



# Consultation Response

**Colchester Borough Council  
Draft Local Plan (Preferred Options) Consultation, September 2016**

**Land at the Folley, Layer de la Haye  
On behalf of Tollgate Partnership**

**September 2016**



## **Contents**

1	Introduction .....	2
2	Strategic Housing Position .....	3
3	SS12 – Land at the Folley, Layer de la Haye .....	6
4	Overview .....	9

## **Appendices**

Appendix 1: Location Plan

Appendix 2: Delivery Statement

## 1 INTRODUCTION

- 1.1 This representation on the Colchester Draft Local Plan (DLP) Preferred Options Consultation 2016 is submitted by Strutt & Parker LLP on behalf of Tollgate Partnership.
- 1.2 As the Council will be aware from our previous submissions in October 2014 (in respect of the Call for Sites) and February 2015 (in respect of the Issues and Options Consultation) Tollgate Partnership is working on behalf of the owner of land off The Folley, Layer de la Haye and is actively promoting the site for residential development. Colchester Borough Council has proposed the allocation of the site within the plan for residential development under Policy SS12 of the Preferred Options.
- 1.3 For completeness a map showing the submitted site is provided as **Appendix 1** to this submission.
- 1.4 The site is on land currently allocated as Open Countryside in the Colchester Borough Council adopted Local Plan (2008, amended 2014), but is situated immediately adjacent to the settlement boundary of Layer de la Haye. It should be recognised that the settlement boundaries contained within the adopted Colchester Local Plan were predicated on the need to accommodate significantly less development than currently required, and this site is located in a sustainable position centrally within the settlement, in an area defined and enclosed by residential properties.
- 1.5 This representation include a commentary on Colchester Borough Councils approach to allocating a quantity of development to meet its objectively assessed housing needs, an assessment of the special apportionment of development within the Borough and the specifics of the site and its sustainability for allocation for residential development is addressed within Section 4 of this submission.
- 1.6 As set out in previous submissions to the Council, land at The Folley is a sustainable and deliverable site that, subject to its allocation, has the potential to contribute towards meeting local housing need.
- 1.7 In addition to commenting directly on the Preferred Options, this representation also includes submissions pertaining to the Sustainability Appraisal / Strategic Environmental Assessment (SA/SEA) which is published alongside this iteration of the Local Plan.

## 2 STRATEGIC HOUSING POSITION

### Local Plan Vision

- 2.1 We support the vision (paragraph 3.5) to maintain a good housing delivery rate over the plan period to meet objectively assessed housing need. As per paragraph 182 of the NPPF, it is essential that the Local Plan includes a deliverable and justified strategy that will enable objectively assessed housing need to be met. In order for the Local Plan to be compliant with the NPPF, it should not only seek to meet objectively assessed development needs of the Borough in full, but also unmet needs of its neighbours where it is sustainable and reasonable to do so.
- 2.2 We support the identification of Layer de la Haye within Policy SG1 as a sustainable settlement. In order to achieve this, it will be important for the Local Plan to facilitate the sustainable growth of Layer de la Haye.

### Policy SG1 – Colchester’s Spatial Strategy

- 2.3 We support the identification of Layer de la Haye as a Sustainable Settlement. It is noted that Layer de la Haye in the second tier of the settlement hierarchy, sitting only behind central Colchester and its respective growth areas in sustainability terms.
- 2.4 Policy SG1 adds that development will be focused on highly accessible locations to reduce the need to travel. Sustainable Settlements are considered by the Council to have the potential to accommodate further proportionate growth with a developmental focus on highly accessible locations to reduce the need to travel
- 2.5 In assessing locations and their capacity to support sustainable development, CBC assessed sites against the following framework:
- *Access to sustainable transport (Railway station; bus stop - including crude consideration of quality of service; good accessibility is considered to be a distance of up to 2,000m to train station with a frequent service at least six days a week, or up to 400m of a bus stop with a frequent service at least six days a week.*
  - *Environmental constraints such as flooding, protected landscapes, etc;*
  - *Proximity to community facilities with good accessibility being judged for most as judged as a distance up to 400m including;*
    - *Public open space*
    - *Primary school*
    - *Small shops to meet local needs*
    - *Community / village Hall;*

- *Doctors Surgery*
  - *Proximity to Secondary School;*
  - *% of people who travel less than 2km to work;*
- 2.6 Layer de la Haye is an established settlement with a population of approximately 1800 (Census, 2011), located, as recognised at paragraph 6.173 of the Preferred Options, in a sustainable location suitable for growth some 2.5km from the south western edge of Colchester.
- 2.7 Paragraph 6.176 of the Preferred Options confirms that the village is well serviced; benefiting from a primary school, village shop, farm shop, post office and GP surgery. The village also benefits from a bus service which provides regular connectivity to Colchester and beyond.
- 2.8 The Preferred Options consultation identifies that 50 dwellings be allocated across the plan period, equating to a 10% increase in the number of dwellings, and which would meet Layer de la Haye's housing needs. The Preferred Options advises that in meeting this need, due regard should be given to locally specific matters of coalescence and environmental impact which could constitute developmental constraints. The land at The Folley is identified as the only site in Layer capable of coming forward to meet the settlement growth given its sustainable position and lack of environmental constraints. It is critical that the Local Plan supports the sustainable growth of the settlement of Layer de la Haye, to ensure it can continue to perform its important role for residents of the settlement and surrounding area.

### **Policy SG2 – Housing Delivery**

- 2.9 We support the proposal to deliver at *least* 920 homes per year between 2017 and 2033. This approach is supported in principle by the NPPF which not only calls for a significant boost to the supply of housing (paragraph 47), but also makes clear Local Plans should ensure a strategy is in place to meet objectively assessed development needs of not only the administrative area in question, but also unmet needs of neighbouring areas where it is sustainable and reasonable to do so (paragraph 182).
- 2.10 It is crucial that the strategy for delivering homes to meet local needs is not overly reliant on large, strategic sites that are a) unable to contribute towards housing need in the short-term; and b) are likely to prove highly challenging to deliver, requiring the coordination of multiple parties and agencies. The NPPF not only highlights the importance of ensuring strategies are deliverable (paragraph 182), but that a constant five-year housing land supply is sustained over the plan period (paragraph 47), and that the strategy for meeting objectively assessed housing needs is sufficiently flexible in order to respond to change (paragraph 14). As such, it is important to ensure that a range of sites capable of delivering housing for the various communities that make

up the Borough, and across the plan period are identified. Further, it is also key that the Local Plan treats the identified housing need figure as a minimum, enabling the plan to respond to changing circumstances over the plan period (e.g. identified sites failing to coming forward, increase in housing need, etc.).

- 2.11 We support the preferred approach of directing an element of housing growth to the Borough's towns and villages to maintain their vitality and viability. Both the NPPF (see for example paragraph 55) and the NPPF (paragraph: 001 Reference ID: 50-001-20160519) recognise the importance of planning in ensuring smaller centres are sustained and can continue to perform their important roles for the local communities they serve. Facilitating housing growth is recognised as an important part of this. Additionally, such an approach is considered appropriate due to the functionally separate nature of the various settlements within the Borough.

### **3 SS12 – LAND AT THE FOLLEY, LAYER DE LA HAYE**

- 3.1 The allocation of the land at the Folley for additional housing development in Layer de la Haye is supported. As identified in the Preferred Options, Layer de la Haye is a sustainable settlement to accommodate a proportion of additional housing growth. It is reasonably well contained, and functionally separate from other settlements within the Borough – as such it is important that its growth is planned for in the settlement, and not directed elsewhere within the area. In addition, it is important that the settlement is allowed to grow to ensure its vitality, and that its local facilities and services, which are important to residents of Layer de la Haye itself and surrounding rural villages, are sustained.
- 3.2 The site benefits from a lack of constraints that would prohibit residential development. The Council will be aware from our previous submissions and the accompanying Delivery Statement that the site is sustainable and deliverable.
- 3.3 The site is located entirely within Flood Zone 1. As such, it is at a low risk of fluvial, tidal or surface water flooding, and as per the Technical Guidance that accompanies the NPPF, it is suitable for any type of development from a flood risk perspective.
- 3.4 The site is not within or adjacent to any areas designated for their ecological importance. It is not considered to be of any significant biodiversity value, and any ecological impact could be managed through the development management process. Indeed, development of the site would give rise to the potential for ecological enhancements to the area. Further detail on the approach to the sites delivery is contained within the Delivery Statement which supports this representation.
- 3.5 It is however noted within the Sustainability Appraisal that the site is located within a SSSI Risk Zone for the Abberton Reservoir SSSI. Given the quantity of development proposed and its location within the existing settlement of Layer de la Haye – very much detached from the SSSI – it is considered that the development of the land at the Folley would have no impact upon the SSSI. Accordingly, it is not considered that any specific mitigation need to be set out within the Local Plan in respect of the site’s development.
- 3.6 The site is not within or related to any areas identified as being of concern in respect of air quality.
- 3.7 The proposed development would be neither near to or result in the generation of significant levels of noise which would have an adverse impact on residential amenity.

3.8 There are no insurmountable constraints to providing a suitable level of vehicular access to the site in accordance with the requirements of Essex County Council, the Highway Authority and Policy SS12 of the Preferred Options which requests that the primary site access can be achieved through Hawthorn Road/Great House Farm Road.

3.9 The allocation of this site is supported by the Sustainability Appraisal / Strategic Environmental Assessment (SA/SEA) Environmental Report that accompanies the Preferred Options document (which is discussed in detail later within this representation). As recognised through the SA/SEA, land at The Folley is a sustainable site for residential development when considered against reasonable alternatives, providing opportunity for a logical extension to the settlement in a location well-related to facilities and public transport services:

*“The site is both available and achievable. The site is adjacent to the existing settlement boundary and has no identified risk of flooding or likely impacts on historic or biological assets. The site is close to a regular bus service, primary school and employment area. For these reasons the site is considered the most sustainable and proportionate option for allocation in the area in reflection of its location and dwelling yield.”* (SA/SEA Environmental Report (Part 2) paragraph 15.21)

3.10 The NPPF is clear on the need to identify residential development sites that are deliverable (paragraph 47), and for the need for Local Plans generally to be deliverable (paragraph 182). Development of land at Brierley Paddocks, East Road for homes is deliverable. The site is being actively promoted and is not subject to significant constraints that would prohibit its development. Initial masterplanning work has been carried out, which considers site constraints and opportunities and illustrates how new homes could be suitably accommodated. A copy of this is included within the Delivery Statement provided as **Appendix 2**. Further technical assessment work will be undertaken as the site progresses through the planning process and detail of this is contained within the Delivery Statement which supports this representation.

3.11 Whilst capable of making a significant contribution towards meeting local housing need, the site is not of such a large, strategic nature (when compared, for example, the proposed New Garden Communities) as to require major additional infrastructure or to be complex from a delivery perspective. It is capable of contributing towards meeting housing need in the short to medium term. This is particularly important given the need for a five-year supply housing land supply to be in place throughout the plan period – the Local Plan cannot rely solely on large, strategic sites unlikely to contribute towards housing need until towards the end of the plan period.



3.12 Further, given that SS12 constitutes the only site in Layer de la Haye that can be delivered suitably and achievably to meet objectively assessed housing needs it is recommended that the policy wording for SS12 is amended to “approximately 50 dwellings” instead of “up to 50 dwellings”, given that CBC’s objectively assessed need of 920 is a minimum residential delivery target. This would ensure that the plan is positively planned, robust and sound in accordance with paragraph 47 of the NPPF which encourages Local Planning Authorities to significantly boost the supply of housing.

### **Sustainability Appraisal / Strategic Environmental Assessment (SA/SEA)**

3.14 As acknowledged at paragraph 165 of the NPPF, a sustainability appraisal which meets the requirements of the European Directive on strategic environmental assessment should be an integral part of the plan preparation process.

3.15 The Environmental Assessment of Plans and Programmes Regulations (2004) (the SEA Regulations) impose a number of requirements on Local Authorities in the preparation of Local Plans. These include that the reasons for the selection of preferred alternative, and the rejection of others, be set out. We are therefore pleased to see that, in relation to Policy SS12 and the identification of the land at The Folley (RSE 13) for residential development, this has been addressed at paragraphs 15.21 – 15.21.1 of the SA/SEA Environmental Report (Part 2) that accompanies the Preferred Options. We note that the Environmental Report states that reasonable alternatives have been considered; that the alternatives have been assessed to the same level of detail as the preferred options (Table 95); and that it is clear from this that Site RSE 13 represents the most sustainable option for residential development when considered against reasonable alternatives.

## 4 OVERVIEW

- 4.1 Land at The Folley, Layer de la Haye (RSE 13) represents a sustainable allocation for residential development to help meet local housing need and to support the sustainable growth of the established sustainable settlement of Layer de la Haye. Its allocation will assist in ensuring the Borough has an adequate, deliverable housing land supply in place.
- 4.2 The Preferred Options – supported by the SA/SEA – proposes the site be allocated for residential development. It has been tested against reasonable alternatives and found to be a sustainable site for development.
- 4.3 The land at The Folley is not subject to constraints that would prohibit its development and is being actively promoted – the Council can therefore have confidence in the delivery of the site. Initial illustrative plans have been prepared demonstrating how a development that respects the character and appearance of the area, and which incorporates significant areas of landscaping and public open space, can be delivered. A Delivery Statement supports this representation which provides further detail on site specific matters and design.
- 4.4 We welcome further discussions with the Council regarding the delivery of this site to contribute towards a sustainable strategy for accommodating development in the Borough.