REPRESENTATIONS TO COLCHESTER CITY COUNCIL PREFERRED OPTIONS LOCAL PLAN REGULATION 18 CONSULTATION 2025

I am submitting this paper in response to Colchester City Council's ('CCC') invitation to comment on its draft Local Plan ('Plan'). I have a number of comments on various aspects of the Plan. I have tried to be as succinct as possible. However the sanction of a 100 word limit on the online portal has presented an unreasonable obstacle in being able to make those representations, hence this document. I am sure others have expressed similar disappointment with this restriction especially when one considers the number and length of all the supporting documentation uploaded on this topic.

Financial Viability

Put simply the numbers don't stack up. At the Local Plan Committee Meeting on 10 November 2025 (the 'Committee Meeting') Ms. Karen Syrett presented a slide deck regarding the Plan. One of the slides showed a proposal of 230 'projects' at a total cost of £1.322 billion for which funding of £510 million had been 'identified' (whatever that means. I don't interpret it as being actually allocated). That left a funding deficit of £811 million. Ms. Syrett went on to inform the Local Plan Committee that ways to 'plug' the deficit could include the use of S.106 agreements and the potential introduction of a Community Infrastructure Levy ('CIL').

Later in the Committee Meeting, in response to questions from Cllr. Barber, Ms. Syrett said CCC would be looking to apply a S.106 'levy' of between £5000 and £35,000 per unit. She went on to say CCC would look for £60,000 per unit for 'infrastructure' on strategic sites. Ms. Syrett stated these figures came from 'consultants'. I assume the consultants referred to are Newmark who prepared the viability assessment reports in February and October 2025. In their October assessment report Newmark has applied a S.106 contribution of £10,500 per unit. This is because, as Newmark point out at section 6.31:

> "*We have applied a rate of £10,500 per unit for Section 106 costs. This has been calculated by taking an average of the Section 106 commitments of residential schemes delivered in the last 5 years.*"

Newmark then additionally apply an amount of either £5000 per unit (for non-strategic sites) or £35,000 per unit (for strategic sites) for 'Infrastructure Costs' (see table at section 6.33 of their report).

It would therefore seem that the maximum S.106 and infrastructure costs that CCC could achieve, based on these numbers is £15,500 for non-strategic units and £45,500 for those on strategic sites. If we apply these figures to the proposed building of 20,800 homes under the Plan the calculation is as follows:

8165[1] strategic units x £45,500	= £371,507,500
12635 non-strategic units x £15,500	= £195,842,500
20800	**£567,350,000**

1 This figure was mentioned by Ms. Syrett during the Committee Meeting as the number of units proposed to be built on strategic sites

With a funding deficit of £811 million this figure leaves CCC with £243,650,000 to find.

Yet despite these numbers Newmark's assessment later claims CCC could recover 'up to around' (a very vague statement!) £60,000 per unit on high value greenfield sites and other, lower, values ranging between £15,500 and £38,000 at other greenfield and brownfield sites[2]. These inflated numbers appear to be based on assessments and 'sensitivity testing' (whatever that may consist of). There appears to be no tangible evidence to support these numbers. If we apply the S.106/infrastructure cost to the site at PP17 (1500 units south of the A12 at Marks Tey), a strategic high value greenfield site 1500 x £60,000 would mean a developer would be faced with a S.106 'bill' of £90 million. Has anyone asked a developer whether they think such a levy is fair/achievable? I suspect a developer may say yes at the outset simply because to say no would mean his site would be at risk of not being taken forward. However, when it comes down to payment further down the line I suspect any initial enthusiasm for/assurance of payment will be much more tempered. I would agree with Cllr. Smithson's comments at the Committee Meeting when he expressed grave concerns about whether developers would deliver the infrastructure which, given CCC's lack of powers to compel delivery, would mean developments would go ahead without the infrastructure to support them.

The type of numbers Newmark is suggesting for S.106/infrastructure which exceeds £15,500 lack credibility. As already mentioned Newmark state CCC's average S.106 'levy' per unit over the past 5 years is £10,500. If one looks at the actual amounts received as a % of the 'levy' since 2019 the S.106 monies actually received by CCC is around 50%[3]. Therefore even if Newmark's estimates of S.106/infrastructure 'bills' in excess of £15,500 which CCC could achieve under the Plan is correct, that figure ought to be reduced by 50% to reflect CCC's actual recovery rate of such money.

However Newmark's figures do not, in my opinion, reflect reality. The actual financial data from CCC's infrastructure funding statements speak for themselves. And if one looks further afield the CIL currently 'billed' by Chelmsford City Council, according to its published figures, is £125 per m². If we take an average dwelling size of 100 m² (roughly the size of a 3 or 4 bed house) that means a CIL figure of £12,500. I suspect land prices in the Chelmsford area are far greater than in Colchester so if Chelmsford City Council can only achieve £12,500 per unit from CIL how on earth does CCC think it can achieve the type of numbers Newmark are suggesting. The evidence currently available indicate those sort of figures are pie in the sky and bear no resemblance to reality. They should be challenged very robustly.

I expect part of any response to the above would include the phrase quoted by Ms Syrett and the Chair of the Committee during the Committee Meeting that the consultants expressed a view during their work on the Plan that it was 'the most viable plan it had seen for some time.' With respect that is not evidence and it certainly does not mean it is a good plan. It is simply the opinion of a consultant that the Plan is better than others he had seen. How good – or bad – the other plans were is something we do not know. Given one of the requirements of respondents to this consultation process is to back up their comments with supporting evidence the same requirement should be expected of Councillors and Officers and expressions of opinion such as mentioned above should not carry any weight when considering the soundness of this Plan. It should be decided on whether the financials pass scrutiny. In my opinion they currently do not and for that reason this Plan is flawed.

Infrastructure

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2 See sections 8.25, 8.41, 8.48 and 8.53 of Newmark's October report

3 See CCC's infrastructure funding statements 2019 onwards

At the Committee Meeting Ms. Syrett suggested the starting point for the Plan is the call for sites. That is sensible as CCC needs to see which landowner wants to put forward land for development, how much land and where it is located. However, once parcels of land come forward and CCC starts to consider them at that point it would, in my opinion, be the right time to consider what infrastructure can be delivered. As Cllr. Barber put it during the Committee Meeting:

> *"… infrastructure should guide allocations rather than find the allocations first then try to fit the infrastructure around it."*

I think it is common ground that infrastructure is one of the biggest areas of concern around this Plan. Like the financial aspects of the Plan I find the proposals in the Plan for dealing with infrastructure flawed.

The Infrastructure Audit Report stage 3 (October 2025 iteration) confirms, at page 11, that bus services in the Colchester area are poor and its infrastructure is poorly maintained. It goes on to say:

> *"The provision of bus services is largely determined by local demand. Where growth creates sufficient demand to support a commercially viable service, it is likely that such services will be introduced."*

It follows from this statement that if there is no demand there will be no improved service introduced and if there is no improved service people will use other forms of transport i.e. cars. You will therefore have congestion. Section 4.4 of the Report paints a very clear – and bleak – picture of the probabilities – and practicalities – of any bus service having such a great effect on infrastructure so as to avoid the inevitable logjam on the roads.

It is also telling that the February 2025 iteration of this Report says in the second bullet point of paragraph 4.3.2:

> *"Congestion on major inter-urban routes, notably the A12, limits the efficient operation of services at peak times".*

However in the later, October 2025 iteration of the report the same bullet point, to be found at paragraph 4.4.2 says:

> *"Congestion on major inter-urban routes limits the efficient operation of services at peak times"*

It would seem that the notable congestion on the A12 has miraculously been resolved in the 8 months between the 2 iterations of the same report although a cynic may have a different view on why this wording was amended.

I would also remark there is a £67 million funding deficit for the suggested service improvements.

There is also mention of encouraging people to cycle for some of their journeys – part of the desired 'modal shift' of transport in the Colchester area. Colchester, though, has large rural areas. The current cycling provision generally is poor (para 4.3.3 of the October report) and requires considerable infrastructure investment (£254.8 million as per para 4.3.8). That is an astonishing sum of money and the likelihood of a sufficient number of residents in rural locations switching their mode of transport from car to bike (or walk) such that it would have a material beneficial effect on the likely congestion this Plan will inevitably create is, to say the least, fanciful especially when one takes into account the fact that a large number of those living on Colchester's periphery do not work in Colchester. They will therefore continue to use their current mode of transport and much of that will be the car.

The Infrastructure Audit deals with the issue on the roads at paragraph 4.5 et seq. Paragraphs 4.5.7 and 4.5.8 mention Junction 25 of the A12 (the Marks Tey junction) What is telling from these paragraphs is what has been omitted. Paragraph 4.5.7 of the February 2025 iteration of the Report mentions the proposed improvements to the A12 between Junctions 19 and 25. Even with those anticipated improvements the Report acknowledged:

> *"It is unlikely, even with the improvements that A12 J25 will be able to accommodate the scale of development being suggested around the vicinity of this junction."*

Since that report was published we now know there will be no improvement to Junctions 19-25 of the A12. I must therefore ask why the above admission about the inability of Junction 25 to handle the scale of the proposed surrounding development (even with the Junction 19-25 improvements) does not appear in the October iteration of the Infrastructure Audit Report? If the A12 road improvements could not handle the proposed scale of development how on earth is Junction 25 supposed to deal with it without them?

CCC cannot with any credibility claim that all will be well because a large swathe of people are going to make a huge modal shift in their travel habits and leave their cars at home. That proposition is incredible in every sense of the word.

I would also add that a massive funding gap for transport costs of £374 million is identified (table 6-1 at page 178 of the report). I assume that money is going to come from the riches of Newmark's optimistic S.106 assessment? If not then it is a very serious sum of money the residents of Colchester are being asked to fund.

The need for proper infrastructure is also identified in other documents.

In the document presented to the Committee at its 17 February 2025 meeting paragraphs 12.16 to 12.19 recognise there is potential for expansion in the Marks Tey area. However that potential is qualified in paragraph 12.17 with:

> *"recognition that infrastructure improvements will be required in order to support development at the scale promoted. Accordingly the Plan allocation sites for housing which could deliver up to 2500 new homes within the plan period but on the proviso that it can be demonstrated that additional vehicular movements can be safely accommodated on the A12 and A120 without significantly increasing congestion."*

Paragraph 12.19 goes further as it says all the promoted growth cannot be accommodated

> *"without significant upgrades to the A12 and A120."*

There is similar commentary in the Sustainability Appraisal Report of LUC also dated February 2025. At paragraph 2.81 it states:

> *"Large areas of land have previously been promoted for development in and around Marks Tey and there is an opportunity for growth to help reconnect the village…. however, there is also recognition that infrastructure improvements will be required in order to support development at the scale promoted. Accordingly, the Plan allocates sites for housing which could deliver up to 2500 new homes within the plan period, but 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."*

It should be noted that LUC's proviso is extra traffic should not 'add' to congestion, a tacit admission that both roads are already congested, whereas CCC's (I presume) internally prepared document for the February Plan Committee Meeting contains a more vague proviso of additional vehicular movements on the A12 and A120 not *'significantly increasing'* congestion. I suggest the LUC test of 'adding' to congestion is the correct test to evaluate whether or not Junction 25 of the A12 can cope with additional traffic at least 3100 homes would bring (Policies PP17, PP18 and PP29).

There is a long established legal test for simple questions such as this one. It is called 'the man on the Clapham omnibus.' The question is put to the man on the bus and if his answer is 'of course' then, in modern parlance, its a no-brainer. So, if one asks the man on the bus 'do you think an extra 3100 homes built very close to the Marks Tey junction with the A12 will lead to a mess without some major improvements' I think it would be pretty clear what his answer would be.

The suggestion of a modal shift, whilst laudable, will not ease the inevitable issues awaiting Junction 25 if there are not significant road improvements there. To suggest that the construction of a Park and Choose site and efforts to persuade people to ride a bike will make any increased road congestion at this junction 'negligible' is, I believe, at best pie in the sky; at worst, it is a deliberately mis-leading statement intended to assist with pushing through a Garden Village style development on the cheap.

Policy PP29

This policy is the proposed allocation to Copford. Reading PP29 in isolation would lead one to the conclusion that Copford's allocation is 300 homes. This, though, is incorrect. In Policy PP17 there is a proposal to build 1500 homes on land South of the A12 which is described as 'Marks Tey'. However a closer examination of this parcel of land reveals that it straddles both Marks Tey and Copford parishes. A rough examination of the size of the allocated site and the number of homes allocated to it leads to an estimate of approx. 600 of the 1500 homes being built within Copford Parish. This means Copford's total allocation of homes would be in the region of 900.

However, given CCC's recent refusal of a planning application in Tiptree because the proposed development straddles adjacent boundaries it would be reasonable to assume that CCC will follow its own precedent on this point and withdraw PP17 from the Plan. It would also help ease Junction 25 congestion.

Copford is part of Copford with Easthorpe Parish which comprises 3 parts; Copford (around London Road, School Road and Queensberry Avenue), Copford Green (a conservation area) and Easthorpe. At the 2021 Census the Parish had a population of 1725 with approximately 680 dwellings. The proposed allocation of 300 homes under PP29 would increase the number of dwellings by approx 133%. If 600 dwellings are included from PP17 the increase is 206%.

If we then apply an occupancy rate to the new homes of 3 people per unit there would be an additional 900 residents in the Parish (or 2700 if the 600 homes under PP17 are included). That represents an exponential boom in the Parish population of 152% (or 259% if PP17 is added). That is wholly unreasonable.

Copford Parish also has a Neighbourhood Plan ('NP'). It was adopted in 2023 and I encourage the Plan Committee to read it. Page 4 states the NP seeks to:

> *"… conserve and enhance the distinctive nature of our rural community… by ensuring:*
>
> *• The scale of growth and location of new buildings is proportionate to the size of the village….*
>
> *• Opportunities are provided to actively favour ecologically sustainable building, including self-build and small developments with a low or zero carbon footprint..."*

It continues on page 5 emphasising *"...the absolute need for careful planning…"*.

Objective 1 of the NP (page 6) seeks to ensure the Parish retains its *"distinctive rural identity"* and by Objective 3 seeks to favour small developments.

A 300 home housing estate on agricultural land in School Road is neither proportionate to the size of the Parish nor, given the character of School Road, a site that has been sensitively planned. If the 600 homes at PP17 are also taken into account the argument against becomes even stronger.

Complementary to the NP is the Parish's Design Guidance and Codes prepared by AECOM and referred to in the NP. Page 36 of the AECOM document deals with School Road. It says development here should:

> *"… should maintain the continuity of built form along the main route. However, buildings should not be repetitive, and should provide variety of building types and design with coherent scale, massing and detailing."*

It continues, on page 37, that development in Copford should *"...maintain the continuity of building line and the density and scale of development."* And, at page 45, it says:

> *"Any proposal that would adversely affect the rural nature character of the villages, or give rise to an unacceptable increase in the amount of traffic and noise would be inappropriate."*

Toward the end of the Code (pages 95-97) is a checklist for consideration of any new development. In my opinion the proposal at PP29 not only fails to satisfy any of the objectives or policies of the NP but it also fails to answer positively the majority of the relevant points and checklists in the Design Code.

The School Road site is also not a good allocation for other reasons. I refer to LUC's Sustainability Report of February 2025. Table 5.40 (at page 423) contains a summary of its findings of the suitability of both the School Road sites (10226 and 10611) which straddle the Village Hall and are the 2 sites for the proposed 300 homes. The only positive finding from LUC appears to be the fact the houses will be built. In almost all of the other criteria considered by LUC, particularly SA2 and the loss of good grade agricultural land, the effect is negative. How, therefore can this allocation be good for this Parish?

I also rely on the content of a number of CCC's own policies.

<u>Policy ST7 – Infrastructure Delivery and Impact Mitigation</u> which states:

> *"Permission will only be granted if it can be demonstrated that there is sufficient and appropriate infrastructure capacity to support the development or that such capacity will be delivered by the proposal. It must further be demonstrated that all necessary infrastructure will be delivered at an appropriate time to meet the requirements of the development, and that such capacity will prove sustainable over time in physical and financial terms."*

I am sure other residents of Copford will already have responded to PP29 on the question of infrastructure (and other matters) so I do not propose to comment in detail here suffice to say that the current proposals for infrastructure as a whole under this Plan are flawed.

<u>Policy ST8 - Place Shaping Principles</u> which states:

> *"All new development should reflect the following placemaking principles, where relevant:*
>
> …

e) Respond positively to local character and context to preserve and enhance the quality of existing places and their environs."

A 300 home housing estate does not satisfy point (e).

Policy PC4 - Development Density which states:

"In particular all residential development will need to be at an appropriate density and massing, having regard to:
a) The character of the site and its immediate surroundings, as well as the wider locality, including where applicable the setting of designated heritage assets;

b) The adequacy of the access and the local road network to accommodate the traffic likely to be generated by the proposed development..."

For all the above reasons PP29 is a poor allocation and should be withdrawn from the Plan.

Alternative Sites

When CCC issued its Call for Sites a number of sites were put forward by Copford Parish landowners. Only sites 10226 and 10611 were selected. However, I would encourage the Plan Committee to reconsider sites 10746 and 10765. Together, these sites form the 'Car Boot Field' on London Road. In terms of housing numbers these sites could likely deliver in excess of 300 homes. While the sites are classified as good grade agricultural land they have not been farmed for years (the descriptor 'Car Boot' is self-explanatory of its current primary use) and the vast majority of the other criteria against which the sites were assessed under the Strategic Land Assessment document come out as either green or amber. Further, many Parish residents would welcome the development of these sites especially when faced with the current allocation and consequent loss of greenfield, farmed land. While CCC's desire to achieve S.106 funding and amenities through the current PP29 is acknowledged it is not the be all and end all of site allocation. In any event the fact the Car Boot site could absorb 300 homes means the necessary 'critical mass' of development would be retained for S.106 purposes.

The allocation of the Car Boot site would also be supported by some of the changes proposed in the recently published amended NPPF. One of the most significant proposed changes is a 'default yes' to granting planning permission on sites which are within reasonable distance of a 'well connected' rail station. The amended NPPF also provides for a housing density on such sites of between 40 and 50 units per hectare. The total area of the 2 parcels of land forming this Car Boot site is 8.44 hectares meaning 300 homes could be achieved.

In addition to this proposal there are other smaller sites in the Parish which were put forward for allocation. Consideration could be given to site references 10171, 10479, 10531 and 10538. While they are small parcels of land they could be developed in keeping with the aims of the NP to encourage small developments. It would also be in keeping with the proposed revised NPPF which seeks to encourage developments of between 10 and 49 homes.

The Consultation Process

Regulation 18 of the Town & Country Planning (Local Planning) (England) Regulations 2012 requires a planning authority to invite various interested parties to make representations about its proposed local plan before any plan is submitted to the Secretary of State. In CCC's case the Plan was put out to interested parties on 26 November 2025. The closing date to submit representations is 14 January 2026. On the face of it that is a 7 week consultation period. However, as we know the UK pretty much shuts down for the Christmas period so it would be reasonable to assume the period from Saturday 20 December 2025 to Saturday 3 January 2026 is 'lost' to the Christmas break. That therefore effectively reduces the consultation window to 5 weeks. The Regulations state the period of consultation with interested parties should be 'no less than' 6 weeks. It does not state any maximum consultation period. I therefore do not see why CCC could not have allowed consultation until the end of January 2026. Given consultation fell over Christmas an additional 17 days would not have prejudiced the process.

There are volumes of documents relevant to the Plan. CCC's officers are to be commended for providing such an amount of information but the sheer plethora of data only serves to support the view that the consultation period allowed by CCC to consider the evidence has been far too short. This Plan is the blueprint for Colchester for the next 15 years. Whatever is ultimately decided upon by the Committee will shape this area for years to come. It is therefore an extremely important document. It is not one which should be considered in haste but I am afraid the timing of the consultation period does leave one with the feeling that we are being rail-roaded through a process.

While the Chair of the Committee may respond to this criticism (as he has done at Committee meetings) to the effect that consultation could have commenced much earlier (referencing the Committee's refusal to approve the Plan to proceed to Reg 18 back in February 2025), given the complete lack of financial data available in February about the viability of the Plan, such a comment would only serve to support a feeling that there is a drive in some quarters to rush this through.

Conclusion

I have no issue with development per se and I understand CCC is caught between a rock and a hard place given the dictats of Central Govt. However any development has to be the right type, in the right place and with provisions for the right type of infrastructure and amenity around it. Any Plan also needs to be properly funded.

For all the reasons set out in this paper I think the Plan fails financially. I think it also fails because of the clear lack of proper infrastructure. Proposing an infrastructure model with one of its key components of ensuring transport doesn't come to a standstill being getting people 'on yer bike' is no way to make such an important decision which will affect this area and its residents for the next 15 years and beyond. It needs proper, well thought through investment to deliver sound, real infrastructure and the right number of homes in the right places.

As for specific development in Copford please do not build a housing estate on good agricultural land. There are plenty of other sites that can be developed – particularly the Car Boot site - and the same developer contributions can be achieved.

Dated 13 January 2026

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