

## Representation to Colchester Regulation 18 Local Plan Consultation

### Land South of Birch Brook, Colchester

#### Section 1: Introduction and Background

This representation has been prepared on behalf of our client, the Defence Infrastructure Organisation, referred to herein as DIO which is a part of the Ministry of Defence (MoD) and is responsible for managing the estate for the military, including the provision of homes for service personnel in the UK

This representation is set out in the context of seeking to work with Colchester City Council to ensure that an effective and deliverable plan is prepared for Colchester.

Our client is of the opinion that the proposed strategic biodiversity designation of the land south of Birch Brook, is in direct conflict with the operational use of the land. This blanket designation could prevent the continued operational use of the site<sup>1</sup>, which would be detrimental to defence requirements and the proper management of the estate; or for future land release if required. Our client has also set out comments with respect to the spatial strategy and direction of travel of the Local Plan.

These representations expand on this with direct reference and commentary provided on the following documents:

- Local Plan Reg 18 Preferred Options Draft (February 2025).
- Local Plan Reg 18 Policies Maps.
- Colchester Sustainability Appraisal (February 2025).
- Various evidence base documents including:
  - *Colchester Whole Plan Viability October 2025.*
  - *Infrastructure Delivery Plan – Audit.*
  - *Open Space Report.*
  - *Landscape Character Assessment.*
  - *Settlement Evidence.*
  - *Transport Evidence and.*
  - *Strategic Biodiversity Assessment January 2025.*

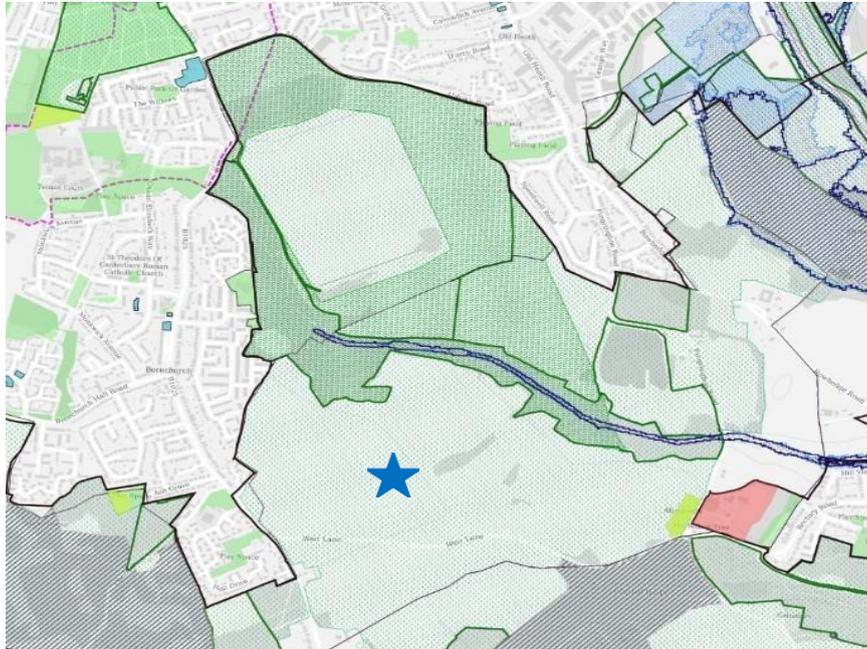
We respectfully request that Colchester City Council take on board the comments as set out. It is imperative that the emerging Local Plan provides an appropriate and flexible policy framework to ensure the needs of the area are met over the plan period.

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<sup>1</sup> NPPF Paragraph 102b

## Section 2: The Site

The land south of Birch Brook (Figure 1) is located adjacent to the defined settlement boundary of Colchester. The site is unallocated within the adopted Local Plan and is proposed for designation as part of a strategic biodiversity area in the emerging Local Plan.



*Figure 1: Land South of Birch Brook (Blue Star)*

This submission is brought forward in light of our client's concerns regarding the proposed inclusion of the land south of Birch Brook within a strategic biodiversity designation. As the Defence Infrastructure Organisation (DIO), the primary purpose of this land is for defence purposes. These functions are fundamental for meeting national defence objectives and for the responsible management of the Ministry of Defence's estate.

The current draft Local Plan risks undermining these operational capabilities by introducing policy constraints that could restrict the flexibility needed for defence functions and future estate planning as is recognised in NPPF Paragraph 102b. It is vital that this land is protected for operational uses and is not subject to policy limitations that could impair the ability to adapt to changing defence requirements. We therefore urge the Council to review the evidential basis for the proposed designation and to ensure that national strategic interests are fully recognised and accommodated within the Local Plan framework.

DIO also wish to make comments in relation to the spatial strategy and the overall direction of travel of the Plan. Our client holds significant concerns regarding the robustness and flexibility of the spatial strategy. We encourage the Council to consider these concerns carefully and ensure that future iterations of the Local Plan provide the necessary flexibility to support essential defence functions and national priorities.

The following section summarises the policies from the Colchester City Council Preferred Options Local Plan (Regulation 18) document which are of direct or indirect relevance to the site. The comments are intended to assist the Council in securing sound, balanced policy outcomes as part of the emerging Local Plan review.

### **Section 3: Policy Context and Comments**

The statutory development plan for Colchester provides the policy context for assessing development proposals. The Local Plan (Section 1) was adopted in February 2021. Section 2 was subsequently adopted in July 2022.

The following includes reference to the adopted and emerging policies of relevance to the site, with the relevant emerging policies commented on.

#### **Colchester Local Plan Section 2**

##### The Vision

The draft Local Plan sets out an ambitious vision to provide growth in housing, employment, and supporting infrastructure, whilst also protecting and enhancing the historic and natural environment of Colchester up to 2041. While we support the principle of sustainable growth, the vision as drafted does not explicitly require the Council to maintain a continual five-year housing land supply, nor does it reference the importance of proactively managing delivery through a varied supply of site types and scales. This is something that is explicitly referenced in the National Planning Policy Framework (December 2024) at Paragraphs 73 and 78 to ensure the Council can maintain supply and the delivery of new homes.

##### The Objectives

Although the objectives cover place-making, biodiversity, infrastructure and resilience to climate change, little is said about managing delivery risk, responding quickly to under-delivery, or achieving a diverse range of sites to maintain supply if developers of major allocations experience delays. As such, the objectives do not sufficiently embed the flexibility, contingency and deliverability required by NPPF paragraphs 11, 36 and 73.

#### **Colchester Local Plan Section 3: Strategic Policies**

##### Policy ST2: Strategic Biodiversity Areas

. The land is primarily held for defence purposes by our client, the Defence Infrastructure Organisation (DIO), and these strategic functions require sufficient flexibility that could be undermined by such designation.

While parts of the land comprise managed grassland suitable for ecological enhancement, and Birch Brook itself is designated as a Local Wildlife Site (LoWS), the wholesale inclusion of the land south of Birch Brook risks placing significant policy constraints that may impede essential defence use.

### Policy ST3: Spatial Strategy

Policy ST3 establishes the overall spatial strategy for growth in Colchester, directing the majority of new housing and employment development to the most sustainable and accessible locations within the urban area, growth and opportunity areas, and then to larger settlements, with limited allocations elsewhere. This approach is logical in some instances, however little consideration has been given to the deliverability of large strategic sites, which may be in locations without biodiversity sensitivities, albeit they are locations where their ability to be built out as envisaged is questionable.

Policy ST3 places substantial reliance on a limited number of large, complex strategic sites to deliver the scale of growth required over the plan period. Some of these sites are not within or adjacent to the urban areas, as required by the Policy and are to be located in smaller villages (i.e Langham and Mark Teys Growth Area).

The spatial strategy seeks to direct much of the development required to the urban area, with the larger settlements that sit directly below this in the settlement hierarchy and supports the re-use of previously developed land. However, significant amounts of development are also directed to greenfield sites in village locations that comprise best and most versatile agricultural land<sup>2</sup>, particularly to the north and west of the main urban area. It is notable that the Tendring Colchester Borders Garden Community comprises a large greenfield site that takes in areas of Grade 1 and Grade 2 agricultural soils. This is also particularly the case on settlement edges and strategic growth locations such as Marks Tey, Tiptree, and Langham. This represents a substantial adverse impact, for which full mitigation may not be possible given the scale of development required.

This concentration of new development introduces a degree of delivery risk, as major allocations often face infrastructural, environmental, or market challenges that can lead to delays. The spatial strategy would be strengthened by a clearer commitment to allocating a broader range of small and medium sized sites, in addition to strategic locations adjacent to the urban area, to maintain flexibility and resilience in the housing supply. Such an approach is explicitly supported in national policy to ensure<sup>3</sup> that the plan can react to unforeseen issues and sustain a robust five-year housing land supply.

Greater emphasis should be placed on contingency planning within the spatial strategy, making provision for alternative or reserve sites that can come forward quickly if the delivery of larger sites falls behind expectations, especially those in village locations. This will help the Council respond positively to changing circumstances and support the delivery of homes.

In summary, while Policy ST3 sets out a clear and sustainable pattern for the growth of Colchester, it would benefit from explicit recognition of the need for flexibility, diversity of site size, and active contingency measures to secure delivery across the plan period. This will ensure the spatial strategy remains effective, responsive, and robust in the face of changing delivery circumstances.

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<sup>2</sup> NPPF Paragraph 187(b)

<sup>3</sup> NPPF Paragraphs 72 & 73

### Policy ST5: Colchester's Housing Need

While the Preferred Options Local Plan proposes a headline housing requirement of 20,800 dwellings to 2041, it is overwhelmingly reliant on a limited number of large, strategic allocations and opportunity areas. The central contributors to this supply are summarised as follows:

Table 1: Housing Supply	
Source	Dwellings
Local Plan Allocations	11,089
Existing Commitments	6,117
Garden Community	1,700
Windfall Allowance	2,200
<b>Total Supply</b>	<b>21,106</b>

As will be discussed in these representations, the housing requirement is theoretically met, but actual delivery is vulnerable due to its dependence on large, complex allocations in village locations and optimism over windfall, with limited provision for rapid supply from small/medium sites. While the land south of Birch Brook is itself a large site, it is better related to the urban core of Colchester, and the settlement boundary itself than a number of the other large strategic housing allocations. Greater flexibility, contingency, and site diversity would safeguard delivery against delays.

The headline housing requirement (20,800 to 2041) is robust and based on the Government's Standard Method. The Plan initially demonstrates a nominal surplus (21,106 dwellings) however this is theoretical, as it depends on very optimistic delivery rates from major allocations and substantial windfall contributions (over 10% of supply in later years). The evidence available demonstrates systemic challenges to delivery: physical constraints, infrastructure/capacity deficits (notably water and sewerage), and the market's finite appetite for large, phased developments. While the Council are currently able to demonstrate a five-year housing land supply<sup>4</sup>, this is based on a lower annual requirement of c.900 dwellings per annum.

The Plan as drafted does not make provision for quick, early delivery of small and medium-sized sites, alongside sustainable edge of main settlement site to compensate for slippage on large strategic allocations which are in smaller village locations. Especially where infrastructure constraints are inevitable. This is a significant soundness issue.

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<sup>4</sup> 5.05 Years: 2025 Position Statement

### Policy ST7: Infrastructure Delivery and Impact Mitigation

Policy ST7 provides a clear framework for the delivery of infrastructure, services, and facilities required to support new development in Colchester. The emphasis on ensuring that development is only permitted where sufficient infrastructure capacity is either available or deliverable is appropriate and necessary to maintain sustainable growth and protect the quality of life for existing and future residents. The recognition of a range of mitigation options, including financial contributions, on site provision, and land, as well as the consideration of evidence from the Infrastructure Delivery Plan and other sources, ensures the approach remains comprehensive and pragmatic.

However, it is important that the implementation of Policy ST7 enables development to come forward without undue delay, particularly for sites that are less dependent on complex or strategic infrastructure solutions. In practice, large scale allocations, especially in village locations such as Langham and Marks Tey (identified as a core growth area within emerging Local Plan) will be reliant on major infrastructure such as water, education, and highways, which can face significant viability and phasing risks.

Where a site is able to deliver early housing without waiting for such infrastructure upgrades, the Council's approach should support timely delivery, provided that impacts can be appropriately managed through proportionate mitigation.

Furthermore, the policy should actively support flexibility and contingency. Where viability issues are identified, the Council should facilitate transparent negotiation while encouraging innovative solutions to secure infrastructure and policy compliance. Reference to review mechanisms within legal agreements for phased schemes is welcome, as it provides a route for reappraisal and adjustment if market or delivery circumstances change during the life of a development.

Overall, Policy ST7 sets out sound principles but should be strengthened by explicit reference to enabling rapid delivery of unconstrained sites and by committing to ensure that necessary infrastructure improvements do not unintentionally act as a barrier to achieving the plan's housing objectives. Encouraging a pragmatic, case by case approach will help ensure that the Local Plan remains both deliverable and resilient.

**Table 2** below, provides a summary of the above detailed policy commentary.

Table 2: Summary of Policy Comments

Policy	Title/Subject Area	Plan Position	Commentary
ST2	Environment and the Green Network and Waterways	Requires all proposals to conserve/enhance Colchester's natural/historic environment, protect strategic biodiversity areas, and support local nature recovery objectives. Major residential schemes must provide a Green Network & Waterways Plan to guide high quality open space and habitat connectivity, integrating nature, water, and green infrastructure into development	<p>DIO objects to the designation for land south of Birch Brook within the proposed strategic biodiversity area.</p> <p>As the Defence Infrastructure Organisation (DIO), the primary purpose of this land is for defence purposes.</p> <p>These functions are fundamental for meeting national defence objectives and for the responsible management of the Ministry of Defence's estate.</p> <p>The Local Plan risks undermining these capabilities by introducing policy constraints that could restrict the flexibility needed for defence functions as is recognised in NPPF Paragraph 102b.</p>
ST3	Spatial Strategy	Directs growth to the most sustainable locations (urban area, growth/opportunity areas, then larger settlements). Relies on strategic sites and avoids harmful coalescence. Supports sustainable travel and infrastructure.	The strategy sensibly prioritises accessible locations but is overly reliant on large, complex sites in village locations, risking delayed delivery. A contingency approach to site delivery would improve resilience and help maintain the five-year housing supply.
ST5	Housing Need	Plans for 20,800 new homes (2025–41) via a mix of allocations, existing commitments, garden community, and windfall sites.	The headline figure is robust, but actual delivery is at risk due to overreliance on strategic sites in village locations such as Langham

Table 2: Summary of Policy Comments

Policy	Title/Subject Area	Plan Position	Commentary
		Aims to maintain a rolling five-year supply and meet government requirements.	and optimistic windfall rates.
ST7	Infrastructure	Development must deliver or fund the infrastructure needed to support growth. Policy outlines use of contributions, on-site delivery, and negotiation for viability, with review mechanisms for phased schemes.	Policy ST7 sets out sound principles but should be strengthened by explicit reference to enabling rapid delivery of unconstrained sites and by committing to ensure that necessary infrastructure improvements do not unintentionally act as a barrier to achieving the plan’s housing objectives. Encouraging a pragmatic, case by case approach will help ensure that the Local Plan remains both deliverable and resilient.

In summary, to ensure an effective and deliverable Local Plan, the policies as set out above should be updated to provide greater flexibility and evidence-led justification, particularly where defence land uses are concerned.

The current approach risks constraining essential defence activities and future estate planning. In addition, a clearer and more adaptable spatial strategy will help manage delivery risks, support sustainable growth, and maintain the integrity of the Local Plan throughout its lifetime.

The following section provide analysis of some of the larger strategic sites which make up the Councils proposed housing land supply. This aims to demonstrate the flawed strategic approach of the Council and our strong objection to the allocation of some of these sites.

#### Section 4: Review of Strategic Site Allocations

The draft Local Plan identifies 11,089 dwellings through mostly large strategic allocations to deliver a housing requirement of 20,800 dwellings by 2041. However, a review of these major sites highlights that there is significant risk of non-delivery within the plan period due to infrastructure dependencies, need for significant environmental mitigation, market absorption, and lack of flexibility within the supply strategy.

The site allocations are highly exposed to an infrastructure funding shortfall within Colchester (c.£800 million of £1.3 billion required is unfunded), while the Plan also proposes the removal of previously allocated sites such as Middlewick Ranges (1,000 dwellings) without suitable contingency measures.

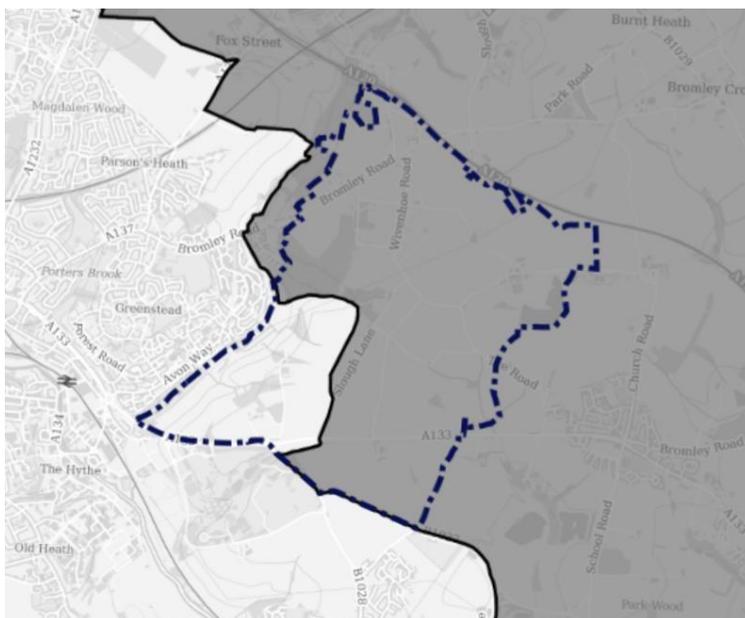
The following provides an overview of the proposed strategic allocations in Colchester, considering market trends, site constraints and build out rates.

Residential development build-out rates in the UK are influenced by site size, location, and complexity. However, typical delivery rates based upon our market experience can be summarised as follows:

- Smaller and mid-sized sites: 30–50 dwellings per annum per sales outlet, typically delivered by a single or, occasionally, two developers.
- Large urban extensions or strategic sites (over 1,000 dwellings): Often require a minimum of 2-3 years' lead-in for infrastructure, with first completions commonly 3-5 years post-consent. Peak annual delivery rarely exceeds 120–200 dwellings per annum, and only when multiple outlets (national and regional developers) operate simultaneously.
- Garden communities and cross-boundary schemes: National evidence (e.g. Ebbsfleet, Didcot, Northstowe) shows delayed commencements, slow initial delivery (50-100 pa in early years), and frequent shortfall against plan period targets due to infrastructure and market constraints.
- Assume plan adoption 2025; years available for delivery: 16 (2025–2041).

The above methodology and assumptions have been used to demonstrate the undeliverability of the below sites in full by the end of the plan period (2041).

[Policy ST9: Tendring Colchester Borders Garden Community \(1,700 dwellings\)](#)



This Garden Community is critical to the Plan's overall supply. Delivery is subject to joint working across Colchester and Tendring Councils, which historically creates delays due to differing objectives, decision-making processes, and administrative timescales. The site will require substantial up-front investment in highways, utilities, education, and healthcare, with a complex masterplanning and land assembly process. National evidence shows that Garden

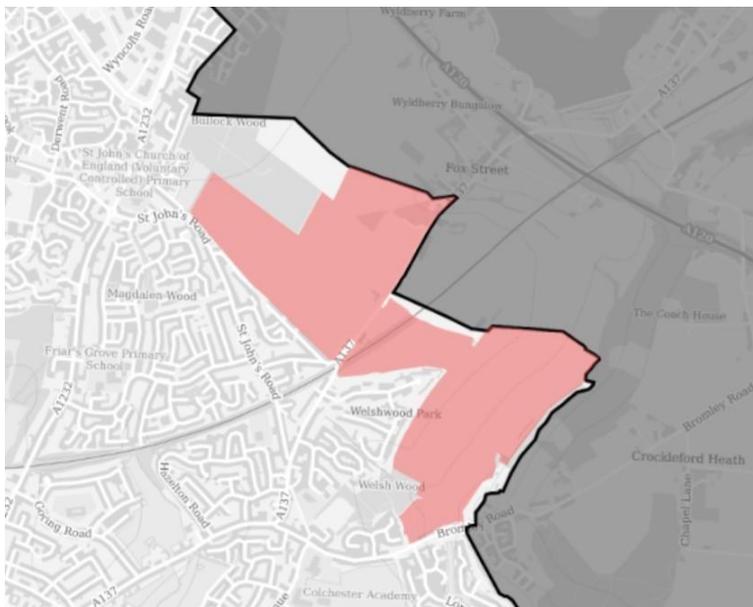
Communities regularly underperform against initial trajectories, with typically slow starts (first completions after extensive pre-commencement and infrastructure provision) and lower average build

rates than standard urban extensions. Lead-in time to first delivery is unlikely to be less than four to five years from adoption. Market absorption risks are compounded by the scale, combined with phasing to manage infrastructure delivery.

**Assessment**

- **Lead-in:** 4–5-year infrastructure and planning phase (first completions 2029/2030 at earliest).
- **Delivery:**
  - Years available for completions: ~11–12 (2030–2041).
  - Early years: slow ramp-up (50–100/year, years 1–3).
  - Later: possible average of 120/year, if multiple outlets operate.
- **Realistic estimate:**
  - Years 1–3: 50–75/year = 150–225 units
  - Years 4–12: 120/year x 9 = 1,080 units
  - **Total possible by 2041:** ~1,230–1,305 units
- **Moderate - High Risk:** ~395–470 homes likely to fall beyond the plan period to 2041.

Policy PP9: Northeast Colchester (2,000 dwellings)



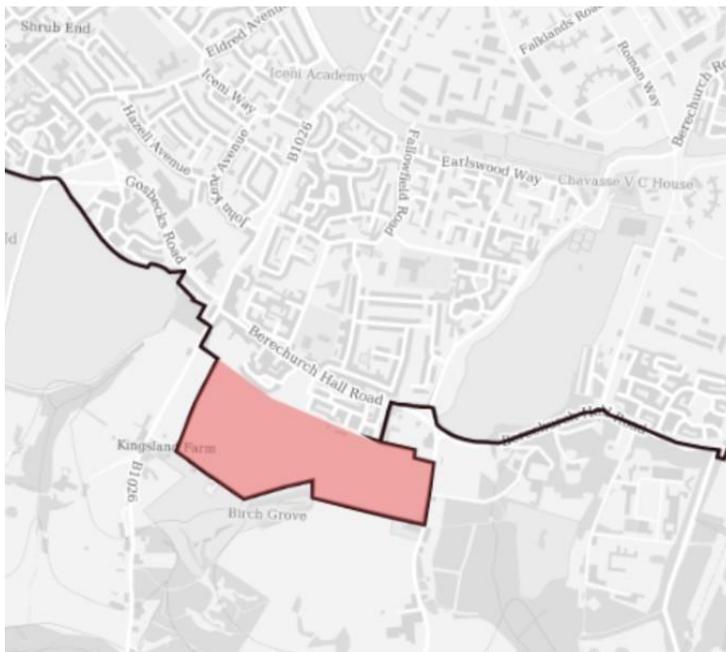
This is a large urban extension facing a number of major constraints. The site's proximity to a SSSI and protected landscapes means significant biodiversity mitigation, complex ecological approvals, and S106 negotiations, potentially extending pre-construction periods by up to two years. Mineral extraction requirements could delay early phases. A new primary school and potentially secondary school contributions add to the complexity of phasing. Land assembly challenges

and the need for major transport infrastructure (including public transport links, active travel, and road improvements) increase the programme risk. Market absorption may be stronger due to the proximity to established communities and services.

**Assessment**

- **Lead-in** 4–5-year infrastructure and planning phase (first completions 2029/2030 at earliest).
- **Delivery:**
  - Years available for completions: ~11–12 (2030–2041).
  - Years 1–2: slow (30–60/year, S106/minerals/minor infrastructure).
  - Years 3–12: peak rates possible (120–150/year with multiple outlets, good market).
- **Calculation:**
  - Years 1–2: 30–60/year = 60–120 units
  - Years 3–12: 120/year x 9 = 1,080 units
  - **Total by 2041:** ~1,140–1,200 units.
- **High Risk:** At least 800 units are likely to be delayed past 2041, mainly due to early constraints and market saturation.

Policy PP10: Land South of Berechurch Hall Road (875 dwellings)



This site’s delivery is heavily dependent on the prior extraction of minerals if they are found to be viable, which could take several years and is not directly within the developer’s control. Coordination with neighbouring site delivery is required for access and infrastructure, adding further complexity and potential delay. SSSI mitigation also increases ecological risk; the need for pre-construction environmental studies and stakeholder negotiations may extend the lead-in phase. There is

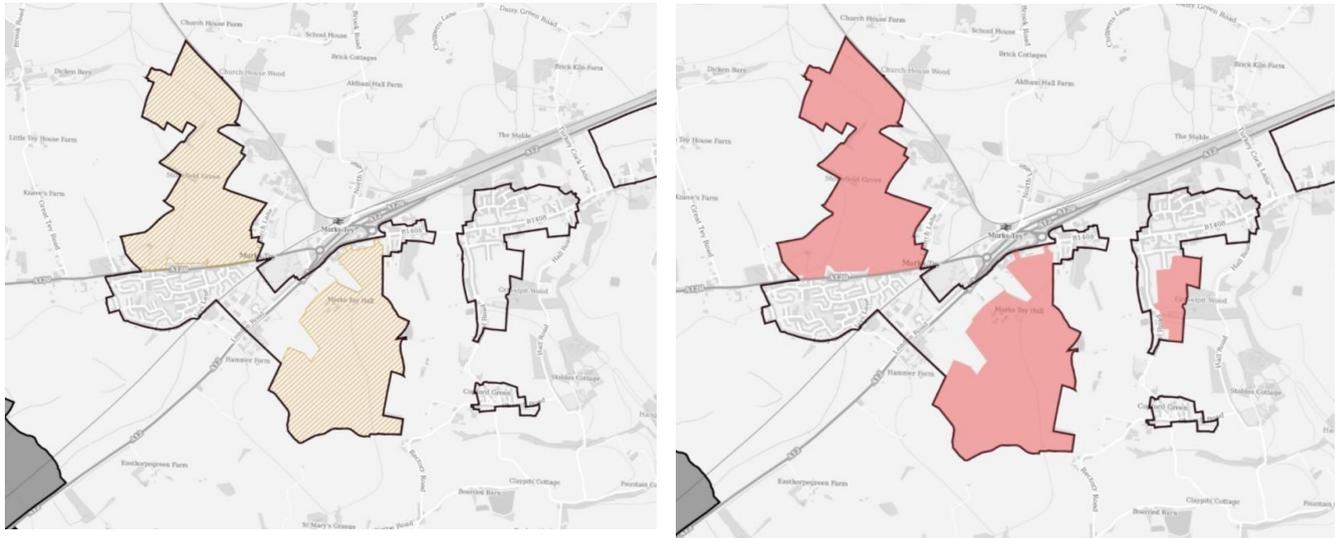
significant uncertainty in the programme and timings associated with all these factors.

**Assessment**

- **Lead-in:** 3–4 years for minerals extraction, infrastructure and planning phase (first completions ~2029).
- **Delivery:** Likely single developer/outlet; 40–60/year.
- **Calculation:**
  - Years available: ~12 (2029–2041)

- Max: 12 x 60 = 720
- **Realistic:** average 40–50/year = 500–650 units by 2041
- **Medium Risk:** ~225–375 units may not be delivered before 2041.

Policy PP17 and PP18: Land North and South of A12, Marks Tey Growth Area (2,500 dwellings)

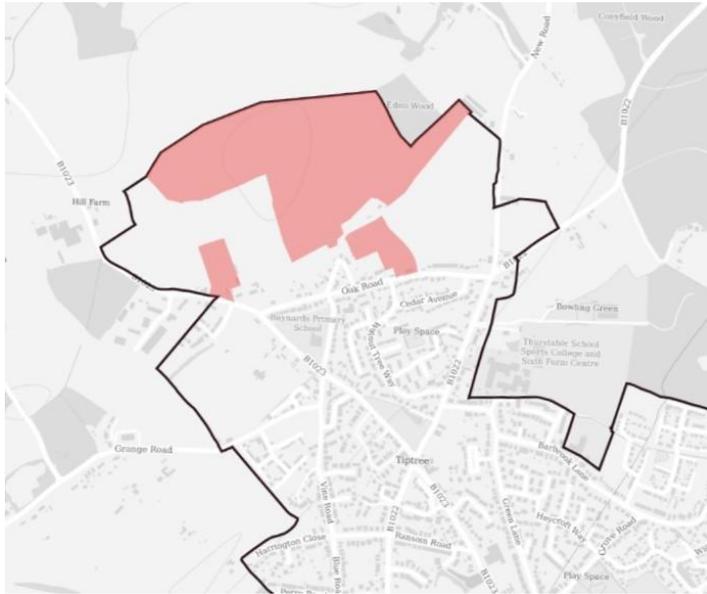


The Marks Tey Core Growth Area represents the largest new allocations when combined and is in a small village settlement (c.2,600 population), so would more than double the local population, creating a step-change in market context and absorption. Success depends on extensive upfront investment in highways (A12/A120 upgrades), education (primary and secondary provision), and social/community infrastructure, with significant risks associated with phasing of mineral extraction (if found to be viable) and land assembly, plus detailed masterplanning across developers and public agencies.

**Assessment**

- **Lead-in:** Complex multi-phase infrastructure & extraction; likely 5-year prep (first completions 2030 at the very earliest).
- **Delivery:**
  - Market absorption likely limited for large settlement expansion.
  - Possible rates: early years (30–60/year), later years (peak 120/year).
- **Calculation:**
  - Years available: ~11 (2030–2041)
  - Years 1–2: 60-120 units
  - Years 3–11: 120/year x 9 = 1,080 units
  - **Total possible:** ~1,140–1,200 units
- **Very High Risk:** ~1,300 units may be pushed beyond 2041.

**PP19: Land North of Oak Road, Tiptree (600 dwellings)**



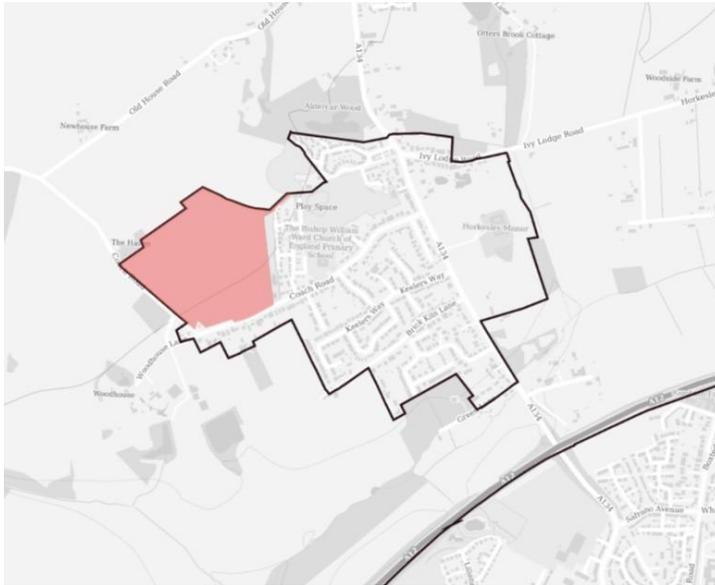
This allocation is dependent on the timely delivery of a new northern link road, without which first completions are delayed. The provision of a 27ha country park and other off-site open space is a major cost and sequencing challenge, likely requiring public/private partnership. Coordination with Tiptree Neighbourhood Plan’s infrastructure sequencing and phasing risks further delays. However, Tiptree’s existing size (pop. 9,300) means market absorption is more manageable. Annual completions

could reach 60–80 once infrastructure is in place, though initial years are likely to be slower. Assuming a two-year lead-in and a rate of 60–80 homes per annum, up to 450–550 dwellings could be built by 2041.

**Assessment**

- **Lead-in:** 4 years (2029 first completions).
- **Delivery:**
  - Estimated: 60–80/year (peak), initial 2 years slower.
- **Calculation:**
  - Years available for completions: ~12 (2029–2041)
  - Initial 2 years: 40/year = 80
  - Next 10 years: 70/year = 700 (though site is capped at 600 units)
  - **Actual potential:** Build-out rate supports full delivery, but local absorption may slow in the initial years.
- **Medium Risk:** 450–550 units by 2041 is reasonable.

**PP34: Land North of Coach Road, Great Horkesley (400 dwellings)**



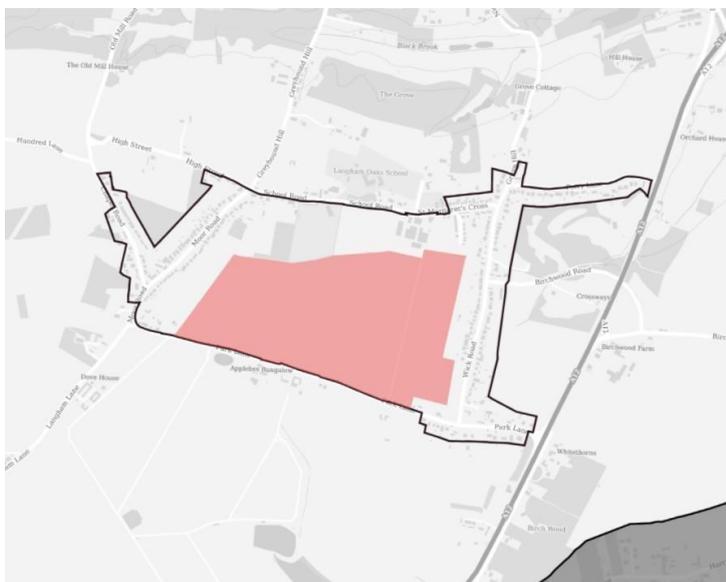
This edge-of-village location is sensitive, and delivery is constrained by reliance on single-point vehicular access, water/wastewater capacity, and integration into landscape and local character. Masterplanning and phased utility upgrading required. Given scale, likely output of 40–60 dwellings per annum by a single or possibly two outlets, with moderate risk of delivery being delayed if access or Water Recycling Centre (WRC) issues are not resolved promptly. This said,

most of the site could be delivered within the plan period, with realistic potential for 320–380 dwellings by 2041 allowing for slippage and moderate absorption given the size of the settlement.

**Assessment**

- **Lead-in:** 2 years (single developer, infrastructure).
- **Delivery:** 40–60/year.
- **Calculation:**
  - Years available: 14
  - $14 \times 40 = 560$  (exceeds allocation)
- **Low Risk: 320–380 units by 2041, assuming slippage and moderate absorption.**

**PP37: Land North of Park Lane, Langham (900 dwellings)**



Delivery relies on significant highways and Strategic Road Network (SRN) upgrades, phased local education and healthcare provision, and comprehensive masterplanning for coordinated infrastructure delivery and landscape/habitat mitigation.

Langham’s small size raises local absorption concerns and risks oversupply to the local market, slowing sales.

### Assessment

- **Lead-in:** 3–4 years (first completions 2029).
- **Delivery:** Market constraints, single outlet likely, 40–60/year.
- **Calculation:**
  - Years available: ~12
  - At 50/year: 600 units possible by 2041
  - If local market slows, may deliver less.
- **High Risk: 500–720 units realistic.**

### Summary

Site/Allocation	Units Allocated	Delivery (to 2041)	Risk Rating
Tendring Colchester GC (ST9)	1,700	1,230–1,305	Moderate–High
North East Colchester (PP9)	2,000	1,140–1,200	High
Berechurch Hall Road (PP10)	875	500–650	Medium
Marks Tey Growth Area (PP17&18)	2,500	1,140–1,200	Very High
North Oak Road, Tiptree (PP19)	600	450–550	Medium
Coach Road, Horkesley (PP34)	400	320–380	Low
Park Lane, Langham (PP37)	900	500–720	High
<b>Totals</b>	<b>8,975</b>	<b>5,280 – 6,005</b>	

From a review of the available evidence and our national market experience, we consider that approximately 2,970-3,695 dwellings from the above strategic allocations are at medium to very high risk of non-delivery within the Local Plan period. The plan is therefore overly reliant on a small number of large, infrastructure-intensive sites without providing for rapid-delivery or contingency allocations. Our client subsequently strongly objects to the strategic approach as outlined within the Regulation 18 Preferred Options Draft of the Local Plan.

Without meaningful intervention and diversification of supply, the Plan's strategy is highly unlikely to deliver the required housing by 2041.

### Section 5: Sustainability Appraisal

The draft Local Plan for Colchester (2025–2041) sets out a strategy to deliver approximately 20,800 new homes during the plan period, equating to 1,300 dwellings per annum. This figure is determined

via the Local Housing Needs Assessment and aligns with national requirements. The spatial strategy (Policy ST3) supposedly focuses the majority of development in and around Colchester's urban area, as well as large settlements and strategic sites including the Tendring Colchester Borders Garden Community, Marks Tey, Tiptree, and Langham. These large sites, while strategic, are located in rural locations.

Housing allocations encompass a combination of brownfield and greenfield sites across the settlement hierarchy. The Council set out that site selection prioritises locations with existing infrastructure and service provision and limited growth is allocated to smaller settlements to support local needs and community sustainability. However, this is not correct, and we are concerned that some of the largest strategic allocations have fundamental infrastructure deliverability issues which have not been fully addressed. These sites are also not located within the urban area or adjacent to it, such as Langham where 900 new homes are proposed in a village with a population of just over 1,000 residents.

The Local Plan requires a broad mix of housing types, sizes, and tenures, including 30% affordable housing provision on qualifying sites. There are targeted policies to address the accommodation requirements of older people, self and custom-build opportunities, students, rural workers, and the needs of gypsies and travellers (with an identified requirement for circa 15 new pitches by 2041). Larger housing allocations are expected to deliver necessary supporting infrastructure, local centres, and safeguarding for future development. However, as we have set out above there are uncertainties with this approach.

### Risks and Identified Issues

The Sustainability Appraisal (SA) therefore identifies several key risks and issues associated with the proposed housing allocations. While the following are considered and scored, there are significant risks which have not been fully considered and addressed through the sustainability appraisal and the Local Plan itself. These are as follows:

- The spatial strategy (Policy ST3) directs much of the development required to the urban area and the larger settlements that sit directly below this in the settlement hierarchy and supports the re-use of previously developed land. However, this is not correct and significant amounts of development are also directed to greenfield sites in village locations that comprise best and most versatile agricultural land, particularly to the north and west of the main urban area. It is notable that the Tendring Colchester Borders Garden Community comprises a large greenfield site that takes in areas of Grade 1 and Grade 2 agricultural soils. This is also particularly the case on settlement edges and strategic growth locations such as Marks Tey, Tiptree, and Langham. This represents a substantial adverse impact, for which full mitigation may not be possible given the scale of development required and is directly referenced in the Sustainability Appraisal report. The plan does not identify a robust mitigation strategy for the full loss of this land; instead, it suggests directing the lowest levels of growth to the highest sensitivity areas but concedes this cannot wholly avoid the impact due to development requirements.

- Colchester is classified as ‘seriously water stressed’ and projected housing growth will increase overall water demand and wastewater generation. Some allocations are within water protection zones, raising pollution risks. The capacity of water resources and wastewater infrastructure is not conclusively established; flood risk persists at some sites, notably in the Hythe area and parts of Mersea and Marks Tey.
- The scale and distribution of planned housing places significant pressure on educational, health, transport, and community infrastructure. Larger new sites require substantial supporting investment to avoid congestion and capacity issues with key services. The SA concedes there are “uncertainties to effectiveness of delivery”, especially for large, infrastructure-dependent allocations. In some cases, infrastructure phasing, funding, or detailed solutions remain to be worked up, with the risk placed on future masterplanning
- Edge-of-settlement and strategic allocations may adversely affect rural landscape character, visual amenity, and the distinctiveness of settlements. Areas such as Dedham Vale National Landscape (AONB), Dedham, Mersea, Langham, and Marks Tey are identified as particularly sensitive. The Plan includes landscape and green infrastructure policies, requirements for masterplanning and screening, and the intention to focus growth in less sensitive settlements. However, the SA admits that “*full mitigation may not be possible given the scale of development required,*” and some area-specific policies still score adversely or as uncertain in the Appraisal, particularly in relation to Dedham Vale and the rural/urban fringe
- Delivery risk is highlighted for large-scale and complex sites (e.g., Garden Communities), particularly in relation to infrastructure dependency, lead-in times, and effective phasing. Ensuring a continuous and sustainable housing trajectory will require robust masterplanning and coordination.

The SA identifies a number of negative effects have largely been identified in relation to the substantial land take required to support the level of development over the plan period and the location of development in relation to sensitive environmental receptors. Furthermore, much of the development beyond the urban area will be on greenfield land. This includes the development of the large scale development at the Tendring Colchester Garden Community as well as further large scale sites at Marks Tey, Tiptree, and Langham. Furthermore, the District contains large areas of Grade 2 and Grade 3 agricultural soils and many of the sites proposed for allocation lie within these areas.

Our client therefore objects to the Sustainability Appraisal as currently drafted. The Sustainability Appraisal underscores substantial challenges, particularly regarding environmental impacts, infrastructure capacity, landscape protection, and the potential for localised adverse effects. Addressing

these risks will require ongoing evidence gathering, site-specific safeguards, professional masterplanning, and proactive infrastructure investment which all come with significant uncertainties.

The Sustainability Appraisal therefore acknowledges significant risks to the Plan's deliverability and recognises uncertainties regarding the effectiveness of reliance on the strategic allocations as currently drafted. It also highlights negative scores or uncertainties for landscape, biodiversity, water management, and public transport for some sites.

## **Section 7: Requested Revisions**

To strengthen the deliverability, soundness, and resilience of the Colchester Local Plan, our client respectfully recommends the following detailed amendments:

### Vision and Objectives

- The Local Plan's vision and associated objectives should be revised to explicitly reference the need for flexibility and contingency planning. This includes a clear commitment to maintaining a continuous five-year housing land supply throughout the plan period, as required by the National Planning Policy Framework (NPPF), especially referencing Paragraph 78 (December 2024).
- The Plan should incorporate mechanisms to respond quickly to potential under-delivery and provide explicit reference to diversifying the supply of sites by type, size, and location. This ensures proactive management of delivery risk and supports a robust and adaptable growth strategy.

### Biodiversity Designation

- The proposed strategic biodiversity designation for land south of Birch Brook requires fundamental reconsideration. The designation should be removed to ensure necessary flexibility especially where national defence requirements are located and required as per NPPF Paragraph 102b.

### Diverse Site Sizes and Locations

- The Local Plan should be revised to guarantee delivery through a broad variety of sites by size and geographic distribution. A more nuanced supply strategy would reduce the over-reliance on large, infrastructure-intensive allocations in remote or village locations, which have greater risk and uncertainty.

### Contingency and Reserve Allocations

- In light of the Plan's identified delivery risks, reserve or 'contingency' sites should be listed within the Local Plan, particularly those adjacent to urban areas with established infrastructure and capacity for rapid delivery.

- Clear triggers should be set out within the Plan to initiate review and release of reserve sites if monitoring identifies slippage or underperformance in the delivery of large allocations, or if there is a shortfall in maintaining the five-year housing land supply. Explicit policy triggers should be included to release these sites, such as DIO-owned land, if monitoring identifies a shortfall in the five-year housing land supply or underperformance of major allocations.
- The allocation and management of reserve sites should be underpinned by an objective schedule within the monitoring framework, enabling proactive intervention.

#### Update and Clarification of Policy Requirements

- Relevant policies, including ST2 (Strategic Biodiversity Areas), ST3 (Spatial Strategy), ST5 (Housing Need), ST7 (Infrastructure Delivery), should be revised to incorporate evidence-based flexibility as set out in **Section 3**.

#### Infrastructure, Phasing, and Viability

- Infrastructure delivery policies should be strengthened to prioritise sites that are not dependent on major upgrades or complex phasing.
- The Plan should establish a pragmatic case-by-case approach to viability and phasing, enabling rapid consultation and adaptation to market or infrastructure circumstances, including review mechanisms in legal agreements for all major phased schemes.

#### Sustainability Appraisal

- The Local Plan should be updated to respond directly to the risks and issues identified in the Sustainability Appraisal. This includes developing more robust safeguards for environmental protection, infrastructure capacity, and landscape sensitivity for all proposed housing allocations.
- The Plan should explicitly commit to targeted mitigation strategies, ongoing evidence gathering, and site-specific safeguards particularly where cumulative impacts are possible. The adoption of an adaptive monitoring framework, with triggers for reassessing or reallocating sites, will help address adverse effects and ensure development remains sustainable and viable throughout the plan period.

#### Summary of Requested Revisions

Collectively, these recommendations are intended to increase the soundness, deliverability, and resilience of the Local Plan through site diversity and practical policy flexibility.

The proposed amendments to the Colchester Local Plan emphasise the critical need to remove strategic biodiversity designations from land required for defence purposes. By removing this designation, the Plan can better accommodate national defence requirements.

The recommendations support prioritising flexibility in policy wording and monitoring mechanisms. This targeted approach will reinforce the Plan's resilience and deliverability, ensuring defence needs are supported without unnecessary constraints from biodiversity designations.

## **Section 8: Conclusions**

This representation has been prepared on behalf of our client, Defence Infrastructure Organisation ('DIO'). In summary, our client objects to the strategic approach and spatial strategy of the Preferred Options Draft Local Plan as is currently proposed.

This representation has set out a clear and robust objection to the Council's proposed spatial strategy regarding the designation of our client's land as a strategic biodiversity site. This submission is brought forward in light of our client's concerns regarding the proposed inclusion of the land south of Birch Brook within a strategic biodiversity designation. As the Defence Infrastructure Organisation (DIO), the primary purpose of this land is for defence purposes. These functions are fundamental for meeting national defence objectives and for the responsible management of the Ministry of Defence's estate as per the provisions of NPPF and with particular regard to Paragraph 102b.

The current draft Local Plan risks undermining these operational capabilities by introducing policy constraints that could restrict the flexibility needed for defence functions and future estate planning. It is vital that this land is protected for operational uses and is not subject to policy limitations that could impair the ability to adapt to changing defence requirements. We therefore urge the Council to review the evidential basis for the proposed designation and to ensure that national strategic interests are fully recognised and accommodated within the Local Plan framework.

Comments are also made in relation to the spatial strategy and the overall direction of travel of the Plan. Our client holds significant concerns regarding the robustness and flexibility of the spatial strategy. We encourage the Council to consider these concerns carefully and ensure that future iterations of the Local Plan provide the necessary flexibility to support essential operational functions and national defence priorities throughout the plan period.

A key revision is therefore requested within these representations as follows:

- 1. Remove the land south of Birch Brook from the Strategic Biodiversity site designation given the operational defence requirements and national priorities of the DIO.**

The DIO remains committed to working collaboratively with the Council and is available to provide further evidence as required.