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Our ref: AE/2025/131094/01-L01
Your ref: Reg 18
Date: 14 January 2026

Dear Policy Team

COLCHESTER CITY LOCAL PLAN PREFERRED OPTIONS DRAFT REVIEW

Thank you for consulting us on the Colchester City Local Plan- Regulation 18 Preferred Issues and Options. We have reviewed this report in conjunction with the Level 1 Strategic Flood Risk Assessment (SFRA) and the Water Cycle Study (WCS) and considered the local environment in Colchester. We have provided comments and recommendations below which align with the various constraints within our remit. We appreciate the opportunity to engage with you on the Local Plan Review and look forward to ongoing engagement as the review progresses.

Section 2. Vision and approach to Local Plan

We support the many City Council's objectives within the Sustainability theme including protecting and enhancing biodiversity, Water Quality and Nature Recovery. We also recognise the measures highlighted to ensure development helps Colchester to adapt and increase its resilience to the effects of climate change.

This is vitally important where new development has to be sited in areas considered to be at risk of flooding from any source, both now and in the future.

The Level 1 Strategic Flood Risk Assessment provides enough detail to identify whether it's possible to allocate land for all development outside flood risk areas, however, where there is a need to make allocations within recognised areas of flooding it is normal practice to undertake a Level 2 Strategic Flood Risk Assessment. This will enable you to identify the severity and variance of flood hazard for those sites that are proposed within medium and high flood risk areas, provide the information needed to apply the exception test (for sites where this is relevant) and enable you to decide if it is possible that development on these sites can be made safe without increasing flood risk elsewhere.

Given that the Draft Local Plan has identified that some development will need to take place on sites that the Level 1 SFRA has identified as being at medium or high risk of flooding, it is essential that a Level 2 SFRA be undertaken to inform the Regulation 19 stage of the Local Plan preparation. This will help to support the Local

Plan's vision to help Colchester to adapt and increase its resilience to increased flooding, which is one of the effects of climate change. We note that a Level 2 SFRA was previously produced in 2017 for the current Local Plan, and we would advise that this be updated to reflect the current site proposals and to incorporate the latest available flood modelling outputs.

Section 3. Strategic Policies

Policy ST2: Environment and the Green Network and Waterways

In the section of the policy relating to Green Network and Waterways Plans for major residential developments, it would be worth highlighting that opportunities should be taken to reduce the causes and impacts of flooding both to the site and elsewhere, through the use of green infrastructure and natural flood management. This would reflect the policy guidance given in National Planning Policy Framework (NPPF) paragraph 172(c). The policy could also make reference to the need for site level SuDS to provide multifunctional benefits wherever possible, to reflect the guidance given in paragraph 182 of the NPPF.

Policy ST7: Infrastructure Delivery and Impact Mitigation

We support the need for a policy in the Local Plan which clearly states that all development must support any infrastructure requirements that are needed to service the needs of the development. We note that the supporting text to this policy states that the Infrastructure Delivery Plan (IDP) will include Flood Defence Infrastructure requirements.

We will be seeking the support of Colchester City Council to assist with partnership contributions towards the costs of essential maintenance and refurbishment of the Colne Barrier over this Plan period. As the Barrier approaches the midpoint of its operational life, it is becoming increasingly important to implement targeted improvements, and modernisation works to ensure the structure continues to perform reliably. These interventions are critical to maintaining the long-term resilience of the asset and safeguarding the upstream communities that depend on its continued protection.

The Colne Barrier is essential infrastructure that protects the Hythe Opportunity Area as well as the established settlements of Wivenhoe and Rowhedge from tidal flooding through overtopping of quay headings. Over the Plan period, the continued functionality of the Barrier is critical for maintaining the sustainability of the Hythe and the areas around Haven Road, Hawkins Road, Lightship Way and Annan Road as well as areas around Wivenhoe Quay, Walter Radcliffe Road and the Old Ferry Road Estate in Wivenhoe and the High Street, Chapel Street and Marsh Crescent/Oxton Close areas of Rowhedge.

In 1999, The socio-economic effects of the Barrier were estimated to have reduced the threat of £60 million worth of damage due to tidal flooding. These damages would be far higher today due to changes in land use in the protected areas since then as well as the impacts of inflation. Without the Barrier, Quayside defences and river walls in Colchester would have had to have been raised by about 0.6m, making

them high and potentially more aesthetically intrusive. The Barrier, therefore, helps to maintain connectivity between the river and adjacent land areas in Colchester, Wivenhoe and Rowhedge. The Infrastructure Delivery Plan should therefore consider the need for contributions from new development located in areas that will benefit from the continued functionality of the Colne Tidal Barrier.

We would welcome discussions with the City Council regarding anticipated partnership funding requirements to assist with refurbishment proposals for the Barrier and to ensure its continued performance over the Plan period.

ST8: Place Shaping Principles

We recommend the addition of place shaping principles:

“- Protect groundwater and underlying aquifers as an important resource.

- Seek opportunity for environmental betterment by remediating previously developed land.”

We would suggest a minor alteration to the text of point (c) in the policy:

*“Support adaptation measures to address the impacts of climate change and ensure development is **safe and** resilient to a changing climate.”*

Cemetery Provision

The requirement for adequate cemetery provision has not been addressed within the plan. We recommend the following guidance be referenced:

- [Guidance for Cemeteries and burials](#);
- [Protecting groundwater from human burials](#);
- [The Environment Agency's Approach to Groundwater Protection, section L](#).

Our guidance is regularly revised, and therefore, throughout the plan's duration, the most recent version or replacement guidance for superseded versions should be consulted.

Section 4. Environment

Policy EN 8: Flood Risk and Sustainable Drainage Systems (SuDS)

We note that in the Adopted Colchester City Local Plan 2017- 2033 'Flood Risk and Water Management (DM23)' and 'Sustainable Drainage Systems (DM24)' policies have been combined into one policy: Flood Risk and Sustainable Drainage Systems (EN8). Whilst these issues are clearly interlinked, it would be more effective to retain separate policies, to ensure that those sites considered to be low risk in respect of fluvial or tidal flooding do not disregard their responsibility to incorporate Sustainable Drainage Systems.

Sustainable Drainage Systems

A requirement to use Sustainable Drainage Systems (SuDS) is embedded within the

plan and Policy EN8. We support the use of SuDS schemes where appropriate to support aquifer recharge, improve water quality, provide ecological benefits and reduce flooding. Appropriately designed SuDS can therefore provide a wide range of benefits going beyond the management of surface water flood risk. A separate and specific SuDS policy will also help enable those benefits to be fully realised.

We recommend that the existing SuDS-related text is separated out and revised to reflect the following comments about infiltration SuDS:

The use of infiltration SuDS is not appropriate on all sites and in all locations; infiltration SuDS shall only be used where it can be demonstrated that they will not pose a risk to controlled waters. They should not be constructed in contaminated ground where they have the potential to provide a pathway for pollutants. Where necessary, systems shall incorporate appropriate pollution prevention that is suitable to the environmental sensitivity. It should be clarified that infiltration SuDS should only be used where ground conditions and land contamination allow, and that in Source Protection Zones (SPZs) and potentially contaminated sites Policy EN8 must be read alongside EN9 (Pollution and Contaminated Land) to protect groundwater and drinking water sources. This should not prevent the use of non-infiltration SuDS measures which can still provide the benefits outlined above.

Where peak seasonal groundwater levels are shallow this may constrain the potential for infiltration drainage or the choice of infiltration SuDS due to a requirement to maintain a minimum unsaturated zone thickness beneath the infiltration level.

The use of deep infiltration systems (greater than 2m deep) such as boreholes is not routinely acceptable. Deep infiltration schemes should be seen as the last resort and will only be approved where there are no other feasible disposal options such as shallow infiltration systems or drainage fields/mounds. They will only be allowed where the developer demonstrates no unacceptable pollution risk to groundwater. If approved, they may require an Environmental Permit from the Environment Agency.

Where infiltration SuDS are proposed in SPZ1 for anything other than clean roof drainage, a Hydrological Risk Assessment should be undertaken to ensure the drainage system does not pose a risk to the source of supply.

We support reference to the relevant SuDS literature within the plan including the CIRIA SuDS Manual. We further recommend reference to [The Environment Agency's Approach to Groundwater Protection](#), particularly statements G1 and G9 to G13. Our guidance is regularly revised, and therefore, throughout the plan's duration, the most recent version or replacement guidance for superseded versions should be consulted.

There should also be encouragement within the supporting text to the policy for the integration of rainwater harvesting for non-potable uses (gardens, flushing, irrigation) into SuDS design, especially on larger schemes, to support the 80l/p/d target as outlined in NZ3.

Flood Risk

We would suggest that the Flood Risk section of Policy EN8 is re-worded to better

accord with the aims of Chapter 14 of the NPPF, most notably:

“the principal requirement for most forms of development to pass the sequential test if proposed to be located within an area at risk of flooding (either now or with climate change over the development’s lifetime considered)”

*“the need to ensure that flood risk, on or off site, does not increase as a result of the development **over its lifetime.**”*

NPPF paragraph 181(b) gives a clear policy requirement that development proposals must be appropriately flood resistant and resilient to help facilitate quick recovery following a flood. The draft Local Plan policy EN8 currently only states that such measures would be encouraged rather than them being a mandatory requirement.

We would suggest the text modifications below would better reflect the concerns outlined above:

“Development should be directed away from land at risk of flooding in accordance with the National Planning Policy Framework and Planning Practice Guidance.

Planning permission will only be granted where it has been demonstrated that:

- *The site has passed the Sequential Test and Exception Test (where applicable)*

the most vulnerable development is located in areas of the site at lowest flood risk unless there are overriding reasons for not doing so

- *the site will remain safe from all types of flooding throughout the lifetime of the development and provides a safe means of escape or can suitably manage risk to occupants/users through other means; and*
- *flood risk will not increase on or off site as a result of the development over its lifetime.*

Proposals which have to be located in areas of flood risk, either now or in future, must include measures to enhance their flood resistance and resilience so that, they can be quickly brought back into use without significant refurbishment in the event of a flood. This will be a requirement for both new or renovated buildings whether in areas with a history of local flooding, or in areas shown by the Colchester Level 1 Strategic Flood Risk Assessment. to be at risk of flooding, either now or in future,

Where buildings have been demolished within the functional floodplain (Flood Zone 3b) for a significant length of time (i.e. over a year), the land should be reverted back to functional floodplain and consequently, development should be avoided within these areas. Where a building(s) is already located in the functional floodplain, any proposals to regenerate or replace such building(s) must not increase the building footprint any greater than the existing footprint.

Development must conserve and enhance the natural flood storage value of the water environment, including watercourse corridors and catchments. Proposals that open up culverted watercourses, where it is safe and practicable, will be supported

In order to ensure access to repair and maintain watercourses and flood management infrastructure, development proposals must:

- *Not build within 8m from the edge of the bank of any Ordinary Watercourse*
- *Not build within 8m from the edge of the bank of any Main River in accordance with the Environment Permitting Regulations (2016).*
- *Not build within 16m of the foot of the landward side of any sea defences or between the low water mark of medium tides and the seaward side of any sea defence.*
- *Maintain a minimum distance of 8m between development and the edge of bank of any Ordinary Watercourse.*
- *Seek opportunities on a site-by-site basis to increase these buffer distances to ‘make space for water’, allowing additional capacity to accommodate climate change and enhance the natural flood storage value of the water environment.*

The Colchester Surface Water Management Plan identifies Critical Drainage Areas. New developments within Critical Drainage Areas will be required to provide or contribute towards the provision of flood mitigation options via CIL/S106 contributions, as identified in the Colchester Surface Water Management Plan (and its successor). This is to reduce or mitigate the risk of flooding to existing properties located within the Critical Drainage Area and to accommodate the drainage needs of new developments.

Where a site-specific flood risk assessment is required in accordance with national policy this should be prepared in accordance with the Colchester Level 1 Strategic Flood Risk Assessment and in a format that reflects the Flood Risk Assessment (FRA) template guidance provided on the planning portal.

Where sites are at risk of groundwater flooding, construction phase groundwater monitoring during periods of high groundwater (October – March) should be included in the Flood Risk Assessment to inform the design and any mitigation measures, unless adequate justification can be provided by the applicant to exempt the proposed development from this requirement.”

We would be happy to discuss the wording of this policy further with you.

EN9: Pollution and Contamination

We are pleased to see an overall policy relating to Pollution and Contaminated Land. However, we suggest that the wording in the first paragraph should be stronger. To ensure that the policy is adhered to, it should state that

*“proposals **must** not result in an unacceptable risk to...”*

We support the wording *“Development proposals on or adjacent / in close proximity to contaminated land, or where there is reason to suspect contamination, **must** include a contamination risk assessment...”* We recommend that the following guidance be referenced: The [Land Contamination Technical Guidance](#) on gov.uk

especially the [Land Contamination Risk Management \(LCRM\)](#) guidance. Our guidance is regularly revised, and therefore, throughout the plan's duration, the most recent version or replacement guidance for superseded versions should be consulted.

We recommend the addition of the following as supporting text for waste management in the context of land contamination/remediation:

“Developers should consider materials management at an early stage. Excavated materials recovered on a development site via a treatment operation can be re-used on-site under the CL:AIRE Definition of Waste Development Industry Code of Practice (DoWCoP) subject to certain conditions being met. This is sustainable approach.”

We recommend that the [Definition of Waste: Development Industry Code of Practice](#) guidance be referenced. However, contaminated materials that are or must be disposed of are waste and must be managed in accordance with the relevant legislation.

We are pleased to note that the current Local Plan encourages the use of previously developed land including Spatial Policy ST3. Our preference would be for existing Brownfield land to be prioritised for redevelopment as this is a sustainable approach which provides an opportunity for environmental improvement via remediation. Policy EN9 should include details that this as an opportunity to provide improvements by remediating the site and preventing ongoing contamination.

The justification for this policy references the National Planning Policy Framework (NPPF) therefore it should specifically note paragraphs 124, 125, 180, 187, 196 and 197.

Where development is proposed outside of areas with existing foul water disposal and treatment provision, the plan should reference the need for the Foul Drainage Assessment Form (FDA1) to be submitted as part of the planning application. This would help identify any concerns that might lead to pollution or nuisance arising from a non-mains drainage system, or an application for an environmental permit being refused or requiring stringent conditions.

Section 5. Green Network and Waterways

GN1: Open Space and Green Network and Waterways Principles

While we fully support the inclusion of the paragraph in policy EN8 stating *“Conserve and enhance the natural flood storage value of the water environment, including watercourse corridors and catchments. Proposals that open up culverted watercourses, where it is safe and practicable, will be supported”*; it would be useful to consider whether it would be better placed as a bullet point principle in Policy GN1.

Within this policy, or the supporting text, it would also be useful to make reference to the objective in paragraph 172 of the NPPF to use *“opportunities provided by new*

development and improvements in green and other infrastructure to reduce the causes and impacts of flooding, (making as much use as possible of natural flood management techniques as part of an integrated approach to flood risk management)”. Even on sites at low risk of flooding this can help to reduce the risk of flooding elsewhere.

GN2: Strategic Green Spaces and Nature Recovery

It is positive to see the Essex Local Nature Recovery Strategy (LNRS) recognised and identified areas afforded protection from inappropriate development. However, we consider that the plan is currently lacking in terms of enabling the implementation of the LNRS. The plan should include a mechanism to ensure that the LNRS priorities will influence planning decisions. We would like the plan to refer to the mitigation hierarchy; detailing that the avoidance of harm and preservation of on-site biodiversity features should be considered before creating new habitat.

Section 6. Landscape and Coast

LC3: Coastal Areas

The policy should make reference to the need for developments to consider the management approaches for the coastline and estuary frontages as included in the [South Suffolk and Essex Shoreline Management Plan](#).

Shoreline Management Plans (SMPs) identify the most sustainable approach for managing the risk from coastal flooding and erosion over the short (0 to 20 years), medium (20 to 50 years) and long (50 to 100) term and Local Plan policies relating to development in areas close to coasts and estuaries should take account of them.

To enable flood risk management structures to be maintained and improved, the plan should include a requirement that developments within the Coastal Protection Belt *‘Will not hinder access to and the maintenance of coastal flood risk management assets, and will not impede onto space identified as being required to allow for future replacement/improvement of those assets.’*

You should also consider whether areas within the Coastal Belt require designation as Coastal Change Management Areas, in accordance with paragraph 184 of the NPPF and with regard to paragraph 072 of the Flood risk and coastal change Planning Practice Guidance (PPG).

House Boats

More details should be provided on the nature of submissions required to demonstrate that any proposed houseboats will not impact designated habitats. This should include evidence and ecological assessment which takes into account the cumulative effects of houseboats and shows no adverse effects.

The policy or supporting text should also make clear whether houseboats are considered to be “water compatible” or “more vulnerable” in the context of the Flood risk vulnerability classification in Annex C of the NPPF.

Where the principle of Houseboat development is deemed to be acceptable (with regards to Annex 3 of the NPPF and Tables 1 and 2 of the Flood risk and coastal change PPG and their relevant footnotes), the policy should state that a Flood Risk Assessment will be required to support any new applications for houseboats.

Consideration in the policy should also be made for the possible impact on the environment from discharges (including wastewater disposal) made from these vessels.

Houseboats or floating structures should demonstrate an appropriate means of foul drainage (preferably connection to the public sewer, or otherwise a properly regulated and maintained package treatment solution).

Many navigations now have byelaws in place to prevent potential pollution. For example, Essex Waterways ((Chelmer/Blackwater) byelaw section 10 states ‘No person shall cause pollutants, oil or oily waters, rubbish or sewage to be deposited onto or into the waters of the navigation or its banks’. You should consider including any similar regulations covering vessels moored along the Hythe within the supporting text for the policy.

Section 7: Net Zero Homes and Buildings, Renewable Energy and Water

NZ1: Net Zero Carbon Development (in operation)

Section 7 and Policy NZ1 considers renewable energy and the requirement for all new buildings to be fossil fuel free. We anticipate an increased number of ground source heat pumps installed as lower carbon alternatives. The Environment Agency regulates ground source heating and cooling systems. The system may require an abstraction licence and an environmental permit, or exemptions may apply. Developers should engage with Environment Agency at an early stage and it would be beneficial for the Local Plan to highlight this requirement.

Ground source heat pumps change the temperature in the ground and the water environment which could have impacts on the water quality or aquatic ecology. Under the Environmental Permitting Regulations, heat is classified as a pollutant for groundwater activities.

There are additional environmental risks to consider such as the impact of drilling during installation or potential leakage of fluid. Risks need to be appropriately assessed and mitigated.

We recommend the following guidance be referenced within the plan: [Closed loop ground source heating and cooling systems](#) including [exemption conditions](#) and [Open loop heat pump systems](#) on gov.uk.

Our guidance is regularly revised, and therefore, to ensure throughout the plan's duration, the most recent version or replacement guidance for superseded versions are consulted, the Local Plan should be an editable document.

NZ3: Wastewater and Water Supply

We strongly recommend splitting water supply and wastewater into separate policies or clearly defined sections within a water policy, to provide better clarity.

Water Quality - Wastewater

We have provided advice on wastewater related policy and Water Cycle Study (WCS) review comments within the sections below.

Due to the evolving complexity of the capacity challenges at the Colchester Waste Water Treatment Works (WWTW), we have been working to develop an Environmental Position Statement for the WWTW to help inform our responses to planning applications, LPA planning application decision making, as well as Plan making considerations to help communicate the risk of harm to the water environment, implications for growth, and recommended next steps for strategic engagement. The advice in the position statement is intended to be read in conjunction with our comments on the Local Plan and WCS, which are all valid at the time of this response.

We have attached our current latest version of our Colchester WWTW Environmental Position Statement – V4 We will continue to update the LPA as the position statement evolves.

NB: We recognise that the Local Plan and WCS refer to the term Water Recycling Centres (WRC), which we understand is Anglian Water Services Limited's (AWS) preferred title for their assets. For the purposes of this response, where we have quoted existing text references we have used original wording, but note WRC, Waste Water Treatment Works (WWTW) and other names like Sewage Treatment Works (STW) are often used interchangeably. Our comments detailed below refer to WWTW for any new comments made, as this is our preferred terminology and aligns consistently with our separately attached Colchester WWTW Environmental Position Statement – V4.

We recommend that any future policy wording addresses the following considerations:

It is important that a separate waste water policy clearly distinguishes between capacity within the sewer network to accommodate a sustainable point of connection, and capacity within the on-site WWTW infrastructure to treat the flows received through the sewer network, as well as the permitted volumetric discharge capacity from the WWTW. Capacity, in the context of waste water, is both complex and multifaceted. There may be capacity in the network but not treatment capacity and vice versa. Engagement with AWS and related planning application submissions should address all aspects of capacity.

The existing NZ3 policy states that *“Proposals within the catchments of the following Water Recycling Centres: Dedham, Fingringhoe, Great Tey, Langham and West Bergholt must demonstrate they have confirmed with Anglian Water Services that treatment capacity at the Water Recycling Centre (WRC) is available to serve the development at the point of anticipated connection...”*.

This requirement must apply to all WWTWs at capacity now or reaching capacity within the plan period. The Colchester WCS identifies that Colchester WWTW will exceed its permitted capacity by the end of the plan period. Therefore, we recommend this requirement is applied to Colchester WWTW, as is recommended in the WCS.

The existing policy identifies the need for early engagement with AWS regarding water supply. The waste water section/policy would benefit from similar wording to ensure there are plans and sufficient capacity to accommodate additional waste water flows. We recommend early and regular engagement with AWS during the pre-application stage and that an updated assessment of capacity is obtained at the time of application submission.

It should be acknowledged that some of the WWTWs mentioned are over capacity already (for example Dedham and Langham) and so currently have no capacity to accept additional flows. Any existing infrastructure improvements will need to be phased in line with development plans to ensure there is no negative impact on the water environment.

Supporting Paragraph Text

Some WWTWs, including Colchester, do not currently have planned improvement, as set out in the WCS. We strongly recommend further detail from the WCS, regarding treatment and discharge capacity, is set out in the supporting text of this policy.

Para 7.16 will need to be moved to follow on from any revised Waste Water policy/section, but this supporting paragraph should be clearer that the Colchester WWTW is not currently included in AWS' plans for investment. Although land is allocated the feasibility of any upgrades is dependent on AWS' future business planning and permit variations.

The supporting text section could be strengthened to add a paragraph to explain that if growth causes effluent flows to increase above the consented flow, then there will be a risk of deterioration in water quality in the rivers and failure to meet water quality objectives such as The Water Environment (Water Framework Directive) (England & Wales) Regulations 2017 (WFD). To mitigate against this, the treatment capacity at WWTWs may need to be increased and/or the treatment technologies may need to be improved.

There will be changes to WWTWs capacity throughout the lifespan of the local plan and therefore development applications should individually confirm an up-to-date capacity assessment at WWTWs with AWS and not just rely on the WWTWs data identified in the WCS.

As a result of these changes to capacity, the WCS should be kept as a living document to account for new data and the latest growth projections within Colchester and neighbouring districts where relevant. This will ensure that the combined impact of growth on capacity is understood now and in the future.

Changing growth proposals such as New Towns and the work of the Water Delivery Taskforce mean that use of a living document is increasingly important. It would be helpful if the Local Plan and WCS acknowledge this approach and commit to being updated accordingly.

Para 7.16 – *“It is important for the Council to work with water companies, the Environment Agency and developers to ensure sufficient capacity and provision of an adequate water supply and foul drainage and wastewater treatment to deliver sustainable and resilient communities, whilst leaving water in the environment to support nature recovery.” ...*

This sentence could be amended to include quality additionally: *“...deliver sustainable and resilient communities, whilst ensuring water of sufficient amount and quality remains in the environment to support nature recovery.”*

The Justification section for this policy should refer to key environmental legislations, such as WFD and Habitats Directive which need to be adhered to, and which water supply and drainage can have potentially detrimental impacts upon.

Para 7.19 is unclear regarding how water efficiency will “enable capacity” at WWTWs. While the proposed water efficiency target is positive and where permitted capacity is available it could extend this across more development, any new development will create net increased foul flows and therefore reduce WWTW permitted capacity, as well as increase the demand on network capacity and on-site treatment infrastructure to manage increase flow volumes. Furthermore, where capacity is already limited, this alone will not enable capacity. Therefore, this statement is more applicable to catchments where capacity is currently available.

Non-Mains Drainage

In addition to Sewer Network and WWTW capacity, we recommend that the Waste Water policy/section details a sub-section on Non-Mains Drainage and reference to the presumption in favour of Mains sewer connection. This advice is also relevant for policy CS6: Caravan Parks,

National planning practice guidance establishes a first presumption for development to discharge wastewater via the mains system. This is set out in the wastewater drainage hierarchy in Planning Practice Guidance ([Water supply, wastewater and water quality - GOV.UK](#) - paragraph 020 ID: 34-020-20140306), and ensures consistency with environmental permitting and building regulations requirements.

It would be helpful to then also add detail to the supporting paragraphs below a revised policy to provide guidance for non-mains assessment.

Private sewage treatment facilities should only be used where it is not feasible for a development to be connected to a public sewer, because of the greater risk of failures leading to pollution of the water environment posed by private sewerage systems compared to public sewerage systems. Lack of capacity or plans to improve capacity in the sewer is not a valid reason for a development to install a private sewerage system. The applicant should explore how a lack of capacity may be

overcome so that their development can be connected to a public foul sewer. In these cases, if an applicant decides to apply to the Environment Agency for a water discharge permit for private treatment facilities, it is unlikely that a permit would be granted.

Proposed developments should only include non-mains drainage if it can be demonstrated that a mains connection is not feasible in terms of cost and/or practicality. These applications must be accompanied by a FDA1 form and justification for why it is not feasible to connect to the mains public sewers. The Building Regulations 2010 and Government Guidance contained within the [PPG for Water Supply, Wastewater and Water Quality](#) (paragraph 020 ID: 34-020-20140306) sets out a hierarchy of drainage options that must be considered and discounted in the following order:

1. Connection to the public sewer
2. Connection to a private sewer that drains to a public sewer
3. Package sewage treatment plant or septic tank
4. Cesspool

Water Cycle Study

We have previously cautioned against the approach taken to assess the long-term capacity at Colchester WWTW. The assessment only uses 2 years of data and does not appear to take into account permitted dwellings built out since 2022. We understand from discussions with AWS that they have undertaken an informal sensitivity analysis and based on this they consider that capacity is not available at Colchester WWTW. We have not reviewed AWS' assessment, however, on this basis we recommend a more detailed assessment is undertaken alongside further engagement with AWS and the Environment Agency. AWS will be able to advise the most accurate method to calculate capacity given the problems with current flow data. Justification for the approach taken must be set out in the WCS.

We note the wording in section 6.2.4.2 that "The WCS recommends that an 85 litres per person per day (l/p/d) per capita consumption (PCC) be imposed for allocated sites in this catchment as this approach would significantly improve available capacity at the WRC". This assumption remains uncertain. If in the future Colchester WWTW is upgraded, the higher water efficiency target will likely have a positive impact; however, currently as there are no plans to upgrade the works, there is uncertainty. The WCS should provide further detail of this assessment.

We provided advice on the WCS in our letter dated 15 September 2025. We are pleased to see an updated WCS for the consultation, however, we note that some comments have not been taken into account:

- AWS' latest verified 2024 DWF data should now be obtained and used as part of the living document approach. 2025 DWF data may be available for the Regulation 19 consultation.
- We note the WCS uses the '3 year' data range approach. We disagree with this approach. For the purposes of local plan making we consider it necessary

to use the previous 5 years' Q80 measured DWF, as a standard approach agreed with AWS. This enables a view of trends and better captures any anomalous returns.

- The average occupancy rate used in the WCS is still 2.07, however 2021 Census shows just over 2.4. This needs to be updated to accurately reflect growth and flow forecasts based on known Census data or justification provided for use of the lower occupancy rate.

We expect these comments to be addressed in future updates to the WCS. We would welcome further opportunity to comment on a review of the WCS. It is crucial to have to the best understanding of WWTWs capacity in order to understand the deliverability of allocations, or any likely phasing required.

Water Supply

Colchester sits within water company supply areas that are designated as [seriously water stressed](#), with the possible future impacts of climate change reducing deployable outputs and increasing environmental protection requirements.

The Local Plan rightly recognises that demand management must be delivered alongside growth, high water efficiency standards and infrastructure upgrades, and that water policies must support nature recovery, compliance with the Environment Act and Habitats Regulations.

NZ3 and the Place policies do begin to embed the recommendations of the Colchester Water Cycle Study (WCS) through higher water efficiency standards. We strongly support the direction and ambition of NZ3 and the way it draws on the Colchester WCS and Greater Essex net-zero work.

We support the inclusion of the requirement that all new buildings include water efficiency measures, and that residential development must meet 80 l/p/d and be supported by a water efficiency calculator.

We also support the requirement for major residential schemes (≥100 dwellings) to explore and incorporate the full range of options to reduce reliance on potable water, including rainwater harvesting and greywater recycling

The requirement for major non-residential schemes with significant non-domestic water use to prepare a Water Resources Assessment and engage early with Anglian Water to confirm availability and innovative demand-reduction solutions is also welcomed. The policy should be improved by specifying that non-residential development is expected to achieve full credits within the BREEAM water categories (minimum 3 credits in WAT01). Justification must be provided where this cannot be achieved. It should also be clarified that the assessment should consider process water, cooling and irrigation demands, not just domestic uses. This is in line with the Shared Standards for Water Efficiency, we have provided further guidance here: [shared-standards-in-water-efficiency-for-local-plans.pdf](#)

All water needs of non-residential schemes should be accounted for at the earliest

stages of development planning. The potential water use for non-residential schemes could vary; whether that be, amongst others; potable water, process water, dewatering, irrigation etc. The plan should ensure developers are aware of the water challenges in their area, their project's varied needs for water use/supply, and abstraction licencing requirements from their developments/operations at all stages including construction.

To ensure that the water efficiency policies can be accurately measured, we recommend that you monitor the implementation of this policy through Authority Monitoring Reports (AMRs). For example, this could be through the submission of verification reports on major developments or commercial developments, or where environmental incentives for water efficiency measures and Water Resource Assessments for non-household developments have been approved by the water company.

The Local Plan already requires ultra-low energy, fossil-fuel-free buildings under Policy NZ1.

Policy NZ3 supports this, reducing hot water demand through high water efficiency and low-flow fittings is also a carbon reduction measure, reinforcing the net-zero objectives.

Policy NZ4: Renewable Energy

This policy considers planning applications for renewable energy schemes, but it is not clear whether it also covers Battery Energy Storage Systems (BESS). Where BESS are developed there is potential for pollution of the water environment in emergency situations, in particular because of fires. This would be exacerbated if the BESS is located in a vulnerable groundwater location. Highly polluting chemicals in batteries could enter surface waterbodies in firewater or rainfall via surface water run off should battery containers become exposed in the event of a fire.

The risks to groundwater should be assessed as part of any application, and mitigation provided to ensure the containment of this water. To mitigate the risks to groundwater and surface water, as well as proposing appropriate measures to manage activities, applicants should consider whether BESS battery containers should be located away from vulnerable receptors. This should be acknowledged in the Local Plan.

Applicants should be encouraged to engage early with Local Fire & Rescue Services to ensure issues of siting and location of BESS are dealt with before applications are made. Applicants should also refer to guidance published by The Department for Energy Security and Net Zero: [Health and safety in grid scale electrical energy storage systems](#).

Section 8. Homes

H5: Specialist Housing including Housing for an Aging Population

We are aware that there are a high number of change of use type applications coming forward within the Colchester Local Plan area, including as change of use to

major scale care home developments and so we recommend consideration of a separate change of use policy.

Alternatively, if you prefer to keep change of use policy references embedded within multiple relevant policies, our comments below could be captured as a sub section to any future bespoke Waste Water Policy, to consolidate waste water related policy wording in one location.

You should consider the following wording:

“Development involving major change of use, which will result in a net increase in wastewater flows, will be required to provide evidence of early discussions with Anglian Water Services Limited. This should demonstrate that the increased flows could be accommodated.”

H7: Gypsies, Travellers and Travelling Showpeople

Caravans, mobile homes and park homes that are intended for permanent residential use are considered to be ‘Highly vulnerable’ and are therefore not appropriate for siting in Flood Zone 3 (see Annex 3 of the NPPF and table 2 of the Flood risk and coastal change PPG). We would advise that Point (c) in the policy text should be expanded to read

“...located outside areas identified by the Strategic Flood Risk Assessment or the Flood Map for Planning, as being at high risk of flooding both now and in future”

The policy does not rule out the consideration of new sites where connection to a mains sewer system is not feasible. Regard should be given to Policy NZ3 and our proposed additions.

Section 9. Economy

E2: Economic Development in Rural Areas and the Countryside

Policy E2 includes an agreement in principle:

‘Within allocated rural Employment Areas and on rural sites providing an economic function, the following uses are considered appropriate in principle:

b) Repair and storage of vehicles and vehicle parts, including cars, boats and caravans;’

We are concerned with the agreement in principle of this type of application. The site history will need to be considered with respect to contamination and may require remediation. Developers should demonstrate due diligence and follow the [Land Contamination Risk Management \(LCRM\)](#) process in their planning application; an adequate desk study would identify issues of concern at an early stage. This may otherwise be an expensive process which is not anticipated by developers. For example, former garage sites may have underground storage tanks which could require removal, along with further treatment of soil and/or groundwater. As mentioned in Policy EN9, responsibility for securing a safe development rests with the developer and/or landowner.

Therefore, we recommend that the Policy should either refer directly back to policy EN9 or state specifically that remediation will be required prior to development where previous contamination is found.

There is reference to habitat protection under these proposals, but no reference for the need to ensure existing systems for environmental protection or pollution would also need to be upgraded or replaced with appropriate system for the proposed new use. This should be included within the policy.

E5: Colchester Zoo

This policy is high-level and leans on general environmental policies laid out elsewhere. It should ensure ecology is reviewed at application stage. We suggest the below inclusion to the policy:

“C) Impacts on biodiversity including Local Wildlife Sites. Any application will require a site-wide and site-specific ecological strategy that specifies protection, enhancement and restoration of the river corridor.”

Section 10. Community and Social Infrastructure

CS6: Caravan Parks

We would suggest modifying point d. to read

“Are supported with a site-specific Flood Risk Assessment and Flood Management and Flood Evacuation Plan. Proposals for caravan extensions in flood zone 3, including any increase to the future extent of this zone due to climate change, will not generally be supported due to the increased risk to people and property from fluvial or coastal flooding”

We have made reference to the need to consider increases to the future extent of Flood Zone 3 as paragraph 175 of the NPPF states that *“The sequential test should be used in areas known to be at risk now or in the future from any form of flooding”*

We have also advised that both fluvial and coastal flooding should be referred to in the context of Flood Zone 3 as the Zone relates to both of these sources of flooding. The supporting text to this policy could make reference to residential caravans being inappropriate in areas of Flood Zone 3 as Annex 3 of the NPPF deems these to be “highly vulnerable” to flooding and Table 2 of the Flood risk and coastal change PPG states that “highly vulnerable” land use vulnerability classes should not be permitted. Sites used for holiday or short-let caravans and camping, subject to a specific warning and evacuation plan are deemed “more vulnerable” by Annex 3 of the NPPF and Table 2 of the Flood risk and coastal change PPG states that the development is compatible provided that the Exception Test is passed.

Section 11. Place and Connectivity

PC4: Development Density

To avoid the displacement of biodiversity value away from the areas to be developed, stronger controls should be in place for off-site Biodiversity Net Gain, that ensure it is ecologically connected and contributes to local nature recovery priorities and the LNRS. The policy should refer to the mitigation hierarchy and ensure that harm is avoided, and in situ mitigation is delivered before using off site units to deliver net gain.

Section 12. Place Policies

Pollution to Controlled Waters

Each site allocation for planning development proposals on previously developed land will need to be considerate of the site history. Previous industrial uses will need significant consideration of contamination in line with the LCRM process. These site allocations should refer to Policy EN9, which should reference this LCRM guidance as per our earlier comments.

Consideration of legacy contamination also relates to site drainage. Each site allocation mentions prioritising SuDS, however infiltration drainage may not be appropriate and/or sites may require adequate pollution prevention methods to mitigate any unacceptable risk to controlled waters. This highlights the importance of our earlier comments for Policy EN8 to acknowledge that infiltration SuDS may not be appropriate for all sites.

You should amend the policy so that development must follow the SuDS drainage hierarchy. Appropriate wording is included in the SuDS Policy EN8:

“The design of Sustainable Drainage Systems should consider the Drainage Hierarchy, which seeks to manage water via infiltration in the first instance, with connection to a sewer being the last resort. New developments should look for ways to harvest rainwater for re-use and move away from the use of foul and combined sewers to discharge surface water.”

Flood Risk

The following sites have some medium and high flood risk areas associated with river and sea/tidal sources of risk. We would advise that the flood hazards associated with these risk areas within the site are investigated further through Level 2 SFRA site assessments. We have not commented in detail on any of the surface water flood risks to any of these sites and you should take advice from Essex County Council (as Lead Local Flood Authority for the Plan Area) when considering the accuracy of the surface water flood risk mapping that informs the local plan allocations.

We accept that the Council has used evidence from the Level 1 SFRA to inform the September 2025 Flood Risk Sequential Test Report for the preferred site allocations, but has used updated flood zones maps from the current Flood Map for Planning where the SFRA Flood Zones have been modified by updates to the Flood Map for Planning since the Level 1 SFRA was published in January 2025.

We would, however, recommend that the Level 1 SFRA is updated/revised to reflect the following:

- the post-April 2025 updates to the Flood Map for Planning's flood zone extents
- the 7 February 2025 updates to the National Planning Policy Framework, and;
- the updates on 17 September 2025 to paragraphs 23, 27 and 28, and addition of paragraph 27a to the Planning Practice Guidance for flood risk and coastal change.

The Level 1 SFRA's flood mapping for some of the sites below differs from the current day Flood Map for Planning's NaFRA2 based flood zone maps which were published in March 2025. We are however, aware that the Council's "Flood Risk Sequential Test Report" dated September 2025 has referred to the updated flood zones (post-March 2025) and where there are any variations from the previous flood zones as reported in the SFRA, this is documented.

Policy PP5 – Land at Chesterwell, Colchester

- There are small areas of Flood Zone 3 and Flood Zone 2 in southeast corner of site. The Level 1 SFRA has not identified these.

We would therefore advise that this is noted in the Level 1 SFRA's site screening of flood risk and that this site is brought forward for detailed site assessment in a Level 2 SFRA

Policy PP6 – Land at Colchester Station, Colchester – Mixed Use Site

- There is a small area of Flood Zones 2 and 3 associated with the ordinary watercourse that runs west-east through the centre of the site. The Level 1 SFRA has not identified these.

We would therefore advise that this is noted in the Level 1 SFRA's site screening of flood risk and that this site is brought forward for detailed site assessment in a Level 2 SFRA

Policy PP9 – North-east Colchester

- Flood Zones 2 and 3 associated with the Salary Brook on the eastern flank of the site.
- Ordinary watercourse running across the southeast section of the site and adjacent to the northeast boundary of the site.

We would therefore advise that this site is brought forward for detailed site assessment in a Level 2 SFRA

Policy PP14 – Gas Works and Hythe Scrap Yard Site, Colchester

- Areas of the site lie within Flood Zones 2 and 3 and are at risk from surface water flooding. The site is also likely to be at residual risk in the event of a

failure/breach of the Colne Barrier.

We would therefore advise that this site is brought forward for detailed site assessment in a Level 2 SFRA

Policy PP15 – Hawkins Road, Colchester

- Site wholly within Flood Zone 3 and at risk from the Hawkins Road Ditch Main River and from surface water. The site is also likely to be at residual risk in the event of a failure/breach of the Colne Barrier.

We would therefore advise that this site is brought forward for detailed site assessment in a Level 2 SFRA

- There is a significant portion of the site that lies within Flood Zone 3b and in those areas, only essential infrastructure or water compatible land uses are appropriate. We therefore suggest that for the policy to be sound, point (h) of the policy text should be amended to read “*No residential development in areas of the site shown to be in Flood Zone 3b and no residential development at ground floor level in areas of the site shown to be within flood zone 3a*”. This can be further considered following the detailed site assessment in the Level 2 SFRA.

Policy PP16 – Coal Yard Site, Colchester

- Site wholly covered by Flood Zone 2 with areas of flood zone 3 in southeast quarter. The site is also likely to be at residual risk in the event of a failure/breach of the Colne Barrier.

We would therefore advise that this site is brought forward for detailed site assessment in a Level 2 SFRA

Policy PP18 – Land north of A120, Marks Tey Growth Area

- Site bisected by Areas of Flood Zone 2 and 3 associated with Roman River and there is a presence of a number of ordinary watercourses flanking various boundaries of the site. There are some differences between the Flood Zones shown on the current Flood Map for Planning and those shown in the Level 1 SFRA.

We would therefore advise that this is noted in the Level 1 SFRA’s site screening of flood risk and that this site is brought forward for detailed site assessment in a Level 2 SFRA.

In order to promote a flood risk sequential approach to the layout of development within the site, the policy would benefit from the addition of a point stating that there should be no residential development in areas of the site shown to be Flood Zone 2 or 3.

Policy PP31 – Land north of Halstead Road, and east of Wood Lane, Eight Ash

Green

- Small pockets of Flood Zone 2 and 3 are within the site close to its northern boundary. Main River (Spring Lane watercourse) at the eastern end of the site and ordinary watercourses (one culverted) running south-north through the site (potential for daylighting).

We would therefore advise that this is noted in the Level 1 SFRA's site screening of flood risk and that this site is brought forward for detailed site assessment in a Level 2 SFRA

Policy OA1 – King Edward Quay Opportunity Area, Colchester

- Majority of site in areas of Flood Zone 3 and 2 with remainder at climate change risk. The westerly site is also at risk of flooding from the culverted Bourne Stream (culverted from Distillery Pond).
- There is a significant risk of surface water flooding in this area. The Haven Road lies one metre lower than the Quayside and is at residual risk from tide-locking of the outfall to Bourne Stream on high spring tides. This gives rise to attenuation capacity problems from stream flows in culverts that are tide locked resulting in surcharges onto Haven Road and Distillery Lane. The Hythe Task Force are aware of the issue on spring tides and there are opportunities through redevelopment to seek infrastructure funds to improve the situation, particularly for the western-most and central sites in this allocation.
- The site is also likely to be at residual risk in the event of a failure/breach of the Colne Barrier.

We would therefore advise that this site is brought forward for detailed site assessment in a Level 2 SFRA

Policy OA2 – Land east of Hawkins Road Opportunity Area

- Site wholly within Flood Zone 3 and at risk from the Hawkins Road Ditch Main River. Please note, there should be no development on or over main river and opportunity exists to daylight the culverted section of watercourse within southern part of the site.
- There is a significant portion of the site that lies within Flood Zone 3b and in those areas, only essential infrastructure or water compatible land uses are appropriate. We therefore suggest that for the policy to be sound there should be an additional point included in the policy to read "*No residential development in areas of the site shown to be in Flood Zone 3b and no residential development at ground floor level in areas of the site shown to be within flood zone 3a*"
- The site is also likely to be at residual risk in the event of a failure/breach of

the Colne Barrier.

We would therefore advise that this site is brought forward for detailed site assessment in a Level 2 SFRA.

Policy PEP2 – Knowledge Gateway

- Areas of Flood Zone 2 and 3 near western boundary of site, Area of climate change increase to zones also.
The western boundary of the site is also likely to be at residual risk in the event of a failure/breach of the Colne Barrier.

We would therefore advise that this site is brought forward for detailed site assessment in a Level 2 SFRA

Ordinary Water Courses

You should also be aware that there are a number of sites that have an ordinary water course running adjacent or through them. You should be aware of this as there may be unmodelled flood zones associated with the ordinary watercourses that you may need to take into account when considering them for development.

The UKCEH digital river network of Great Britain maps (1:50000 scale) and OS Mastermap Water Network Layer indicate that the following sites contain ordinary watercourses with unquantified flood risks.

- Policy PP9 – North-east Colchester
Ordinary watercourses running across the southeast section of the site and adjacent to the northeast boundary of the site.
- Policy PP17 – Land south of A12, Marks Tey Growth Area
Ordinary watercourse on northwest boundary of site
- Policy PP18 – Land north of A120, Marks Tey Growth Area
There is a presence of a number of ordinary watercourses flanking various boundaries of the site.
- Policy PP28 – Land west of Station Road, Wakes Colne
Small ordinary watercourses on southeastern boundary of the site.
- Policy PP29 – Land east of School Road, Copford
One ordinary watercourse running through southern third of the site.
- Policy PP34 – Land north of Coach Road, Great Horkesley
Small ordinary watercourse on eastern boundary.
- Policy PP42 - Land between White Hart Lane & Manor Road, West Bergholt
Small ordinary watercourses on western and southern boundary of the site.
- Policy PP44 – Land off Colchester Road, West Bergholt

Small ordinary watercourses on western and southern boundary of the site.

- Policy PEP6 – Andersons’s Site, Marks Tey
Ordinary watercourse runs through the centre of the site.

You should also discuss with the LLFA whether there are any restrictions or concerns with building within close proximity to ordinary watercourses.

SFRA

We have previously reviewed the SFRA, and having reviewed in conjunction with this draft Local Plan, we wish to provide you with the following comments and recommendations:

We note, however, that the Council’s Flood Risk Sequential Test Report (dated September 2025) states that “*Where it is identified that the exceptions test is required, this is noted in the report and will be applied as part of the Level 2 SFRA, which will be carried out in support of the Submission Local Plan*”. We strongly support the need for the production of a Level 2 SFRA and guidance for both levels of Strategic Flood Risk Assessment can be found here:

- <https://www.gov.uk/guidance/local-planning-authorities-strategic-flood-risk-assessment>
- https://www.adeptnet.org.uk/system/files/documents/FRS18204%20SFRA%200Good%20Practice%20Guide_Final_Nov2021.pdf
- <https://www.gov.uk/guidance/flood-risk-and-coastal-change#taking-flood-risk-into-account-in-preparing-plans>

It is worth noting that these Essex Local Planning Authorities have undertaken recent Level 2 SFRAs to support their evolving Local Plans:-

Chelmsford City Council - <https://www.chelmsford.gov.uk/planning-and-building-control/planning-policy-and-local-plan/local-plan-review/strategic-flood-risk-assessment-level-2/>

Basildon Borough Council - <https://www.basildon.gov.uk/article/9531/Evidence-Base>

Castle Point Borough Council - <https://www.castlepoint.gov.uk/documents/d/guest/level-2-strategic-flood-risk-assessment-sfra-july-2025-pdf>

Maldon District Council are currently undertaking a Level 2 SFRA and updating their 2024 Level 1 SFRA to reflect new EA national flood risk mapping (NaFRA2) outputs. We have listed below where we believe the Colchester Level 1 SFRA would benefit from below updates:

Appendix A Figure 8 and figures 10, 11, 12 and 13 could be updated to reflect the changes in flood zone mapping which affect the flood risk for some of the Place Policies and allocations in Section 12 of the Local Plan:

We would recommend that Figure 15 is reviewed following the post-April 2025 updates to the Flood Map for Planning’s surface water risk maps.

Section 2.1.1 – suggest that the SFRA notes the last update to the NPPF as

“February 2025” as opposed to the current text of “December 2024” and makes reference to the current consultation (Dec 2025 to March 2026) to significantly revise the NPPF

Section 2.1.2 – suggest that the SFRA notes the last change to the PPG as “17 September 2025”

Table 3-1 could be revised to expand on the current Flood Map for Planning datasets (Flood Zones and flood zone extents with climate change), rivers and sea 3.3% defended flood risk extents (both present day and with climate change extents) and to remove the reference to the now obsolete “Reduction in Risk of Flooding from Rivers and Sea due to Defences” dataset

Further guidance can be found here:

<https://environment.data.gov.uk/support/announcements/569147407/568197126>

Section 3.1.2 Functional Floodplain could be revised as the NaFRA2 (post-2025) model outputs have produced the “rivers and sea 3.3% defended flood risk extents” which give information for the section of the River Colne between East Street in Colchester and Wivenhoe which Section 3.1.2 refers to as absent due to “missing modelling results”.

Figure 13 (Functional Floodplain) in Appendix A could also be updated to reflect the new information provided by the “rivers and sea 3.3% defended flood risk extents” dataset.

Section 3.1.3 Impact of climate change on peak river flow could reflect the fact that there are now climate change flood extents available through the flood map for planning for previously unmodelled watercourses (Layer Brook, Roman River and Domsey Brook) and for the watercourses (Birch Brook and Salary Brook) where the SFRA currently states that “climate change allowances are not in line with the current guidance”.

Section 3.3 Risk of Flooding from Surface Water and Appendix A Figure 15 should be reviewed following the publication of the surface water flooding extents in the post April 2025 Flood Map for Planning and in consultation with Essex County Council. In Table 3-6 it should be noted that the gov.uk climate change allowances for peak rainfall allowances states that there is an exception for locations where the allowance for the 2050s epoch is higher than that for the 2070s epoch. Where this occurs, and development has a lifetime beyond 2061, use the higher of the two allowances. This is the case for Upper End allowance in the Combined Essex Management Catchment and the SFRA should provide this advice and ensure that its climate change modelling for surface water flood extents reflects this exception and applies a 45% increase in peak rainfall to the 1% annual exceedance event for the Upper End allowance.

Currently the SFRA provides the wrong advice in suggesting that the lower 40% increase (as opposed to the 45% increase) for the Upper End allowance should be applied for the 2070s epoch for development with a lifetime between 2061 and 2125.

Section 5.4 How detailed should an FRA be? This can make reference to the recent availability of a guidance template for Flood Risk Assessment which can be found on the Planning Portal at this web address -

https://ecab.planningportal.co.uk/uploads/ea/Environment-Agency_Flood-Risk-

[Assessment-Template_Guidance.pdf](#)

Section 6.5.2 Functional Floodplain – note that there is now a downloadable dataset for the “*rivers and sea 3.3% defended flood risk extents*” which will now cover many of the watercourses that this Section of the SFRA states as being unavailable (at the time that the SFRA was produced). The new NaFRA2 based dataset can be used to update or replace the Figure 13 (Functional Floodplain) map in Appendix A of the SFRA. There are also climate change extents related to the “*rivers and sea 3.3% defended flood risk extents*” which can be referred to in the “Future Flood Risk” section of 6.5.2 and in an update of Figure 13 (Functional Floodplain).

Section 6.5.4 – This could make reference to the current day surface water flood extents and their inclusion within the Flood Map for Planning. For “Future flood risk” reference could be made to the recent availability of climate change maps in the “Risk of Flooding from Surface Water” dataset here - <https://environment.data.gov.uk/dataset/e5b38de2-99b3-44ee-b10c-b244926878ef>

Section 9.5 Surface Water Management – reference should be made to the exception in the gov.uk climate change allowances for peak rainfall allowances which states that there is an exception for locations where the allowance for the 2050s epoch is higher than that for the 2070s epoch. Where this occurs, and development has a lifetime beyond 2061, use the higher of the two allowances.

This is the case for Upper End allowance in the Combined Essex Management Catchment and the SFRA should provide this advice and ensure that its climate change modelling for surface water flood extents reflects this exception and applies a 45% increase in peak rainfall to the 1% annual exceedance event for the Upper End allowance.

Currently the SFRA provides the wrong advice in suggesting that the lower 40% increase (as opposed to the 45% increase) for the Upper End allowance should be applied for the 2070s epoch for development with a lifetime between 2061 and 2125.

Comments on Site Assessments in Flood Risk Sequential Test Report

PP14: Gas Works and Hythe Scrap Yard Site, Colchester

The site assessment is currently incorrect and misleading. There is no Flood Zone 3b at this site. We think the assessor means Flood Zone 3/3a in relation to the northernmost part of the site and along the eastern and southeastern boundaries of the site.

The site assessment should be re-evaluated and the Council should re-assess the sequential test ranking for this site.

PP15: Hawkins Road, Colchester

The site assessment is currently incorrect and misleading. There is a significant portion, although not 100% (as quoted within the document) of the site lies within Flood Zone 3b. In those Flood Zone 3b areas of the site, only

essential infrastructure or water compatible land uses are appropriate.

The site assessment should reflect this as currently it states that 100% of the site lies within flood zone 3b (we suspect that this was intended to read as "Flood Zone 3" with "X%" lying in Flood Zone 3b and "y%" lying in Flood Zone 3a).

The assessment should state that dwelling houses/residential uses are appropriate in areas of the site shown as Flood Zone 3a subject to the Sequential and Exceptions tests being passed, but areas shown as Flood Zone 3b within the site are not appropriate for dwelling houses/residential uses.

On the basis of this constraint, the Council should re-assess the sequential test ranking and whether the desired number of 50 dwellings is achievable on this site.

PP16: Coal Yard Site, Colchester

We do not agree with the site assessment's proportions for the flood zones within this site. We don't believe that there is any land at the site within Flood Zone 3b and that there is significantly more than 25% of the site within Flood Zone 2.

The site assessment should be corrected and re-evaluated and the Council should re-assess the sequential test ranking for this site.

OA1: King Edward Quay Opportunity Area

We don't believe that there is any land at the site within Flood Zone 3b and that the Site assessment has incorrectly referred to areas of Flood Zone 3a as Flood Zone 3b.

The site assessment should be corrected and re-evaluated and the Council should re-assess the sequential test ranking for this site.

OA2: Land East of Hawkins Road Opportunity Area

The site assessment is currently incorrect and misleading. There is a significant portion, although not 100% (as quoted within the document) of the site lies within Flood Zone 3b. In those Flood Zone 3b areas of the site, only essential infrastructure or water compatible land uses are appropriate.

The site assessment should reflect this as currently it states that 100% of the site lies within flood zone 3b (we suspect that this was intended to read as "Flood Zone 3" with "X%" lying in Flood Zone 3b and "y%" lying in Flood Zone 3a). The assessment should state that dwelling houses/residential uses are appropriate in areas of the site shown as Flood Zone 3a subject to the Sequential and Exceptions tests being passed, but areas shown as Flood Zone 3b within the site are not appropriate for dwelling houses/residential uses.

On the basis of this constraint, the Council should reassess the sequential test ranking and whether the desired number of 150 dwellings is achievable on this site.

PP18: Land North of the A120, Marks Tey Growth Area

The site assessment should make reference to both areas of Flood Zones 3a and 3b within the site (it only makes reference to Flood Zone 3b which we assume the author intended as the entirety of Flood Zone 3 rather than just Flood Zone 3b). Built development should avoid areas of the site shown to be Flood Zones 2 and 3 in order to advocate a sequential approach to the layout of development that avoids areas at risk of flooding both now and in future (with climate change).

The site assessment should be corrected and re-evaluated and the Council should re-assess the sequential test ranking for this site.

PP29: Land East of School Road, Copford

The site assessment states that there are no ordinary watercourses within the site, however the UKCEH Digital River Maps and OS water network maps both show a watercourse running through the southern third of this site.

The site assessment should be corrected and re-evaluated and the Council should re-assess the sequential test ranking for this site.

PP42: Land at White Hart Lane, West Bergholt

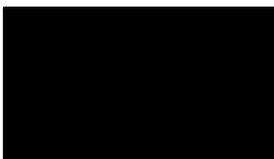
The site assessment states that there are no ordinary watercourses within the site, however the UKCEH Digital River Maps and OS water network maps both show watercourses on western and southern boundary of the site.

The site assessment should be corrected and re-evaluated and the Council should re-assess the sequential test ranking for this site.

Future Engagement

We have provided above recommendations and changes to the Local Plan and Supporting documents, should you wish to seek our advice in advance of the next stage statutory consultation, we can also provide advice under our Cost Recovery Planning Advice Service. We welcome you to contact us at planning.eastanglia@environment.gov. if you wish to enter into a charged for agreement regarding any of the above recommendations or to review any further versions of documents outside of the statutory process.

Yours sincerely



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