

Local Plan Committee

Monday, 14 December 2020

Attendees: Councillor Lewis Barber, Councillor Nick Barlow, Councillor Tina Bourne, Councillor Phil Coleman, Councillor Andrew Ellis, Councillor Chris Hayter, Councillor Patricia Moore, Councillor Gerard Oxford, Councillor Chris Pearson

Apologies:
Substitutes:

204 Appointment of Deputy Chairman

The Chairman reported that Councillor Scordis had stood down from the Committee. Members thanked Councillor Lee Scordis for his service to the Committee and welcomed Councillor Pearson for the remainder of the municipal year.

RESOLVED (UNANIMOUSLY) that Councillor Bourne be elected as Deputy Chairman for the remainder of the municipal year.

205 Urgent Items

The Chairman announced that he had agreed to consider a report on the Adoption of Section 1 of the Local Plan as an Urgent Item. The report would be considered under item 8 on the agenda on the Local Plan update. The urgency arose as this was the last scheduled meeting of the Local Plan Committee before the Council meeting scheduled to consider the adoption of the Local Plan on 1 February 2021.

206 Have Your Say! (Virtual Local Plan Meetings)

Mr Chilvers addressed the Committee pursuant to the provisions of Remote Meetings Procedure Rule 5(1):

He expressed concern over employment opportunities and transport links for Middlewick. The text in the submission underplayed the situation in 2017 and now was much worse. Would it be clear to the inspectors that there isn't any employment space or job creation plans for Wick residents? it was unlikely employers would relocate to Whitehall estate. The existing road network in the local area would not support the additional traffic that would be generated. Using the bus, bike or walking wasn't realistic for young families managing shift work, family and school. There was no shopping centre nearby.

Whilst Essex County Council were consulting over future transport strategy for Colchester the consultation had not mentioned the development on the Wick.

In order to fund infrastructure to support the development, the developers would look to increase the housing numbers in order to make the scheme viable.

The serious concerns expressed by the public in the original Local Plan consultation seemed to have been lost in the narrative. As a resident of the area for 50 years he knew the impact of development on the local road network, it had gone from calm to stressed in the last ten years. Developments at Mersea, Rowhedge, Berechurch and Hythe and now Lidl had made a huge difference and there were more developments in the pipeline along Berechurch Hall Road.

Problems had increased since the plan had been published. He urged the Committee to underline the points made at the public enquiry.

Sandra Scott, Place Strategy Manager, clarified that all representations made will be covered and considered at the examination when it takes place next year and officers would present arguments to ensure the issues were adequately addressed. Work had been ongoing reviewing and updating evidence including the transport network and access and this would be published on the website shortly.

Karen Syrett, Lead Officer: Planning, Housing and Economic Growth commented that this year had seen changes and going forward more home working would be likely, easing traffic. She thanked Mr Chilvers for the points raised and would ensure that Essex County Council were made aware of them.

Mr Greenwood addressed the Committee pursuant to the provisions of Remote Meetings Procedure Rule 5(1):

Mr Greenwood explained that he was speaking as a Parish Councillor and the Chairman of Tiptree Neighbourhood Plan Steering Group in respect of the Tiptree Neighbourhood Plan. The Steering Group were disappointed with the examiner's report and conclusions. The narrow definition of what was considered to be the submission documents meant that various evidence base documents were not taken into account. As a result, the conclusion was that the evidence for the site selections did not exist. This was explained to the examiner during the fact checking exercise, and several changes were made in the final report but the outcome remained the same. Tiptree Parish Council and Colchester Borough Council prepared a joint statement to be published alongside the examiner's report. The Neighbourhood Planning Independent Examiner Referral Service (NPIERS) guidelines did not appear to have been followed particularly in relation to the absence of engagement with either the Parish Council or Colchester Borough Council. This was contrary to the NPIERS "Guidance to service users and examiners". In particular:

1.10.5. The independent examiner will initially undertake a high-level assessment of the plan documents. If there is an obvious and potentially fatal flaw, the independent examiner will write to alert the local planning authority and qualifying body (he didn't).

1.11.4. The qualifying body will normally be given the opportunity to comment on the representations made by other parties at this (Regulation 16) stage. Ideally, the qualifying body should make its comments known within two weeks of the close of the Regulation 16 stage. This may be particularly important where the matters concerned have not been raised at the Regulation 14 stage (we were not given this opportunity).

2.5.3. A report failing a neighbourhood plan should not come as a surprise to the qualifying body and local planning authority. Early actions including exchange(s) of correspondence (and/or an exploratory meeting) should precede such a finding (It came as a surprise).

It was regrettable that these misunderstandings were not addressed and cleared up at an early stage which may have led to a different outcome. Nevertheless, whilst the examiner clearly differed in opinion compared to Tiptree Parish Council's Neighbourhood Plan consultant, the Steering Group did not feel it would be wise to proceed to referendum with a plan that has failed at examination and had reluctantly accepted his conclusions, recognising that the Neighbourhood Plan will need to be adjusted and return to Regulation 14 consultation. The Parish Council remained committed to completing a successful Neighbourhood Plan but were concerned that in the meantime the community would be left vulnerable to speculative development.

Mr Kilshaw addressed the Committee pursuant to the provisions of Remote Meetings Procedure Rule 5(1)

Middlewick appeared to have been hastily included in the Local Plan in 2017 with little consultation with the communities most affected, or any real understanding of its ecological value, and its importance as publicly used open space.

The 'red-line boundary' indicating the area of possible development (DIO consultation 2019) encompasses 95% of Middlewick Local Wildlife Site (LoWS) and part of Birch Brook LoWS.

Middlewick is dominated by UK Priority habitats: Lowland meadow, Lowland Dry Acid Grassland and Heathland remnants; it includes veteran trees within ancient hedge-lines, mature scrub and young woodland, with mature woodland within Birch Brook LoWS. The site is of high wildlife value and has potential SSSI status. It contains Red Data Book species, many UK Priority species, section 41 species and Essex Priority species. It is an integral and essential part of the wider ecological network, linking with SSSIs and several other Local Wildlife Sites within the wider local environment.

The extensive area of semi-natural grassland that dominates Middlewick had escaped development and the agricultural practices of the 20th century that have destroyed so much of this habitat through conversion to arable or agriculturally improved grassland, re-seeding, and excessive herbicide and nutrient use. It consists of native grasses,

sedges and botanically rich in parts making it a good example of what is commonly referred to as “wild-flower meadow”,

In July 2019 the Council declared a climate emergency, recognising the associated declines in wildlife, and aims to be carbon neutral by 2030. The Council website states that the Council has resolved to commission an environmental audit to identify areas of wildlife biodiversity, and to encourage people to connect with nature, green space and be more active physically. It also seeks to identify environmental health issues and take action to address poor air quality. Further had given an assurance that it takes its environmental responsibilities seriously. These aims and assurances were undermined by retaining Middlewick in the Local Plan. Development at this site would exacerbate problems and significantly increase the town’s carbon footprint. It was claimed that partial development will increase the area of publicly available but undefined ‘green space’, this would not only cause direct habitat losses but the subsequent increase in user pressure on the remainder would severely degrade what remains.

The DIO consultation acknowledges, that “...development needs to deliver net gain to biodiversity in accordance with National and local planning policies and ensure ecological functionality of the designated wildlife sites within the wider environment”. Clearly this would not be possible given the ecological importance of the site, so how would the Council to ensure this would be achieved?
Middlewick should be removed from the Local Plan.

The following written submission had been received from Sir Bob Russell and was read to the Committee, pursuant to the provisions of Remote Meetings Procedure Rule 5(1):

“I would like to endorse the recommendation by Officers (who I thank) that the area around Roman Circus House is added to the Conservation Area in that part of Colchester, noting its very important proximity to both the Roman Chariot Circus and the former Army vehicle repair workshops (ABRO) for which I understand a Planning Brief has been produced and will be published in the New Year. I appreciated being allowed earlier this year to submit my own thoughts about this site.

The Roman Circus is currently a woefully under-utilised tourist attraction. Including the area in the Conservation Area is an important indication that, 16 years after it was discovered, perhaps the Roman Circus is to be given the tourist potential attention it warrants because of its national and international importance – Colchester is a significantly greater Roman heritage attraction than what York and Chester can offer.

Following receipt by the Council of the Inspector’s letter confirming that Section 1 of the Local Plan is “sound”, which incorporates the Garden Community (sic) beyond the eastern border of the Borough, I urge the Committee to give a categorical assurance that when more detailed work is progressed then there will be a minimum of 1.5 kilometres gap from Salary Brook (watercourse) to the nearest new dwelling, thus retaining the open aspect as viewed across the fields from Greenstead and Longridge Park.

So far as the so-called “rapid public transport” is concerned, unless this is going to be a light railway (tram) then the sop of a bus lane (as exists from the Park and Ride site) will not encourage people to get out of their cars. Let there be imagination!

My understanding is that work on Section 2 of the Plan can now be progressed, which includes the Middlewick allocation. Could I ask the Committee and Officers if they will enable evidence and masterplans to be shared, as they are developed, with local residents and others who have expressed an interest? I feel that public engagement is crucial.

I remain of the opinion that there should be no housing at Middlewick, but if the Ministry of Defence (Government) is adamant that the firing range is to be closed then I suggest that Colchester Borough Council should insist that there be no development on any part of land between Abbot’s Road southwards to the firing butts.”

207 Minutes of the Previous Meeting

RESOLVED that the minutes of the meeting held on 24 August 2020 be confirmed as a correct record.

208 Local Plan Update

Councillor J. Young attended and with the consent of the Chairman addressed the Committee, congratulating the Committee and officers for their diligent hard work in getting this far and stated that this Plan gave the Council the opportunity to plan for the long term. Section 1 of the Plan together with Garden Communities, was a significant step towards creating a new vision for Colchester, through providing housing and employment alongside community facilities. It would ensure that infrastructure did not lag behind development. In line with the declaration of the Climate Emergency it was important that housing developed under the Plan had sustainability built in. She stressed the importance of partnership working with other authorities and community groups and stressed that a joint approach was the way forward.

Councillor Luxford Vaughan attended and with the consent of the Chairman addressed the Committee expressing her concern that consideration of this urgent item was not democratic. The report had not been published in accordance with the statutory timeframe and publishing it as an urgent item did not allow sufficient time for members to read and consider it, or for members of the public to register to speak. The Inspector’s report was 120 pages long and raised some complex issues. This was particularly difficult for members and members of the public who had a disability such as dyslexia. She felt an additional emergency meeting should have been called to meet the February deadline.

Councillor Goacher attended and with the consent of the Chairman addressed the Committee expressing his concern that the report was being taken as urgent item.

This was undemocratic as a response could not be prepared in the time and the public would not have had an opportunity to Have Their Say.

Councillor Cory attended and with the consent of the Chairman addressed the Committee and asked that the issue of the Equalities Act and circulation of the report be considered by Democratic Services. He stated there would be a fuller discussion at Council and that engagement and involvement at early stages of the Local Plan process was an issue that had been raised in the work that would be on-going for this and the government's proposed changes to the planning system.

In response to the issues raised around the acceptance of this report as an urgent item, the Chair confirmed that this had been the subject of discussions with the Monitoring Officer who had advised that it was open to the Chair to accept it as an urgent item. The Committee was being invited to consider referring Section 1 of the Local Plan to Full Council where there would be further opportunity for all members to discuss the issues.

The Committee considered a report setting out main modifications made in the Inspector's report. Ian Vipond, Strategic Director attended to present the report and assist the Committee. He explained that the letter and appendices from the Inspector had been seen in the consultation between August and October when many responses had been received and considered. Only seven technical adjustments had been made to the modifications the Inspector had initially proposed. The modifications had also been available in the public arena and given the scope of the amendments, very little had changed. The Inspector had concluded that with the amended modifications, Section 1 of the Plan was both legal and sound.

In response to questions, the Strategic Director confirmed that the decision for Council would be whether to adopt Section 1 or not to adopt. It could not make amendments. The Committee was being asked to recommend this for adoption by Council which would be at an additional meeting of full Council in February. This would be arranged to allow time for debate and consideration separate to the scheduled meeting which would focus on the Budget.

Once Section 1 was adopted, Section 2 would then be considered in 2021, the Inspector would look at dates in Spring next year and then the examination would be scheduled, with consultations, the report and modifications. The timing for adoption would likely be towards the end of the year.

In discussion, the concerns expressed about short notice and the time available to consider the report were acknowledged. However, the urgency was understood, and it was pointed out that unless Section 1 was adopted, and housing numbers agreed then the borough would be open to speculative development. Recommending the adoption to a stand-alone Council meeting would allow the issues to be fully debated,

and a decision made.

Members thanked Portfolio Holders and Local Plan Committee Chairs (previous and current) for the work on the Plan. There had been a lot of consultation and now the Inspector had confirmed Section 1 meets the test of soundness and legal compliance as long as the modifications are agreed. It was noted Section 1 of the Local Plan had been seen and considered many times, and it was pointed out that the amendments to the modifications before the Committee were minimal.

The need to ensure all Councillors received the report in good time for the full Council meeting so that they were able to read it all was highlighted and the Committee were reminded of the Equalities Act. A hard copy of the Plan would be helpful, and a request was made that one be made available to all Councillors once agreed.

RECOMMENDED TO COUNCIL (EIGHT voted FOR, ONE ABSTAINED from voting)

That the modified Section 1 Local Plan be adopted in accordance with section 23(3) of the Planning and Compulsory Purchase Act 2004.

209

Proposed Extension to Garrison Conservation Area

Councillor J Young attended and with the consent of the Chairman addressed the Committee referring to the statement made by Sir Bob Russell that the Roman Circus was an underutilised tourist attraction. She stressed that the proposals in the report were all about making the most of heritage, putting heritage at the heart of things was important

Councillor Goacher attended and with the consent of the Chairman addressed the Committee expressing his agreement to the extension of the conservation area and reminding members that the Roman Circus was the only one in the Country. Local archaeology should be supported and more of the Circus may be revealed should the Council purchase the ABRO site.

The Committee considered a report requesting agreement to consult for a period of 6 weeks, on a proposed extension to the existing Garrison Conservation Area to incorporate the Roman Circus House, ABRO site, the area of public open space to the south of the ABRO site and Artillery Folley.

Alistair Day, Planning Specialists Manager, presented the report. He explained that the current conservation area was at the core of the Old Garrison and the proposed extension had been put forward as the Ministry of Defence were intending to sell the ABRO site in 2021. The ABRO site was part of the Royal Artillery and contains remains of the Roman Circus archaeology. Should members approve the extension public consultation would take place.

It was suggested that the Council might seek to purchase the ABRO site. It was also put that the Council should seek to ensure that any development/build was coordinated, and plans scanned for the footprint of the Roman Circus. All members of the Committee welcomed the report and were supportive of the proposal, and officers and the Portfolio Holder were thanked for bringing this forward. It was important to enhance and preserve archaeology in Colchester in general and in particular the Roman Circus which would be a key attraction.

The Planning Specialists Manager stated that he would take back the subject of purchase of the site to managers to explore. He also explained that Conservation Areas across the Borough were revisited from time to time and that the archaeological evaluation points were noted. Most planning applications are subject to evaluation and officers had a watching brief, looking at these on a regular basis.

RESOLVED (UNANIMOUSLY) to agree to consult for a period of 6 weeks, on a proposed extension to the existing Garrison Conservation Area to incorporate the Roman Circus House, ABRO site, the area of public open space to the south of the ABRO site and Artillery Folley .

210 Tiptree Neighbourhood Plan Examination

The Committee considered a report on the findings and overall recommendation of the Tiptree Neighbourhood Plan Examiners Report to not proceed to referendum and the Tiptree Neighbourhood Plan Joint Examination Response December 2020.

Bethany Jones, Planning Policy Officer presented the report explaining that the Council had received the Tiptree Neighbourhood Plan in March 2020 and the process had then commenced with consultation work over the summer and the subsequent appointment of an examiner selected through the Neighbourhood Planning Independent Examiner Referral Service (NPIERS). The examiner issued a draft report in September but there had been little engagement during the examination. The outcome was not what the Parish Council or Colchester Borough Council had anticipated. Concerns were relayed to the examiner and some amendments were made but the overall report reached the same conclusion. A joint response had been prepared and was attached as an Appendix.

Mr Greenwood had spoken for the Parish Council under Have your Say arrangements.

Members expressed disappointment at this and asked if NPIERS would be made aware of the concerns raised about the examination process. Some concern was also expressed that the Committee had not been kept informed of these issues as they arose. It was pointed out that across the Borough there had been successes with Neighbourhood Plans. Going forward it would be good practice to involve neighbouring parishes and to encourage cross boundary working in Neighbourhood Plans. It was understood that for Tiptree the referendum could not proceed.

The Planning Policy Officer clarified that discussion had taken place on a joint letter to NPIERS highlighting concerns with the examination process. It was proposed that the

Tiptree Neighbourhood Plan Joint Examination Response be published alongside the Examiners Report and Regulation 18 Decision Statement.

Going forward there was a need to regroup and set in train the Regulation.14 consultation. Sandra Scott, Place Strategy Manager pointed out that a lot of work had already been undertaken and this would help when starting the consultation although it was likely that this would take some months.

Karen Syrett, Lead Officer for Planning, Housing and Economic Growth assured members that Planning Officers would assist and support the Parish Council. Whilst the Neighbourhood Plan would currently carry no weight in the consideration of any Planning Applications submitted, each would be considered on its merits. The Local Plan, 5-year housing supply and the NPPF would still be able to be taken into account and the Parish Council would continue to be able to assess and make comments on applications.

RESOLVED (UNANIMOUSLY)

To note the findings and overall recommendation of the Tiptree Neighbourhood Plan Examiners Report to not proceed to referendum.

To endorse the Tiptree Neighbourhood Plan Joint Examination Response December 2020.

To agree to publish the Tiptree Neighbourhood Plan Joint Examination Response alongside the Examiners Report and Regulation 18 Decision Statement.

211 Authority Monitoring Report

The Committee considered a report that provided an annual summary of key statistics that allow the Council to monitor the effectiveness of its Local Plan.

Bethany Jones, Planning Policy Officer presented the report explaining that there had been a slight decrease in Planning Applications, dwellings built remained above target and 202 Affordable Homes had been provided. Other on-going work included the adoption of 3 Neighbourhood plans, Colchester Woodland Project (Planting of trees), the E-cargo bikes project and the No Idling campaign.

Members found the report useful and thanked officers. There was disappointment at the number of empty properties and interest in receiving more detail on the E-cargo bikes.

The Lead Officer for Planning, Housing and Economic Growth explained that delivery of electronic bikes and trailers had been made and these were being used by Council staff in Neighbourhood Services (Zones) and also by the Council's partners such as the BID, businesses for deliveries and the NHS trust.

There was also interest in the ONS research on golf courses and public access to public open space and the Planning Policy Officer agreed to look into this further and

provide a breakdown for members. The Lead Officer for Planning, Housing and Economic Growth explained that the research referred to had been published in the Sunday Times and whilst overall the headline message was not good the reality for Colchester was a better result; information behind the report had not been available.

The 5-year supply position was also queried, and Karen Syrett explained that the position had been fixed in April and additions were not allowed. Some discussion was taking place with Members of Parliament and other Local Authorities in Essex, but those authorities did not have the same level of housing build.

RESOLVED (UNANIMOUSLY)

To approve the 2019-20 Authority Monitoring Report (AMR) for publication on the Council's website.