



Report to Colchester Borough Council

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for Communities and Local Government

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PLANNING AND COMPULSORY PURCHASE ACT 2004 SECTION 20 REPORT ON THE EXAMINATION INTO THE COLCHESTER CORE STRATEGY DEVELOPMENT PLAN DOCUMENT

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Examination hearings held between 24 June and 10 July 2008

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ABBREVIATIONS

AA	Appropriate Assessment under the Habitats Directive/Regulations
ALCI	Area of Landscape Character Importance
AMR	Annual Monitoring Report
APO	Core Strategy Amendment to Preferred Option stage
App	Appendix
AONB	Area of Outstanding Natural Beauty
BREEAM	Building Research Establishment Environmental Assessment Method
CBC	Colchester Borough Council
CCA	Countryside Conservation Area
CD	Core Document
CIF	Community Infrastructure Fund
CLG	Communities and Local Government
CPB	Coastal Protection Belt
CS	Core Strategy
CSPO	Core Strategy Preferred Option stage
DCLG	Department of Communities and Local Government
DPD	Development Plan Document
EA	Environment Agency
ECC	Essex County Council
EEP	East of England Plan – the Regional Spatial Strategy
EH	English Heritage
GA	Growth Area
GO-East	Government Office for the East of England
HA	Highways Agency
ha	hectares
HGGIS	Haven Gateway Green Infrastructure Study
KD1	Key Diagram 1
KD2	Key Diagram 2
LDF	Local Development Framework
LDS	Local Development Scheme
LP	2004 Local Plan
LSP	Local Strategic Partnership
LTP	Local Transport Plan
NE	Natural England
para	paragraph
PAS	Planning Advisory Service
PDL	Previously developed land (brownfield land)
PPG	Planning Policy Guidance
PPS	Planning Policy Statement
RSL	Registered Social Landlord
RSS	Regional Spatial Strategy
SA	Sustainability Appraisal
SCI	Statement of Community Involvement
SCS	Colchester's Sustainable Community Strategy 2007
SEZ	Strategic Employment Zone
SFRA	Strategic Flood Risk Assessment
SHMA	Strategic Housing Market Assessment
SHLAA	Strategic Housing Land Availability Assessment
SOCG	Statement Of Common Ground
SP	Essex and Southend-on-Sea Replacement Structure Plan 2001
SPD	Supplementary Planning Document
SSA	Soundness Self Assessment

Introduction

i. Under the terms of Section 20(5) of the Planning & Compulsory Purchase Act 2004, the purpose of the independent examination of a Development Plan Document (DPD) is to determine:

- (a) whether it satisfies the requirements of s19 and s24(1) of the 2004 Act, the regulations under s17(7), and any regulations under s36 relating to the preparation of the document; and
- (b) whether it is sound.

ii. This report contains my assessment of the Colchester Core Strategy DPD in terms of the above matters, along with my recommendations and the reasons for them, as required by s20(7) of the 2004 Act. A schedule of changes is attached to the report (Annexe 1 and 1a-d) and references to changes are shown thus **(C)**. References to core documents are shown thus *[CBC]*.

iii. Under regulation 13(5) a DPD must identify any policies that it is to supersede. The submission CS did not contain this information but to overcome this omission Colchester Borough Council (CBC) suggests including a new Appendix E to the CS to show which of the relevant 'saved' policies of the 2004 Local Plan (LP) it would supersede. This change would ensure that this soundness test has been met.

iii.i In order for the Core Strategy to be sound, it should include a new Appendix E to list the saved policies from the adopted Local Plan that are to be superseded by policies in the Core Strategy, as set out in Annexe 1 to my report (C1).

iv I am satisfied that the Core Strategy (CS) meets the requirements of the Act and Regulations. My main role is to consider its soundness against each of the tests of soundness set out in Planning Policy Statement 12 (PPS12). Although the recently revised PPS12 *Local Spatial Planning* is a material consideration, the Colchester CS will be considered against the nine tests of para 4.24 of the 2004 PPS12 *Local Development Frameworks* because it was submitted prior to the revision.

v. In line with national policy, the starting point for the examination is the assumption that the local authority has submitted what it considers to be a sound plan. The changes I have specified in this binding report are made only where there is a clear need to amend the document in the light of the soundness tests in PPS12. None of these changes should materially alter the substance and overall strategy of the submitted DPD, nor undermine the sustainability appraisal and participatory processes already undertaken.

vi. My report firstly considers the Core Strategy against the procedural tests and then deals with the key planning issues considered during the examination in terms of the tests of conformity, coherence, consistency and effectiveness. My report does not address individual representations, although relevant issues were included in the main Matters and Issues

identified for examination. My overall conclusion is that the Core Strategy is sound, provided it is changed in the ways specified. This report refers to all the changes that are needed to make the Core Strategy sound and the detailed wording is set out in Annexe 1 to my report.

vii. In summary, the main changes required to make the CS sound are:

- *Add Appendix E to list the saved policies from the adopted Local Plan that are to be superseded by policies in the Core Strategy.*
- *Amend policy SD1 and associated text to make clear that dwelling numbers are minima not ceilings.*
- *Amend the text of Table H1a and elsewhere to remove references to specific sites, to allow for the two main areas of greenfield land to be brought forward before 2016 if necessary and for them to accord with national standards at the time regarding reduced or zero carbon development.*
- *Replace references to the South West distributor road with the term 'Stanway road improvements'.*
- *Delete reference to the east park and ride site from the text and Key Diagram 2 (KD2).*
- *Add the Coastal Protection Belt to policy NE1 (renamed ENV1) and Key Diagram 1 (KD1).*
- *Delete the Areas of Landscape Conservation Importance and Green Breaks from policy NE1, KD1, KD2 and related text and provide a criteria based policy to deal with landscape protection.*
- *Amend Table CE1 and add to the text to clarify the role of the Town Centre, its fringe and the Urban Gateways in terms of the sequential approach in PPS6.*
- *Replace Table 6d with information from the infrastructure trajectory to show clearly who will implement each policy and project.*
- *Amend Appendix C to include monitoring targets as well as indicators.*
- *Various minor amendments, including editorial changes, updating, clarification and correction to the text of the Core Strategy, in the interests of clarity, accuracy and consistency.*

Procedural tests

1: Consistency with the Local Development Scheme

1.1 The Colchester Core Strategy DPD is contained within the Council's Local Development Scheme (LDS), the updated version being approved on 5 November 2007 [CBC/SUB/012]. There, the CS is shown as having a submission date of November 2007. The CS follows the profile in the LDS and soundness test 1 of PPS12 is therefore met.

2: Compliance with the Statement of Community Involvement and associated Regulations

2.1 The Council's Statement of Community Involvement (SCI) [CBC/SUB/009] has been found sound by the Secretary of State and was formally adopted by the Council before the examination hearings took place. It is evident from the documents submitted by the Council, including the Regulation 28 and 31 Statements and its Soundness Self Assessment (SSA), that it has met the requirements of soundness test 2.

3: Sustainability Appraisal

3.1 The CS was subject to Sustainability Appraisal (SA) at all stages during its preparation and the SA documents properly identify the process carried out [CBC/SUB/002, CBC/EB/017, 019, 021 & 022]. The development of sustainability objectives, derived from national, regional and local indicators and sources of information, has been a clear process.

3.2 Criticisms of the adequacy of the SA are more appropriately dealt with in considering the coherence, consistency and effectiveness tests. The fact that outcomes might vary with different objectives or weighting is not surprising but does not lead me to find fault with the SA that underpins the CS. In the initial stages the SA was carried out by Essex County Council but the Borough Council took over for the Amendment to Preferred Option (APO) stage on the advice of GO-East, to ensure the SA was integrated with the plan-making process. National guidance [CBC/NAT/057] makes it clear that this is an acceptable, even desirable, arrangement and I find no merit in the criticism that CBC should not have carried out this work in-house. Consultants and the Planning Advisory Service (PAS) provided independent verification that the SA at submission stage satisfied the relevant standards and guidance.

3.3 The Borough contains a number of areas with European designations including the Essex Estuaries Marine Special Area of Conservation, several Special Protection Areas and Ramsar sites which together may be termed Natura 2000 sites. An Appropriate Assessment (AA) is included in the evidence base [CBC/SUB/011] and fed into the SA. In accordance with the Habitats Directive, I am satisfied that an AA has been undertaken and that there would be no significant harm to the conservation of any Natura 2000 sites as a result of the policies and proposals within this DPD. A Statement Of Common Ground (SOCG) [CBC/EB/090] indicates that Natural England is fully supportive of the AA and it has suggested minor changes to the CS introduction to clarify its role.

3.4 In summary, I find that soundness test 3 has been met.

Conformity, Coherence, Consistency and Effectiveness tests

4: A Spatial Plan

4.1 The CS provides a locally distinctive vision of the Borough's future and its position in the wider area. The spatial quality of the CS is evident

from its focus on particular parts of the Borough and the way in which their development would be integrated. Colchester is in the Haven Gateway sub-region which was identified as a 'New Growth Point' in October 2006. There are well established arrangements for joint working at varying levels, including the Regional Cities East partnership, and a number of reports demonstrate this [CBC/EB/001-4, 067, 080 and 110].

4.2 Table 6a lists the partners who will help to deliver the policies and projects in the CS and Table 6d, as revised, indicates the varied range of organisations involved including health trusts, Network Rail, the education authority and power suppliers. I shall deal with proposed changes to Table 6d later in my report. Essex County Council works closely with CBC on the Local Transport Plan (LTP) [CBC/EB/006]. Sport England is closely involved in arrangements for hosting facilities related to the 2012 Olympics. Discussions with stakeholders ensure their future plans are taken into consideration. I find the Core Strategy conforms with the descriptions of spatial planning contained in PPS1 and PPS12 and meets this part of Test 4.

Consistency with national planning policy

4.3 Appendix D of the CS refers to national guidance in terms of Planning Policy Guidance (PPG) and PPS which have been taken into account in its preparation. The evidence base contains studies such as the Strategic Flood Risk Assessment (SFRA) [CBC/EB/041] which relates to PPS25 and the Open Space Study [CBC/EB/040] based on PPG17.

4.4 Specific matters related to national policies such as housing land supply (PPS3), the sequential approach to town centre developments (PPS6) and local landscape designations (PPS7) are more appropriately considered under the separate issues below. GO-East has been involved throughout the preparation of the CS and has not identified any lack of consistency with national policy except for querying the designated countryside and coastal areas in KD1 and policy NE1. This will be considered later in my report.

General conformity with the Regional Spatial Strategy

4.5 The approved Regional Spatial Strategy, the East of England Plan (EEP) [CBC/REG/014a] was published in May 2008. However, it is to be the subject of an immediate review under policy IMP3 to increase housing provision in line with more recent national requirements. It is expected that this will be submitted late in 2009, examined in 2010 and published in 2011. The CS may need to be reviewed then although CBC and Essex County Council (ECC) believe it has the flexibility to accommodate some further growth.

4.6 The EEP provides an up to date framework for the CS which I consider follows its direction very closely. The East of England Regional Assembly has indicated [CBC/SUB/015a] that the CS is in general conformity with the EEP. There has been a legal challenge to the EEP relating to land

in Hertfordshire but for the purposes of this examination I have assumed that the relevant policies will continue in their current form.

5: The Community Strategy

5.1 There are two relevant community strategies: *Colchester's Sustainable Community Strategy October 2007 [CBC/SUB/014]* for the Borough (SCS) and *Shaping the Future of Essex 2004-2024 [CBC/REG/021]* for the County of Essex. The Council has a close working relationship at both officer and member level with the Local Strategic Partnership (LSP) and a joint public consultation exercise was undertaken in May 2007. The PAS diagnostic report indicated that there are strong working relationships. Table 1 of the CS demonstrates how the priorities of the SCS translate into the CS policies. Some minor changes are proposed to the key issues for Colchester in para 2.4 and elsewhere to emphasise the role of tourism, culture and leisure and the role of the University of Essex to support the role of Colchester as a prestigious regional centre, which is a prime element of the SCS and the EEP. The CS has also had regard to Essex County Council's Community Strategy and I am satisfied that test 5 is met.

6: Coherence and consistency within and between DPDs

6.1 The CS is the first of Colchester's DPDs and consistency is therefore an aspect that will be tested in the future when other DPDs come forward. CBC is in advance of adjoining districts in Essex and Suffolk in terms of submitting a CS but the SSA states that they have been consulted at each stage of the process. Joint working in the Haven Gateway Partnership provides a consistent policy approach. Some of the evidence base has been prepared jointly with other authorities such as the North Essex Retail Study [CBC/EB/026] and the SFRA [CBC/EB/041].

6.2 Only two items raise cross boundary issues – these are the impact of traffic from Tiptree on the environment of Kelvedon and Feering parishes (Braintree District Council) and the omission of the Coastal Protection Belt (Essex County Council). I shall deal with these later in my report under the relevant issues and conclude that the CS satisfies test 6.

7: Appropriate strategies and policies, robust and credible evidence base

7.1 Most of the key planning issues concerning the soundness of the CS are considered under this heading. These include the main Matters and Issues identified for examination covering the spatial strategy, the amount and distribution of housing and employment, and the provisions for transport and the environment. They cover soundness tests 4 and 6-9.

Issue 1: Have the relevant alternatives been adequately considered?

7.2 In the EEP Colchester is identified as a key centre for development and change and as a regional transport node. The distribution of housing and employment is a fundamental driver of the overall strategy because of

the growth point status. The CS translates this into a strategy of concentrating future employment and housing growth into Colchester town's existing Regeneration Areas and five future Growth Areas (GA), carrying forward, but significantly developing, the approach of the LP [CBC/EB/011]. Transit corridors would provide greatly improved public transport and the two broad areas for greenfield growth later in the plan period (in the North GA and Stanway GA) would be in sustainable locations, well served by facilities. The choice of Stanway for the smaller greenfield area emerged from consideration of alternatives and the SA. The inclusion of a new Regeneration Area at North Station also emerged through the process after consultation with the LSP.

7.3 The twelve principal objectives at Issues and Options stage were derived from issues identified in national and regional policy, public consultation and the evidence base. Eight alternative strategies were initially considered for distributing housing, providing a wide range of scenarios from developing in selected small towns and larger villages to developing a new settlement at Marks Tey. A range of three transport options was considered from a radical approach to one with limited investment in transportation.

7.4 The Core Strategy Preferred Option (CSPO) stage refined and extended the principal objectives into key issues, vision and objectives. It assessed the housing and transport options against the findings of the SA and public consultation and explained the preferred strategic direction, integrating transport with development to achieve a sustainable strategy focussed on Colchester town. While it then took on broadly the format of a draft CS, the topics contained policy alternatives which were assessed. The APO stage considered a limited range of alternatives for distributing new housing and employment and making investment in transport, leading on to the submission CS.

7.5 Over this process, the need for greenfield land was assessed to be only about 3,000 dwellings because of the good housing land supply from existing commitments. There was also a strong direction from national and emerging regional policy that Previously Developed Land (PDL) or brownfield land should be used first and that was strongly supported by public consultation. The alternative of allocating a proportion of the greenfield growth to a 'halo' of smaller sites around the urban fringe rather than using two larger urban extensions does not appear to have been promoted by others at the time as a discrete strategy. Bearing in mind the policy context and the feedback from the SA, the Council's approach seems to me to be valid and there is no requirement to consider alternatives that were not appropriate or relevant.

7.6 The LP proposals map is not to be altered by the CS and it does not at present show boundaries for Colchester or the three rural District Centres. These will be defined in the Site Allocations DPD which will also review the existing LP village envelopes. In my opinion, the CS lacks analysis of the rural District Centres and villages compared with what is suggested in EEP policy SS4 and it does not seem to look beyond carrying forward existing permissions and allocations. Allowing for a very limited

amount of further growth in certain of the rural District Centres or villages might be possible without undermining the overall strategy. *However, it would need to be supported by robust and credible evidence relating to the CS objectives.* That could allow for some 'fine tuning' and, while the CS is the place for tough decisions to be made, I do not consider it inappropriate for this level of detail to be left to the site allocations DPD.

7.7 A radical alternative, which has been fully considered in the emerging CS, would be to create a new settlement at Marks Tey where there is a mainline railway station. This was not supported by the EEP panel because of concerns that it would detract from regeneration in Colchester. I consider this alternative would fundamentally undermine the CS, fail to comply with EEP policy SS2 regarding prioritising the re-use of PDL within and around urban areas to the fullest extent possible and would be more appropriately considered in the next phase of plan-making. Even if limited to a first phase only, that would still involve fundamental changes to the overall strategy and would not demonstrably provide the critical mass needed for local facilities and good public transport.

7.8 I have considered the various alternatives put forward but do not consider the CS to be unsound in terms of this issue.

Issue 2: Is the focussing of significant growth into the Growth and Regeneration Areas the most appropriate strategy for the Borough, having regard to national and regional policies, and do these areas have the environmental capacity to absorb the planned amounts of growth?

7.9 The five GAs are intended as sustainable locations where growth of employment and housing will be focussed to make the best use of existing and new infrastructure and to improve public transport potential. They are not indicated on KD2 and it is necessary in the interests of clarity for them to be included there, along with the broad areas for new housing. The separate diagram on page 24 duplicates this and should be deleted. The detailed GA boundaries, together with others on KD2, will be defined in the Site Allocations DPD, masterplans or development briefs in line with the schedule in Hearing Document 6.

Town Centre Growth Area

7.10 Colchester is England's oldest recorded town and has important historic and archaeological remains. Nevertheless, the town centre contains substantial residential development and over the CS period it will gain some 2,000 dwellings, including 1,500 that have already been built or permitted.

7.11 The CS addresses the need for regeneration in two parts of the Town centre GA. St Botolphs Regeneration Area will involve retail and cultural developments and a new bus station. North Station Regeneration Area will be the focus for high density mixed use schemes including 40,000 sq m of office space. In the CS the historic town centre is a focus for cultural and public realm improvements that will help to deliver the EEP

and SCS visions of Colchester being a prestigious regional centre. The proposals for the Town Centre GA are an important part of the overall strategy in carrying forward the CS vision and objectives.

South Growth Area

7.12 This coincides closely with the Garrison Regeneration Area where development is well under way to provide a modern garrison on a reduced site and a master planned urban village of some 2,600–3,000 dwellings with associated facilities. This area is close to the town centre and in a sustainable location for new development.

North Growth Area

7.13 This will accommodate the greatest amount of housing growth - 6200 dwellings, of which 1,500 would be in the Severalls Hospital development (North Regeneration Area) and 2,200 in a greenfield urban extension. It is generally well located for employment opportunities. Because of the availability of large brownfield sites, the Mile End area has already experienced considerable redevelopment and strong concern has been expressed by the parish council and residents about the loss of established facilities and open space plus the lack of new infrastructure.

7.14 The broad area for the greenfield urban extension contains public open space and there are larger privately owned green areas shown as proposed open space on the LP proposals map. Although only used informally, these are valued by those living in the area. While recent development has contributed to the extension of Highwoods country park, that is not so easily accessible to Mile End. Part of the evidence base is the recently completed PPG17 report [CBC/EB/040] which assesses the Borough's open space, sport and recreation facilities in terms of demand/supply as well as providing qualitative and quantitative standards for the future, which improve on current standards.

7.15 I am confident that, even though the CS will result in the development of greenfield land in the North GA, policy PR1, underpinned by the PPG17 study, will provide for an overall reassessment of the area's needs for open space and sport/recreation facilities, seen in the wider context. CS table 6d also indicates new schools, community facilities and open space, sport, recreation and youth facilities for this area in association with new development. A community facilities audit is under way and this will identify wards with problems of multiple deprivation and poor access to services so as to improve the situation across the Borough, not only in the GAs. This will feed into the Annual Monitoring Report.

7.16 Impact on the landscape, ecology and archaeology are other matters that must be taken into consideration by any greenfield development to the west of Mile End Road. However, an *Environmental Audit* [CBC/EB/038] and the study *Landscape Capacity of Settlement Fringes in Colchester Borough* [CBC/EB/036] found the landscape to be of moderate quality and that it had the capacity to accept development, albeit with accompanying mitigation and enhancement measures.

7.17 Traffic congestion is seen by some as a drawback to developing the North GA because the railway forms a barrier which funnels traffic into the A134 in the North Station area. I am not persuaded that free flowing conditions need be provided for motorists at peak periods and congestion may be one of the 'sticks' which encourages the transfer to public transport. However, it can also delay buses and this problem needs to be addressed if there is to be a modal shift away from the car, which is a fundamental part of the overall strategy. Nevertheless, the North GA already has a higher level of travel to work by non-car modes than other parts of Colchester and accessibility is potentially very good. During the course of the examination it became apparent that the Council and ECC understand the problems and have improvements in the LTP to tackle them. These include a rolling programme of work to increase highway capacity at a series of roundabouts on the A133 and the allocation of road space to bus priority including Quality Bus Partnerships.

7.18 In the medium and longer term, the CS aims to make significant improvements to public transport through the final phase of the Northern Approaches Road, associated segregated bus route, new A12 junction and park and ride site. Potential problems associated with the delivery of this major infrastructure will be considered later in my report.

7.19 Considerable analysis has been undertaken of the impact of the proposed growth on transport conditions in the North GA [CBC/EB/073]. This indicates that there are no fundamental highway issues which would be an impediment to delivery and this is an agreed position with both the Highways Agency and Essex County Council. The Highways Agency regarded the CS as unsound on submission because of the lack of information about the detailed impact of development growth on the A12. However, as a result of discussions and further work, it has agreed a SOCG [CBC/EB/100] and confirmed that it no longer considers the CS unsound.

Stanway Growth Area

7.20 This will provide some 1,800 dwellings and development of a Strategic Employment Zone (SEZ). While further from the town centre than the other GAs, it has good accessibility to employment and local facilities. Some 800 dwellings would be on a broad area of greenfield land on the south western fringe, generally where landscape quality is low and avoiding important archaeological areas.

7.21 CBC has confirmed that the South West distributor road shown in KD2 is in fact a series of junction and width improvements. There is no evidence to justify a new road and I consider the CS would be unsound if it were retained. It should be deleted from KD2 and the Diagram of Future Accessibility and Transport and replaced in the text by reference to Stanway road improvements. The Western Bypass mentioned in the LTP is a partly built road linking the A12 approach and the Stanway SEZ. It will be completed through to Warren Lane in conjunction with the adjoining housing development.

East Growth Area

7.22 This contains the East Colchester Regeneration Area and is the site of the former port. There has already been considerable development and the CS provides for a total of some 2,600 dwellings here. The GA includes land with planning permission for a research park between the Regeneration Area and the University of Essex and this is one of the three SEZs. The university is included as a partner in the East GA because of local linkages and the research park but the Council indicated that the university campus itself is considered to be outside the GA. Local traffic and flooding are constraints that require mitigation but although there are some risks to delivery of growth because of the difficult nature of many of the sites, East Colchester has strong potential for regeneration which carries forward an important element of the EEP.

Summary of issue 2

7.23 In summary, I find that the strategy of focussing new development on the Regeneration and Growth Areas of Colchester meets national and regional policy and is the most appropriate in all the circumstances. There is evidence that the Growth Areas have the capacity to accommodate the proposed levels of development and in this respect the CS satisfies soundness test 7.

7.24 In order for the CS to be sound, the following changes should be made, as set out in Annexe 1 to my report:

- 1) amend KD2 to show the Growth Areas and the broad areas for new housing and delete the diagram on page 24 (C23 & 43);**
- 2) delete the South West distributor road from KD2 and the Diagram of Future Accessibility and Transport and replace it in the text by reference to Stanway road improvements (C2, 29, 32, 34, 40, 43, 83, 85, 99 & 120).**

Issue 3: Does the CS provide an appropriate strategy to take forward the vision and objectives for the rural parts of the Borough, helping to sustain thriving rural communities in line with national and regional policies?

7.25 Tiptree, Wivenhoe and West Mersea are the three settlements that are separately identified in table CE1a as rural District Centres. They have housing allocations for the CS period in table H1a although some of this is already built or permitted. Their role is to provide for a small amount of new housing and to continue to provide services for the surrounding areas. Some new retail provision and additional facilities are planned for all three. It seems to me that they serve the function of 'key service centres' as described in EEP policy SS4.

7.26 A small area of greenfield land for 140 dwellings is identified at Tiptree in table H1a. However, this is not a strategic allocation and, in order to make the CS sound, it should be subsumed within the overall allocation for Tiptree. This is the largest of the three rural District Centres and the only one with a secondary school. There are good local facilities although employment and public transport are limited. It has had recent housing growth and there is concern about additional traffic from further housing passing through Kelvedon and Feering parishes in Braintree District. Nevertheless, having visited the area at peak traffic times and heard and read the evidence I do not find that the level of new housing proposed for Tiptree would make the CS unsound.

7.27 Policy NE2 supports appropriate development of infill sites and PDL within the boundaries of villages which are tightly drawn on the existing proposals map. Some consider that the CS places a virtual embargo on new housing in rural areas as most of the 705 dwellings shown for villages in table H1a are already built or permitted. The settlement hierarchy in Appendix B does not include a tier of principal villages as did the previous LP. I note, however, that the principal villages in the LP were not distinguished by any separate policy and did not feature in the LP housing allocations except for Great Horkesley. Their function in the Borough has thus not been materially altered by the omission of such a tier in the CS.

7.28 I have already indicated that there has been a lack of analysis of the rural District Centres and villages compared with what is suggested in EEP policy SS4. On the other hand, no rural parish councils consider the CS to be unsound on the basis of the limited opportunities it provides for new housing in villages and only three have indicated their wish to accommodate further housing. The CS evidence base includes the Countryside Agency publication *Are Villages Sustainable? [CBC/NAT/049]*. This concludes that the widespread approach of directing new development to a tier of larger villages in order to sustain services may be over-simplistic, failing to reflect the complexity of the dynamics of contemporary rural settlements, and in some cases promoting unsustainable outcomes. No evidence was provided to the examination to demonstrate the contrary.

7.29 The CS instead supports through policies H4 and NE2 the provision of relevant community needs such as local affordable housing on land outside but contiguous with village boundaries. Several such developments have come forward in the Borough already and it may be that limiting opportunities for market housing in villages will stimulate further such schemes and be the most effective way of addressing the lack of affordable housing in rural areas. The CS also encourages the production of parish plans (18 out of 32 are under way) and village design statements as inputs to the future development of villages. A forthcoming audit of community facilities will establish a baseline of needs.

7.30 Policy NE1 (to be renamed ENV1) makes a general presumption against development on unallocated greenfield land but proposed changes clarify that it is greenfield land *outside settlement boundaries* that would be protected. Proposed changes to NE2 (to be renamed ENV2) state that the Site Allocations DPD will provide an opportunity to review the extent of

village envelopes previously set through the LP process. I consider that these changes are needed to make the CS sound in terms of flexibility.

7.31 Policy NE2 allows for small scale employment development in the countryside where there are low travel needs and low impacts. The definition of 'small scale' is a matter that can more properly be dealt with in the forthcoming Development Policies DPD. Proposed changes to NE2 (to be renamed ENV2) and CE3 clarify the role of Local Employment Zones and add support for rural employment and tourism. I consider that without these the CS would not be sound in terms of test 4 because it would not conform with PPS7 in respect of rural business needs. Separate monitoring targets for rural employment and affordable housing will assist in highlighting the progress of the policies relating to rural communities and these are included in the Council's proposed changes to Appendix C dealt with later in my report.

7.32 Subject to these changes, I find that the CS conforms with national policy and the EEP and meets soundness tests 4 and 7 by providing an appropriate strategy that takes forward the vision and objectives for the rural areas.

7.33 In order for the CS to be sound, the following changes should be made, as set out in Annexe 1 to my report:

- 1) amend policies NE1 and NE2 (to become ENV1 and ENV2) to clarify that greenfield land outside settlement boundaries would be protected and that the LP village envelopes would be reviewed in the Site Allocations DPD, (C104 & 105);**
- 2) amalgamate the housing numbers for Tiptree in table H1 and amend the text to remove reference to 140 zero carbon homes (C69);**
- 3) amend policies NE2 and CE3 and the related text to encourage rural employment and tourism (C36, 66, 107, 108 & 110);**
- 4) amend the revised Appendix C to provide separate monitoring of rural affordable housing and employment (C123).**

Issue 4: Is the CS housing land supply consistent with national and regional policy and supported by robust and credible evidence?

Quantity of housing required

7.34 The EEP was published shortly before the hearings began and gives a minimum requirement of 17,100 dwellings for the Borough from 2001-2021. This equates to an annual average of 855 but, because of higher completions up to 2006, the average is 830 from that year. The CS provides for at least 19,000 new homes between 2001 and 2023, two years beyond the EEP period.

7.35 In order to meet the full requirements of paras 53-57 of PPS3, that a 15 year supply of housing land should be identified from the date of adoption, I assessed supply until 31 March 2024 under the framework of a discussion note [IHD1] which was agreed at the hearing. This extended the requirement from 2021-2024 on the basis advised in the EEP and meets the guidance of revised PPS12 that the CS should cover a 15 year period. I have taken account of the CLG advice in '*Demonstrating a 5 Year Supply of Deliverable Sites*'. My calculations give a minimum requirement of 19,665 dwellings from 2001-2024. I do not find it necessary to amend the CS to add the extra year 2023/2024 so long as the evidence base demonstrates that the necessary supply to that date could be provided. However, in order for the CS to be sound in terms of conformity with PPS3 and the EEP (test 4), changes are needed to policy SD1, table H1a and related text to make clear that the 19,000 dwellings is a minimum not a ceiling and that at least 1,710 additional homes, rather than 1,660, would be required between 2021 and 2023.

7.36 The CS states that in 2006 there was planning permission for over 8,000 homes and 95% of these were on PDL, reflecting the strong emphasis on the Regeneration Areas and well above the EEP target of 60%. However, PPS3 makes it clear that reliance should not be placed on existing planning permissions unless their deliverability has been demonstrated.

7.37 In *CBC/EB/083 & 106* CBC updated its housing completions to 31 March 2008 and revised the housing trajectory from the Topic Paper [CBC/EB/106]. It shows a minimum of 22,914 new dwellings by 31 March 2024 compared with the 19,665 required. The high rate of completions over the last two years leaves a minimum requirement for each of the future 5 year periods of 3920. Even without taking recent completions into account, the delivery tables show that the 830 per annum average from the EEP, (4150 dwellings for each 5 year period) could be achieved. Although it could be argued that this minimum requirement should be more generously exceeded, it is my view that such an approach is not desirable because it could fetter the outcome of the forthcoming EEP review.

7.38 An estimate of 100 dwellings per year is included in the trajectory from 2008/9 onwards for identified small sites that could not be included without making the document unwieldy. A list of small sites with planning permission shows over 300 sites with permission for 695 dwellings, indicating that there is a realistic supply of this type and past completions on small sites are over 100 a year. However, there is no evidence of assessment against deliverability criteria and, if this element were omitted, the minimum housing target would still be comfortably exceeded, demonstrating robustness in the housing land supply.

Housing supply and the evidence base

7.39 There have been criticisms of the Strategic Housing Land Availability Assessment (SHLAA) [CBC/EB/031] which was produced by building on the work of the previous Urban Capacity Study. It does not entirely follow the

national practice guidance in *Strategic Housing Land Availability Assessments [CBC/NAT/043]*, for example it does not show the boundaries of each site on a map and does not contain detailed information about discussions with stakeholders, site constraints and action to mitigate such problems. Furthermore it does not take the detailed work beyond Colchester, Stanway and the three rural District Centres although it does look at areas for future potential.

7.40 Nevertheless, it became clear in the course of the examination that the assessment of site constraints and the level of discussion with developers to date is greater than reported in the SHLAA itself. Clarification of the methodology and fieldwork was provided at the hearing by the consultant who prepared the SHLAA. Thus, while some criticisms are valid and should be remedied when the document is reviewed, I find that does not detract from the underlying evidence. The updated housing trajectory provides the necessary link between individual sites and the timescales involved. The SHLAA has taken a conservative view that does not assume increasing densities and makes a discount for non-delivery and is therefore robust.

7.41 I have considered in some detail the deliverability of the larger sites in the first five years' supply in order to test the credibility of the evidence base. One of the most important of these is the former Severalls Hospital at the core of the northern Regeneration Area. This has outline planning permission for 1,500 dwellings with a S106 agreement that would bring forward, amongst other things, the completion of the Northern Approaches Road and a new junction with the A12. These would then allow for a transit corridor, including a segregated bus route, and also for a park and ride site. This site is fundamental to the overall strategy but deliverability has been in doubt recently since the preferred developer withdrew.

7.42 However, the site is in public ownership (NHS trust and English Partnerships) and the outline planning permission was given an extended life. Discussions at the hearing indicated that the owners are taking steps to bring the development forward. It is not surprising that financial outcomes need to be reassessed in the current difficult circumstances but I am satisfied that there is a realistic prospect of the site starting to contribute within the first 5 years with the remainder within the CS period.

7.43 Another area where supporting evidence was examined was the East Colchester Regeneration Area where sites are at risk of coastal and fluvial flooding, although a coastal barrier provides protection. There has been close working between CBC and the Environment Agency (EA) during the preparation of the SFRA [CBC/EB/041] including government confirmation about how PPS25 should be applied in this area [CBC/EB/089]. This allows for development that assists the high priority of regeneration and many of the East Colchester sites in the housing trajectory already have planning permission. Flooding is therefore a factor that has been acknowledged in assessment of the delivery of sites in this area.

7.44 A common criticism of the housing strategy is that it relies too much on PDL which may have constraints and expenses such as contamination

and the need for major infrastructure. However, in recent years CBC has delivered housing well in excess of targets, mainly on PDL in the Regeneration Areas. The Garrison site, for example, is part way through a programme of delivery in phases, coordinated by a master plan. The continuation of a regeneration-led approach appears effective, although it is possible that the current economic circumstances and lack of demand for smaller higher density dwellings may make such sites less attractive in the immediate future. These sites may also bring forward less affordable housing or other benefits because of their higher costs. However, I consider that the regional priority given to regeneration justifies this strategy as a wider availability of greenfield land might deflect efforts away from more difficult sites. Monitoring will reveal whether action needs to be taken to bring forward areas of greenfield land in the event of delivery lagging, including that of affordable housing.

7.45 In table H1a and elsewhere the two larger areas of greenfield land in the North GA and Stanway GA are reserved for after 2016. However, this would be inflexible if PDL were slow to come forward or failed to deliver affordable housing or other benefits. Within these areas are some discrete sites that do not depend on major infrastructure and could come forward relatively quickly if needed. In order for the CS to be sound in terms of tests 7 and 9, I consider that it should be amended to remove references to greenfield land coming forward after 2016 and to remove mention of the specific location of 'land to the west of Maldon Road'. It is not necessary to change the CS to introduce alternative greenfield sites on the periphery of Colchester as sites within the GAs could provide the necessary flexibility in supply. It has been suggested that the greenfield land in the Northern GA might bring forward more dwellings than the 2,200 sought but that is not relied on to meet minimum housing targets and indicates robustness and flexibility in the CS.

7.46 Evidence about housing land supply and delivery has been subject to thorough examination with the outcome that I am satisfied that CBC is able to support its housing trajectory by a robust and credible evidence base. In my judgement it has identified a fifteen year supply of housing land as required by PPS3 with a sufficient degree of flexibility in delivery. I do not find it necessary to make changes suggested by those promoting alternative sources of supply such as at Marks Tey, as the CS is sound in this respect, meeting tests 4, 6 and 7 on this issue.

7.47 In order for the CS to be sound, the following changes should be made, as set out in Annexe 1 to my report:

- 1) amend policy SD1, table H1a and associated text to make clear that a minimum of 19,000 dwellings will be provided and that at least 1,710, rather than 1,660, additional homes would be required between 2021 and 2023, (C3, 8, 44, 70 & 71);**
- 2) amend the text to allow greenfield land to come forward before 2016 if needed, and to omit mention of specific sites (C24, 31, 73, 116, 117 & 119).**

Issue 5: Does the CS provide for affordable housing and a range of housing densities and types that are appropriate for Colchester Borough and conform with national and regional policies?

7.48 Policy H4 seeks 35% of new dwellings as affordable housing, normally on site, with an equivalent financial contribution sought for developments below the thresholds. Policy H2 of the EEP suggests that DPDs should set appropriate targets and its supporting text indicates that more than the overall 35% sought by the EEP may be justified in the more pressured areas. The Strategic Housing Market Assessment (SHMA) [CBC/EB/024] indicates the annual need for affordable homes is high at some 1,104 a year, greater than the total annual housing target of 830. Delivery of affordable housing has been very modest in the past, for example only 9.8% of housing completions between 2005-6 were affordable at the time when the 2004 LP target was 25%. This may reflect the number of sites below the 25 unit threshold, that some sites were granted permission before the LP and that others had viability problems leading to a lower percentage being agreed.

7.49 A Viability Assessment [CBC/EB/113/114] was prepared in line with the current PPS3 and from the Executive Summary it appears to provide a sound basis for assessing this aspect. It considered a range of affordable housing targets from 0% to 40% on a variety of sites. It assumed zero Social Housing Grant and a split between social rented and intermediate housing in line with the SHMA.

7.50 It found that a target of 40% would make a significant proportion of sites non viable although it could be achieved on greenfield sites and some in rural locations. Even 35% was not always viable on sites that were heavily constrained and/or possessed a high alternative land value but this assumed quite a high level of developer contributions to other infrastructure. When these were reduced then viability improved so that only three sites were clearly unviable at 35% with high density flats having particular problems. Policy H4 refers to exceptional circumstances where high development costs undermine the viability of housing delivery on brownfield sites. The explanation states that the viability of housing delivery needs to be maintained, particularly in regeneration areas, so this would not preclude viability being taken into account on all sites. Policy H4 is worded in terms of 'seeking to secure' 35% rather than being prescriptive about individual sites and this provides the necessary flexibility. I conclude that the policy is an appropriate balance between the demonstrable need for affordable housing and concerns about viability so that it satisfies PPS3.

7.51 The thresholds for providing affordable housing in the CS are 10 or more dwellings in Colchester, Stanway, Tiptree, Wivenhoe and West Mersea but 3 or more in other villages. The national indicative minimum site size threshold in PPS3 is 15 dwellings but it advises that lower minimum thresholds can be set, where viable and practical, including in rural areas. The CS threshold of 10 is based on the high need for affordable housing demonstrated by the SHMA and expressed through

strong public concern during the consultation process. The Viability Assessment included an urban site with twelve dwellings and a rural one with six and found that the size of site did not unduly affect viability. Indeed, the higher prices for dwellings outside Colchester could make it financially easier to provide an affordable element on rural sites.

7.52 Very few large sites come forward in villages, for example, from 2003-7 there were 198 permissions for 324 dwellings in villages, with only two schemes of more than 15 units. Without a very low threshold therefore, it is unlikely that any affordable housing would come forward on the back of market housing in the rural areas. The practicalities of a Registered Social Landlord (RSL) managing single houses scattered between small sites were said from the Council's experience not to be an insuperable problem. Having regard to all the evidence provided, including the work carried out as part of the SA [CBC/SUB/002], I find that the thresholds of 10 and 3 strike a reasonable balance between the need for affordable housing and the desirability of encouraging sites to be developed. Affordable housing on exception sites in rural areas has already been discussed above.

7.53 Policies H2 and H3 cover housing density and type. Their associated tables are indicative of the densities and mix that would be appropriate for various types of location in the Borough and conform with national policy. Policy H5 states that sites will be identified to meet the established needs of gypsies, travellers and travelling showpeople. A suitable site is already being provided and additional sites will be identified in the Site Allocations DPD as required, to meet future needs. Criteria included in the policy guide the location of future sites without being prescriptive and meet the guidance of Circular 01/06 and EEP policy H3. Overall, soundness tests 4 and 7 are met on this issue.

Issue 6: Does the CS provide an appropriate strategy for employment growth and is the Centres and Employment hierarchy clear, effective and supported by robust and credible evidence?

7.54 The CS carries forward the EEP target of planning for the delivery of at least 20,000 jobs in Colchester & Tendring between 2001 and 2021. There is a good evidence base underpinning the strategy, including the 2007 Employment Land Study [CBC/EB/030], the 2005 Haven Gateway Employment Land Study [CBC/EB/001], the 2006 North Essex Authorities Retail Study [CBC/EB/026/027] and a 2007 Hotel Market Demand Appraisal [CBC/EB/028/029]. The required jobs are to be provided in a diverse range of sectors with varied locational requirements.

7.55 The CS aims to accommodate 67,400 sq m of net internal retail floorspace, a small amount of which will go to the Rural District Centres. Most, however, will go to Colchester Town Centre, of which some 35,000 sq m already has planning permission in the Vineyard Gate Shopping Centre proposal. Some 106,000 sq m of gross office floorspace is sought, together with 45,000 sq m of other business floorspace. Outline planning permissions for the University Research Park, Cuckoo Farm and at Stanway will bring forward some 110,500 sq m of this. High quality employment

sites, close to the A12 and with good road access, are under way in the SEZs at Stanway and in North Colchester. Economic diversity to provide for small and medium enterprises will be encouraged in new developments under policy CE1.

7.56 The Town Centre, Town Centre Fringe and the Urban Gateways containing the three railway stations are sustainable locations for mixed use developments under policies CE2 and CE2a. Redevelopment of surplus and poor quality employment land or premises will in some cases bring forward mixed developments creating more jobs. While policy CE1 seeks to protect and enhance employment, the use of the word 'normally' in para 4 allows the necessary flexibility to consider other uses where justified. Local Employment Zones will provide for smaller scale developments, including in rural areas. I consider that this variety of approaches, coupled with the impetus of the Haven Gateway Partnership, offers good opportunities for achieving the ambitious employment targets.

7.57 However, the Centres and Employment Hierarchy in table CE1 is unclear and its application could have unintended adverse effects. Proposed changes would make it a classification, not just a hierarchy, with centres separated from employment sites. Proposed changes to policy CE2 would also clarify the role of the Town Centre, the Town Centre Fringe and the Urban Gateways with regard to the sequential approach of PPS6. These changes are necessary to make the CS sound in terms of conformity with national policies. The inclusion of the five Urban District Centres in table CE1a is appropriate in my view. Although four of these are typical out of centre supermarkets or retail parks, policy CE2b seeks a more diverse range of uses with improvements to the built character and public realm and limits new retail development. I consider this is a sound approach that does not conflict with national or regional policies.

7.58 Tourism is an important component of the Borough's economy which has been growing rapidly in recent years and which CBC seeks to develop further. I have considered whether a separate policy is required for tourism/leisure in the light of EEP policy E6, the advice of PPS7 and the good practice guide on planning for tourism [CBC/NAT/038]. I have concluded that, with the proposed minor changes to emphasise the importance of tourism, there is no need for a separate policy. Minor changes to Table CE1c are necessary to provide flexibility in references to hotels but this table is only an indication of employment delivery and should not be seen as covering all the circumstances in which hotels may come forward. I am satisfied that policy NE2, as amended, can provide a framework for tourism developments in rural areas that will satisfactorily feed into the Development Policies DPD.

7.59 Subject to the changes below, I conclude that the CS will provide an appropriate strategy for employment growth, supported by robust and credible evidence, meeting soundness tests 4 and 7.

7.60 In order for the CS to be sound, Policies CE1 and CE2 and Table CE1a should be amended for clarity. Policy CE2a and table CE1c should be revised to meet the sequential approach of PPS6 with regard to the role of the Town Centre, the Town Centre Fringe and the Urban Gateways, as set out in Annexe 1 to my report (C51-55, 58, 60 & 61).

Issue 7: Is the transport strategy, including park and ride, the most appropriate and is it supported by robust and credible evidence?

7.61 The overall transport strategy of the CS carries forward the thrust of national and regional policies that seek to address concerns about climate change by reducing the need to travel. The locations for housing and employment growth have been selected on the basis of good accessibility by public transport. Problems of transport and accessibility in the rural areas will be addressed by actively developing demand-responsive services and bidding for greener items such as ferries. The need to encourage a shift away from travelling by car is addressed by TA policies 1-3 and 5, including a range of 'stick and carrot' methods such as Quality Bus Partnerships, improving pedestrian routes and reducing town centre car parking. Working with ECC and local partners, Colchester has recently been awarded 'Cycle Town' status and matched funding, with an ambitious target of increasing the overall base level of cycle trips by 75% in the next three years.

7.62 The north and east transit corridors with rapid public transport services underpin the overall growth strategy. Park and ride facilities are included in the LTP as a general solution to congestion in Colchester. The north park and ride site at Cuckoo Farm has been the subject of a feasibility study and demand modelling [CBC/EB/050 & 051]. I consider that it is supported by evidence and complements the overall transport strategy. A west park and ride site is shown in the LTP and this was also included in the CS up until the APO stage after which it was omitted on the basis that demand studies had shown it would not be viable.

7.63 An east park and ride was specifically referenced in the CSPO (November 2006), having been identified in the 2003 document *Transport for Colchester* [CBC/EB/076]. However, there is at present no evidence to support it and it is a long term aspiration for beyond 2016. A study of the east transit corridor is not yet complete. Any park and ride site could have a 'knock on effect' and decisions could only be made on specific schemes following analysis of the context at the time. There is a large inflow of commuters from Tendring District to the east and the LTP includes measures to improve stations and signalling on that railway line. It is not known whether an east park and ride scheme would undermine rail travel. I consider that the CS is unsound because it includes that site when it is not founded on a robust and credible evidence base. The east park and ride cannot be supported purely as a means of adding local distinctiveness

to the CS and in order to make the CS sound it should be deleted from KD2 and other references in the text.

7.64 Nevertheless, some form of park and ride service would address congestion problems in Colchester and the SCS seeks the earliest introduction of the first park and ride system and a programme for its expansion. I am strongly of the opinion that CBC and ECC should continue to pursue the provision of park and ride facilities sooner rather than later; either temporarily or permanently; by bus, rail or both. However, any choice needs to be subject to the necessary detailed evidence, including viability, and that is not a matter for the CS in my opinion. In the meantime, policy TA3 as worded would not rule out any solutions.

7.65 Subject to these changes, I find that the transport strategy is the most appropriate and is supported by robust and credible evidence, meeting soundness tests 4 and 7.

7.66 In order for the CS to be sound, the east park and ride site should be deleted from the Diagram of Future Accessibility and Transport, from KD2 and from Tables UR1, TA3 and 6d, as set out in Annexe 1 to my report (C41, 43, 81, 97 & 120).

Issue 8: Will policy NE1 effectively protect the environmental assets of the Borough?

7.67 Policy NE1, to be renamed ENV1, has been the subject of proposed minor changes to incorporate representations from Natural England and English Heritage. These clarify that the policy covers all environmental assets including the historic heritage, strengthen sections on biodiversity and climate change and clarify the position regarding the Dedham Vale Area of Outstanding Natural Beauty (AONB), including its notation on KD1. I consider these changes are necessary for the CS to be sound in terms of conformity with PPS7 and with EEP policies ENV1 and ENV3.

7.68 Strategic Green Links, which are referred to in policy NE1 and shown in KD1, are not local landscape designations but physical links with a defined footpath width and green border; their boundaries would be defined in the Site Allocations DPD. They would provide attractive pedestrian routes to support the transport strategy and physical corridors for movement of wildlife to support the biodiversity strategy. These matters are coordinated in the Haven Gateway Green Infrastructure Study (HGGIS) [CBC/EBE/067] which carries forward EEP policy ENV1. Green infrastructure is an important factor in alleviating pressure on Natura 2000 sites. I therefore consider that the inclusion of Strategic Green Links in the CS is justified. Subject to these changes, policy NE1 will effectively protect the environmental assets of the Borough in line with tests 4 and 7.

7.69 In order for the Core Strategy to be sound, policy NE1 should be amended to include the historic and cultural environment and deal clearly with the AONB, as set out in Annexe 1 to my report (C5, 19, 21, 22 & 37).

Issue 9: Are the local landscape designations in policy NE1 supported by robust and credible evidence and do they conform with national and regional policy?

7.70 Policy NE1 and KD1 and KD2 contain a number of local landscape designations:

Areas of Landscape Conservation Importance (ALCI)

7.71 These are included in policy NE1 and shown on KD1. Their extent is said to be justified by a review [CBC/EB/037], based on the 2005 Landscape Character Assessment [CBC/EB/035], where they are the areas of highest or high landscape value. However, the review did not ask the fundamental question of whether there should be any local landscape designation at all. It merely re-examined the boundaries of the previous Countryside Conservation Area (CCA) designation in the LP and produced a generally less extensive coverage of proposed ALCIs. I find that it has not been clearly shown that criteria based policies cannot provide the necessary protection as required by para 25 of PPS7. The EEP in policy ENV2 also seeks criteria based policies, informed by Landscape Character Assessments, and does not refer to local landscape designations.

7.72 Supporters of the ALCI designation consider it would identify and protect the higher quality assemblages of natural and cultural landscape items and provide certainty in decision making. However, I am firmly of the opinion that a criteria based policy should be used, in order to prevent rigid designations stifling development that ought to be allowed and in order to conform to national and regional policy. The Landscape Character Assessment covers historic as well as natural features and is the basis for more detailed application of some of the criteria.

7.73 As a result of my changes to the policy, KD1 should be amended to delete the ALCIs and to remove the notation for areas of low and moderate landscape importance. The notation and key require amendment to show the AONB separately from the Natura 2000 sites. The Tiptree Heath Site of Special Scientific Interest (SSSI) should be deleted from KD1 for clarity and consistency as there are many other SSSIs in the Borough that are not shown. The diagram of settlements and rural areas on page 29 of the CS should be deleted as it is entirely duplicated by KD1. Reference to ALCIs in the monitoring indicators at Appendix 6C should be deleted. Without these changes the CS would be unsound in terms of test 4.

Green Breaks

7.74 These are included in policy NE1 and shown in KD1 and KD2 and are intended to prevent coalescence between the built up edge of Colchester and the surrounding villages. However, greenfield land outside settlement boundaries is already protected by policy NE1 and it is not clear what extra protection is needed. The same principles apply as in the case of ALCIs and in my view these concerns should be addressed by a criteria based policy in line with PPS7 and the EEP. The criteria should include one of

maintaining settlement separation which would adequately cover this matter in conjunction with the Landscape Character Assessment. In order to make the CS sound in respect of test 4 it is necessary to remove Green Breaks from policy NE1 and both KDs.

The Coastal Protection Belt (CPB)

7.75 This designation is in the LP but not in the CS. It originated in the 1984 Essex Coast Protection Subject Plan and is covered by saved policy CC1 of the Essex and Southend-on-Sea Replacement Structure Plan (SP) and LP policy CE1. It protects an area of open and undeveloped coast, containing a number of Natura 2000 sites, where extra protection is needed as minor development that would normally be permitted in the countryside might have adverse impacts on the sensitive environment. The designation crosses a number of other districts and is included in the recently adopted Chelmsford CS. The detailed boundary of the CPB will be defined in the Site Allocations DPD. I agree that it is necessary to include it in policy NE1 and to show it on KD1, in the interests of consistency (test 6) and to protect important and locally distinctive environmental assets.

7.76 Subject to these changes, the CS will be consistent with the plans of neighbouring authorities and will meet soundness tests 4, 6 and 7.

7.77 In order for the CS to be sound, the following changes should be made, as set out in Annexe 1 to my report:

- 1) reword policy NE1 and its explanation to insert the Coastal Protection Belt but replace the ALCIs and Green Breaks with a criteria based policy, (C38, 105 & 106);**
- 2) amend KD1 to add the Coastal Protection Belt and to clarify the notation and key in respect of the AONB and Natura 2000 sites but to omit the SSSI, ALCIs, Green Breaks and Areas of Low and Moderate Landscape Value (C42);**
- 3) amend KD2 to delete Green Breaks (C43);**
- 4) delete the Diagram of Settlements and Rural Areas on page 29 (C39).**

Issue 10: Does the CS make adequate provision for the expansion of the University of Essex?

7.78 The University of Essex has been involved in preparation of the CS as a partner in the LSP. Minor changes already considered above recognise its important role in the CS objective of making Colchester a prestigious regional centre. The research park between the university and the East GA provides a physical link to the East Colchester Regeneration Area. I do not consider it necessary to remove mention of the university from the East GA and Regeneration Area sections of the CS as this indicates potential involvement rather than physical location.

7.79 Changes to the proposals map will not be considered until the Site Allocations DPD and the CS is not the place to be considering a detailed scheme for university expansion. There is strong local opposition to any development of the land between the university and Wivenhoe which is at present within the CPB. This land has moderate landscape value (Review of Countryside Conservation Areas) [CBC/EB/037] and would not therefore have been included in the proposed ALCI. My decision to delete the Green Breaks leaves proposals for future development there to be assessed in relation to the CPB and the relevant criteria in policy ENV1.

7.80 The Site Allocations DPD will alter the proposals map to define boundaries for Colchester and Wivenhoe as well as for the CPB. That process should include consideration of whether some development could be accommodated in this locality, having regard to the impact on matters including landscape character and settlement separation. In my view it is appropriate for these more detailed aspects to be dealt with in the Site Allocations DPD and soundness test 7 is met.

Issue 11: Is CS policy ER1 relating to energy, resources, waste and recycling in line with national and regional policy so as to support climate change objectives?

7.81 Since the CS was submitted, the Haven Gateway Water Cycle Study [CBC/EB/110] has been published and, because this is an important factor in the sustainability of the growth point proposals, I consider it necessary for reference to be made to it in the policy and explanation and at other relevant points in order to ensure soundness in terms of a credible evidence base as required by test 7.

7.82 I have considered whether a separate policy is required to cover climate change but it is clear that the whole of the CS addresses this problem through its sustainability objectives. Minor changes to the explanation for policy NE1 meet the concerns of Natural England about the impact of climate change on biodiversity.

7.83 Policy ER1 encourages the provision of over 15% of energy demand of new developments through local renewables and low carbon energy sources. This is in line with EEP policy ENG2 which has the aim of providing 10% by 2010 and 17% by 2020. I consider the wording of this policy is flexible and does not place an undue burden on developers. While the Code for Sustainable Homes and BREEAM ratings are covered by other legislation, mention of these does not make the CS unsound.

7.84 Minor changes to the fourth para of policy ER1 will make clear that the sustainable urban extensions to the north and south west of Colchester may come forward before 2016 and will provide reduced carbon or zero carbon homes in line with national requirements at the time. This is to provide consistency with the changes already discussed regarding the timing of greenfield development to provide the necessary flexibility. Policy ER1 seeks to minimise waste and improve reuse and recycling rates and this is linked to targets in the revised Appendix C. Subject to these

changes I consider that the CS conforms with PPS22 and meets tests 4 and 7 in terms of this issue.

7.85 In order for the CS to be sound, policy ER1 and associated text should be amended to include Water, as set out in Annexe 1 to my report (C7, 111, 112 & 114).

Summary of section 7

7.86 Consideration of the main issues leads me to the conclusion that, subject to the changes specified, the strategy and policies of the CS represent the most appropriate in all the circumstances, having considered the relevant alternatives, and that they are founded on a robust and credible evidence base.

8: Monitoring and implementation

8.1 I consider that the CS as submitted is unsound because it does not include sufficient information about how policies and projects would be delivered and does not provide targets for monitoring. However, the Council has prepared an infrastructure trajectory [CBC/EB/085] and, while this is too detailed to be included in the CS itself, relevant information from it has been included in a proposed change to table 6d. A further change would amend Appendix C to provide monitoring targets as well as indicators. The targets are linked to the Annual Monitoring Report and LTP where relevant so as to provide clear mechanisms for monitoring.

8.2 Colchester Borough's position in the Haven Gateway growth point gives it considerable benefits in terms of implementation and monitoring. Although non statutory, the plans and reports produced on behalf of the sub region provide an effective framework for achieving sustainable growth and there is clearly a wide degree of partnership working which appears to be the norm rather than the exception. The very recent draft Haven Gateway Integrated Development Programme [CBC/EB/080] includes spatial packages for North Colchester, East Colchester and the Town Centre, as well as thematic packages for transport and green infrastructure. These include critical paths and an estimate of the risks involved. This work reflects regional priorities and is related to the Regional Economic Strategy so that it leads me to have a high degree of confidence that the projects in the CS will be capably implemented. The CS and evidence base, as amended, make it clear how and by whom the policies/projects will be delivered.

8.3 A major item which is needed for the north park and ride site and for much of the north GA development is the new junction with the A12 and the final phase of the Northern Approaches road from it to provide a segregated bus route. These works are to be funded by development of the Severalls Hospital site and CBC has shown considerable success in the past in delivering infrastructure through S106 agreements with developers. Despite the current difficult financial situation, I consider there are reasonable prospects of starting to deliver this site within the first five

years of the CS but there is the possibility that the extent of contributions currently required would deter a developer.

8.4 Contingency action has already been taken to accelerate the highway works through an application to the Community Infrastructure Fund (CIF) which has progressed through the initial stages and the outcome will be known by early 2009 [CBC/EB/081]. The new A12 junction is a project included in the EEP, the LTP and the draft Haven Gateway Integrated Development Programme. It has been given very high priority and I am impressed by the evidence of close working between CBC, the HA and ECC with experience of success in obtaining funding from this source. The works already have planning permission, there are no significant practical or ownership problems and the landowners and local authorities are taking the necessary steps to make the orders and submit them to the HA so that construction can proceed rapidly to ensure the grant is secured. While there are risks to implementation, they are not such as to lead me to find the CS unsound.

8.5 Issues connected with housing land supply have already been dealt with above and I am satisfied that the CS is sound in terms of national and regional policies regarding the deliverability of housing land and affordable housing. A proposed change to Section 6 will confirm that, in the event that monitoring shows housing delivery falling significantly short of the EEP's minimum requirements, the Council will act to release identified greenfield land within the Growth Areas and if necessary revise the LDF accordingly. I consider this change is necessary to make the CS sound.

8.6 Policy SD2 indicates that new development will be expected to provide facilities and infrastructure to meet the needs arising from the development. I do not find the CS unsound because this policy refers to possible requirements to contribute to strategic projects and standard charges. These are matters that will be dealt with through future national policy and the reference to consideration of viability in policy SD2 is appropriate.

8.7 Subject to these changes, the CS will provide for effective monitoring and implementation and will satisfy soundness test 8.

8.8 In order for the CS to be sound, the following changes should be made, as set out in Annexe 1 to my report:

- 1) amend table 6d to include more detailed information about implementation (C120);**
- 2) clarify section 6 as to the mechanism for ensuring housing delivery (C116, 117 & 119);**
- 3) Amend Appendix C to include monitoring targets as well as indicators (C123).**

9: Flexibility

9.1 I have already indicated that there is inherent flexibility in the housing element of the CS because parts of the greenfield urban extensions can be brought forward if necessary to speed up overall delivery or affordable housing. SOCGs between the Council and developers in the GAs demonstrate how this could be achieved [CBC/EB/92-94 & 97-99a]. It is not known whether the CS would need to be reviewed following the EEP review as that would depend on the housing numbers required and whether there was a change in strategy direction. However, it is possible that the CS will have enough flexibility to bring forward higher numbers of new dwellings as estimates from the SHLAA are based on conservative assumptions.

9.2 The CS appears to have considerable flexibility in terms of achieving its ambitious programme for job growth. This is because it provides for a diverse range of locations, from strategic sites with good connections to the A12 to the Town Centre itself and extensive Mixed Use Centres. Rural employment has shown good increases in recent years and this is also provided for in the CS. With this variety the CS is well positioned to achieve its objectives.

9.3 The transport strategy has some inflexibility in respect of North Colchester because it depends on the completion of the Northern Approaches road and A12 junction. This is not the case for the east transit corridor where the pattern of progress will be one of incremental improvements. Opportunities for providing park and ride services remain flexible, however.

9.4 The CS will be subject to regular monitoring through the AMR to ensure that its strategy and policies are successfully being delivered, and that it is reviewed if required. It therefore provides a sound, yet reasonably flexible, framework with which to plan for the future and meets soundness test 9.

10: Other policies and issues

10.1 I consider that there are no outstanding issues about the soundness of the remaining policies in the CS. Some representations raise issues that are outside the context and purpose of the CS, for example because they relate to detailed elements of policies or site specific matters. Some do not relate to the tests of soundness or are not central to my conclusions on the overall soundness of this DPD. In some cases they suggest changes to improve the text, which is not part of the examination process.

10.2 The Council has suggested some minor changes to the submitted CS to reflect relevant suggestions and points made in the written and oral representations. Other changes are suggested to clarify or update various parts of the text and to correct errors. Although these changes do not address key aspects of soundness, I endorse them on a general basis in the interests of clarity, consistency, accuracy and general soundness. These changes are shown in Annexe 1.

10.3 I have considered all the other points made in the representations and during the examination, including at the hearing sessions and in written representations, but I find no justification for making any further changes to the CS in terms of the various soundness tests.

10.4 In order for the Core Strategy to be sound, I endorse the remaining minor changes to the content of the policies, text and appendices suggested by the Council, as set out in Annexe 1 to my report, in the interests of clarity, consistency and accuracy.

Overall Conclusions

10.5 I conclude that, with the amendments I recommend, the Colchester Core Strategy DPD satisfies the requirements of s20(5) of the 2004 Act and the associated Regulations, is sound in terms of s20(5)(b) of the 2004 Act, and meets the tests of soundness in PPS12.

Jean Jones

INSPECTOR

Annexe 1 – Schedule of changes including Annexes 1a-1d