



# CONSULTATION

## RESPONSE

### Colchester Local Plan

## Regulation 18

The Furze,  
Layer de la Haye

**On behalf of** The Furze 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 The Furze Partnership Ltd – the owners of land at The Furze.
- 1.2 The land the subject of this representation is detailed in the accompanying Vision Document. It comprises approximately 0.6ha situated to the north of the village centre of Layer de la Haye, west of The Folley.
- 1.3 The site is proposed for allocation under Policy PP39: Land at The Furze, 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 west, 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 This site comprises an area of land approximately 0.6ha located to the west of The Folley in the village of Layer de la Haye. It is bordered by a public right of way to the north and private residential property to the south. To the west the site meets a development of 70 homes which is currently under construction, and The Folley forms the eastern boundary. The site has an existing access onto the Folley but now comprises scrub following the demolition of a former property. As a whole, the site is very well enclosed by existing hedgerows and trees along all of the boundaries.
- 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.

### 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 PP39: Land at The Furze, Layer de la Haye

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- 4.1 Policy PP39 sets out a number of objectives for allocation of land at The Furze, 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 10 new dwellings of a mix and type of housing to meet evidenced needs and be compatible with surrounding development;*
- 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;*

Additional highways movements associated with a development of this scale are likely to be small, and as such would not be expected to have a material impact on the capacity of The Folley. There is an existing site access which initial assessment has indicated could be improved to meet Essex Design Guide standards could be achieved, as well as other technical highways requirements. Pre-application discussions with Essex Highways have confirmed this.

- c) Provide a safe pedestrian access to ensure connectivity within and throughout the site to existing footways and any public rights of way. 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. The development of a small number of properties at the Furze will be consistent with the arrangements for access of other properties along the road, with the additional benefit of the potential for connection to the adjoining public right of way.

- d) Screening through the retention of existing hedgerows, trees and vegetation, particularly along The Folley at its eastern boundary to support the sensitive integration of the site into the existing landscape;*

The site is already well-screened by existing hedgerows, trees and vegetation. 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.

- e) 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 seven Grade II and one Grade II\* Listed Buildings as informed by the stage 1 HIA.*

The direct relationship between the site and nearby heritage assets is minimal, with significant existing development intercepting any direct views, however these impacts will be further assessed as the application progresses.

- 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.

## 5. OTHER DEVELOPMENT MANAGEMENT POLICIES

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- 5.1 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.
- 5.2 **Policy H2** is proposed to require that 30% of all new dwellings are provided as affordable homes on sites of 5 dwellings or more in designated rural areas. The Parish of Layer de la Haye is designated as such a rural area under The Housing (Right to Buy) (Designated Rural Areas and Designated Regions) (England) Order 2025.
- 5.3 It is understood that the provision provided in national policy and guidance for lower thresholds to be set in rural areas is intended for local authorities where the majority of the authority comprises rural areas, and where housing delivery and average site size is very low respectively.
- 5.4 The rural areas around Colchester are generally well-connected to the City's urban area or other primary settlements, and large growth areas proposed within the Borough will provide substantial numbers of affordable homes. It is not considered that the Borough is particularly disadvantaged by its rural areas in this respect.
- 5.5 Most critically, whilst the viability of this policy on the Local Plan as a whole may have been tested, it is highly unlikely that the provision of affordable homes on a site of this scale would be viable and thus this policy could significantly hinder the delivery of small sites in rural areas, regardless of their tenure. As smaller sites are sometimes the most appropriate in such areas, therefore is a serious risk of stagnation in these areas as a result of this policy.

## 6. SUMMARY

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- 7.1 Overall, Tollgate Partnership strongly support the proposed allocation of land at The Furze, Layer de la Haye, and Policy PP39 specifically. They are confident that the site can be delivered in a manner which would support the proposed objectives of Policy PP39 and other draft policies set out in the Plan, and as such consider the site to be fully deliverable.
- 7.2 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. Whilst a small sites like this will only make a small contribution to housing delivery, 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 and smaller sites will be delivered over a much shorter timescale.