

Representation to Colchester Regulation 18 Local Plan Consultation: DIO Berechurch

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.

DIO Berechurch is located in South Colchester, bound by Berechurch Hall Road to the north and the MCTC (Military Corrective Training Centre) to the west. The site extends to approximately 3.6 ha of grassland, with electricity towers and powerlines along the east and northern boundaries. Under the adopted Local Plan, the site was unallocated and fell outside of the settlement boundary, though was bound by the Settlement Boundary to the north and east with development existing further south than DIO Berechurch.

The Draft Local Plan now seeks to designate the site as a 'Strategic Biodiversity Area'. Our client's primary concern relates to this proposed biodiversity designation, which would be in conflict with the operational use of the land. This blanket designation could prevent the operational use of the site, which would be detrimental to defence requirements and the proper management of the estate; or for future land release if required.

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.*

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.

Section 2: The Site

DIO Berechurch (Figure 1) is located adjacent to the defined settlement boundary of Colchester at its north and eastern boundaries. 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.

The site is well-located with a large existing residential area to the north, separated by Berechurch Hall Road, and Lethe Grove residential estate located adjacent to the east. The site is well connected to the wider area located approximately 2.8km south of Colchester city centre. The immediate surrounding amenities include two primary schools, a high school and a neighbourhood centre all within 1km of the site.



Figure 1: Land South of Berechurch Hall Road (DIO Berechurch)

This submission is brought forward in light of our client's concerns regarding the proposed inclusion of the Land South of Berechurch Hall Road (herein known as 'DIO Berechurch') within a strategic biodiversity designation. As the Defence Infrastructure Organisation (DIO),

the land is being considered for operational defence use in the near future or for land release if required. One option being considered is the development of the site for Service Family Accommodation for which there is an urgent identified need. 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. 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 operational 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

We consider that there is no clear justification as to why DIO Berechurch has been included within the proposed strategic biodiversity area. The land is currently held for operational defence use, which could take the form of military training or SFA development. Notably, it is important to take into consideration that there is a considerable shortfall and identified overriding need for SFA in the Colchester area. Our client considers that DIO Berechurch could make a significant contribution towards meeting this identified SFA need within Colchester. Therefore, in accordance with NPPF paragraph 102b, the potential strategic functions of the site require sufficient flexibility that could be undermined by the proposed Strategic Biodiversity Area designation.

Our client is concerned that the current approach lacks a robust evidential basis and does not sufficiently recognise the potential operational importance of this land. Additionally, whilst the site comprises predominantly managed grassland that could be of ecological value, it also contains existing infrastructure on site. This is in the form of one large electricity pylon at the

south west corner of the site, and four smaller electricity towers connected by powerlines along the east and northern site boundaries. Not only is there no evidence of the parcel's current ecological value, there is similarly no evidence to support it being suitable for habitat creation and enhancement.

Furthermore, the parcel is surrounded by development on three sides with existing residential areas directly to the north and east, and the MCTC Colchester Military Prison and a single detached dwelling to the west. It is considered that the industrial infrastructure on site and the urban nature of the immediate area is sufficient to likely affect the parcel's ability to function as a biodiversity area supporting habitat creation and enhancement.

Further scrutiny and evidence will be undertaken to better understand the land's ecological value. However, it remains paramount that any designation is proportionate and genuinely justified, so operational flexibility is not compromised, and essential defence functions can continue without undue constraint.

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. The adopted local plan does not allocate DIO Berechurch for a specific use and whilst it is located just outside of the settlement boundary, it is bound by the 'Urban Area of Colchester' settlement boundary to the north and east and is surrounded by existing development on three sides. Therefore, it is considered to be to be a well located due to its urban nature and proximity to existing services and facilities.

Furthermore, 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 land¹, 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 ensure² 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.

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:

Therefore, whilst the housing requirement is theoretically met, 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. DIO Berechurch is

¹ NPPF Paragraph 187(b)

² NPPF Paragraphs 72 & 73

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 sewage), and the market's finite appetite for large, phased developments. While the Council are currently able to demonstrate a five-year housing land supply³, 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.

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

³ 5.05 Years: 2025 Position Statement

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.

Service Family Accommodation (SFA) Support

There is no mention of SFA as an identifiable component of the affordable housing or essential worker accommodation offer, as is recognised in Annex 2 of the NPPF (December 2024). Given Colchester hosts a substantial contingent of service personnel it is essential that modern and accessible SFA is provided in sustainable locations.

We wish to highlight that there is no direct acknowledgement of the operational need for SFA in Colchester nor any proposed allocation or specific policy to deliver family accommodation for military personnel. This shortfall conflicts with national planning policy⁴ and undermines the Council's duty to cater for all identified needs.

There is currently a considerable shortfall and identified overriding need for SFA in the Colchester area. Recognising this strategic need, the Ministry of Defence (MoD) is committed to directing major investment towards delivering new SFA in Colchester, in line with the

⁴ NPPF Paragraph 102b

objectives set out in the Defence Housing Strategy 2025. This planned investment represents a key opportunity to address the existing deficit and ensure that local housing provision meets both current and future defence requirements.

Consequently, it is considered that there needs to be specific policy recognition of the operational defence requirement for SFA and supporting allocations within existing military and SFA estates. SFA should also be explicitly recognised within definitions of affordable housing and as a key part of the area's essential worker housing offer.

It is suggested that the following policy on MOD Establishments is included within the Local Plan:

'POLICY Military Establishments: *New development at military establishments that helps enhance or sustain their operational capability will be supported. Redevelopment, conversion or change of use of redundant MOD sites and buildings will be supported. Non-military or non-defence related development within or in the areas around a MOD site will not be supported where it would adversely affect military operations or capability, unless it can be demonstrated that there is no longer a defence or military need for the site.*

Development for housing for MOD personnel connected to an operational MOD establishment will be supported provided it satisfies relevant policy requirements in the Local Plan.'

Summary

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.

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.

Section 4: 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 DIO Berechurch requires fundamental reconsideration. The designation should be removed to ensure necessary operational flexibility especially where national defence requirements are located and required.

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.

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 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.

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. We also object to the designation of DIO Berechurch as a Strategic Biodiversity Area.

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 DIO Berechurch within a strategic biodiversity designation. As the DIO, the land is being considered for operational defence use in the near future or for land release if required. 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. 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.

Two key revisions are therefore requested within these representations as follows:

- 1. Remove DIO Berechurch from the Strategic Biodiversity site designation given the operational defence requirements and national priorities of the DIO.**
- 2. Include specific policy recognition of the operational defence requirement for military establishments, within the Local Plan, including SFA development.**

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