

CONSULTATION

RESPONSE

Colchester Local Plan

Regulation 18

Land North of A120, Marks Tey

On behalf of Dandara Eastern

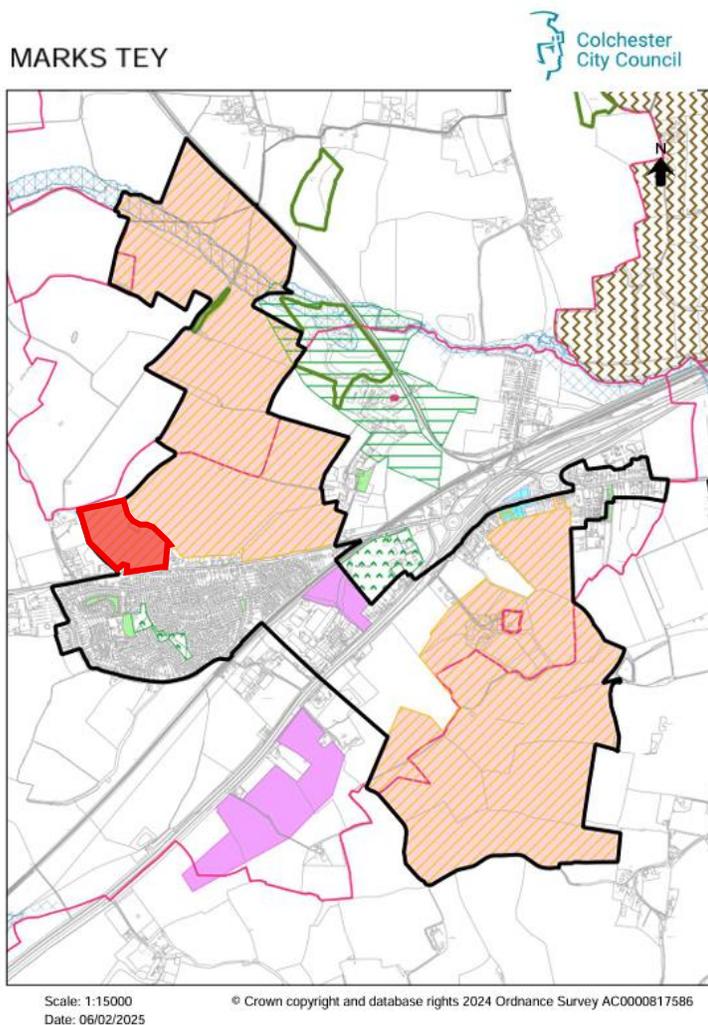
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1. INTRODUCTION

- 1.1 This representation is prepared on behalf of Dandara Eastern with respect of the Colchester City Council Preferred Options Local Plan Regulation 18 Consultation.
- 1.2 Our client has land interests at a Site to the north of the A120 Coggeshall Road as outlined in red on the below and is located within the wider draft allocation PP18, Land North of A120, Marks Tey Growth Area. The Site comprises existing agricultural land and which forms part of the frontage access to the wider draft allocation.
- 1.3 Policy PP18 confirms that the wider allocation is promoted for a Garden Village scale, mixed use development including approximately 1,000 new dwellings.



- 1.4 The Site is in a highly sustainable location and has the capacity to deliver approximately 130 homes. This representation provides formal comments on the draft policies within the plan considered relevant to our client's interests, in particular Policy PP18.
- 1.5 In preparing these representations, regard has been had for Chapter 3 of the National Planning Policy Framework (NPPF) which relates to 'plan-making'.
- 1.6 Paragraph 15 of the NPPF promotes a plan-led system, and that succinct and up-to-date plans should provide a positive vision for the future of each area; a framework for addressing housing needs and other economic, social and environmental policies; and a platform for local people to shape their surroundings.
- 1.7 Paragraph 16 states that Plans should:
- a) be prepared with the objective of contributing to the achievement of sustainable development;
 - b) be prepared positively, in a way that is aspirational but deliverable;
 - c) be shaped by early, proportionate and effective engagement between plan-makers and communities, local organisations, businesses, infrastructure providers and operators and statutory consultees;
 - d) contain policies that are clearly written and unambiguous, so it is evident how a decision maker should react to development proposals;
 - e) be accessible through the use of digital tools to assist public involvement and policy presentation; and
 - f) serve a clear purpose, avoiding unnecessary duplication of policies that apply to a particular area (including policies in this Framework, where relevant).
- 1.8 As set out at paragraph 36, local plans are examined to assess whether they have been prepared in accordance with legal and procedural requirements, and whether they are 'sound'. The test for soundness as set out within the NPPF requires that Plans are:
- a) Positively prepared
 - b) Justified

- c) Effective
 - d) Consistent with national policy
- 1.9 By way of background to the Council's preparation of the emerging Local Plan, it is acknowledged that the Council's current five year land supply is increasingly marginal.
- 1.10 In February 2026 the existing Adopted Section 1 Local Plan becomes 5 years old, and the housing requirement within it will accordingly be out of date for the purposes of calculation of five year housing land supply as set by NPPF paragraph 232.
- 1.11 The housing land supply annual requirement will therefore become approximately 1,300 homes per annum in line with the standard method, as opposed to 920 homes per annum within the existing adopted Local Plan. Over a five year period this will add 1,900 homes to the required supply plus the required buffer.
- 1.12 The Council acknowledge this requirement at paragraph 3.36 of the Regulation 18 Consultation document, confirming that the requirement for 20,800 new homes over the plan period is a mandatory target which must be planned for. Taking into account the homes to be delivered through the Tendring Colchester Borders Garden Community and windfall sites, the Council assert at paragraph 3.40 the need to plan for a minimum of 11,089 in order to meet the housing needs of Colchester (emphasis added).

2. THE SITE

- 2.1 The Site is circa 6.3ha and located to the north of Marks Tey and adjacent to the A120. The existing Site comprises agricultural fields with further agricultural fields to the west, north and east.
- 2.2 To the immediate west and east of the Site, at the access from the A120, there are a few commercial and residential properties with a large quantum of residential development located to the south.
- 2.3 Marks Tey railway station is located to the east of the site and provides services to London Liverpool Street, Ipswich, Sudbury and Colchester. The Site is circa 1 mile walk to the railway station.
- 2.4 There are bus stops located along the frontage of the Site on Coggeshall Road (Ashbury Drive) which provide a number of services to Colchester, Chelmsford, Braintree, Great Dunmow and Stanstead Airport.
- 2.5 Marks Tey offers a range of facilities that support daily life, travel, leisure, and community activities for residents and visitors. There are a number of facilities located around London Road including cafes, restaurants, butchers, pharmacy, convenience store and Post Office, car garage, along with leisure facilities within the Marriot Delta Hotel with swimming pool and gym.
- 2.6 The Site provides the opportunity to deliver approximately 130 homes.
- 2.7 The supporting justification to Policy PP18 confirms that Marks Tey is sustainably located and contains: *a good range of facilities which are located in different sections of the village; a railway station to the east providing an interchange between the mainline to London and branch services; a larger area of modern housing, a village hall, commercial areas and the primary school to the west and retail facilities to the south of the A12.* (paragraph 12.16).
- 2.8 Marks Tey is thus a suitable and sustainable location for growth and its planned expansion, including the proposed allocation of the site for development, within the emerging Local Plan is therefore supported.

3. POLICY PP18

3.1 The Policy requirements of PP18 are set out in the table below with responses provided to each of the draft criteria. Overall, the wider allocation is supported with the proposal for up to 1,000 new homes considered appropriate given the sustainability of Marks Tey. There are however a number of criteria within Policy PP18 that could be better worded to enable the delivery of the allocation including the ability for development to be delivered as part of an early phase, provided it does not prejudice the wider delivery of wider allocation.

Policy PP18	Response
<p>Land to the north of the A120 has been promoted for a Garden Village scale, mixed-use development, but the development potential within the plan period is limited because of infrastructure constraints. It will be important when planning for the first phase of development that the whole site area is masterplanned to ensure residential development is supported by infrastructure including schools, community facilities and open space.</p>	<p>Due to housing requirements it is considered beneficial to bring forward an early phase of development which provides a signal of confidence to the delivery of the wider allocation. Our client's Site is located on the frontage and thus can provide access to the Site and the wider allocation.</p> <p>It is considered that the Site can be successfully delivered as a first phase of development, and our client is willing to engage in discussions with the surrounding landowners to ensure that the development does not prejudice the delivery of the wider allocation. The early delivery of housing, and supporting green infrastructure provides market confidence, assists in meeting short term housing land supply and demonstrates that the wider allocation is genuinely deliverable. It is important to note however that the site can be delivered in its own right – in that it does not need to be part of the wider allocation to come forward and provides an important short term contribution to housing supply.</p> <p>With the above in mind, the requirement for a masterplan should not apply where there can be demonstrated to be an immediate housing need or a lack of a five year housing land supply, and/or where it can be shown that delivery of first phase of development would not harm or prejudice potential wider development in due course.</p>
<p>In addition to the infrastructure and mitigation requirements identified in Policy ST 7 and subject to compliance with all other</p>	<p>Highways work that has been undertaken to date, including discussions with National Highways, has</p>

Policy PP18		Response
relevant policies, in particular those concerned with highway capacity, development will be supported on land to the south of the larger site identified on the policies map which provides within the plan period:		confirmed that the Site can come forward without the need for any new strategic infrastructure and with localised improvements.
a)	Approximately 1,000 new dwellings of a mix and type of housing to meet evidenced needs which is compatible with surrounding development;	The scale of development proposed on the wider allocation is supported with the Site able to independently deliver circa 130 units.
b)	A mix of other uses which support a sustainable community appropriate to the scale of development including public open space to accommodate formal and informal sport and leisure, community facilities, local services and local centres;	The Site can incorporate substantial areas of public open space particularly along the western and eastern boundaries along with the potential inclusion of some retail floorspace.
c)	Substantively in excess of 10% of the allocation area must be provided as open space. This should include strategic open space in addition to multiple areas of less formal and more incidental open space;	If the allocation is delivered in phases, it should be clarified that each phase is to deliver 10% in order to achieve the excess of 10% across the whole allocation area, otherwise there is a potential for uneven distribution of open space across the wider site.
d)	Safe and suitable site access to required highway design standards. Point(s) of vehicular access will need to be agreed with the Highway Authority and it will be demonstrated that the proposal would not be detrimental to highway capacity or safety;	Work undertaken to date has reviewed opportunities to access the Site via a new roundabout, this has demonstrated that a safe and suitable access into the site can be achieved from the A120.
e)	Active travel links that maximise opportunities for enhanced connectivity within the site and to the surrounding area; and opportunities to maximise the use of sustainable transport, including links to the railway station;	As the Site is located along the frontage with the A120, the scheme can incorporate active travel links with pedestrian and cycle access directly to the railway station.
f)	Mature trees and hedgerows should be retained. Ponds and woodland within the site must be retained and buffered. Onsite BNG measures should focus on creating a mosaic of grassland, scrub and trees and be located around existing ponds (including offsite ponds) and woodland;	This policy criteria does not offer any flexibility in terms of how development may come forward and should include updated wording to say: <i>Ponds and woodland within the site must be retained and buffered where possible.</i> Furthermore, it may not be possible to incorporate BNG enhancement on offsite ponds if these are outside of an applicant's control and thus including reference to 'offsite ponds' within the policy should be removed as an absolute requirement as it may not be achievable.
g)	As a strategic site, there is potential for a range of habitat creation measures which should be maximised. A core of onsite BNG measures should be located together to provide a substantive area for biodiversity, with associated connectivity through and beyond the site. This core should include the corridor of the Roman River (enhanced to provide the required watercourse unit uplift), and LoWS Co27 and the woodland Priority Habitat, appropriately buffered and	The criteria as drafted is too imprecise, it is recommended that flexibility be retained in terms of the habitat creation to be achieved by including only the first line of the criteria as currently drafted with the rest of the text potentially included within the supporting text to the Policy.

Policy PP18		Response
	connected. Much of the site would be suitable for the creation of chalky boulder clay grassland;	
h)	Support will be given to delivering standing freshwater habitat, woodland or grassland habitats within or adjacent to the site to support the delivery of the strategic creation opportunities in the Essex LNRS;	The criteria should be updated to state "...where possible adjacent to the site" as it may not be possible to achieve this if the land is outside of the applicant's control
i)	Screening comprising locally appropriate tree belts, hedgerows and/or woodland will be required along the site boundaries to ensure that development is sensitively integrated into the landscape to reflect and reinforce rural character;	The need to screen any development is understood and supported and can be achieved in terms of development of our client's Site.
j)	Ensure connection within and throughout the site to Public Rights of Way to provide green infrastructure connections and recreational access to the countryside;	Agree with the need to ensure Public Rights of Way connections are maintained and enhanced across the allocation.
k)	Linkages to the proposal for a Roman River corridor nature recovery area, as shown on the policies map;	The Roman River corridor nature recovery area is proposed in the Marks Tey Neighbourhood Plan, the Site is some distance away from its location but there is no concern with the including reference to potential linkages to it within Policy PP18
l)	Development must conserve, and where appropriate, enhance the significance of heritage assets (including any contribution made by their settings). Designated heritage assets close to the allocated site includes two Grade I and 27 Grade II Listed Buildings as informed by the Stage 1 HIA;	This is in line with national policy and legislative requirements which require heritage assets to be conserved or enhanced not conserved and enhanced. It is considered that the Site can be developed to ensure that the setting of the listed buildings are as a minimum, preserved.
m)	Liaise with ECC as the Minerals and Waste Planning Authority on mineral and waste matters. A Minerals Resource Assessment as part of any planning application. Should the viability of extraction be proven, the mineral shall we worked in accordance with the scheme/masterplan as part of the phased delivery of non-mineral development. Undertake a Mineral Infrastructure Impact Assessment given the site's proximity to Marks Tey Brickworks;	The wider allocation is located within the Mineral Safeguarding Area for sand and gravel defined in the Essex Minerals Local Plan Policies Map. Policy S8 of the Minerals Local Plan requires that the Mineral Planning Authority should be consulted on all applications for development on sites over 5ha or more. Criteria (m) is thus unnecessary as it duplicates requirements as covered by other Policy within the Development Plan.
n)	Demonstrate adequate capacity for managing wastewater including proposed phasing requirements or alternative solutions to the satisfaction of the Council and Anglian Water;	Criteria (n) is unnecessary as any development will be required to be submitted with a proposed Flood Risk Assessment and foul drainage strategy which Anglian Water will be consulted on.
o)	A range of measures in addition to prioritising SuDs (Policy EN8) and water efficiency measures to reduce the risk on impact on the WRC capacity as a result of planned growth including: i) Removal of unrequired network flows; ii) Targeted education to include new residents of the development; iii) Reduction in the demand for potable water.	Any application for development on the Site will be supported by a Flood Risk Assessment and Drainage Strategy, current work that has been undertaken confirming the potential for SUDS and on-site attenuation on the Site.

Policy PP18		Response
p)	Development must not discharge surface water to the foul sewer network;	Any application for development on the Site will be supported by a Flood Risk Assessment and Drainage Strategy
q)	Any site specific infrastructure requirements from the IDP (likely to include education provision, highway mitigation, water and wastewater and specific community / open space provision);	Any infrastructure requirements will need to meet the statutory requirements as set out in Regulation 122 of the CIL Regulations 2010 (as amended) i.e. be: (a) necessary to make the development acceptable in planning terms; (b) directly related to the development; and (c) fairly and reasonably related in scale and kind to the development.
r)	Before granting planning consent, wintering bird surveys will be undertaken at the appropriate time of year to identify any offsite functional habitat. In the unlikely event that significant numbers are identified, development must firstly avoid impacts. Where this is not possible, development must be phased to deliver habitat creation and management either on or off-site to mitigate any significant impacts. Any such habitat must be provided and fully functional before any development takes place which would affect significant numbers of SPA birds.	The requirement to protect wintering birds would be undertaken in any event as part of undertaking necessary ecology surveys and providing any necessary mitigation.
Development proposals will only be supported where they accord with a comprehensive masterplan in relation to the entire site, that has been agreed with the Council prior to submission of any planning application. The masterplan must be of sufficient detail to ensure optimal placemaking and housing delivery outcomes for the allocation and should be informed by an appropriate evidence base. The masterplan should be developed in collaboration with the Council, and relevant infrastructure providers and through engagement with the local community. It should be informed by use of design review. Where appropriate and necessary the masterplan shall be supported by, parameter plans, design codes or guidance.		Development of the site in advance of the wider allocation and masterplan is beneficial as it allows much-needed homes to be delivered earlier, contributing to five-year supply and demonstrating clear progress on Plan implementation. The Policy should therefore be updated to explicitly state that any initial phases of development must not prejudice the comprehensive planning and delivery of the wider allocation, this provides a safeguard that early development will not compromise the eventual masterplan, infrastructure strategy, or overall capacity of the site. This approach balances flexibility and early delivery with a clear requirement that the long-term vision for the whole allocation is protected and can still be optimised as the wider masterplan is prepared.
All development Proposals within Marks Tey parish will also be determined against the policies in the Marks Tey Neighbourhood Plan where relevant (adopted April 2022) where they are up to date and relevant.		This criteria of the Policy is unnecessary, the Neighbourhood Plan is adopted and thus forms part of the Development Plan. In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, planning applications must already be determined in accordance with the development plan (including the Neighbourhood Plan), unless material considerations indicate otherwise.

4. SUSTAINABILITY APPRAISAL AND EVIDENCE BASE

- 4.1 Both the Site and the wider allocation (PP18) have been considered within the evidence base documents to the emerging Local Plan, including the Sustainability Appraisal Report (February 2025) which assesses whether the emerging Local Plan will help achieve sustainable development when compared with reasonable alternatives.
- 4.2 The Sustainability Appraisal Report confirms that Marks Tey is relatively unconstrained in terms of its historic environment and that Marks Tey is not close to the sensitive Essex coast, which has international nature conservation designations. It is thus considered a suitable site for future development. Paragraph 5.305 also recognises that although Marks Tey is a sustainable location, providing allocations of the sizes proposed offers the opportunity to improve service provision, given the scale of housing proposed and the benefit of creating mixed use communities with additional community facilities. There are thus significant positives to allocating the Site and wider PP18.
- 4.3 At paragraph 2.43 of the Sustainability Appraisal it is confirmed that the preferred strategy acknowledges the role of transport corridors, including a growth area at Marks Tey, as this settlement is located on the junction of the A12 and A120 and has a mainline railway station. This further confirms the connectivity of this location and the benefits of delivering new residential development in this location. This is further confirmed at paragraph 2.81 of the Sustainability Appraisal which notes *"Its strategic location along with the benefits the train station brings, add weight to the potential for expansion."*
- 4.4 It is important to acknowledge the strategic location of Marks Tey when balancing any infrastructure requirements. The Sustainability Appraisal acknowledges that infrastructure improvements will be required in order to support development of the scale promoted and that although the Plan allocates sites for housing which could deliver up to 2,500 new homes, this is on the proviso that it can be demonstrated that additional vehicular movements can be safely accommodated on the A12 and A120 without adding to congestion.
- 4.5 Transport work that has been undertaken by our client's transport consultant and in discussion with National Highways indicates that the development on the Site will have a minimal impact on the surrounding highway network particularly during the busiest network peak periods and can therefore come forward prior to any improvements to the A12. In line with a vision led approach, a monitoring strategy could however be introduced with proportionate mitigation triggered if necessary to address any impacts arising from the scheme.

- 4.6 In terms of public transport and active travel, the Colchester Infrastructure Audit and Delivery Plan, October 2025 (IDP) acknowledges that in order to support growth to 2041, an extension of the bus Rapid Transit System is proposed from the City Centre to Marks Tey. In terms of active travel, the IDP also identifies a mitigation package including dedicated cycle parking at Marks Tey Station. As set out above, development can contribute towards such schemes as however may be necessary to support the development proposed, in line with the tests set out in the CIL Regulations.
- 4.7 Paragraph 5.301 of the Sustainability Appraisal refers to the requirement of Policy PP18 for development to be supported by a Minerals Resource Assessment, in order to help support more efficient use of land and natural resources, this matter is addressed above in Section 3. The Sustainability Appraisal also acknowledges that the Policy does not mitigate the loss of greenfield land and Grade 2 agricultural soils. The surrounding area is also however Grade 2 along with much of the land to the north west so it is not unusual for this location – the loss of the site as agricultural land is not considered to result in the loss of any high quality or scarce resources therefore given the site has the same land classification as much of the surrounding local area.
- 4.8 In terms of the site as greenfield land, whilst paragraph 5.308 of the Sustainability Appraisal acknowledges that Marks Tey is located within an area identified as having medium inherent landscape value in the Landscape Character Assessment work, any large Garden Village scale proposal inevitably requires development on rural greenfield sites and thus the development criteria requiring screening around the site boundaries is appropriate.
- 4.9 The IDP also indicates that Marks Tey and Parsons Heath are forecasted to have the greatest increase in electrical demand by 2041 putting the primary substation at a demand deficit. It will thus be necessary for any development proposals to provide consideration of utilities, including electricity, however this can be managed through additional substations etc. and is not therefore a barrier to development.
- 4.10 In terms of education, the IDP acknowledges that an allocated site for a primary school and early years facility may not be needed during the Plan period if a school is built south of Marks Tey (as part of Policy PP17). With this in mind, it is important that the policy criteria remains flexible in this regard and recognises (as set out above) that any request for infrastructure requirements must meet the tests set out in the CIL Regulations.
- 4.11 As part of the evidence base for the emerging Local Plan the Council have produced a Summary of Sites Evidence (October 2025) which contains a summary of the sites assessed as part of developing the new Local Plan for housing and employment. These sites were collated via a 'Call for sites' exercise or a desktop review, with sites then assessed using the Strategic Land Availability Assessment (SLAA). The Summary report also confirms that in bringing forward site allocation

choices within the Preferred Options Local Plan, other evidence base documents were used to inform the suitability of sites.

- 4.12 The Site is considered under the name 'Land North of Woolmer Green' and is specifically identified as being allocated on the basis that: *Marks Tey is one of the larger settlements identified as a growth area and is well connected with a railway station, A12 and A120. A large scale development will deliver multiple benefits and create a new community.* The Site is also identified as being adjacent to the adopted Local Plan settlement boundary.
- 4.13 The Summary also provided the following summary of the SLAA Stage 2 and Biodiversity Protection and BNG study, against which a response has been noted:

Summary of Evidence	Response
No contribution to coalescence	Agreed
Some constraints identified in relation to highways access but not significant enough to affect the site's deliverability	Through discussions with National Highways, the Site can be developed without causing any adverse highways impacts and a safe access can be provided.
Greenfield	Agreed but it is adjacent to the A120 and existing settlement boundary
Grade 2	Agreed but much of the land in this location is of the same quality
There are no neighbouring use issues	Agreed
Site is not located within any nature designations	Agreed
There are opportunities to enhance or create green infrastructure.	Agreed, any development to come forward can incorporate successful green infrastructure
There is a possibility of harm to archaeological and heritage assets arising from new development.	The Site can be developed to avoid any adverse impacts on either archaeological or heritage assets through design, layout and mitigation. The nearest heritage assets are to the north and any impacts can be addressed through sensitive boundary treatment
Development would not result in the loss of public open space, public right of way or a bridleway.	Agreed
Site is wholly located in flood zone 1	Agreed
Site is not located within a Critical Drainage Area	Agreed
Site is vacant or current use can cease at short notice	Agreed
Site is wholly within a Minerals Safeguarding Area	Agreed but is not a constraint to delivery of development
There is possibility of site contamination, but it can be remediated without affecting development viability.	Agreed
Low harm – Some priority habitat woodland within the site	Agreed but is not a constraint to delivery of development

- 4.14 The IDP at Table 2-3 indicates the planned housing growth over the plan period, for Marks Tey years 1-5 there are 125 houses planned, 1,350 in years 5-10 and 1,025 in years 10-15. The opportunity for the Site to come forward as an initial phase of development thus supports this planned housing growth strategy.
- 4.15 The above further demonstrates the suitability, availability and deliverability of the Site for residential development.

5. CONCLUSION

- 5.1 The Site at land north of the A120 Coggeshall Road is a suitable and deliverable site for housing development. It is strategically positioned along the A120 in close proximity to Marks Tey railway station.
- 5.2 The Site is within a strategic location adjacent to the A120 and within reasonable walking distance of the railway station ensuring excellent connectivity. Early delivery of approximately 130 homes would provide a strong signal of confidence in the wider allocation (PP18), demonstrating that the Garden Village concept is achievable and can be phased without prejudice to the long-term masterplan.
- 5.3 A scheme can be developed for the Site which will ensure that where possible existing trees will be retained, particularly those along the western and eastern boundaries of the Site. Areas of open space can be incorporated, including play spaces and informal spaces. Bringing forward the Site initially will contribute positively to housing supply at a time when Colchester's five-year land supply is marginal, and supports the plan-led approach by addressing immediate housing needs while remaining consistent with the broader vision for the Marks Tey Growth Area.
- 5.4 A pre-application request has been undertaken (ref. 251337) and work is underway on a planning application for the Site. Technical work has been undertaken that our client would be willing to engage with the Council on as part of the Local Plan process.
- 5.5 In summary, the Site is suitable, available, and achievable within the plan period. Its early delivery would strengthen Colchester's housing trajectory, provide tangible community benefits, and underpin the credibility of the wider allocation. This representation therefore supports Policy PP18 subject to the recommended refinements, ensuring flexibility, clarity, and deliverability across the plan period.