evidence Provided
		reference to development away from areas of Flood risk where this applies to any part of the site(s) (TC3, EC2, EC3, SS4, SS12b and SS12c)
		In addition focused policies as follows;
		 DM23- Flood Risk and water Management
		 DM24- Sustainable Urban Drainage
		 DM25- Renewable energy, water, waste and recycling
Take account of marine planning (105)	• Ensure early and close co-operation on relevant economic, social and environmental policies with the Marine Management Organisation	The Duty to Co-operate Statement illustrates early and close co-operation with the Marine Management
	 Review the aims and objectives of the Marine Policy Statement, including local potential for marine-related economic development 	Organisation.
	 Integrate as appropriate marine policy objectives into emerging policy 	Paragraph 13.20 of the Local Plan refers to the Marine Management Organisation and emerging South East
	• Support of integrated coastal management (ICM) in coastal areas in line with the requirements of the MPS	Inshore Plan demonstrating consideration of the objectives relevant to this issue.
Manage risk from coastal change (106)	Identification of where the coast is likely to experience physical changes and identify Coastal Change Management Areas, and	Evidence
	clarity on what development will be allowed in such areas.Provision for development and infrastructure that needs to be re-	Coastal Protection Report

Soundness Test and Key Requirements	Possible Evidence	Evidence Provided
	located from such areas, based on SMPs and Marine Plans, where appropriate.	Section Two of the Local Plan includes policy ENV2 on Coastal areas which looks to manage development in protected and unprotected coastal areas and designates an updated Coastal Protection Belt
11. Conserving and enhancing the natural environment (paras 109-125)		
Protect valued landscapes (109)	 A strategy and policy or policies to create, protect, enhance and manage networks of biodiversity and green infrastructure. Policy which seeks to minimise the loss of higher quality agricultural land and give great weight to protecting the landscape and scenic beauty of National Parks, the Broads and AONBs. 	Section Two of the Local Plan includes Policies ENV1 Environment, ENV3 Green Infrastructure and ENV4 Dedham Vale Area of Outstanding Natural Beauty which cover the protection, enhancement and management of development proposals and potential impacts on the environment.
Prevent unacceptable risks from pollution and land instability (109)	 Policy which seeks development which is appropriate for its location having regard to the effects of pollution on health, the natural environment or general amenity. 	Policy ENV5 Pollution and Contaminated Land in section Two of the Local Plan covers issues relating pollution and contamination as well as Development Management Policies concerning the general amenity.
Planning policies should minimise impacts on biodiversity and geodiversity (117)	 Identification and mapping of local ecological networks and geological conservation interests. 	The evidence base includes;
Planning policies should plan for biodiversity at a landscape-scale across local authority boundaries (117)	 Policies to promote the preservation, restoration and re-creation of priority habitats, ecological networks and the recovery of priority species 	Local Wildlife Sites Review 2016 Environmental Audit East and West Colchester

Soundness Test and Key Requirements	Possible Evidence	Evidence Provided
		Colchester Archaeology Report
12. Conserving and enhancing the historic environment (paras 126-141)		
Include a positive strategy for the conservation and enjoyment of the historic environment, including heritage assets most at risk (126)	 A strategy for the historic environment based on a clear understanding of the cultural assets in the plan area, including assets most at risk. A map/register of historic assets A policy or policies which promote new development that will make a positive contribution to character and distinctiveness. (126) 	Policies DM15 and DM16 in the Section Two Local Plan covers the Design and Amenity and a positive approach for considering proposals in the Historic Environment
13. Facilitating the sustainable use of minerals (paras 142-149)		
It is important that there is a sufficient supply of material to provide the infrastructure, buildings, energy and goods that the country needs. However, since minerals are a finite natural resource, and can only be worked where they are found, it is important to make best use of them to secure their long-term conservation (142) Minerals planning authorities should plan for a	Account taken of the matters raised in relation to paragraph 143 and 145, including matters in relation to land in national / international designations; landbanks; the defining of Minerals Safeguarding Areas; wider matters relating to safeguarding; approaches if non-mineral development is necessary within Minerals Safeguarding Areas; the setting of environmental criteria; development of noise limits; reclamation of land; plan for a steady and adequate supply of aggregates. This could include evidence of co-operation with neighbouring and more distant authorities.	The Essex Minerals Local Plan defines the Minerals Safeguarding Areas. These are referred to in place policies / site allocations as relevant, for example in paragraph 14.119 and WC3 in Section Two of the Local Plan
steady and adequate supply of industrial materials (146)		

Justified: The plan should be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence.

To be 'justified' a DPD needs to be:

• Founded on a robust and credible evidence base involving: research / fact finding demonstrating how the choices made in the plan are backed up by facts; and evidence of participation of the local community and others having a stake in the area.

• The most appropriate strategy when considered against reasonable alternatives.

Soundness Test and Key Requirements	Possible Evidence	Evidence Provided
Participation Has the consultation process allowed for effective engagement of all interested parties?	The consultation statement. This should set out what consultation was undertaken, when, with whom and how it has influenced the plan. The statement should show that efforts have been made to consult hard to reach groups, key stakeholders etc. Reference SCI	The Consultation Statement sets out the process of consultation and the implications of the engagement throughout the plan preparation Process
Research / fact finding Is the plan justified by a sound and credible evidence base? What are the sources of evidence? How up to date, and how convincing is it? What assumptions were made in preparing the DPD? Were they reasonable and justified?	 The studies, reports and technical papers that provide the evidence for the policies set out in the DPD, the date of preparation and who they were produced by. AND Sections of the DPD (at various stages of development) and SA Report which illustrate how evidence supports the strategy, policies and proposals, including key assumptions. OR A very brief statement of how the main findings of consultation support the policies, with reference to: reports to the council on the issues raised during participation, covering both the front-loading and formulation phases; and any other information on community views and preferences. OR For each policy (or group of policies dealing with the same issue), a very brief statement of the evidence documents relied upon and how they support the policy (where this is not already clear in the reasoned justification in the DPD). 	The Sustainability Appraisal which includes scoping and evidence documents underpinning the Local Plan and the wider effects considered
Alternatives Can it be shown that the LPA's chosen approach is the most appropriate given the reasonable alternatives? Have the reasonable alternatives been considered and is there a clear audit trail showing how and why the preferred approach was arrived at? Where a	 Reports and consultation documents produced in the early stages setting out how alternatives were developed and evaluated, and the reasons for selecting the preferred strategy, and reasons for rejecting the alternatives. This should include options covering not just the spatial strategy, but also the quantum of development, strategic policies and development management policies. 	The Consultation Statement references all of the relevant reports and consultation documents and the way in which responses have been taken into account in plan

Soundness Test and Key Requirements	Possible Evidence	Evidence Provided
balance had to be struck in taking decisions between competing alternatives, is it clear how and why the decisions were taken? Does the sustainability appraisal show how the different options perform and is it clear that sustainability considerations informed the content of the DPD from the start?	 An audit trail of how the evidence base, consultation and SA have influenced the plan. Sections of the SA Report showing the assessment of options and alternatives. Reports on how decisions on the inclusion of policy were made. Sections of the consultation document demonstrating how options were developed and appraised. Any other documentation showing how alternatives were developed and evaluated, including a report on how sustainability appraisal has influenced the choice of strategy and the content of policies. 	preparation. The Sustainability Appraisal clearly identifies alternatives considered for each policy and allocation and justifies the preferred choices selected.
Effective: the plan should be deliverable priorities. To be 'effective' a DPD needs to:	e over its period and based on effective joint working on a	cross-boundary strategic
Be deliverable		
• Demonstrate sound infrastructure deliver	y planning	
Have no regulatory or national planning b	arriers to its delivery	
Have delivery partners who are signed up	to it	
Be coherent with the strategies of neighbored	ouring authorities	
Demonstrate how the Duty to Co-operate	has been fulfilled	
Be flexible		
Be able to be monitored		
Deliverable and Coherent	• Sections of the DPD which address delivery, the means of delivery	The Infrastructure Delivery Plan and
• Is it clear how the policies will meet the Plan's vision and objectives? Are there any obvious	 and the timescales for key developments and initiatives. Confirmation from the relevant agencies that they support the objectives and the identified means of delivery, such as evidence 	the Local Plan Viability Reports provide evidence to support Plan Delivery.

Soundness Test and Key Requirements	Possible Evidence	Evidence Provided
 Are there realistic timescales related to the objectives? Does the DPD explain how its key policy objectives will be achieved? 	 Plans). Information in the local development scheme, or provided separately, about the scope and content (actual and intended) of each DPD showing how they combine to provide a coherent policy structure. Section in the DPD that shows the linkages between the objectives and the corresponding policies, and consistency between policies (such as through a matrix). 	Local Plan provides a Delivery Strategy and approach to implementation and a Monitoring Framework linking to the LDS and the AMR
 Infrastructure Delivery Have the infrastructure implications of the policies clearly been identified? Are the delivery mechanisms and timescales 	 A section or sections of the DPD where infrastructure needs are identified and the proposed solutions put forward. A schedule setting out responsibilities for delivery, mechanisms and timescales, and related to a CIL schedule where appropriate. 	The Infrastructure Delivery Plan and the L <mark>ocal Plan Viability</mark> Reports provide evidence to support Plan Delivery.
 for implementation of the policies clearly identified? Is it clear who is going to deliver the required infrastructure and does the timing of the provision complement the timescale of the policies? 	 Confirmation from infrastructure providers that they support the solutions proposed and the identified means and timescales for their delivery, or a plan for resolving issues. Demonstrable plan-wide viability, particularly in relation to the delivery of affordable housing and the role of a CIL schedule. 	The Local Plan Viability Report covers a full evidenced justification for the approach to affordable housing targets as set out in Policy DM8 in Section two of the Local Plan
<i>Co-ordinated Planning</i> Does the DPD reflect the concept of spatial planning? Does it go beyond traditional land use planning by bringing together and integrating policies for the development and use of land with other policies and programmes from a variety of agencies / organisations that influence the nature of places and how they function?	 Sections of the DPD that reflect the plans or strategies of the local authority and other bodies Policies which seek to pull together different policy objectives Expressions of support/representations from bodies responsible for other strategies affecting the area 	Section One of the Local Plan is a Joint strategic Plan for North Essex working jointly with Braintree and Tendring Districts and Essex County Council. The overall approach to co-operation within North Essex and with other neighbours is set out in the Duty to Co-operate Statement
FlexibilityIs the DPD flexible enough to respond to a variety of, or unexpected changes in,	 Sections of the DPD setting out the assumptions of the plan and identifying the circumstances when policies might need to be reviewed. 	Chapter 17 of the Local Plan covers Monitoring provides a framework and indicators for review. Policies and

Soundness Test and Key Requirements	Possible Evidence	Evidence Provided
circumstances? • Does the DPD include the remedial actions	• Sections of the annual monitoring report and sustainability appraisal report describing how the council will monitor:	evidence also reflect the Plan, Monitor, Review approach building in flexibility where required during implementation.
that will be taken if the policies need adjustment?	 a. the effectiveness of policies and what evidence is being collected to undertake this 	
	 changes affecting the baseline information and any information on trends on which the DPD is based 	
	Risk analysis of the strategy and policies to demonstrate robustness and how the plan could cope with changing circumstances	
	• Sections within the DPD dealing with possible change areas and how they would be dealt with, including mechanisms for the rate of development to be increased or slowed and how that would impact on other aspects of the strategy and on infrastructure provision	
	• Sections of the DPD identifying the key indicators of success of the strategy, and the remedial actions which will be taken if adjustment is required.	
Co-operation	A succinct Duty to Co-operate Statement which flows from the	A Duty to Co-operate Statement sets
• Is there sufficient evidence to demonstrate that the Duty to Co-operate has been undertaken appropriately for the plan being examined?	strategic issues that have been addressed jointly. A 'tick box' approach or a collection of correspondence is not sufficient, and it needs to be shown (where appropriate) if joint plan-making arrangements have been considered, what decisions were reached and why.	out the strategic issues and the relevant matters of co-operation and supporting evidence.
• Is it clear who is intended to implement each part of the DPD? Where the actions required are outside the direct control of the LPA, is there evidence that there is the necessary commitment from the relevant organisation to the implementation of the policies?	 The Duty to Co-operate Statement could highlight: the sharing of ideas, evidence and pooling of resources; the practical policy outcomes of co-operation; how decisions were reached and why; and evidence of having effectively co-operated to plan for issues which need other organisations to deliver on, common objectives for elements of strategy and policy; a memorandum of understanding; aligned or joint core strategies and liaison with other consultees as appropriate. 	

Soundness Test and Key Requirements	Possible Evidence	Evidence Provided
 Monitoring Does the DPD contain targets, and milestones which relate to the delivery of the policies, (including housing trajectories where the DPD contains housing allocations)? Is it clear how targets are to be measured (by when, how and by whom) and are these linked to the production of the annual monitoring report? Is it clear how the significant effects identified in the sustainability appraisal report will be taken forward in the ongoing monitoring of the implementation of the plan, through the annual monitoring report? 	 Sections of the DPD setting out indicators, targets and milestones Sections of the current annual monitoring report which report on indicators, targets, milestones and trajectories Reference to any other reports or technical documents which contain information on the delivery of policies Sections of the current annual monitoring report and the sustainability appraisal report setting out the framework for monitoring, including monitoring the effects of the DPD against the sustainability appraisal 	Chapter 17 of the Local Plan covers Monitoring provides a framework and indicators for review. Policies and evidence also reflect the Plan, Monitor, Review approach building in flexibility where required during implementation.
in the Framework.	an should enable the delivery of sustainable development policy. Where there is a departure, there must be clear and convincing re	
 Does the DPD contain any policies or proposals which are not consistent with national policy and, if so, is there local justification? Does the DPD contain policies that do not add anything to existing national guidance? If so, why have these been included? 	 Sections of the DPD which explain where and how national policy has been elaborated upon and the reasons. Studies forming evidence for the DPD or, where appropriate, other information which provides the rationale for departing from national policy. Evidence provided from the sustainability appraisal (including reference to the sustainability report) and/or from the results of community involvement. Where appropriate, evidence of consistency with national marine policy as articulated in the UK Marine Policy Statement Reports or copies of correspondence as to how representations have been considered and dealt with. 	The supporting text preceding the topic policies throughout the Local Plan, refer to the National Planning Context and National Guidance. This sets the context and goes on to provide a policy responding to the detailed local issues / requirements. The Consultation Statement and the Sustainability Appraisal set out how evidence conforms with national policy and how issues have been taken

Soundness Test and Key Requirements	Possible Evidence	Evidence Provided
		into account in plan preparation.

Planning policy for traveller sites

Planning Policy for Traveller Sites was published in 23 March 2012 and came into effect on 27 March 2012. Circular 01/06: Planning for Gypsy and Traveller Caravan Sites and Circular 04/07: Planning for Travelling Showpeople have been cancelled. Planning Policy for Traveller Sites should be read in conjunction with the National Planning Policy Framework, including the implementation policies of that document.

The government's aim in relation to planning for traveller sites is:

'To ensure fair and equal treatment for travellers, in a way that facilitates the traditional and nomadic life of travellers whilst respecting the interests of the settled community'.

Government's aims in respect of traveller sites are:

- That local planning authorities (LPAs) make their own assessment of need for the purposes of planning
- That LPAs work collaboratively, develop fair and effective strategies to meet need through the identification of land for sites
- Plan for sites over a reasonable timescale
- Plan-making should protect green belt land from inappropriate development
- Promote more private traveller site provision whilst recognising that there will always be those travellers who cannot provide their own sites
- Aim to reduce the number of unauthorised developments and encampments and make enforcement more effective.

In addition local planning authorities should:

- Include fair, realistic and inclusive policies
- Increase the number of traveller sites in appropriate locations with planning permission, to address under provision and maintain an appropriate level of supply
- Reduce tensions between settled and traveller communities in plan-making and decision-taking
- Enable provision of suitable accommodation from which travellers can access education, health, welfare and employment infrastructure
- Have due regard to protection of local amenity and local environment

Policy Expectations	Possible Evidence	Evidence Provided
Policy A: Using evidence to plan positively and manage development (para 6)		
Early and effective community engagement with both settled and traveller communities.	 Early and effective engagement undertaken, including discussing travellers' accommodation needs with travellers themselves, their representative bodies and local support groups. 	Engagement with settled and traveller communities was carried out as part of the preparation of the Gypsy and Traveller Accommodation Assessment completed by ORS on behalf of Essex planning authorities.
Co-operate with travellers, their representative bodies and local support groups, other local authorities and relevant interest groups to prepare and maintain an up-to-date understanding of likely permanent and transit accommodation needs of their areas.	 Demonstration of a clear understanding of the needs of the traveller community over the lifespan of your development plan. Collaborative working with neighbouring local planning authorities. A robust evidence base to establish accommodation needs to inform the preparation of your local plan and make planning decisions. 	The Gypsy and Traveller Accommodation assessment provides a robust evidence for the clear understanding of the needs of the traveller community. Its preparation entailed collaborative working with neighbouring LPAs as it was commissioned via the Essex Planning Officers Association.
Policy B: Planning for traveller sites (paras 7- 11)		
Set pitch targets for gypsies and travellers and plot targets for travelling showpeople which address the likely permanent and transit site accommodation needs of travellers in your area, working collaboratively with	 Identification, and annual update, of a supply of specific, deliverable sites sufficient to provide 5 years worth of sites against locally set target. Identification of a supply of specific, developable sites or broad locations for growth for years 6-10, and, where 	Pitch targets reflect findings of GTAA and collaborative working with neighbouring LPAs. This has resulted in the inclusion of provision for G&T sites in cross-

Policy Expectations	Possible Evidence	Evidence Provided
neighbouring LPAs. Set criteria to guide land supply allocations where there is identified need. Ensure that traveller sites are sustainable economically, socially and environmentally. Policy C: Sites in rural areas and the countryside (para 12)	 possible, for years 11-15. An assessment of the need for traveller sites, and where an unmet need has been demonstrated a supply of specific, deliverable sites been identified. Policy which takes into account criteria a-h of para 11 	boundary Garden Communities. Policy DM11 includes criteria based approach for further site allocations which is intended to ensure that traveller sites are sustainable.
When assessing the suitability of sites in rural or semi-rural settings LPAs should ensure that the scale of such sites do not dominate the nearest settled community.		Policy DM11 prioritises sites within reasonable proximity to existing sustainable settlements which are of a larger scale. G&T sites of any scale unlikely to be preferred for sites near other rural settlements.
Policy D: Rural exception sites (para 13)		
If there is a lack of affordable land to meet local traveller needs, LPAs in rural areas, where viable and practical, should consider allocating and releasing sites solely for affordable travellers' sites.	 If a rural exception site policy is used, and if so clarity that such sites shall be used for affordable traveller sites in perpetuity. 	NA
Policy E: Traveller sites in Green Belt (paras 14-15)		
Traveller sites (both permanent and	Green Belt boundary revisions made in response to a specific	NA

Policy Expectations	Possible Evidence	Evidence Provided
temporary) in the Green Belt are inappropriate development.	identified need for a traveller site, undertaken through the plan making process.	
Exceptional limited alteration to the defined Green Belt boundary (which might be to accommodate a site inset within the Green Belt) to meet a specific, identified need for a traveller site should be done only through the plan-making process.		
Policy F: Mixed planning use traveller sites (paras 16-18)		
Local planning authorities should consider, wherever possible, including traveller sites suitable for mixed residential and business uses, having regard to the safety and amenity of the occupants and neighbouring residents.	 Consideration of the need for sites for mixed residential and business use (having regard to safety and amenity of the occupants and neighbouring residents), or separate sites in close proximity to one another. N.B. Mixed use should not be permitted on rural exception sites 	Local Plan policies provide a criteria-based approach to consideration of uses which could accommodate mixed residential and business uses on G&T sites.
Policy G: Major development projects (para 19)		
Local planning authorities should work with the planning applicant and the affected traveller community to identify a site or sites suitable for relocation of the community if a major development proposal requires the permanent or temporary relocation of a traveller site.	 Where a major development proposal requires the permanent or temporary relocation of a traveller site, the identification of a site or sites suitable for re-location of the community. 	NA

Soundness Self-Assessment Checklist

Integration of marine and terrestrial planning

As the UK marine area and marine plan area boundaries extend up to the level of mean high water spring tides while terrestrial planning boundaries generally extend to mean low water spring tides (including estuaries), the marine plan area will physically overlap with that of some terrestrial plan. Local authorities with any tidal frontage, even if far inland and not conventionally regarded as coastal, must therefore take full account of the MMO, the MPS and marine plans under S.58 of the Marine and Coastal Access Act and the Duty to Co-operate in Section 110 of the Localism Act 2011. A full list of the local planning authorities whose areas overlap with the UK marine area appears in Appendix One.

Furthermore, the Duty to Co-Operate requires all local planning authorities, even if landlocked, to take account, where relevant, of the MMO's plans and activities when preparing their Local Plans. Finally, the NPPF requires LPAs to take the MPS into account under the tests of soundness (specifically, to test if an emerging DPD is consistent with national policy, which includes the MPS).

The Marine and Coastal Access Act 2009 (the Act) provided for the introduction of a marine planning system for England's inshore and offshore marine area, establishing the Secretary of State as the Marine Planning Authority for these areas. The Act also provided for the establishment of the Marine Management Organisation (MMO) and for the Secretary of State to delegate various planning functions. The planning functions including preparation and review were delegated to the MMO in 2010. The Act also provided for the adoption of the UK Marine Policy Statement (MPS). The MPS was adopted on 18 March 2011 and provides the policy framework for marine planning and for all decisions likely to affect the marine area.

There are eleven plan areas in English waters, for each of which a Marine Plan will be prepared by the MMO and adopted by the Secretary of State for the Environment, Food and Rural Affairs.

In practical terms, all activities undertaken in the marine area require land based infrastructure, without which our ability to benefit economically and socially from activities in the marine area would be extremely limited.

The UK Government's vision for the marine environment, as articulated in the MPS, is:

'clean, healthy, safe, productive and biologically diverse oceans and seas'.

In the absence of a marine plan prepared by the MMO and adopted by the Secretary of State the MPS is the relevant marine policy document. Where a marine plan has been adopted both the MPS and the Marine Plan are relevant marine policy documents for the marine plan area.

As articulated in the Marine and Coastal Act and the MPS, the Government aims for the MPS and marine planning systems to sit alongside and interact with existing planning regimes across the UK. Specifically, s.58 of the Marine and Coastal Access Act requires all¹ public bodies to:

- take authorisation or enforcement decisions that affect or might affect the UK marine area in accordance with the MPS and relevant Marine Plans, unless relevant considerations indicate otherwise
- state their reasons where authorisation or enforcement decisions are not taken in accordance with the MPS and relevant Marine Plans
- have regard to the MPS and relevant Marine Plans when taking decisions that affect or might affect the UK marine area which are not authorisation or enforcement decisions²

In addition, the MPS seeks integration of marine planning and the terrestrial planning system through:

- Consistency between marine and terrestrial policy documents and guidance
- Liaison between respective responsible authorities for terrestrial and marine planning, including in plan development, implementation and review stages
- Sharing the evidence base and data where relevant and appropriate so as to achieve consistency in the data used in plan making and decisions

These aims are further supported by footnote 36 in the NPPF.

¹ Like the Duty to Co-Operate, no distinction is made by the Marine and Coastal Access Act between public authorities with a tidal frontage and those without. Emphasis is placed on the likelihood of the decision being made affecting the marine area.

² For example, decisions about what representations they should make as a consultee or about what action they should carry out themselves.

Policy Expectations	Possible Evidence	Evidence Provided	
Key requirements under the Duty to Co-Ope	Key requirements under the Duty to Co-Operate		
Consistency between marine and terrestrial policy documents and guidance	 Demonstration of consistency of aim between relevant local plan policies and marine policy documents (i.e. the MPS and any relevant adopted marine plans) Proof of collaborative working with the MMO and that the MPS has been taken into account. 	The key requirements under the Duty to Co-Operate are set out in Colchester's Duty to Co- Operate Statement. The Coastal Section refers to the need to integrate marine policies in the Colchester Local Plan with policies in the South East (Inshore) Marine Plan once it is complete to ensure consistency between marine and terrestrial policy documents and guidance	
Liaison between respective authorities responsible for terrestrial and marine planning, including in plan development, implementation and review stages	 Early and effective policy development engagement undertaken, including discussions with the MMO Evidence of iteration of policies and plans as a result of engagement with the MMO Evidence of engagement with the MMO in relation to monitoring, implementation and throughout the policy cycle Support of integrated coastal management (ICM) in coastal areas in line with the requirements of the MPS 	The key requirements under the Duty to Co-Operate are set out in Colchester's Duty to Co- Operate Statement. CBC attends and contributes to workshops hosted by the MMO to help influence the development of the South East Inshore Plan and to ensure that all issues relevant to the Borough are integrated into the	

Policy Expectations	Possible Evidence	Evidence Provided
		emerging marine plan. The LPA is also a member of the Essex Coastal Forum.
Sharing the evidence base and data where relevant and appropriate so as to achieve consistency in the data used in plan making and decisions	 Evidence that the LPA has shared or provided relevant data to the MMO that can help inform Marine Plans or MPS review Demonstration that local plan policy has been underpinned by data provided by the MMO or the MPS Explicit cross-referencing in local plan to MPS, the MMO, their roles, and relevant marine plans 	The key requirements under the Duty to Co-Operate are set out in Colchester's Duty to Co- Operate Statement. The LPA has worked with the MMP to agree wording for use in the Coastal Areas section of the Local Plan. The LPA provides an ongoing contribution to the development of the emerging South East Inshore Marine Plan through attendance at workshops and meetings. The Coastal Sections of the Local Plan deal with the marine environment and marine planning. It refers to the both National Marine Policy Statements and the emerging South East (Inshore) Marine Plan being prepared by the Marine Management Organisation.

Policy Expectations	Possible Evidence	Evidence Provided	
Marine Policy Statement- Chapter 2: General Pri	Marine Policy Statement- Chapter 2: General Principles for Decision-Making ³		
Sections 2.1 -2.2: The UK vision for the marine environment			
The UK vision for the marine environment ('clean, healthy, safe, productive and biologically diverse oceans and seas') Achieving the vision through marine planning	 Reference in DPD where appropriate to UK vision for the marine environment Contribution to the vision through local plan policies and supporting text 	The Environment and Coastal Sections of the Local Plan deal with the marine environment and marine planning. It refers to the both National Marine Policy Statements and the emerging South East (Inshore) Marine Plan being prepared by the Marine Management Organisation, both of which are relevant to the Colchester area.	
Section 2.4: Considering benefits and adverse effects in marine planning			
Consider benefits and adverse effects of plan policies	 Consideration of benefits and adverse effects of policy on the marine area as appropriate within the DPD's sustainability appraisal 	The Sustainability Appraisal includes scoping in relation to the marine area and has carried	

³ As the Marine Policy Statement was not targeted specifically at terrestrial planning authorities, some of its sections are, in practice, relevant to marine planning authorities only and/or there is already a comprehensive policy framework governing terrestrial development (e.g. energy infrastructure), Where this is considered to be the case, i.e. where it is considered likely that a terrestrial planning DPD would be found sound without referencing that section, the section in question has been omitted from this checklist.

Policy Expectations	Possible Evidence	Evidence Provided
		out a full SA / SEA appraisal of environmental and coastal policies for the Local Plan
Section 2.5: Economic, social and environmental considerations	•	
Contribute to the objectives of relevant EU Directives (Marine Strategy Framework Directive and Water Framework Directive)	 Reference to relevant EU Directives in DPD and sustainability appraisal Consideration of contribution of DPD policies to the objectives of relevant EU Directives 	The Plan refers to and complies with the EU Directive including the Habitats Directive and Water Framework Directive. Habitats Regulation Assessment and Appropriate Assessments were completed for Sections 1 and 2 of the Local Plan.
Marine Policy Statement- Chapter 3: Policy Obje	ctives for Key Activities	
3.1 Marine Protected Areas		
Incorporate identified areas and features of importance for nature conservation Activities or developments that may result in adverse impacts on biodiversity should be designed or located to avoid such impacts	 Identification of relevant areas and features of importance for nature conservation within relevant marine plan area(s) Consideration of impacts of policy and/or terrestrial development on those areas and features of importance Measures to mitigate, monitor and manage negative impacts on those areas and features of importance 	The Environment and Coastal Sections of the Local Plan refer to the marine environment. The Evidence base includes a Review of the Coastal Protection Belt which is reflected in Policy ENV2.
3.4 Ports and shipping		

Policy Expectations	Possible Evidence	Evidence Provided
Take into account and seek to minimise any negative impacts on shipping activity, freedom of navigation and navigational safety Protect the efficiency and resilience of continuing port operations	 Evidence that policy with potential impact on ports and shipping minimises negative impacts on sector Where relevant, evidence that economic, employment and transport policies are protective of ports and shipping sector 	Reference to the role and importance of nearby Ports including Harwich and Felixstowe is included in the Spatial Portrait of the Local Plan.
3.8 Fisheries		
Consider potential economic, social and environmental impacts of other developments on fishing activity	 Where relevant, evidence that other policies minimise negative impacts on fishing activity and/or aquaculture 	The emerging South East (Inshore Marine Plan) will be the key vehicle for managing this issue. The Local Plan however recognises the need to integrate the objectives of both plans to ensure consistency when planning on land and within the marine environment.
3.9 Aquaculture		
Consider the benefits of encouraging the development of efficient, competitive and sustainable aquaculture industries	Where relevant, evidence that the benefits of aquaculture industry development have been considered	The emerging South East (Inshore Marine Plan) will be the key vehicle for managing this issue. The Local Plan

Policy Expectations	Possible Evidence	Evidence Provided
		however recognises the need to integrate the objectives of both plans to ensure consistency when planning on land and within the marine environment.
3.10 Surface water management and waste water treatment and disposal		
Maximise opportunities for co- existence of waste water infrastructure with other activities in the marine environment	 Reference to and consideration of the co-existence of waste water infrastructure with other marine activities, including the potential for waste water infrastructure to mitigate marine impacts through design or location 	The Environment Section (ENV1) of Local Plan indicates the need to consider adverse impacts, including water quality on marine environment. The issue is further considered in the Flood Risk and Water Management section of the Local Plan. The evidence base includes an updated Strategic Flood Risk Assessment, an updated Water Cycle, an Integrated Water Strategy (Section 1 only). A Position Statement has also been prepared for Langham to address water quality issues in

Policy Expectations	Possible Evidence	Evidence Provided
		the Stour Estuary which is a designated European Site.
3.11 Tourism and recreation		
Consider the potential for tourism and recreation in the marine environment and the benefits this will bring to the economy and local communities	 Where relevant, reference to marine tourism and recreation Evidence that the potential for marine tourism and recreation has been recognised in plan-making 	The Coastal Areas section of the Local Plan highlights the role of marine related tourism and recreation and the potential benefits this can deliver for coastal communities as part of an integrated approach managing the marine environment. The issue is also covered in Development Management policy DM5 and place policies SS12b & c.

Appendix One

This is an alphabetical list of all local planning authorities in England whose area overlaps with the UK marine area.

Adur Allerdale Arun Babergh Barking and Dagenham Barrow-in-Furness Basildon Bassetlaw Bexley Blackpool Boston Bournemouth Broadland Broads Authority Canterbury Carlisle

Castle Point Chelmsford Cheshire West and Chester Chichester Chorley Christchurch Citv of London City of Brighton and Hove City of Bristol City of Kingston upon Hull City of Peterborough City of Plymouth City of Portsmouth City of Southampton City of Westminster Colchester Copeland Cornwall County Durham Dartford Doncaster Dover East Cambridgeshire East Devon East Lindsev East Riding of Yorkshire Eastbourne Eastleigh Exeter Exmoor National Park Fareham Fenland Fylde Gateshead Gloucester

Gosport Gravesham Great Yarmouth Greenwich Halton Hambleton Hammersmith and Fulham Hartlepool Hastings Havant Havering Horsham Hounslow Huntingdonshire lpswich Isle of Wight Isles of Scilly Kensington and Chelsea King's Lynn and West Norfolk Lake District National Park Lambeth Lancaster Lewes Lewisham Liverpool Maidstone Maldon Medway Middlesbrough New Forest New Forest National Park Newark and Sherwood Newcastle upon Tyne Newham North Devon

North East Lincolnshire North Lincolnshire North Norfolk North Somerset North Tyneside North York Moors National Park Northumberland Norwich Poole Preston Purbeck Redcar and Cleveland **Richmond upon Thames** Rochford Rother Scarborough Sedgemoor Sefton Selby Shepway South Cambridgeshire South Downs National Park South Gloucestershire South Hams South Holland South Lakeland South Norfolk South Ribble South Somerset South Tyneside Southend-on-Sea Southwark Stockton-on-Tees Stroud

Suffolk Coastal Sunderland Swale Taunton Deane Teignbridge Tendrina **Test Vallev** Thanet Thurrock Tonbridge and Malling Torbay Torridge **Tower Hamlets** Wandsworth Warrington Wavenev Wealden West Devon West Dorset West Lancashire West Lindsev West Somerset Weymouth and Portland Winchester Wirral Worthing Wvre York