

# **Local Plan Committee**

**Monday, 13 April 2015**

**Attendees:** Councillor Elizabeth Blundell (Member), Councillor Andrew Ellis (Member), Councillor John Jowers (Member), Councillor Kim Naish (Group Spokesperson), Councillor Lyn Barton (Member), Councillor Bill Frame (Chairman), Councillor Gerard Oxford (Member)

**Substitutes:** Councillor Anne Turrell (for Councillor Martin Goss)

## **30 Minutes of meeting on 16 December 2014**

The minutes of the meeting held on 16 December 2014 were confirmed as a correct record.

## **31 Minutes of meeting on 2 February 2015**

The minutes of the meeting held on 2 February 2015 were confirmed as a correct record subject to the amendment of the reference in the declaration of interest made by Councillor Blundell in Minute No 28 to read 'membership of the Court of the University of Essex'.

## **32 Dedham Vale and Stour Valley AONB Management Plan and Memorandum of Understanding**

The Committee considered a report by the Head of Commercial Services concerning a requirement to compile and agree a Management Plan for Dedham Vale Area of Outstanding Natural Beauty (AONB) and to agree to the Memorandum of Understanding for the Dedham Vale AONB and Stour Valley Project.

Karen Syrett, Place Strategy Manager, presented the report and explained the Council's statutory responsibility to prepare, publish and regularly review a Management Plan for the Dedham Vale AONB and to agree to sign up to the Dedham Vale and Stour Valley Countryside Project's Memorandum of Understanding for the period 2015/16 to 2018/19, in order to remain an active partner of the Project. The revised Memorandum of Understanding formed part of a three year rolling programme of agreements to simply and clearly identify the requirements of the parties who are responsible for producing the AONB Management Plan. The Project had been instigated following designation of the AONB by Central Government in 1970 to work with local bodies to address local concerns to help maintain the distinctive character and beauty of the area.

On behalf of its local authority partners the Dedham Vale AONB and Stour Valley Project's Joint Advisory Committee/Partnership had prepared a Management Plan, to replace the current one, with a lifetime of five years from 2015 to 2020. The Plan built upon the success of the previous plan and included the delivery of co-ordinated activity to maintain and enhance the quality of the area. It sat within and sought to fit into the Council's own framework of strategies and policies that impacted on the AONB.

Throughout the review of the Management Plan the representative Members and the Landscape Planning Officer had been directly involved in its revision and other relevant officers had been kept informed throughout the consultation period and no adverse comments on the review had been reported.

Councillor Chapman attended and, with the consent of the Chairman, addressed the Committee. He explained that he was the Chairman of the Dedham Vale AONB and Stour Valley Project and gave details of the background to the compilation of the Memorandum of Understanding. Some five or six years ago it was apparent that DEFRA would be required to make savings to its expenditure and it was likely that funding cuts to organisations like the Project were considered inevitable. In the context of this economic situation changes were initiated in the ways the Project operated and joint work was started with Suffolk Coast and Heaths AONB. In this way some redundancies were incurred but remaining staff gained much more expertise across the whole area and the merger provided a way for the two AONBs to continue to operate successfully. He referred to the work to support local businesses and for the local economy to improve and an initiative to encourage all the Parish Councils and Amenity Bodies in the area of the AONB to contribute funding to the Project. The Project was required by the Government to make financial contributions to the Sustainable Development Fund which had enabled grants to be made to various organisations within the AONB over a number of years. The Stour Valley Environment Fund had also been set up within the Essex Community Foundation to encourage local people to direct funding to local projects which were contributing towards the work being done within the AONB. He went on to explain that Local Authority and DEFRA funding was used to sustain the staffing core structure of the organisation, whilst the Project itself, acting as facilitators, had secured a £1million Heritage Lottery Fund grant for the Managing a Master Piece Project, a grant from the Environment Agency used to undertake a survey of the Stour River and a bid had been submitted to the LEADER Programme for Suffolk Wool Towns to secure grants for local businesses.

In discussion, Members of the Committee commented, in particular, in relation to:

- Innovations to the working of the Project under the Chairmanship of Councillor Chapman
- Concerns about potential loss of funding for the Project in the future
- Water quality problems associated with abstraction of water from the local rivers
- Impact on fishing opportunities due to the decline in the number of fish in the rivers
- Problems of silting up of rivers and the need for the consideration of water flow

- policies
- Property prices within the AONB and the problems for young people seeking affordable homes and for local rural businesses
- Water emanating from the Denver sluice area of the Fens and the problem of invasive species of fish
- Work undertaken by Anglian water and the Environment Agency to de-strain the River Stour by creating holding ponds and flood plain balancing ponds

In response to questions from the Committee members, Karen Syrett explained that AONB received special protection under the National Planning Policy Framework which provides for judgements to be made as to what is appropriate development in such areas. She also referred to a recent planning approval in Dedham as an example of an appropriate housing development in the AONB which had included affordable and market units for younger first time buyers or people wishing to downsize. Adam John, Landscape Planning Officer, gave details of the funding for the Project whereby Colchester's contribution was currently £5,175 pa whilst the Project as a whole required funding of £235,000. This was considered to be excellent value for money given the requirement upon the Council to produce a Management Plan for the AONB, the liability for redundancies should the Project fail and the success of the Project in attracting external funding. Adam also explained that the Management Plan was a useful tool to monitor extraction issues in terms of impact on water quality in the area. He also explained that two of the Local Authorities contributing to the Project were located outside of the AONB and therefore did not have specific obligations to produce Management Plans for the area and could consider withdrawal from the partnership but recent proposals submitted to Natural England to extend the area of the AONB had been welcomed. Beverley McClean, Coast and Countryside Planner, referred to two consultations recently undertaken by the Environment Agency relating to the Anglian River Basin Management Plan and the Catchment Basin Management Plan for East Anglia within which the issue of water abstraction had been raised in relation to greater flexibility and licencing.

Councillor Chapman acknowledged the comments made regarding affordable housing in the area and the references made to development within the Management Plan and he referred to a grant which had been received from the Environment Agency to redesign the bed of the River Stour to encourage fish to spawn and to enhance the environment for fish generally.

The Committee welcomed the reference to the affordable / market developments in Dedham and Messing and suggested the production of a case study document for circulation to Councillors for discussion with the Parish Councils interested in pursuing projects to improve availability of affordable housing in their areas.

*RESOLVED* that-

- (i) The Committee's obligation under Section 89 of Part IV of the Countryside and Rights of Way (CROW) Act 2000 be noted, the Dedham Vale AONB and Stour Valley

Management Plan covering the period 2015 to 2020 be approved and the Dedham Vale AONB & Stour Valley Project's Memorandum of Understanding for the period 2015/16 to 2018/19 be agreed

(ii) The Place Strategy Manager make arrangements to produce a document for consideration at the next meeting of the Committee giving details of the affordable / market developments in Dedham and Messing.

### **33 Adoption of Land affected by Contamination - Technical Guidance**

**Councillor Naish (in respect of his membership of the Angling Trust East of England Freshwater Forum, Inland Waterways Association, Environment Agency and Chelmer and Blackwater Navigation Fishery) declared a non-pecuniary interest in this item pursuant to the provisions of Meetings General Procedure Rule 7(5).**

The Committee considered a report by the Head of Commercial Services seeking the formal adoption of the technical planning guidance governing land contamination produced by Essex Contaminated Land Consortium.

Chris Downes, Planning Policy Officer, presented the report and, together with Mary Rickard, Contaminated Land Officer, assisted the members in their discussions. The Planning Policy Officer explained that the adoption of the technical guidance would ensure that the Council met its statutory obligations as well as informing planning applicants and developers of these requirements. The Guidance had been produced by the Essex Contaminated Land Consortium, a collaboration of all Essex local authorities, so that by adopting it the Council would be adopting an approach consistent with the rest of the county. The Environment Act 1995 had established a legal framework for dealing with contaminated land in England and the way that Colchester Borough Council dealt with such land was set out in the Contaminated Land Strategy (currently under review).

There were 12 core planning principles in the National Planning Policy Framework, including encouraging the re-use of existing resources, conversion of existing buildings and re-using land that has been previously developed ('brownfield' land) and the Framework stated that:

- Where a site is affected by contamination, responsibility for securing a safe development rests with the developer and/or landowner;
- After remediation, as a minimum, land should not be capable of being determined as contaminated land under Part 2A of the Environmental Protection Act 1990;
- Adequate site investigation information, prepared by a competent person, is presented.

The thread running throughout the NPPF was that there should be a presumption in favour of sustainable development, which was both viable and deliverable. Obligations and policy burdens should not threaten viability of development. The Council's planning

application form required applicants to state if land was known to be contaminated and whether the proposed use would be especially vulnerable to contamination and, if so, a contamination assessment was required in support of the application. The assessment would need to provide enough information to show that any risks were sufficiently understood and could be managed, both economically and technically and the Council could ensure that any additional actions would be dealt with by way of condition(s). If the outcome of an assessment was that there was an unacceptable risk of harm, then site remediation would be required. Once the council was satisfied that the developer had shown that there were no unacceptable risks remaining, a Validation Certificate would be submitted to the Council, whereupon the site would then be considered suitable for use.

The Technical Guidance was intended to guide applicants and developers through the planning process to ensure that they met the requirements of the Council in the assessment, remediation and verification of contaminated land sites in a manner which was both compliant with environmental protection law and national planning policy.

In discussion members of the Committee referred to:

- Guidance being a welcome, forward thinking initiative
- Cost of remediation works to brownfield development sites and the likelihood these costs would increase as environmental standards became increasingly strict
- Impact on the Local Authority's ability to secure affordable housing
- Whether the Guidance included contamination relating to buildings

*RESOLVED* that the technical planning guidance governing land contamination in the form of Land Affected by Contamination: Technical Guidance for Applicants and Developers (3<sup>rd</sup> Edition, 2014), produced by the Essex Contaminated Land Consortium be formally adopted by the Committee.

## **34 Sustainable Drainage Systems Design Guidance**

**Councillor Jowers (in respect of his membership of Essex County Council and the incorporation of flood risk management issues within his previous Portfolio Holder responsibilities and his membership of the Anglian (Eastern) Regional Flood and Coastal Committee) declared a non-pecuniary interest in this item pursuant to the provisions of Meetings General Procedure Rule 7(5).**

**Councillor Turrell (in respect of her membership of Essex County Council) declared a non-pecuniary interest in this item pursuant to the provisions of Meetings General Procedure Rule 7(5).**

The Committee considered a report by the Head of Commercial Services giving details of the Sustainable Drainage Systems Design Guide and seeking its adoption as a

## Supplementary Planning Document.

Beverley McClean, Coast and Countryside Planner, presented the report and assisted the Committee members in their discussions. She explained that the adoption of the Design Guide was intended to ensure that developers had access to consistent advice about the design and delivery of sustainable drainage schemes which would soon have to be constructed as part of new major developments. Adoption of the guide would also help ensure that sustainable drainage schemes coming forward in the Borough were fit for purpose in terms of helping reduce and manage the risk from surface water flooding as well as delivering wider amenity, ecological and landscape benefits.

Following extensive summer flooding across parts of England in 2007, the need to review and overhaul flood risk management, particularly for surface water flooding had been identified by national government. The Flood and Water Management Act had emerged from this process and, under the Act, Essex County Council (ECC) became the lead Local Flood Authority, with new responsibilities for overseeing flood risk from surface water, groundwater and ordinary water courses. As part of their new responsibilities, ECC had prepared a number of flood risk management documents to help reduce and manage flood risk across Essex, one of which was the Sustainable Drainage Systems Design Guide.

The Design Guide was divided into sections, including:

- The shift towards increased use of sustainable drainage to manage surface water and to deliver useful landscape, ecological and amenity benefits
- Design considerations specific to Essex, such as topography, geology, soils and hydrology
- Principles and local standards for water quantity in terms of flood prevention, amenity, ecology and water management
- Types of sustainable drainage systems, such as green roofs, swales, ponds, pervious paving, rainwater gardens and large wetlands and the circumstances where they are most appropriate.

In discussion members of the Committee referred to:

- Important work achieved through the Consortium which had created a centralised resource with improved flexibility
- Benefits to be gained by developers who had been unclear regarding their responsibilities and the consequential impact on progress with certain developments
- Problems associated with historical water management issues and how these would be integrated within the new management regimes
- Capacity to utilise traditional water harvesting techniques within alongside modern practices.

In response to questions, the Coast and Countryside Planner confirmed that much work was being done within the management regimes to provide interventions along the

whole course of a river.

*RESOLVED* that the Sustainable Drainage Systems Design Guide (SDSDG) be agreed and adopted as a Supplementary Planning Document (SPD).

## **35 Colchester Local List 2015**

**Councillor Frame (in respect of his acquaintance with the owner of 17 Honywood Road, Colchester) declared a non-pecuniary interest in this item pursuant to the provisions of Meetings General Procedure Rule 7(5).**

The Committee considered a report by the Head of Commercial Services giving details of proposed amendments to the adopted Colchester Local List.

Beverley McClean, Coast and Countryside Planner, attended to assist the Committee in its discussions. She explained that the Local List for Colchester included buildings, architectural features and historic assets that, while not of national significance, were considered to be locally significant for their architectural or historic value. The list was not static and it changed over time in response to planning decisions, as a result of new buildings being proposed for inclusion and by means of annual review by the Local Plan Committee. Inclusion on the Local List was a material consideration when planning applications affecting such buildings or features were being considered and Planning Inspectors also had due regard for the Local List as part of the appeals process.

In response to a press release and internal consultation a total of 7 changes had been proposed to the Local List, three of which were recommended for inclusion:

- The Lighting Shop, 61- 65 North Station Road, Colchester
- 17-19 Honywood Road, Colchester
- The whole of the Essex County Hospital Nurses Home including the Oxford Road entrance gate, courtyard and front door.

If the proposed changes were approved, the total number of buildings and assets would increase to 744 and the contents of the Local List would be updated on the Council's web mapping service (C-Maps) and the Council's records database (Civica).

Members of the Committee particularly welcomed the recent change to the redevelopment proposals at Williams and Griffin to provide for the restoration of the art deco façade to the former Jacklin's frontage, rather than its demolition, which meant it would not be necessary to remove it from the Local List.

*RESOLVED* that the proposed amendments to the adopted Colchester Local List, as set out in Paragraph 5 of the report be agreed.

