

# **Local Plan Committee**

**Monday, 22 July 2019**

**Attendees:** Councillor Lewis Barber, Councillor Nick Barlow, Councillor Tina Bourne, Councillor Phil Coleman, Councillor Andrew Ellis, Councillor Lee Scordis

**Substitutes:** Councillor Paul Dundas (for Councillor Chris Hayter), Councillor Roger Buston (for Councillor Patricia Moore)

**Also Present:**

## **169 Local Plan Committee Minutes 4 February 2019**

The minutes of the meeting held on 4 February 2019 were confirmed as a correct record.

## **170 Local Plan Committee Minutes of 8 April 2019**

The minutes of the meeting held on 8 April 2019 were confirmed as a correct record.

## **171 Local Plan Committee Minutes of 22 May 2019**

The minutes of the meeting held on 22 May 2019 were confirmed as a correct record.

## **172 Update to Local Plan and Evidence Base**

The Committee considered a report by the Assistant Director Policy and Corporate concerning the North Essex Authorities Local Plan which had been submitted to the Secretary of State in October 2017 to begin the formal process of Examination in public.

Karen Syrett, Planning and Housing Manager, and Christopher Downes, Strategic Planning Specialist, presented the report explaining that the Secretary of State had appointed a Planning Inspector, Mr Roger Clews, to undertake the Examination of the shared Section 1 Local Plan, which set out a strategy for future growth across Braintree, Colchester and Tendring, the North Essex Authorities (NEAs). As well as including policies setting the overall housing and employment requirements for North Essex up to 2033, the Section 1 Plan proposed three new cross-boundary 'Garden Communities' along the A120 corridor with the potential for longer-term and comprehensively-planned growth. In contrast, the 'Section 2' Plan for each of the three NEAs contained more specific local policies and proposals relevant only to their individual administrative area.

Examination hearings for the Section 1 Plan had taken place between January and May 2018 and in June 2018 the Inspector set out his initial findings. Whilst he confirmed the legal compliance and soundness of some elements of the plan and praised the NEAs' innovation and ambition, the Inspector found some of the evidence and justification in support of Garden Communities to be lacking and was therefore unable to find the Section 1 Plan sound. The Inspector gave advice and options for how best to proceed and in October 2018 the NEAs confirmed that they remained committed to using Garden Communities principles to secure the future housing requirements in North Essex and would produce additional evidence to address each of the Inspector's concerns.

Accordingly, the Examination was formally paused until the NEAs' further work on the evidence base and the Additional Sustainability Appraisal was completed and monthly updates had been submitted to the Inspector on the programme timetable.

It was explained that the additional evidence had now been completed and the following documents had been published:

- Additional Sustainability Appraisal
- Viability Assessment Update (including Order of Costs Estimate)
- North Essex Rapid Transit System: From Concept to Plan
- North Essex Garden Communities Mode Share Strategy
- Employment Provision for the North Essex Garden Communities
- Infrastructure Planning, Phasing and Delivery
- Build Out Rates at the Garden Communities Topic Paper
- Habitats Regulations Assessment
- Position Statement on State Aid
- Position Statement on Delivery Mechanisms

A detailed commentary on each of the documents was set out in the report, together with conclusions which confirmed that the additional evidence demonstrated that the establishment of three Garden Communities in the broad locations already identified in the plan was justified and represented an appropriate, sustainable and deliverable strategy.

As well as producing the new evidence the NEAs had compiled a table of proposed modifications to the Section 1 Plan which were aimed at addressing issues identified by the Inspector, partner organisations and objectors to the Plan and ensuring the plan would meet the tests of soundness. Details of the modifications were set out in the report and it would be the Inspector's decision whether or not to accept the modifications through the resumed Examination process. The Inspector also had the ability to recommend additional post-examination modifications to the plan which would need to be the subject of further consultation in their own right before the plan could be finalised and formally adopted by the NEAs.

The report proposed that the Additional Sustainability Appraisal and all of the additional

new evidence base documents along with the table of proposed modifications be published for six weeks public consultation between 19 August and 30 September 2019 before being submitted, along with the consultation responses, to the Planning Inspector to enable him to resume the Examination, with further hearings anticipated to take place at the end of 2019 or in early 2020. The examination of the authorities' individual Section 2 Local Plans would not take place until Section 1 had been examined and found to be sound.

Jane Black from the Wivenhoe Society addressed the Committee pursuant to the provisions of Meetings General Procedure Rule 5(3). She referred to the Sustainability Appraisal (SA) and the reference in the National Planning Policy Framework (NPPF) to the need to mitigate the impact of development on the transport network. She considered the SA to be defective as it had not addressed this issue and was therefore not consistent with the NPPF. She also referred to the Wivenhoe Neighbourhood Plan which had addressed traffic implications and had located allocated sites away from known areas of traffic congestion. She explained that Essex Highways had identified Clingoe Hill, St Andrew's Avenue and Colne Causeway as areas of bad congestion and that traffic flow would deteriorate as a consequence of the proposed Tendring Colchester Borders Garden Community. She explained that Wivenhoe was served by eight buses per hour and had the benefit of a railway station, despite which the 2011 census had indicated that 62% of journeys had been undertaken by cars or vans. As such, she did not believe that the residents of the new Garden Community would behave any differently and that the precise location of the proposed Garden Community needed to be taken into account.

Paul Griffith addressed the Committee pursuant to the provisions of Meetings General Procedure Rule 5(3). He referred to the rapid transport system (RTS) strategy, asking whether it would be a regional or local service. He made a distinction between journeys undertaken on a daily basis and longer journeys undertaken only a few times a year. He was of the view that the RTS strategy did not integrate with existing travel aspirations. He also referred to the potential pedestrianisation of Colchester High Street and he queried the illustration showing a future RTS system utilising the High Street. He referred to the sharing of RTS bus lanes and he identified concerns in relation to all three potential RTS routes, relating to level crossings and severe congestion at roundabouts. He also referred to difficulties associated with narrow streets in the town centre together with the known points of congestion within the town and the impact of RTS lanes being introduced in these locations. He considered no impact assessment on traffic flows had been undertaken in relation to the RTS scheme. He was of the view that the RTS scheme would only be successful through modal shift across the whole community but no measures had been proposed to deliver this change in behaviour. He considered that the RTS strategy was not fit for purpose and should not be approved by the Committee.

Asa Aldis addressed the Committee pursuant to the provisions of Meetings General

Procedure Rule 5(3). He referred to opinions on environmental degradation due to development on green fields and the need for the countryside to be protected. He queried the ability of councillors to comment on the strategic allocation of development sites as well as being a member of the committee which determined planning applications. He referred to the sale of Middlewick Ranges by the Ministry of Defence and considered it was unlikely that an Inspector would make a judgement which was against the government's intentions so advocated the inclusion of the site in the Local Plan. He considered Braintree and Tendring District Council's both had a 15-year supply of housing land and could therefore run on Section 2 of the Local Plan, whilst Colchester had a 7 to 10-year housing supply. As such, he considered the Garden Community proposals should be halted until a genuine rapid transport system (RTS) had been put in place. He was of the view that the Inspector was seeking more information from the Councils about the impact of a RTS and mitigation measures. He advocated more collaborate working by the Council and he considered that the plans to build 8,000 houses in the context of a Garden Community were not necessary. He was also of the view that there were more viable alternative locations for this type of development.

Ted Gittins addressed the Committee pursuant to the provisions of Meetings General Procedure Rule 5(3). He referred to the conclusions of the new Sustainable Appraisal (SA) which, in his view, did not constitute an endorsement of the Council's Strategy. He explained that the SA warned the NEAs not to proceed further without ensuring its preferred Strategy was demonstrably more sustainable and deliverable than the alternatives. He considered that the current Garden Communities strategy was reliant on considerable infrastructure costs being available early but he was of the view that this was highly speculative and dependent on the health of the national economy and government funding. He was concerned that there may be more stress and blight if funding was not forthcoming and he did not consider it a good time to make these final decisions. He advocated a thorough public consultation setting out the pros and cons of all the alternative strategies, the consultation to include displays and surgeries not just information in public libraries. He also explained that it was unacceptable to start a public consultation during August and this should be delayed until the Autumn.

Bill Marshall addressed the Committee pursuant to the provisions of Meetings General Procedure Rule 5(3). He requested that the additional Sustainability Appraisal (SA) be not approved as he was of the view that there were too many documents for people to absorb and to consider in a short space of time. He was of the view that the decision should be delayed, deferred and reconsidered. He considered the proposals for infrastructure were incomplete and was concerned that the £2billion finding from the government would be a burden for local residents for generations. He was also of the view that the proposed public consultation was being scheduled too early and would be inadequate.

Giles Coode-Adams addressed the Committee pursuant to the provisions of Meetings General Procedure Rule 5(3). He was of the view that the new evidence base did not

support the Garden Communities proposals. He explained that the Inspector had asked the Councils to re-assess the sustainability evidence but he was of the view that most of the work had been undertaken again by the Councils with consultants, LUC, being confined to a review of the literature and summary. He was of the view that the Council officer's minds were closed and, as such, the same plan was being proposed, largely unchanged. He considered proper justification was required in order to deliver a Plan which would be considered to be sound. He also considered that key parts of the evidence base had not been reconsidered, such as an assessment of air pollution and financial viability. He referred to evidence presented by CAUSE showing that smaller settlements would deliver more infrastructure than larger ones but no weight had been given to this argument. He was of the view that it could not be sustainable to build a new rapid transport system. He recommended more time was taken for the issues to be considered thoroughly and in the meantime Section 2 of the Plan could be progressed.

William Sunnocks addressed the Committee pursuant to the provisions of Meetings General Procedure Rule 5(3). He referred to the new viability evidence and was of the view that it should not be presented to the Inspector. He considered interest on land cost errors had been corrected but it still contained major shortcomings. He referred to inflation scenarios being discarded, assumptions about the payment of the A120 scenario over 80 years and the assumed success of the Housing Infrastructure Fund (HIF) bid for the A12. He was of the view that 40% contingency scenario should be focussed on which had not been applied to all spending and, when applied to all spending the cash flows would be negative. He referred to the funds identified for land purchase which had been reduced from previous estimates on the basis of new Compulsory Purchase Order rules for development corporations and he considered them to be widely optimistic. He did not consider the viability evidence supported the spatial strategy and he referred to data that had demonstrated that greater viability could be achieved through smaller settlements and better use made of existing transport infrastructure. He considered it better to delay the submission to the Inspector to allow for the benefit of outside input and to proceed with section 2 of the Plan.

Allan Walker, on behalf of Marks Tey Parish Council, addressed the Committee pursuant to the provisions of Meetings General Procedure Rule 5(3). He confirmed the Parish Council's view that the Local Plan proposals offered considerable opportunities if undertaken properly and that it would assist with the planning to secure the best improvement for Marks Tey. He gave credit for the amount of work undertaken to date but he considered it unreasonable for the Council to expect the volume of data to be considered and absorbed in such a short time scale. His main concern was in relation to decisions already taken and their consequences for the viability of the report. He referred to delays and increased costs which had not been acknowledged in the report. He referred to current thinking maintaining the current location of Marks Tey station and the route of the A12 through Marks Tey but he considered minimal interaction had been undertaken with the Marks Tey community, with no information being provided on the A12 HIF bid. He was concerned about the rapid transport proposals and the

deliverability of the proposals generally and that additional information on mitigation needed to be added to the report. He also advocated a more structured approach and for the proposals to be fully considered by the Council.

Brian Morgan addressed the Committee pursuant to the provisions of Meetings General Procedure Rule 5(3). He explained he was a town planner and referred to the Council's Garden Community strategy which he considered to be bold, moving away from the previous piecemeal approach to expansion. He welcomed the level of growth envisaged, together with the delivery of comprehensive infrastructure which would be beyond the capacity of small sites. He considered the scale of the proposals had achieved significant benefits, included government help, support from other agencies, certainty to investors and access to funding. He acknowledged the priority given to delivery, whilst welcoming the economic and employment benefits to north Essex which the proposed West Tending/ East Colchester location would bring. He referred to discussions between the Councils and the University of Essex with a view to secure the delivery of a high-quality research park, similar to those in Cambridge and Norwich and the intention that the economic benefits would spread to the wider area. He referred to the Norwich research park supporting 11,000 jobs. He was concerned that the research park ideas appeared to have been overlooked in the Garden Community proposals and sought assurances that they would be reinstated so that Colchester would not be left behind.

Christopher Lee addressed the Committee pursuant to the provisions of Meetings General Procedure Rule 5(3). He referred to the Statement of Community Involvement and asked for access to it online. He also considered that members of the Cabinet and the Local Plan Committee had intentionally misled the public. He asked about the strategy for the Hawkins Road / Hythe area and that the adopted Local Plan had acknowledged that the need for employment land in the area was vitally important whilst proposal had more recently emerged for a development comprising 2,600 homes. He referred to the loss of employment land, why this hadn't been included in the Sustainability Appraisal and why the residents of the Greenstead community had not been consulted.

Sir Bob Russell addressed the Committee pursuant to the provisions of Meetings General Procedure Rule 5(3). He thanked Colchester and Tending Councils for their efforts to retain as much land as possible at Salary Brook and the Eastern Slopes and he was of the view that urban Colchester needed to keep as much open space as possible. He also referred to Middlewick and the public display undertaken by the Ministry of Defence. He considered some of the information had been misleading and he wished to place on record answers to questions relating to who was the first to consider housing development at Middlewick Ranges; when was the Council notified of the housing development proposals; how many dwellings had been originally proposed; had a greater amount of land first been offered by the Ministry of Defence and was Middlewick deemed to be a brownfield site? He regretted the principle of a firing range being shut down in a Garrison town and suggested questions should be asked of the

local MPs on this matter and voiced his concern regarding the potential coalescence of Old Heath / Monkwick / Berechurch.

Richard Bayley, Managing Director of North Essex Garden Communities (NEGC) Ltd., addressed the Committee pursuant to the provisions of Meetings General Procedure Rule 5(3). He referred to the Garden Community Strategy and explained that Colchester was one of over 30 Councils where Garden Communities were a significant feature of future housing proposals. He considered they provided quality communities as well as economies of scale and land for infrastructure. He referred to the viability evidence provided by HYAS for the North Essex Authorities, which showed a realistic prospect of delivery and met the test of soundness as well as including infrastructure funding and inflation. He explained that the principle of Garden Community infrastructure, public realm, open space, employment space and stewardship legacy, with studies identifying increasing sales value over time. He also referred to current aspiration for the public / private funding model to be applied with the public element not being exclusively provided by the Councils. He acknowledged the need for a higher level of public engagement on options and confirmed that this would be undertaken by NEGC Ltd. both before and after the resumption of the Local Plan Inquiry. He also referred to the evidence on the Rapid Transit System (RTS), provided by Jacobs, which was high level information showing the RTS was feasible, deliverable and backed by bus operators familiar with such systems elsewhere. He acknowledged that this evidence would require further consultation and detailed engineering when deemed fit for purpose by the Inspector.

Julie Baker addressed the Committee pursuant to the provisions of Meetings General Procedure Rule 5(3). She welcomed the new roads on Mersea Island and also referred to recent article in the Sunday Telegraph explaining the uniqueness and beauty of the Island. She feared this would lead to an increase in visitor numbers to Mersea and that this created unique problems for the community in terms of part-time infrastructure. She therefore considered the proposed new housing developments should be paused until 2035 so that full-time facilities could be put in place to accommodate the current population. She referred to the impact on wildlife and considered that improvements in policing numbers had not been delivered. She was concerned about the prospect of a major incident on the Island and doubted the robustness of potential temporary bridge solutions and considered the delivery of the proposed housing development in the Local plan would cause health and safety concerns and ruin the Island.

David Churchill, on behalf of L&Q, addressed the Committee pursuant to the provisions of Meetings General Procedure Rule 5(3). He referred to the Colchester and Braintree Garden Community and the significant work undertaken to respond to the requests of the Planning Inspector. He considered it to constitute a far more robust evidence base and the nature of the work on viability and delivery rates was conservative in its approach, whilst he was of the view that the Garden Community would deliver well in excess of that envisaged in the report. He gave examples of this in terms of more

dwellings in the plan period, the expedition of funding for improvements to the A12 and A120, the fact that the Colchester and Braintree Borders Garden Community was not contingent on these road improvements. He advocated the delivery of phased social and community infrastructure so that the community was self-contained. He also commented on the infrastructure cost per unit which was the lowest of the three proposed Garden Communities, with residential sales values shown as narrowing which he did not consider to be justified. He commented that commercial spaces had been attributed overly limited values and improvement on delivery rates would have a positive impact on viability by reducing the cost of the development. He considered the Garden Community proposals to be visionary and would provide employment, deliver infrastructure and provide attainable and affordable housing for people. He explained that L&Q was ambitious, had access to cheap capital, was a leader on the delivery of new towns and would be a good partner for the local authorities.

Neil Gilbranch addressed the Committee pursuant to the provisions of Meetings General Procedure Rule 5(3). He referred to public engagement prior to the Inspection and was of the view that NEGC Ltd. would not be the right body to undertake that because they had been specifically appointed to deliver the Garden Community strategy. He considered he had yet to be asked what his views were and that the proposals had yet to be explained properly to the residents of the Borough. He referred to water supply and sewage treatment, which he considered had not been given sufficient thought. He considered residents needed assurance that adequate plans had been made to deliver future growth without compromising water services or causing harm to the environment. He was concerned about the plans to undertake such large development in the area of the UK with the greatest water deficit and referred to the concept of neutrality of water. He asked about the level of neutrality proposed; costs; plans if it could not be delivered and proposed policies for delivery and to ensure adequate water supplies. He also referred to a long-term cost-effective solution for sewage treatment west of Colchester by means of the upgrading of existing water treatment works, whilst Colchester was instead planning to pump sewage 13 km to Colchester water recycling works.

Councillor Goss, Portfolio Holder for Waste, Environment and Transportation attended and, with the consent of the Chairman, addressed the Committee. He explained that the Committee was being asked to decide whether to send the detailed information out for public consultation. He acknowledged that there would always be arguments that consultation was being conducted at the wrong time of year but he was of the view that the consultation needed to be undertaken and what was proposed would be of sufficient duration. He explained that the Committee was performing a function on behalf of the Council itself and, once all the work was completed, this work would be submitted to the full Council for ultimate determination/adoption. He mentioned different decision-making structures adopted by the other Councils but was of the view that Colchester's arrangements worked well. He advocated consideration of all the information without pre-conceived ideas. His opinion was that the proposals were the correct approach for the next 50 years of development explaining the inadequacy of the approach to



development in the past where housing was constructed without the delivery of the infrastructure requirements. He considered the Garden Communities approach would work, with the development at East Colchester, together with the University and government funding for infrastructure, first whilst also acknowledging that the project involved a number of challenging elements including improvements to the A12, A120 and A133. He explained that Colchester's annual housing target of 920 had been agreed by the Inspector but he was concerned that any prevarication would mean that this housing target was vulnerable to being increased by another 20%. He was aware of the importance of retaining a five-year supply and explained that, if the Garden Community proposals were put on hold, it would still be necessary to identify sites for the delivery of the annual housing target. He was also concerned that this would leave the Council vulnerable to applications from speculative developers and it would become increasingly difficult to defend decisions at appeal.

Councillor Luxford Vaughan attended and, with the consent of the Chairman, addressed the Committee. She was of the view that the purpose of the meeting was for the Committee to decide whether the new evidence base was fit for submission to the Inspector. Her view was that the evidence was not fit on the grounds of viability. She did not consider it would be possible to buy land over a period of 80 years at a fixed price. She was of the view that the Rapid Transport System (RTS) bus proposals were not credible and, as such, modal shift would be unachievable. She considered more robust evidence to support the proposals was required, she was concerned about the proposed mode of RTS, the delivery of funding and questioned which private investors would be supporting the proposal. She referred to the Habitat Regulations Assessment and referred to concerns expressed by a former Principal Planning Adviser from Natural England regarding the adequacy of progress. She also referred to the Sustainability Appraisal and considered that none of the comments made by stakeholders had been taken on board. She commented on the ambition expressed by the University of Essex to create jobs but was of the view that these were few in number and not long term and she had yet to see a convincing business case for them. She was concerned about the far-reaching consequences of the Committee's decision and the risk to residents of that decision and she recommended that the Committee members be completely confident in the proposals before they were approved. She explained that the only source of funding referred to in the report was the HIF funding but she was of the view that risk funding needed to be secured for the proposals to move forward. She acknowledged that Garden Communities could work and could create a positive contribution but, without the right funding, this potential would be undeliverable.

Councillor J. Young, Portfolio Holder for Culture and Performance attended and, with the consent of the Chairman, addressed the Committee. She congratulated officers for the work put in to deliver the report to the Committee. She referred to the decision taken by the Committee in September 2018 and was of the view that nothing had changed to indicate a need to review that decision. The new evidence had been produced at the request of the Inspector and she explained that Councillors had been given the

opportunity to attend update sessions and briefings from consultants. She considered the Garden Communities proposals gave the Council better control over what happened on its borders and referred to previous proposals for development on the Colchester Tendring border and for development both north and south of the A133, a situation which could emerge again. By way of alternative, she explained that, without Garden Communities, it would be necessary to find sites for an additional 2,500 units, with development constrained to the south by Ministry of Defence land and to the east by the Tendring border so it was likely that sites in villages would be explored and urban extensions to the north and west. To the north, she explained, development beyond the A12 was not desirable and to the west there had already been considerable development in Stanway. In her view this meant sites in Copford and Marks Tey would be investigated and it would involve a higher level of development, without infrastructure and the HIF funding which was funding for infrastructure to facilitate development. She referred to speculative applications already made in villages such as Rowhedge, West Bergholt and Tiptree and the concerns of residents in Langham and Mersea at the existing scale of development proposed, notwithstanding a potential need for greater numbers should the Garden Community proposals be withdrawn or paused. She also referred to communities such as Peldon, Messing and Aldham which could accommodate a few new homes but, without infrastructure, could not accommodate the considerable number which would be needed. She referred to the consequences of not progressing with garden Communities and what this would mean for the Local Plan – the Plan would need to be started again with higher housing targets and being vulnerable to speculative development. The Council had always been proactive in delivering a Local Plan to direct where growth should take place and to protect the community from uncontrolled development. She was of the view that the scale of the Garden Community proposals was the key to enable and facilitate the delivery of infrastructure, explaining that between 750 to 800 homes were required to generate the need for a new primary school and there would be no Rapid Transport System and no link road from the A133 to the A120 without a significant scale of development. She urged the Committee to approve the recommendations.

Councillor Pearson attended and, with the consent of the Chairman, addressed the Committee. He explained that Colchester had a population of 190,000 and the decision to be taken by the Committee was for all of those residents, not just those people who were concerned about development in their own neighbourhoods. He further explained that the Council was required by the government to provide approximately 1,000 new homes each year. He referred to piecemeal development and the problem of over-development without infrastructure. There was now an opportunity to provide infrastructure first development by means of the Garden Community proposals. He was concerned about the consequences of delaying the decision and the vulnerability this would create to applications by speculative developers. He acknowledged the need for the Rapid Transit System proposals to be embellished in an innovative way but he was of the view that an integrated and sustainable transport plan was required to relieve existing traffic problems in the town and he considered the report included some exciting

and creative suggestions to achieve this.

Councillor King, Portfolio Holder for Business and Resources attended and, with the consent of the Chairman, addressed the Committee. He thanked the Committee members for their care and attention to the information presented. He welcomed the clarification provided by Councillor J. Young about the issues and the consequences. He acknowledged the concerns expressed by speakers and alternative technical arguments provided. He stressed the importance of the decision to be taken because it would affect the lives of generations to come. He referred to the way the Borough had changed and the challenges being faced in terms of how to balance the volume of development in a way which would provide sustainable opportunities and a quality of life. He asked the Committee members to continue to work together and he explained that the decision required was one of a series which would be required. As such, he explained that the information being presented needed to be deemed sufficient to enable the next stage in the process to be approved. He urged the Committee members to proceed to the next step and to not put at risk the progress made so far, the Council's reputation and the present housing target.

Christopher Downes, Strategic Planning Specialist, Karen Syrett, Planning and Housing Manager, and Ian Vipond, Executive Director, jointly responded to the representations made by speakers under the Have Your Say! Arrangements.

The Strategic Planning Specialist confirmed that the Sustainability Assessment (SA) did appraise transport on site, with sites being tested by how far they contributed to sustainable travel, reducing the need to travel and reducing congestion. He explained that the SA had been carried out LUC, industry leaders in carrying out a SA, who had dedicated a significant amount of resource to its production. The SA had been open to a check and challenge workshop and feedback from site promoters, as such, he considered it to be a transparent and accurate assessment of sites and the methodology had been the subject of considerable scrutiny. He referred to comments about smaller sites being preferable but he confirmed this had not been borne out in the SA, which had concluded that proportional growth was less sustainable than strategic growth opportunities. He also explained that there was long history of government funding supporting growth opportunities and he confirmed that the Garden Communities sites would benefit from this type of support both in the existing funding round and future rounds. He also referred to comments about water and explained that the 2016 Concept Feasibility Study had been superseded by the Infrastructure Planning, Phasing and Delivery report currently forming part of the new evidence base. He explained that the Inspector's concern relating to the Habitat Regulations Assessment (HRA) was to ensure mitigation procedures were being followed and LUC had confirmed that the HRA was compliant. He also confirmed that the Essex Coast Recreational disturbance, Avoidance and Mitigation Strategy, which had been devised with the assistance of Natural England and other Essex local authorities, was considered an exemplar approach to mitigation. He confirmed that a conservative approach had been taken in

relation to inflation levels to be applied to viability interest payments. He also confirmed that Local Plan viability was limited as it was blind in terms of the delivery model outcome, but had been shown to be thorough, being backed by an independent cost report. In any event, he confirmed that the viability would be subject to monitoring and revision.

The Planning and Housing Manager explained that the evidence base would be available online for a period of twelve weeks, with the consultation exercise being open for six of those weeks two of which coincide with the school holiday period. She also confirmed that all the consultation arrangements had been agreed with the Inspector and that Councillors had been given the opportunity to attend a series of briefings with consultants and officers in attendance and for questions to be asked and responded to. She confirmed that the Statement of Community Involvement was available on the Local Plan website but she offered to send a copy to Mr Lee and to seek to ensure it was located in a prominent place on the website. She confirmed that Hawkins Road had been a long-standing allocation site for housing and employment and a Sustainability Appraisal (SA) had been undertaken in 2008 and 2010, alongside the Core Strategy and Site Allocations documents. Accordingly, these had been through examination and the SA and had been found to be sound. In terms of Middlewick, she explained that the Ministry of Defence (MoD) had asked for the site to be developed as part of a nationwide review and she quoted an extract from a 2016 ministerial statement to confirm this. The site had not been included in the Preferred Options Plan at that time and as a result an objection to the Plan was submitted by the MoD seeking the inclusion of the Middlewick site with an allocation of 2,000 homes. She further confirmed that the site had been deemed a greenfield site. The site comprised 76 hectares, which the Council did not consider sufficient to accommodate 2,000 units as it included a designated local wildlife site. She also referred to comments about insufficient infrastructure in Mersea, commenting that it was not possible to put growth on hold as the Council had a responsibility to deliver a large number of new houses each year.

Following the Chairman's invitation, Councillor Coleman proposed the approval of the recommendations contained in the report and this proposal was seconded by Councillor Scordis.

Councillor Ellis referred to the instructions from the Inspector and invited the Committee to consider an alternative proposal to the recommendations contained in the report, as follows:

(i) That, in accordance with the Planning Inspector's request in paragraph 23 of his letter to the NEA's of 21 November 2018, the North Essex Authorities (NEA) confirmation in paragraph 9 of their letter of 30 November 2018 and the Planning Inspectors reconfirmation in paragraph 3 of his letter of 10 December 2018, that he is given the opportunity to comment on the NEA detailed proposals for consultation on the evidence base, Sustainability Appraisal (SA) and any proposed changes to the Plan

before the consultation arrangements are finalised;

- (ii) That the Local Plan review mechanism, in the event that Strategic Infrastructure investment is not forthcoming, is clearly set out and any such proposed revision is consulted on alongside consultation on the updated evidence base and SA, as per paragraph 6 of the Planning Inspector's letter of 21 November 2018 in response to paragraph 5 of the NEA letter to the Inspector of 19 October 2018 as failure to do so could compromise the Local Plan, risk further delay and increase the risk of Section 1 of the Plan being found unsound again;
- (iii) That Councillors be allowed more time to properly digest and understand the complex set of financial information being presented in order to make a qualified decision on behalf of residents of the Borough;
- (iv) That a new date be set for the Local Plan Committee to reconvene after Committee Members have had the chance to fully interrogate all the information provided;
- (v) The scale of development proposed in Section 1 of the Local Plan is considerable and will fundamentally change the character of parts of North Essex, the financial implications for this Authority and its residents are also considerable therefore Full Council be asked to make the decision on acceptance of the evidence base and all supporting papers, so that all residents are represented by all elected Members from across the Borough, on a recommendation from the Local Plan Committee;
- (vi) That consultation be publicised to all households, given that we are entering school holidays, a minimum of 12 weeks should be allowed for public consultation on the schedule of proposed modifications, the additional SA and additional evidence base which will allow the public proper time to examine, fully understand and comment and the Council holds a series of public drop-in and briefing sessions so that all residents have all the information before commenting, with consultation responses being reported to the Local Plan Committee prior to submission to the Inspector to comply with paragraph 17 of the NEA letter to the Inspector of 19 October 2018 and to ensure compliance with the SEA Directive;
- (vii) That the Council also have an alternative plan should the Inspector find the current one, once again, 'unsound' and that this to include full consideration of the Inspector's Option 1;
- (viii) That, in accordance with the above and the Inspectors clear requirements, it is imperative that outcomes are known of the HIF bids and also the outcome of the Road Investment Strategy (RIS) 2 and the public consultation of the A12 by Highways England due in the autumn, before any consultation on the evidence base is put to the public.

Councillor Ellis explained the reasons why he was proposing an alternative proposal and it was seconded by Councillor Barber.

The Executive Director confirmed that the Inspector had confirmed in writing that he had seen and was satisfied with the details for the consultation exercise, including the proposal that it would commence in the middle of August and would be concluded at the end of September and that at least four of the six weeks would fall outside the school

holiday period. He further confirmed that the evidence base would have been publicly available for a period of twelve weeks by the time the consultation was concluded. He emphasised the importance of holding a formal consultation exercise, referred to the mechanism of review being written into the policy of the Plan and that it would be a formal process. He explained that a part review had been undertaken of the current Local Plan and, if the infrastructure did not come through in a timely manner, then Section 2 would need to be enacted to cater for the additional dwellings during the Plan period. He further explained current government guidance that a review of all Local Plans be undertaken every five years and explained the challenges that this would involve. In terms of the Garden Communities, he explained that the policy was clear that these would not proceed until the main elements of infrastructure had been secured. He confirmed that it was not a requirement of the approval of the Local Plan that a HIF bid had been confirmed, it was the policy which required the infrastructure to be secured. Nevertheless, he confirmed that announcements were expected this summer or autumn on the HIF bids, although this information didn't need to form part of the evidence submitted to the Inspector, as was also true of the dualling of the A120 from Braintree to the A12, a preferred route for which had been announced by Essex County Council and which may form part of RIS 2.

He acknowledged that there was a large volume of new evidence and that this took time to consider and absorb. He confirmed that the financial liability of the proposals for the Council was not a matter which was the responsibility of the Local Plan Committee and he reiterated that the Local Plan was delivery model blind, with the Plan being prepared with a range of possible options for delivery. He confirmed that it was this decision which would be determined by the Council as well as the viability appraisal, which had been undertaken by HYAS, using a conservative approach to the model, which was appropriate for a Local Plan. He confirmed that it was rare for Councillors to be asked to make decisions in relation to matters which would have implications for 50 to 80 years hence but this was necessary when contemplating large scale proposals. He acknowledged that it was important for the legacy of the proposals to be at the forefront of Councillors' minds as the decisions were related to the quality of development in the Borough for many years to come. He disputed the claim that a number of small developments added together would be able to deliver the infrastructure that residents and businesses would require. He was of the view that this could only be done through co-ordinating development at scale. He acknowledged concerns about over-development in certain areas such as Mersea and Langham but he was of the view this could only be addressed with bold decisions about larger scale development and its co-ordination in a strategic way.

He did not dispute the comments about the role of consultation and how it influenced decisions but he considered it needed to be borne in mind that the Council was part way through a very long process. He confirmed that LUC had undertaken a consultation on the SA whilst undertaking the SA, which he considered to be unprecedented in his experience, as such, he did not consider there could be any accusation of a shortage of

consultation. He confirmed that the consultation would still allow the local authority to propose modifications to the Inspector on the nature of the policy, although not on the main strategy of the Local Plan itself, and that all the consultation responses would be submitted to the Inspector for consideration.

Councillor Ellis referred to the Committee's previous resolution in September 2018 determining that there would be strong evidence of constructive engagement involving local communities throughout the Plan and asked whether the consultation exercise proposed in the report would be deemed to be evidence of this. He was of the view that a long period of time had elapsed to enable constructive engagement to have taken place but that this had not taken place to date.

The Executive Director explained his view that it was not credible for the three NEA to go out to public consultation on Garden Communities whilst the SA process was being carried out. He confirmed that work on non-site-specific consultation had been started over the last month using consultants with pop up stalls and engagement with hard to reach groups. He explained that NEGC had also committed to a range of consultation outside of the statutory consultation requirements but that it had been difficult to establish what sort of consultation should be undertaken at the time of a suspended examination. Ultimately, he was of the view that the Committee members' approval of the recommendation would be taken as the commitment of the community to the proposals. He acknowledged that it would be sensible to think about what would happen if the current Local Plan was not considered sound, but he explained that it was not possible to propose two Plans but that it would become necessary to find an alternative approach if the current Plan was found to be unsound. He explained that, in that scenario, it would be necessary to find the most efficient way to secure an adopted Local Plan. Whilst if the proposed next steps set out in the recommendation in the report were approved by the Committee then he hoped that the Inspector would find the new evidence sufficiently compelling to deem the Plan sound, subject to modifications.

The Chairman referred to the consultation exercise being due to end on 30 September 2019 and sought clarification on the timescales for the Plan after that, how the consultation responses would be dealt with and the timescale for their further submission to the Inspector, bearing in mind the next meeting of the Committee was scheduled for 14 October 2019, when the outcome of the HIF bids may have been published.

The Planning and Housing Manager explained that a period of approximately one month would usually be required to process the responses to the consultation, including those which had not been submitted online and given there may be a number of more detailed technical responses. She had anticipated submitting the responses to the Inspector by the end of October with a view to reconvening hearing sessions possibly at the beginning of December 2019.

Councillor Barber referred to the SA which had not been able to conclude whether any

one strategy, whether west or east of Colchester, was the most sustainable option. Some other opportunities were able to deliver other benefits whilst the officers' report asked the Committee to support the existing spatial strategy set out in the submitted Local Plan, together with the additional SA work and this being on the basis of allowing the Local Plan examination to resume. He disputed the adequacy of the reason for the Committee to confirm this decision and to give support to the SA work and the cross-border Garden Community proposals and he was of the view that the Committee had not been given sufficient information, particularly in terms of viability, for it to come to a decision at this time. He referred to potential issues of pre-determination, the need for objective decision making and for all Committee members to take into account all the information presented to them and he was concerned about the decision being legally challenged. He was of the view that the decision should be deferred to the next scheduled meeting in October or to a Council meeting for a full debate. He supported the views expressed by Councillor Ellis and for the consultation responses to be submitted to the Committee for consideration prior to submission to the Inspector. He was concerned that the RTS report had not yet demonstrated an operational model and was concerned that the RTS would only be delivered after the construction of 2,500 new homes. He also explained that West Bergholt residents had accepted the allocation of 150 new dwellings but had been the subject of a number of speculative planning applications.

Councillor Scordis acknowledged the reservations stated but was concerned about the process being delayed unreasonably. He explained that the Committee members had been offered numerous briefings providing all the background information necessary and he had also taken the opportunity to discuss particular issues of concern with officers on a one to one basis. He referred to the need to provide more housing for people who were unable to afford to move out of their family home and the opportunity available through the Garden Community proposals to offer socially affordable rented housing. It also provided a different model to that adopted in the past and provided for alternative means of travel to combat society's heavy dependence on cars. He supported the recommendations in the report, including the proposals for consultation as set out in the report, considering that six weeks was sufficient and was of the view that most response to the consultation would be submitted in the towards its end period.

Councillor Dundas said he considered the key issue was whether the report and the additional evidence adequately answered the matters requested by the Inspector. He sought clarification on whether the Committee was being asked to approve the consultation proposals and for the consultation responses to be submitted to the Committee for consideration and then onward submission to the Inspector or was the decision to exclude the submission of the consultation responses to the Committee prior to submission to the Inspector. He explained that it would be necessary for the Committee to have full confidence in the advice being provided by the officers and he remained concerned about the prospect of the Inspector remaining unconvinced by the additional evidence to be presented to him. He was of the view that the Committee



needed to be sure that the information was correct and adequate and advocated a delay in that decision making in order to develop that assurance. He had a number of matters of considerable concern in relation to the new evidence, particularly in relation to the RTS study, whether it constituted a proper feasibility study; from where the diagrams and written content had been sourced; what impact it would have on the pedestrianisation proposals for the High Street and roads such as Clingoe Hill; whether discussions had taken place with the University of Essex; existing and proposed bus travel times; discussions with Network Rail about the relocation of Marks Tey railway station; improvements in access to the station. He was of the view that the consequences of getting the decision wrong were so serious that it needed to be referred to the Council for determination.

Councillor Buston welcomed the well-informed and motivated submissions to the Committee and he was of the opinion that it was important to have a viable and sustainable Local Plan. He acknowledged the detailed amount of work which had gone into the process so far and he was concerned that all Committee members should be given adequate opportunity to consider the information. He had not yet been convinced that the evidence was sufficiently robust and that the proposed strategy was the correct one. He agreed that the penalties for getting the decision wrong would be considerable and the Committee members needed to be assured that the proposals were the correct ones for the Borough. He was of the view that the requirement for strong engagement had not yet been satisfied and, whilst acknowledging that the evidence would be published for a period of three months, he did not consider that local residents were engaged with the process. He did not wish to see the process delayed but he expressed support for the views expressed by Councillor Ellis.

Councillor Bourne was of the view that the Councillors had been elected to the Council to represent the views of the residents and to use the authority delegated to make decisions on residents' behalf. She referred to the extensive information published on the Local Plan website, the unparalleled access to officers and the numerous briefings which had been available to all councillors. She was of the view that Councillors' knowledge and understanding had been widened, accordingly, she saw no reason for the Committee to reconvene at a later date to make a decision. In her view, the decision required of the Committee was to move forward with a process and the Committee had been given delegated powers from the Council for this reason. She acknowledged that the volume of information was considerable and the information was complex but she considered the advice provided by officers should provide sufficient assurance for the Committee to be well placed to come to a decision at this meeting. She also acknowledged that it was important for more unambiguous information to be made available explaining what the Garden Community proposals were about and to overcome misunderstandings which was a recommendation that had recently been made by the Scrutiny Panel. She was of the view that a full public engagement plan was essential. She did not consider there was capacity to resource a fully worked up alternative plan and she did not agree that it was imperative for an approved HIF bid to

be submitted. She was of the view that the recommendation in the report was well thought through on the basis that infrastructure was needed to facilitate housing growth, as such she was satisfied with the proposed recommendation.

Councillor Coleman acknowledged the responsibility of elected representatives to make decisions on behalf of their residents and confirmed that he had considered all the information presented to the Committee, as well as attending numerous briefings and update sessions previously and considered he was sufficiently well informed to make a decision.

Councillor Ellis referred to the Executive Director's advice about the mechanism for review within the Plan and that this was considered sufficient to satisfy the Inspector's concerns. He explained that an alternative plan had been discussed at various previous meetings of the Local Plan Committee in order to provide for an alternative scenario should the current proposals prove to be unsound or if the infrastructure funding did not come to fruition. He supported the comments by Councillor Bourne regarding a thorough public engagement plan. He acknowledged the availability of briefings and update sessions for Councillors but explained that these had taken place prior to the publication of the additional information, the volume of which was considerable. He referred to the HYAS report and its conclusion that the Colchester Braintree Borders Garden Community would not be deliverable without the anticipated government grant and he was also sceptical about the deliverability of the East Colchester Garden Community given the land values which had been estimated. He sought clarification regarding the likelihood of successful land acquisition with the land values identified in the report.

The Executive Director confirmed that a full or partial review was a requirement of the Local Plan process. He confirmed that he had been asked by the relevant Cabinet members to investigate the leafleting every household in the Borough prior to the start of the formal consultation period. He explained that the Inspector had asked for evidence of sums which had a reasonable prospect of land owners accepting but that a judgement had to be taken in terms of land owners with large acreages and at what rate and at what time they would be prepared to sell. He acknowledged the difficulty for the planning process in terms of being deliverability model blind and it was not possible to assume any one mechanism would be utilised. He also acknowledged that this would be a matter for the Inspector to determine whether the evidence presented was sufficient. He also referred to the RTS and was of the view that the Inspector had not envisaged that a fully detailed feasibility study would be produced but to receive evidence that it would be possible to deliver the modal shift envisaged in the first phase of development. He was also of the view that the modal shift wasn't entirely reliant on a RTS, but also about people's travel choices within the Garden Communities themselves and about providing genuine alternative choices for the majority of journeys which were short ones. He further explained that the consultation proposed at this point in the process was not at the instigation of the Council but was a requirement of the Inspector and it was for the Inspector to approve the process and to receive the responses to it. He confirmed that it

was not possible for the Committee to seek to consider the responses at its next meeting in October, with a view to incorporating further changes to the Plan as it would then be necessary to consult again on the proposed changes. He acknowledged there may have been a misunderstanding on this issue but he confirmed that previous comments regarding the ability of the Council to suggest modifications to the Inspector by the Council had been in relation to technical issues such as changes in legislation.

The Chairman referred to the ongoing Local Plan process, the regular discussions on the Garden Community proposals which had taken place previously and the numerous opportunities for discussions to come at meetings of the Local Plan Committee, as well as at Cabinet and Council meetings. He also explained his view that there could never be certainty within the planning process that a Local Plan would be guaranteed to be considered sound by an Inspector at examination.

*RESOLVED* that: -

- (i) The additional evidence base contained within Appendices 1 to 12 (and background papers) of the report by the Assistant Director Policy and Corporate be accepted as part of the evidence base to support Section 1 of the submitted Local Plan which contains strategic planning policies and proposals common to the North Essex Authorities of Braintree, Colchester and Tendring;
- (ii) The evidence base (including the additional evidence) be agreed as supporting the existing spatial strategy for growth in the submitted Local Plan proposing three cross-border Garden Communities and is justified as being the most appropriate strategy;
- (iii) The Additional Sustainability Appraisal (SA) work (attached as Appendix 1) be approved and the findings of the additional SA work which appraises the submitted Local Plan strategy for three cross-border Garden Communities and the realistic alternatives to this strategy be considered and taken into account;
- (iv) The schedule of proposed modifications to the Local Plan (attached as Appendix 12) be approved;
- (v) A six-week public consultation on the schedule of proposed modifications, the Additional Sustainability Appraisal and the additional evidence base be undertaken, starting on 19 August 2019 and ending on 30 September 2019;
- (vi) Following the period of consultation, the above documents along with any duly made representations received during the consultation period, be submitted to the Secretary of State to enable the Local Plan Inspector to resume and complete the Examination of the Section 1 Local Plan and recommend any further changes to the Publication Draft Local Plan as necessary to make it sound;
- (vii) That the evidence base confirms the need for the infrastructure contained in the current HIF Bids submitted by Essex County Council with regard to the North Essex Garden Communities and as currently being considered by Government be noted and that the Councils would expect a decision on those Bids before submitting further evidence to the Secretary of State as referred to in (vi) above.

In accordance with Meetings General Procedure Rule 9(2), a request for a named vote having been made, the votes cast were as follows:

Those who voted FOR were: - Councillors Barlow, Bourne, Coleman and Scordis;

Those who voted AGAINST were: - Councillors Barber, Buston, Dundas and Ellis;

NONE ABSTAINED from voting.

The Chairman exercised his casting vote FOR.