

IMPORTANT: Please acknowledge receipt of this representation and confirm it has been registered as a valid, comprehensive objection to Policy PP29.

Dear Colchester Planning Policy Team,

I am writing to provide a final, comprehensive evidence-based objection to the allocation of 300 dwellings under Policy PP29 (Land East of School Road, Copford). This representation adds to and consolidates my previous correspondence to ensure all material considerations are on the official legal record for the Regulation 18 consultation.

1. Rebuttal to Deferral: Failure of the "Soundness" Tests

I wish to preemptively address the common Council argument that constraints can be dealt with at the later planning application stage. Under the legally binding "Tests of Soundness" (Planning and Compulsory Purchase Act 2004), the Council must demonstrate NOW that this allocation is:

- **Front-Loading & Justification:** The *Planning Inspectorate's Procedure Guide for Local Plan Examinations* states site allocations must be based on proportionate evidence at the time of submission. By deferring fundamental issues like sewage capacity and ancient woodland protection, the Council has failed to provide this evidence, making PP29 unjustified and unsound.
- **Failure of the "Effectiveness" Test:** A site must be deliverable now. The July 2025 Water Cycle Study identifies a "high risk" for wastewater, and the Woodland Trust identifies a "significant risk" to irreplaceable habitat. These are fundamental constraints, not "details." If you cannot prove they are overcome now, the site fails the Effectiveness Test.
- **The "Appropriate Strategy" Challenge:** To be "Justified," the Council must prove this is the most appropriate strategy compared to alternatives. Unless the Council can prove it has maximized urban density on sites in the Brownfield Land Register, it cannot claim this high-risk rural site is the most appropriate strategy.
- **The Precautionary Principle:** National policy requires the avoidance of harm to irreplaceable habitats. If the Council cannot prove today that a 300-dwelling density is compatible with a 50m buffer, the site must be removed immediately.

2. Expert Evidence: The Woodland Trust & National Law

The Woodland Trust has formally confirmed a "significant risk" to Pits Wood. Their assessment that the development will cause "deterioration" of an Ancient Woodland Irreplaceable Habitat triggers a mandatory requirement for refusal under NPPF

Paragraph 206. The Council's 15m buffer is scientifically inadequate for 300 homes; expert guidance mandates a 50–100m buffer.

3. Failure of the July 2025 Final Water Cycle Study

The Council's own July 2025 Final Water Cycle Study confirms the site is technically undeliverable:

- **Capacity Deficit:** The Copford WRC has only 33% capacity remaining. The Council has failed to provide a numerical baseline, meaning the allocation lacks "proportionate evidence."
- **Surface Water Exclusion (Section 5.1.3):** The Study mandates that developers in Copford "must not be permitted" to discharge surface water into the foul sewer. Given the documented history of surface water flooding on this specific site (at the location of the previous bungalow), the site is undeliverable under these mandatory requirements.

4. Violation of the Adopted 2023 Neighbourhood Plan

The Copford with Easthorpe Neighbourhood Plan (CENP), made in September 2023, carries statutory weight. Policy PP29 violates the legal requirement for "proportionate" growth and Policy CE4, which explicitly rejected further housing allocations beyond the agreed 120.

5. Breach of Public Trust: The 7 Houses & Restrictive Covenants

Planning permission for 7 houses south of the Village Hall (Ref: 221235) remains unbuilt after three years.

- **Covenants:** During the 2023 approval, the community was promised restrictive covenants to prevent high-density sprawl behind the Hall.
- **Deliverability:** The stalling of this smaller site confirms that a 300-home allocation is not "achievable" or "deliverable."

6. Unacceptable Highway Safety Impact (Primary School)

School Road is the primary walking route for Copford Primary School. Adding traffic from 300 households creates an "unacceptable impact on highway safety" for children (NPPF Paragraph 115).

Conclusion

I formally request that Policy PP29 be deleted from the Local Plan. I reserve my right to participate in the public hearing sessions during the independent examination to elaborate on these points.

Yours faithfully,

Matt Free