



Colchester Preferred Options Local Plan - Regulation 18 Representation

Policy EN3: Biodiversity and Geodiversity

As currently drafted, the policy is overly detailed, repetitive of national legislation and guidance, and risks creating unnecessary procedural burdens that would be more appropriately addressed through supporting text, Supplementary Planning Documents (SPDs), or validation requirements.

General Observations

Policy EN3 attempts to codify in policy a level of technical detail that is already addressed through:

- National legislation (including the Wildlife and Countryside Act, Habitats Regulations and Environment Act);
- National Planning Policy Framework (NPPF);
- Planning Practice Guidance; and
- Established ecological survey and assessment processes.

As a result, the policy risks becoming overly onerous, inflexible, and duplicative, particularly for smaller or less complex schemes. A more succinct policy, supported by guidance, would provide greater clarity and proportionality.

Criteria a)–c): Ecological Evidence and Surveys

The requirement for major applications to submit an Essex Biodiversity Validation Checklist, alongside appropriate ecological surveys, is understood. However, much of criteria (a)–(c) reiterates standard validation and assessment requirements that are already secured through:

- Local validation checklists;
- Ecological survey standards; and
- Habitat Regulations Assessments where relevant.

Embedding this level of procedural detail within policy risks unnecessary “box-ticking” and duplication, particularly where the same information will be submitted through ecological surveys and statutory assessments in any event.

Harm to Designated Sites and Species

The policy section dealing with harm to designated sites and species again duplicates existing legislative protections and assessment processes. The additional requirement to demonstrate that development cannot be located on alternative sites introduces further procedural burden, despite the fact that:

- This information is already captured within ecological surveys and statutory assessments; and
- The tests are well established in national policy and case law.

As drafted, this risks becoming another extensive, form-based exercise without materially improving decision-making.

Precautionary Approach and Securing Mitigation

The Council's ability to require sufficient ecological information prior to determination, secure mitigation through conditions or obligations, and require Construction Environmental Management Plans where necessary is supported. However, these mechanisms are already well established and do not require such detailed repetition within policy.

Recommendation

Overall, Policy EN3 would benefit from significant simplification. A more concise policy, supported by guidance, would improve clarity, reduce unnecessary burdens on applicants, and better support effective delivery of development alongside biodiversity protection and enhancement.