



## Colchester Preferred Options Local Plan - Regulation 18 Representation

### Policy EN8: Flood Risk and Sustainable Drainage Systems (SuDS)

Policy EN8 as drafted is overly lengthy, highly prescriptive and in places duplicates national policy, guidance and technical standards. As a result, it risks reducing flexibility, increasing development costs and creating uncertainty in development management, without clear additional local benefit.

#### Over-reliance on Detailed Technical Requirements

Much of the policy repeats or cross-refers to:

- The National Planning Policy Framework and Planning Practice Guidance;
- Strategic and site-specific Flood Risk Assessments;
- CIRIA and Essex County Council SuDS technical guidance; and
- Existing drainage hierarchies and best practice.

These matters are already well-established and routinely addressed through the development management process. Embedding extensive technical detail within policy is unnecessary and risks quickly becoming outdated.

#### Prescriptive and Inflexible Requirements

The policy introduces several requirements that go beyond national policy and are not always justified or proportionate, including:

- Mandatory groundwater monitoring during October–March unless exemption is justified;
- Extensive lists of SuDS features that “all development proposals should incorporate”; and
- A strong presumption for nature-based solutions and multifunctional SuDS in all cases.

While these measures may be appropriate in certain locations or for larger schemes, they are not universally suitable. A more flexible approach is needed, allowing applicants to demonstrate compliance through **site-specific and risk-based solutions**, rather than a fixed checklist.

#### Infrastructure Contributions and Viability

The requirement for developments within Critical Drainage Areas to contribute towards mitigation via CIL/S106 should be clearly linked to:

- Evidence of necessity;
- Proportionality; and
- Viability considerations.

This is particularly important given that cumulative infrastructure requirements across the plan may already place pressure on scheme deliverability.

### **Recommendation**

Policy EN8 would benefit from:

- Significant streamlining and reduction in length;
- Removal of prescriptive technical detail better suited to guidance or SPDs;
- Clear recognition that SuDS solutions must be proportionate, viable and site-specific; and
- Stronger alignment with the risk-based, flexible approach set out in national policy.

A shorter, principle-led policy that directs development away from flood risk, requires appropriate assessment and mitigation, and signposts relevant guidance would be more effective and easier to apply, while still achieving the Council's flood risk and water management objectives.