

## Maldon District Council Comments on the Colchester Publication Draft Local Plan.

The questions to be answered on each element of the Plan being commented on are:

- **Do you consider the Local Plan is legally compliant? Y/N**
- **Does it comply with the Duty to Co-operate? Y/N**
- **Do you consider the Local Plan is Sound? Y/N**
- **If no, on what grounds you do not consider the Local Plan is sound:**
  - Positively Prepared
  - Justified
  - Effective
  - Consistent with National Policy
- **Do you wish to participate in the oral part of the examination? Y/N**

The responses to Section 1 only need to be submitted to one of the three draft Local Plans, as the comments will be shared across the districts.

<b>Colchester Publication Draft Local Plan policy reference.</b>	<b>Maldon District Council Comments</b>
Legal compliance	To be confirmed (TBC)
Duty to Cooperate	TBC
Participation at the Examination	TBC
<b>Section 1</b>	
Policy SP5 Infrastructure & Connectivity	<p><b>Transport</b></p> <p>The sections on improved road infrastructure and strategic highway connections and improved junctions on the A12 and other main roads are supported.</p> <p>However, the A12 junction improvements at Marks Tey must be designed and built to accommodate the total proposed 24,000 homes in the Garden Community not just that planned for this plan period.</p> <p>Due to the expected increase in leisure &amp; recreation pressure on adjoining Districts (in particular the Dedham Vale AONB and the River Blackwater), arising from the strategic growth and Garden Communities planned in North Essex, S106/CIL contributions from these developments should include contributions towards cycle and footpath routes to enable non-car access to leisure and recreation destinations in adjoining districts.</p>

Colchester Publication Draft Local Plan policy reference.	Maldon District Council Comments
	<p><b>Education</b></p> <p>School pupils are shared across district boundaries. S106 agreements must take into account the impact on schools in Maldon District. Funding should be directed to the schools affected by the strategic growth in North Essex, even if the schools concerned are in adjacent districts.</p> <p>[Effective]</p>
Para 8.3	<p>Paragraph seems to have a repeated sentence/ or missing text. This paragraph needs to be revised.</p> <p>[Effective]</p>
Para 8.5	<p>Recreational Avoidance and Mitigation Strategies (RAMS) must cover the relevant designated sites in adjoining districts, as the recreation &amp; leisure impacts of the strategic growth and Garden Communities will extend beyond the Borough's borders. The supporting text needs to be revised to acknowledge that recreational and leisure impacts will be cross boundary, and that the RAMS should also be cross boundary, not solely focused on designated sites within the Borough. The impact of the Marks Tey Garden Community on the Blackwater Estuary should be included within the scope of the Strategy.</p> <p>[Effective]</p>
SP7 Development and Delivery of New Garden Communities in North Essex	<p>The employment allocations for the Garden Communities should be explicitly stated in policy SP7 alongside the housing allocations.</p> <p>[Effective]</p>
SP8 Tendring / Colchester Borders Garden Community	<p>Garden Communities – the policies map only shows 'strategic areas for development'. As the planning of the Garden Communities has been delegated down to a Strategic Growth DPD, the strategic areas as shown on the policies maps can be indicative only. It is insufficient to allocate 7,500 homes to these Garden Communities in this plan period, based on an indicative area. To provide more certainty, these areas should be defined more clearly on the Local Plan policies maps.</p> <p>The employment allocation for the Garden Community should be explicitly stated in this policy alongside the housing allocations.</p> <p>[Effective]</p>
SP9 Braintree / Colchester borders Garden Community	<p>Garden Communities – the policies map only shows 'strategic areas for development'. As the planning of the Garden Communities has been delegated down to a Strategic Growth DPD, the strategic areas as shown on the policies maps can be indicative only. It is insufficient to allocate 7,500 homes to these Garden Communities in this plan period, based on an indicative area. To provide more certainty, these areas should be defined more clearly on the Local Plan policies maps.</p>

Colchester Publication Draft Local Plan policy reference.	Maldon District Council Comments
	<p>The employment allocation for the Garden Community should be explicitly stated in this policy alongside the housing allocations.</p> <p>The impact of a 24,000 home development at Marks Tey, on leisure and recreational facilities and infrastructure in adjoining districts needs to be calculated and planned for. For example, contributions to cycle and footpath routes to the coast and other recreational facilities should be sought, to enable non-car access to recreational and leisure destinations. [Effective]</p>
SP10 West of Braintree Garden Community	<p>Garden Communities – the policies map only shows ‘strategic areas for development’. As the planning of the Garden Communities has been delegated down to a Strategic Growth DPD, the strategic areas as shown on the policies maps can be indicative only. It is insufficient to allocate 7,500 homes to these Garden Communities in this plan period, based on an indicative area. To provide more certainty, these areas should be defined more clearly on the Local Plan policies maps.</p> <p>The employment allocation for the Garden Community should be explicitly stated in this policy alongside the housing allocations. [Effective]</p>
<b>Section 2 Colchester Borough Policies</b>	
SG3 Economic Growth Provision & SG3 Table	<p>Only 4.5 ha of employment land is expected to come forward within Colchester Borough in the Garden Communities, which are intended to deliver 2,600 homes in Colchester’s Housing Trajectory in this plan period. Without sufficient employment land being allocated and developed, the Garden Communities will become commuter settlements, not functional, sustainable communities.</p> <p>The expected delivery of over 126,000 sqm of B1 office space is ambitious. It is unclear as to whether there is sufficient market demand for this level of allocation outside of Greater London. The ELNA Executive Summary (14<sup>th</sup> bullet) states that :</p> <p style="padding-left: 40px;">‘In light of the quantitative surplus of office land to meet future business needs over the plan period, there would appear to be limited scope for identifying/allocating new land for office development over the next few years in Colchester based on current levels of business demand and rental values/viability, particularly outside of key employment areas such as Colchester Business Park and town centre’</p> <p>It is not clear in the draft Plan, whether there has been any analysis of employment land requirements against housing provision. The approach to employment provision within the Garden</p>

Colchester Publication Draft Local Plan policy reference.	Maldon District Council Comments
	<p>Communities, suggests not.</p> <p>It is not clear how the allocation of existing mixed-use employment areas (eg Hythe Quay, Magdalen Street and Hawkins Road) for housing, has been taken into account in the calculation for employment land. [Effective]</p>
SG8 Neighbourhood Plans	<p>Tiptree expansion – impact on the local road network: The B1022 through Tiptree is a through route to Colchester from Maldon District, and provides a vital alternative route when the A12 is closed. The B1023 (Inworth Road) provides access to the A12 via Feering and Kelvedon from the north of Maldon District. To the south of Tiptree, Braxted Park Road gives access to the A12 at Rivenhall End. Off Braxted Park Road, Maldon Road, via a narrow, single-track Grade II listed bridge, gives access to Kelvedon and the A12. The proposed 600 new dwellings in the village, to be brought forward in the Neighbourhood Plan, must not compromise these transport routes.</p> <p>Increased use of Maldon Road into Kelvedon, as a result of the expansion of Tiptree, should not cause harm to the listed bridge over the River Blackwater.</p> <p>The policy states that: ‘in cases where a Neighbourhood Plan fails at any time prior to being made, responsibility for all planning policy matters within that plan area will revert back to the Local Planning Authority.’</p> <p>For the villages where the Neighbourhood Plan will be bringing forward significant levels of development, should this statement have a set date, to ensure that the proposed development comes forward in the expected timeframe? Further, the Plan should be clear on how the LPA will bring forward this development in the event of a Neighbourhood Plan failure, whether through a DPD or a review of the Local Plan. [Effective]</p>
Housing trajectory/5YHLS /Colchester’s Housing provision table pg 72/	<p>The housing trajectory and the housing provision table on pg 72 of the draft Local Plan are not as transparent or as clearly explained as they could be, and give rise to uncertainty over the delivery of housing in the plan. This could result in additional land being allocated elsewhere in the Borough that could have an impact on Maldon District.</p> <ul style="list-style-type: none"> <li>• It is not possible to reconcile the data in the table on pg 72 with the published housing trajectory.</li> <li>• The housing trajectory ‘existing commitments’ includes 802</li> </ul>

Colchester Publication Draft Local Plan policy reference.	Maldon District Council Comments
	<p>units coming from 'applications pending.' This term needs explanation. If this means that the applications are pending consideration, then including these sites in the housing trajectory would appear to prejudice the lawful decision making process on these applications. Alternatively, if 'application pending' means that no planning application has been received, but is expected, then the site should be allocated in the plan, rather than be included within the existing commitments. Either scenario increases the uncertainty regarding the delivery of these sites. Without these 802 units, the housing provision in the table on pg72 falls to 14,261 units, which is below the OAN of 14,720 units.</p> <ul style="list-style-type: none"> <li>• The 'existing commitments' figure includes existing allocations from the 2010 Site Allocations DPD. The majority of these are existing mixed-use employment areas (eg Hythe Quay, Magdalen Street and Hawkins Road). Many of these sites are not expected to deliver housing until 2027/28, meaning that they will have been allocated for over 17 years by the time they are redeveloped. It is particularly noticeable that the housing trajectory predicts that the Garden Communities will start to deliver housing before all but one of the existing allocations. This approach of allocating sites that are unavailable in the long term is questionable. This uncertainty puts further pressure on the housing delivery target, as these allocations have a capacity of 1,314 dwellings. If these sites do not come forward, the Local Plan will not be able to meet its OAN.</li> <li>• The housing provision table pg 72 does not include a rural exceptions site for 15 units at Layer de la Haye. As a result, the table does not add up.</li> <li>• The 5YHLS supply does not include a slippage/non-implementation rate. There is no evidence in the 5YHLS or the AMR 2016 on historic expiry rates for planning permissions in the Borough are. The implication is that no planning permissions in Colchester Borough ever expire.</li> </ul> <p>[Justified/Effective]</p>
Local Plan review mechanism / trigger	<p>The draft Local Plan does not include a review mechanism or trigger for a whole or partial review of the Plan. As a significant portion of the housing development in this plan is reliant on a number of large sites, if these sites do not come forward as expected, the delivery of the Plan could be impacted. Therefore, a review mechanism should be included in the Plan. For example:</p> <p><b><u>If the Authority Monitoring Report demonstrates that the Garden Communities and the allocations deliver less than 75% of their projected housing completions in three consecutive years (based</u></b></p>

## APPENDIX 1

Colchester Publication Draft Local Plan policy reference.	Maldon District Council Comments
	<u>on the trajectory set out in this Plan), the Council will undertake a partial review of this Plan.</u> [Effective]
SA/SEA	Maldon District Council has no comments to make on the SA/SEA.