



# CONSULTATION

## RESPONSE

### **Colchester Local Plan**

## Regulation 18

Land west of The Folley,  
Layer de la Haye

**On behalf of** Tollgate Partnership Ltd.

January 2026

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## 1. INTRODUCTION

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- 1.1 This letter comprises a representation to the Colchester Local Plan Review Regulation 18 consultation. It has been prepared by Ceres Property on behalf of Tollgate Partnership Ltd – the owners of land west of The Folley, Layer de la Haye.
- 1.2 The land the subject of this representation is detailed in the accompanying Vision Document. It comprises approximately 3.16ha situated to the north of the village centre of Layer de la Haye, between The Folley and High Road.
- 1.3 The site is proposed for allocation under Policy PP40: Land west of The Folley, Layer de la Haye. This representation strongly supports this allocation.
- 1.4 Pre-application discussions with the Council have been held, alongside the progression of early technical work.
- 1.5 In addition, the landowner has previously obtained planning consent for land immediately to the south, which was allocated in the 2013-2033 Local Plan, and thus are fully aware of potential site constraints in the area.
- 1.6 In preparing these representations, regard has been had for Chapter 3 of the National Planning Policy Framework (NPPF) which relates to ‘plan-making’.
- 1.7 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.
- 1.8 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).
- 1.9 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
- 1.10 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.
- 1.11 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.
- 1.12 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.
- 1.13 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).
- 1.14 There is evidently significant pressure on the Council to deliver more homes, and the new Local Plan will be fundamental in achieving this. It is critical that sites proposed for allocation in the new Local

Plan are deliverable within the Plan period. Those sites that can be delivered in a short timeframe should be held in high regard given the role they will have in securing housing delivery from the outset of the new Local Plan.

## 2. THE SITE

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- 2.1 The site comprises an area of land approximately 3.16ha and is situated to the north of the village centre of Layer de la Haye, between The Folley and High Road. Land immediately to the south is currently under development, having received planning consent for 70 homes in 2024. A public right of way runs between the two sites. To the north is a small field between The Folley and the rear of properties along High Road. The western boundary of the site meets the rear boundaries of residential properties along High Road, and the eastern boundary meets The Folley.
- 2.2 The village itself is well-serviced, with local facilities and amenities including Layer de la Haye Primary School, Layer de la Haye Village Hall, Premier convenience store, Donkey & Buskins pub/hotel and the Layer Fox pub all within a 10 minute walk of the site.
- 2.3 The Folley links the site to the main vehicular route through the village – Malting Green Road/Abberton Road – where there are bus stops which provide regular services between Colchester, Tollesbury and Mersea. There are also bus stops along High Rd, which is accessible directly from the site via public footpath. Colchester is a key service centre for the local area, and also provides mainline train connections. As well as being easily accessible by private car and bus, Colchester is just a 20-30 minute cycle from Layer de la Haye.
- 2.4 The site falls within Environment Agency Flood Zone 1, indicating a low probability of fluvial flooding, and has no areas at risk of surface water flooding either.
- 2.5 Whilst there a number of listed buildings in the village of Layer de la Haye, there are none within the immediate vicinity or setting of this site.
- 2.6 There is no planning history on the site itself, albeit land directly to the south has previously been granted planning permission for the development of 70 homes (ref: 231600) and construction is well-advanced.

### 3. POLICY ST3: Spatial Strategy

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- 3.1 This section of this representation concerns Policy ST3 (Spatial Strategy), and its recognition of Layer de la Haye as a medium settlement specifically.
- 3.2 The draft Spatial Strategy confirms the Council's intentions to direct growth in Colchester to the most sustainable and locations in the urban area or close to, and then beyond this allocated an appropriate level of growth to large, medium and some small settlements based on the opportunities and constraints of each settlement. The Council recognise the ability of such an approach to ensure the long-term viability of services and facilities in these locations which may otherwise be lost.
- 3.3 Within the associated settlement hierarchy, Layer de la Haye is defined as a medium settlement. This is in recognition of the community and social infrastructure in the village, including a primary school, GP surgery, shop, two pubs, village hall and open spaces.
- 3.4 The DLP states that medium settlements:
- "include settlements with a range of community and social infrastructure but to a lesser extent than the infrastructure within the larger settlements. These medium settlements are capable of accommodating growth appropriate to the size, scale and infrastructure of the settlement".*
- 3.5 Our client supports the position of the village in the settlement hierarchy, which in turn supports the allocation of modest growth proportionate to its sustainability credentials. The growth proposed through the two allocations for the village will ensure that the existing services and facilities continue to be supported and invested in, protecting their long term viability.

## 4. POLICY PP40: Land west of The Folley, Layer de la Haye

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- 4.1 Policy PP40 sets out a number of objectives for allocation of land west of The Folley, and early site appraisals and technical assessments have provided further reassurance that the development of the site can achieve these.
- 4.2 An assessment of the site against associated draft policy (PP40: Land west of The Folley, Layer de la Haye) is therefore provided below:

*In addition to the infrastructure and mitigation requirements identified in Policy ST 7 and subject to compliance with all other relevant policies, development will be supported on land within the area identified on the policies map which provides:*

- a) Approximately 60 new dwellings of a mix and type of housing to meet evidenced needs and be compatible with surrounding development;*

Early site appraisal work, as shown in the accompanying Vision Document, demonstrates that around 50 dwellings could be delivered, alongside generous open space, as well the retention of existing trees and landscaping features, particularly around the site boundaries. It is likely that this number will be reviewed as design work progresses, and the applicant will carefully consider opportunities to meet the policy objectives in full, provided this is not to the detriment of other site characteristics.

- b) Safe and suitable site access to required highway design standards. The point of vehicular access is to be agreed with the Highway Authority and it will need to be demonstrated that the proposal would not be detrimental to highway capacity and safety;*

Initial highways assessment indicate that The Folley has sufficient capacity to accommodate movements associated with 50-60 new dwellings, and that an access designed to Essex Design Guide standards could be achieved. Pre-application discussions with the Highway Authority have confirmed the capacity of The Folley, a suitable point of vehicular access has also been agreed.

- c) Provide a safe pedestrian access to ensure connectivity within and throughout the site to existing footways and any public rights of way particularly to the East of the Folley. Ensure provision of green infrastructure connections and recreational access to the countryside, also securing active travel links and connections to the settlement;*

Discussions with Essex Highways have highlighted the importance of pedestrian connections for which there is good potential to connectivity to existing public rights of way, which will in turn link to neighbouring

development currently under construction, or via the existing public right of way which provides access between The Folley and High Road. This public footpath allows access to High Road, which has footpaths and thus provides direct access bus stops and the village centre. We are in discussion with Essex County Council Highways to understand what improvements could be made to this footpath for all users to in turn discourage reliance on The Folley for pedestrian access, or ultimately private vehicles. Such improvements would also in turn support the objectives of draft Policy PC2 in creating safe and secure active travel routes to the benefit of existing residents as well as new. It has been agreed that accessing the site via The Folley is safe and feasible for cyclists however. The current policy wording within criteria c is however supported and it is considered that these requirements can be met as part of any proposed development.

- d) A suitable and safe active travel link between the site to the adjoining site with planning permission;*

Pedestrian links onto the public right of way have been delivered as part of the consented site to the south. Any development delivered on this land would be able to provide for this connectivity also.

- e) Retention of mature trees and hedgerows within the site;*

The existing trees and hedgerows on the site have been surveyed, and their quality assessed. Current proposals seek to maximise the retention of these features as a priority, and this will continue as the site progresses.

- f) Onsite BNG measures should focus on enhancing woodland and grassland habitat. The site is on superficial sands and gravels that should make the site suitable for the creation of Lowland Dry Acid Grassland if nutrient levels can be lowered;*

Detailed BNG calculations will be undertaken, and used to inform the proposals to ensure that the provision of BNG enhancements on site is maximised. Opportunities to create Lowland Dry Acid Grassland will be reviewed in due course. It is considered that the most suitable replacement habitats will be derived as a result of those to be lost and in line national legislation and guidance and as such it is not considered for the policy to be prescriptive in this respect.

- g) Screening comprising locally appropriate 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 site is already well-screened by existing trees and hedgerows, and as mentioned above, the retention of these features has been a key influence on design proposals to date.

- h) 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 eight Grade II Listed Buildings as informed by the stage 1 HIA.*

The direct relationship between the site and nearby heritage assets is minimal, however this will be further assessed as the application progresses. The nearest asset is the Donkey and Buskins Grade II Listed public house, however there are a number of existing buildings as well as an area of undeveloped and unallocated land between the site and this asset.

- 4.3 This representation is supported by a Vision Document which has previously been presented to Colchester City Council as part of the pre-application engagement, demonstrating the opportunities that the site presents.
- 4.4 More generally, and whilst not a formal point of objection at this stage, we do consider it to be worth noting that there are a number of requirements within this policy which would ordinarily be addressed through standard development management policies set out elsewhere in the plan, and other national legislation. There may therefore be an opportunity to simplify the policy in areas.

## 5. OTHER DEVELOPMENT MANAGEMENT POLICIES

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- 5.1 We do not support the requirement set out in **Policy LC1** which requires for all applications for major development sites to be accompanied by a Landscape Visual Impact Appraisal (LVIA). A full LVIA is extensive and it is not uncommon for a Landscape Visual Appraisal or other appropriate assessment of landscape impact to be more proportionate whilst still allowing for a suitable assessment of landscape impact.
- 5.2 We therefore propose that the wording of this policy is relaxed to include flexibility on the specific type of assessment that is required.
- 5.3 Proposed **Policy GN5** requires that the Natural England standard of 8 hectares per 1000 head of population be applied where it is necessary to provide alternative greenspace as the result of a Habitat Regulations Assessment. It is proposed that the policy wording is reviewed to allow flexibility in the application of this ratio, as opposed to an arbitrary calculation. It is our view that the provision of SANGs should consider the quality of the provision, overall site location and other variables in determining an appropriate provision for any site.
- 5.4 Furthermore, sites in Colchester do of course make RAMs contributions to seek to manage recreational disturbance pressures, so again, this is a factor that should be taken into account alongside the Natural England ratio which may not consider local factors such as this.
- 5.5 In respect of proposed **Policy NZ1**, we consider the Council's dismissed alternative suggestion to be more appropriate. Building Regulations set out a number of requirements in relation to the sustainability of new buildings and by nature of them comprising national requirements, they are evidently deemed appropriate. It is therefore unreasonable for the Council to propose requirements beyond these without appropriate justification or flexibility.
- 5.6 The first point (a) of **Policy PC7** is also unnecessarily prescriptive in requiring that the primary public open space for any new major residential development on greenfield sites should be located centrally within the site. We are mindful that new public open spaces can be important areas for existing residents as well as new, and can serve important roles in encouraging integration. In some instances, a new area of public open space will be a key public benefit for a development so it is important that there is flexibility to ensure that this can be located in the most appropriate location for each specific site.

## 6. SUMMARY

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- 7.1 Overall, Tollgate Partnership strongly support the proposed allocation of land west of The Folley, Layer de la Haye, and Policy PP40 specifically.
- 7.2 The site can be delivered in a manner which would support the proposed objectives of Policy PP40 and other draft policies set out in the Plan, and as such consider the site to be fully deliverable.
- 7.3 The progress that has been made through early site appraisal work and pre-application engagement with the Council and local highway authority has further confirmed the overall deliverability of the site, and also suggests that it would be deliverable at an early stage within the Local Plan. It will be important for the Council to deliver houses quickly in the new Local Plan to support immediate housing needs identified in the Borough.