

Local Plan Committee

Monday, 02 August 2021

Attendees: Councillor Lewis Barber, Councillor Adam Fox, Councillor Jeremy Hagon, Councillor Andrea Luxford Vaughan, Councillor Gerard Oxford, Councillor Julie Young
Substitutes: Councillor Leigh Tate (for Councillor Patricia Moore)
Also Present:

220 Minutes of Previous Meeting

RESOLVED that the minutes of the meeting held on 10 June 2021 be confirmed as a correct record subject to the amendment of the first sentence of the sixth paragraph of minute 214 (Local Plan Update) to read as follows:-

“The Council had sent a draft modification schedule to the Inspector for comment”.

221 Tendring Colchester Borders Garden Community Development Plan Document Update

The Committee considered a report providing an update on the Tendring Colchester Borders Garden Community Development Plan Document. Shelley Blackaby, Planning Policy Officer, presented the report and together with Karen Syrett, Lead Officer, Planning, Housing and Economic Growth, assisted the Committee in its deliberations.

The Chair invited Councillor Dundas, Leader of the Council, to address the Committee and respond to questions. He confirmed that together with Councillor Ellis (Portfolio Holder for Housing and Planning) and Councillor Cory he had met with senior representatives of Clarion, who had been appointed as Lead Developer for the Garden Community, at their launch event. First impressions were positive and the involvement of Mersea Homes as a local developer was welcomed.

In Committee discussion it was suggested that community engagement would be helped if there was greater clarity of the extent of the development and the location of the buffers. It would also be helpful if the community could be given a name by the Liaison Committee. Now that the Lead Developer had been appointed would a Development

Corporation be set up and would the developers be asked to look again at viability?

In response the Planning Policy Officer advised that whilst there not a plan showing the location of the buffers, the adopted Section 1 of the Local Plan that the DPD would need to conform with did make clear that there would be buffers and also set maximum numbers for the development. Now that the Lead Developer had been appointed discussions could begin about a potential name. In terms of viability, this was an issue for the Councils rather than the developer.

In respect of the Development Corporation Councillor Dundas confirmed that no formal decision had been made, and it was an issue that the Council would need to consider with partners. If the project was to meet its key targets in 2024 he considered that the pace of the project needed to accelerate. There had only been one meeting of the Steering Group since May, and there were a number of new people involved.

Members of the Committee sought further clarification about governance around decision making on the Garden Community and whether joint Planning Committee and Joint Local Plan Committees were being explored. It was vital that there was proper democratic accountability. It was important for there to be clarity on whether a Development Corporation would be pursued as the previous advice received was that ministers were unlikely to approve a Development Corporation for one Garden Community.

Councillor Dundas explained that he was unaware of proposals for a Joint Local Plan Committee. The position on the Development Corporation was not clear at this time and he did not believe that it had been definitively ruled out, but the key issue was to ensure that the Council retained influence and remained heavily involved in decision making, no matter what the structures were. He would be working with partners to ensure this.

Members of the Committee stressed the need for the Council to be heavily involved in the development of the Masterplan and to ensure the local communities and partners were properly engaged and listened too. The Council needed to ensure that the consultation was broad enough and took in outlying villages north of Colchester and also reached new residents in order to learn from their experiences. In terms of the Link Road, the need to ensure that it dovetailed with other relevant developments and initiatives was stressed, and members queried who would be responsible for any increase in costs of the road.

The Lead Officer, Planning, Housing and Economic Growth, indicated that there would be an improved engagement process and the project had a dedicated Communications Officer, who had made a real difference. The level of engagement had been constrained until Section 1 had been adopted. It was important that engagement focused on the strategic issues.

Members of the Committee also sought clarification on who had appointed the Lead Developer as the communications on the issue had suggested that this had been done by the Council. The Planning Policy Officer confirmed that Clarion Housing Group and Mersea Homes had agreed to work together as the Lead Developer. The Council had not been involved in their appointment. The importance of regular feedback to the Local Plan Committee on meetings of the Steering Group was stressed.

Councillor Dundas explained that he believed that the cost of the Link Road was estimated between £65-£70 million and that Essex County Council had indicated that they would be responsible for meeting any shortfall in funding. The next meeting of the Steering Group was scheduled for 13 August and he would report regularly to the Local Plan Committee.

RESOLVED that the update on the Tendring Colchester Borders Garden Community Development Plan Document be noted.

222 Development Brief for the ABRO Site

The Committee considered a report on the Development Brief for the ABRO site and inviting it to adopt it as a supplementary planning guidance document. Alistair Day, Planning Specialists Manager, presented the report and assisted the Committee in its deliberations. He explained that the Ministry of Defence had made it known it considered that site was surplus to requirements, and it was therefore open to sale and development. The purpose of the Brief was to guide any future development. The Brief had been subject to extensive consultation. The possibility of the Council purchasing the site was being explored.

Sir Bob Russell addressed the Committee pursuant to the provisions of Meetings General Procedure Rule 5(3). He believed this was another positive step forward and offered his congratulations to all involved. It was recognised that the recommendation at the last Committee that the Cabinet explore the purchase of the site, would involve capital expenditure. It should be possible for two public bodies to work together to facilitate the purchase and he urged the Committee to ask the MP to encourage the MOD to engage with a sale to the Borough Council. If this was done so that payment was only made once the site was developed this would allow the Council to retain control of the development. There were concerns that despite the Brief a developer may find ways round the restrictions in the Brief, but if the Council was the owner of the site it could ensure a high quality development that respected the history of the site. The protection offered by the Development Brief could only be guaranteed if the Council owned the site.

The Committee welcomed the Development Brief and thanked offices for the work involved. It would help protect the site and would provide a framework for unifying the Roman Circus and making the most of it as a visitor attraction. It was hoped that the administration was working to purchase the site. The Committee explored whether the guidance should be adopted as a Supplementary Planning Document which would give it further weight in planning terms.

The Planning Specialists Manager explained that this would involve more extensive process such as a sustainability audit and further consultation. It was suggested that if the Committee adopted it as Supplementary Planning Guidance now to ensure that some protection for the site was in place now, then officers could undertake further work to explore what was necessary for it to be adopted as a Supplementary Planning Document in due course.

RESOLVED (UNANIMOUSLY) that the Development Brief for the ABRO site be adopted as a planning guidance document.

223 Net Gain

The Committee considered a report that provided a summary of the Government's approach to biodiversity 'net gain' which was due to be introduced as a national policy through the Government's Environment Bill. Catherine Bailey, Planning Policy Officer, introduced the report and assisted the Committee in its deliberations.

The Committee expressed some concerns about the proposals. It was suggested by one member that the proposals were not sufficient to address the Climate Emergency and did not take sufficient account of the net loss arising from a development. The proposals were opposed by Friends of the Earth on the basis that it had little effect in countries which had adopted similar policies. In addition the off-setting pilots had been inconclusive at best. It was suggested that it was a policy that provided cover for politicians and developers to carry on developing.

Councillor Ellis, Portfolio for Housing and Planning was invited by the Chair to address the Committee. Whilst he welcomed the concept of Net Gain, there were concerns as to these particular proposals. It was a system that was open to "gaming" and abuse and further work was required. The issues around Middlewick had shown how inefficient metrics could be.

In further discussion, the value of a Natural Asset Register for the borough was

highlighted. The Environment and Sustainability Panel had explored this idea in response to the new planning legislation so that sites could be protected before zoning was introduced. Such a Register would also link into discussions around Net Gain by providing clarity around the borough's natural assets. Clarification was also sought as to how the decisions were made as to which metric would be used for particular developments and as to how the policy on Net Gain linked to Section 2 of the Local Plan and how it would therefore be applied to the Master Plan for the Garden Community.

The Planning Policy Officer explained that the national metric would come with detailed guidance and it was important that in due course the Council introduced its own guidance as a Supplementary Planning Document. This would identify key assets and enable the Council to specify how and where the gain to offset development should be delivered, and that social as well as environmental factors should be considered. The Local Plan did not specify particular versions of the metric but developers should use the metric that was current at the time of submission. In terms of Section 2 of the Local Plan, the policy on Net Gain was identified as a modification and would be consulted on for a period of six weeks if accepted by the Inspector.

RESOLVED that the report be noted.

224 First Homes Government Initiative

The Committee considered a report summarising the First Homes programme and outlining it in the context of Colchester. Bethany Jones, Planning Policy Officer, presented the report to the Committee and together with Karen Syrett, Lead Officer, Planning, Housing and Economic Growth, assisted the Committee in its deliberations.

In discussion the Committee expressed some concerns about the First Homes Programme. It would only benefit a very small proportion of those who needed help in buying a first home and it was likely to have very little impact on the housing crisis. The particular issues around affordability in Colchester as set out in the report were highlighted. The costs involved for the Council were noted, and it was unlikely that it would receive any support to help with this. It was noted that Shelter did not support it. It limited the market and those that bought a home under the scheme would likely find that it was difficult to sell the property and would become trapped. If the saving on the homes was met by the developer or landowner this would have an impact on the viability of schemes, and could lead to less planning gain being delivered.

It was noted by officers that it would not apply to Colchester's Local Plan as it was submitted before 2021. However, the Committee raised concerns that the Council's

SPD on affordable housing reduced the rented social housing for the Garden Community on the basis that the First Homes policy was being introduced. Therefore, the SPD on affordable housing should be revisited.

The Planning Policy Officer explained that whilst the government recognised that there would be a cost to Councils from managing the scheme, it had not indicated whether it would be providing additional support to Councils to help with these costs. The SPD on affordable housing would be looked at again following the adoption of the emerging Local Plan. However, the current policy was for 30%. The Lead Officer, Planning, Housing and Economic Growth, confirmed that the costs of the discount would fall to the developer or landowner. The Council had consulted on a revision to the SPD in 2020 but this had not been taken forward due to progression on the Local Plan. The Evidence Base needed to be updated to take account of changing government policy and the SPD would be brought back to the Committee for further consideration in due course. The SPD had not been adopted so it was not policy or guidance at this point. Members of the Committee expressed the view that social rented was the favoured tenure type.

It was noted that previous schemes set up by the government to deliver starter homes for first time buyers had been unsuccessful, although there were other schemes such as the 95% mortgage guarantee scheme which was still available. Further information was sought as to when the Local Plan might be reviewed, which may necessitate the inclusion of First Homes within the Plan. Officers explained that this would depend on the views of the Inspector, who could suggest an early review of the Plan, and all Plans needed to be reviewed within 5 years of adoption. When reviewing a Plan, the Council would need to look at the methodology on housing growth and targets. Members expressed concern that this may lead to imposition of the higher housing targets at an earlier point.

Concern was also expressed about the impact of First Homes on the more longstanding planning gain tools such as section 106, which in turn would have an impact on the Council's ability to deliver affordable housing with the preferred tenure types. Officers confirmed that the policy requirement was for 30% affordable housing. Some of that would be met by First Homes and the remainder would be made up by the tenures specified in the Council's policy so there would be an impact on the delivery of preferred tenures.

RESOLVED that the report be noted.

