

Local Plan Committee

Monday, 02 October 2017

Attendees: Councillor Lewis Barber, Councillor Nick Barlow, Councillor Nigel Chapman, Councillor Andrew Ellis, Councillor Adam Fox, Councillor Martin Goss, Councillor Dominic Graham, Councillor John Jowers, Councillor Gerard Oxford, Councillor Martyn Warnes

Substitutes: No substitutes were recorded at the meeting

Also Present:

118 Have Your Say!

Richard Beauchamp addressed the Committee pursuant to the provisions of Meetings General Procedure Rule 5(3). He referred to the request from Basildon District Council for assistance from other local authorities to meet its unmet housing need. He was concerned generally about the increase in population on a local and national level and that it was unsustainable in terms of food and water security. He was concerned about the ability of society to manage the increases and for the wellbeing of future generations.

Victoria Weaver addressed the Committee pursuant to the provisions of Meetings General Procedure Rule 5(3). She thanked the Chairman for responding to her recent correspondence but remained of the view that people felt that they weren't being listened to. She had sought further information about improvements to traffic flows around North Station following work undertaken by Essex County Councillor Kevin Bentley but considered that insufficient details had been made public.

The Chairman referred to increases in housing due to be delivered in Mile End as a consequence of already approved planning applications and the associated highway improvements to be delivered in association with these developments. He was aware of plans to reduce the size of the roundabouts at North Station in order to increase the road space and had assisted in gathering public support for the delivery of this initiative to be brought forward. He confirmed that County Councillor Bentley had been involved in positive discussions but that plans and applications were awaited. He anticipated that additional information would be forthcoming in the next weeks and months.

Rosie Pearson addressed the Committee pursuant to the provisions of Meetings General Procedure Rule 5(3). She referred to the considerable efforts made by the Campaign Against Urban Sprawl in Essex (CAUSE) to engage with the Council in relation to the Local Plan process but she considered they had been ignored again and again. She questioned the proposals in relation to infrastructure, jobs and money and

considered that the Garden Communities proposals were in direct contradiction of the evidence base. She was concerned about the creation of a Development Company to deliver the Garden Communities and was of the view that the plan should not be submitted to the Inspector in its current form.

The Chairman explained that Ian Vipond, the Council's Strategic Director of Policy and Place, had confirmed that a response was due to be issued to CAUSE in relation to recent correspondence.

119 Minutes of 30 August 2017

RESOLVED that the minutes of the meeting held on 30 August 2017 be confirmed as a correct record.

120 Draft Publication Local Plan Consultation Responses

Councillor Jowers (in respect of his Vice-Chairmanship of Essex County Council) declared a non-pecuniary interest in this item pursuant to the provisions of Meetings General Procedure Rule 7(5).

Councillor Warnes (in respect of his spouse's ownership of property at Mersea Road, Langenhoe) declared a pecuniary interest in this item pursuant to the provisions of Meetings General Procedure Rule 7(5).

Councillor Warnes (in respect of his spouse's relatives' ownership of property in the vicinity of the site south of Berechurch Hall Road) 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 Assistant Director Policy and Corporate giving details of the responses received following the consultation on the Publication Draft Local Plan.

Laura Chase, Planning Policy Manager, presented the report and, together with Karen Syrett, Place Strategy Manager, responded to members questions. It was explained that the Local Plan had now progressed to Publication Draft stage and the committee had agreed to carry out public consultation for an eight week period between 16 June and the 11 August 2017. The consultation process had involved publishing the document and supporting information on the website, notification of the consultation to the Council's extensive list of interested organisations and individuals and a series of public drop-in sessions which were advertised through social media, press coverage, and posters circulated to parish councils. The drop-in sessions, which were attended by approximately 600 people, provided background information on the Local Plan process,

copies of the consultation document, opportunities to ask questions of the officers in attendance and information on how to respond formally to the consultation, including advice on using the consultation portal.

The recording of responses by online consultation, email and letter had been completed which had confirmed that a total of 1,356 representations had been made by 668 individuals and organisations. A further 3,781 people responded through petitions and joint representations, bringing the overall total to 5,137. No representations had been rejected meaning that all representations received within the eight week consultation period would be forwarded to the Planning Inspectorate. It would therefore be for the Inspector to decide how to deal with those representations which did not address all points, particularly in relation to soundness and legal compliance.

Surrounding local authorities including Braintree, Tendring and Chelmsford had provided positive responses to the plan. A Duty to Cooperate meeting had been held with Maldon District Council which did not result in the identification of any significant issues. Essex County Council had expressed broad support for the plan whilst suggesting a number of minor changes for clarification. Issues with South Essex local authorities being able to meet their housing requirements in full due to Green Belt and environmental constraints had been identified by Basildon District Council with a request that other Essex authorities, including those in the Colchester / Braintree / Chelmsford / Tendring Strategic Housing Market Area (SHMA), consider addressing this need in their targets.

The Council would be working with objectors to develop Statements of Common Ground where appropriate, to assist the Inspector in clarifying agreed approaches to the resolution of issues raised through the plan-making process. As part of this process Braintree, Colchester and Tendring Councils were working with Basildon District Council to agree a Statement of Common Ground to address concerns around unmet need for housing in general and gypsy and Traveller accommodation in particular.

It was intended to submit the plan to Government by 9 October 2017 once all submission materials had been completed by all three authorities submitting their linked Local Plans. The Planning Inspectorate would then confirm who had been appointed to examine the plan and when the examinations would take place. The first examination would consider the strategic and cross-boundary policies and allocations covered by Section 1 and was expected to take place in mid-January 2018, while the examination for Section 2 was expected to be in mid-2018.

The Planning Policy Manager also confirmed that the Government had announced a consultation on a new methodology for arriving at Local Plan housing targets which would apply to all plans submitted after March 2018. A detailed report setting out the Council's response to the consultation was due to be considered by Cabinet on 11 October 2017 which indicated that the new methodology would provide higher housing targets for most South East England authorities as it involved making upward

adjustments for authorities where affordability was a problem. The report indicated that the new methodology would increase Colchester's housing target from 920 houses per year to 1,095 per year.

John Akker addressed the Committee pursuant to the provisions of Meetings General Procedure Rule 5(3). He explained that he and a considerable number of residents continued to have very grave concerns for Mersea and were of the view that the Plan was unsound. He hoped the committee members would reflect on these views. The Stop 350 action group had accumulated around 1,200 supporters with many more objecting after the closing date of the consultation. The overall view was that the Mersea residents were overwhelmingly against the Plan. He also referred to a commitment made at the previous meeting of the committee for the policy on caravan parks to be looked at again by officers and asked whether any progress had been made with this.

The Place Strategy Manager, explained that it was not the role of the committee members to review the responses received to the consultation, rather this was a matter for the Planning Inspector. She explained that officers were compiling a table including number of minor amendments and other modifications which she hoped would be accepted for submission with the draft Local Plan. This was work in progress and would depend on what would be acceptable in terms of minor modifications and, as such, could not confirm, at this stage, whether this would incorporate changes to the caravan park policy.

David Cooper addressed the Committee pursuant to the provisions of Meetings General Procedure Rule 5(3). He referred to the responses to section 2 of the plan and the absence of relevant policy numbers to a number of the representations, seeking assurances that these would be included where relevant. He further wished to clarify the response summary on page 55, explaining that there were two separate issues – one in relation to housing numbers and a second in relation to year round residency in caravans.

The Place Strategy Manager confirmed that the responses to the consultation would be submitted in two forms, by representor and by policy number. She also confirmed that the summary on page 55 would be clarified in respect of housing numbers and caravan residency.

William Sunnocks addressed the Committee pursuant to the provisions of Meetings General Procedure Rule 5(3). He referred to the Government's proposals in relation to the impact on housing targets for Colchester. He was concerned about the potential for the housing target to increase to 1,095 given that Colchester was already the biggest housebuilder in the East of England. He considered, in the light of these potential increased targets, that Colchester's compliance with Local Plan processes in the past had not been rewarded. He considered the Council needed to more than simply politely object to the Government's proposals. He was of the view that the Council should take a

stand. It should determine not to submit its draft Local Plan and it should remove all of the unsustainable sites in the Plan, including West Tey and West Mersea. He was concerned, if this was not done, that the delivery of the proposals for the Garden Communities would be transferred from the Council to a Development Company and the Local Plan would become a liability to the Borough and its residents.

The Chairman was of the view that a decision not to proceed with submission of the draft Local Plan would mean that housing numbers would be forced on the Council by the Government. He cited Chelmsford as an authority which had previously under delivered in respect of its housing numbers and which was now required to make up previous under delivery to the extent that its Local Plan target was in the order of 20,000 homes.

Sir Bob Russell addressed the Committee pursuant to the provisions of Meetings General Procedure Rule 5(3). He was concerned that references to the development of Statements of Common Ground would provide a mechanism for responses to the consultation to be overlooked, he questioned whether the West Tey Garden Community proposal was supported by Braintree District Council, he questioned an erroneous reference to Middlewick Ranges as low quality agricultural land and a typing error referring to Salary Brook County Park. He wholeheartedly supported the reference to a 1.5 km buffer between Greenstead/Longridge and a new settlement and asked why this detail hadn't been included in the Plan itself, given the considerable support expressed for this by local residents. He referred to comments made by the Essex Wildlife Trust in relation to Middlewick Ranges and considered no development should take place on this site. He also queried the status of a site in St John's Road, Colchester.

The Chairman confirmed that a site in St John's Road, Colchester which had recently received publicity in the local media was not included in the Local Plan and this would be borne in mind should any planning application be submitted in the future. He confirmed that all comments made to the consultation would be submitted to the Planning Inspectorate as part of the evidence base and also that he was of the view that the views of the Committee in relation to Salary Brook had been made very clear to David Lock and that they would be reflected in the proposals for the East Colchester Garden Community.

Councillor T. Young, in his capacity as Portfolio Holder for Business and Culture (and Deputy Leader of the Council), attended and, with the consent of the Chairman, addressed the Committee. He referred to the recent Government consultation on new methodology for housing numbers as being very unhelpful and very unwelcome and was hopeful that the Cabinet would make a robust response to the document. He was also of the view that this consultation would mean that if Colchester sought to reduce its housing target below the currently agreed total of 920, this would inevitably mean that the Government would impose a Plan upon the Council. He welcomed the support given to the Plan by Essex County Council and praised the joint working with Essex, Braintree and Tendring. He was hopeful that discussions regarding issues raised by Basildon

would be sympathetic but not to the point of being able to accommodate any additional capacity. He thanked all those who had responded to the consultation and hoped that the draft Local Plan would be found to be sound by the Inspector. He fully supported the sentiments of Sir Bob Russell in relation to Salary Brook and the Middlewick Ranges and was of the opinion that these views also had considerable support from residents. He was of the view that the Council's procedures in relation to the Local Plan had been robust and, whilst it was not for the Committee members to comment on the views expressed, he welcomed the opportunity provided for the summary of responses to be noted by the Committee members.

The Committee members gave full and detailed consideration to the report and the comments made by the speakers. In particular, the following comments were made: Councillor Jowers:

- He considered committee members should be entitled to draw their own conclusions from the submissions made by residents, such as in relation to the West Tey proposals;
- He acknowledged concerns expressed regarding the year round occupation of caravans at East Mersea;
- He made reference to support demonstrated for the Garden Community proposals by Essex County Councillors representing areas in the South of the County;
- He considered the issues raised by Basildon District Council to be of concern for all authorities close to London which were in danger of becoming extensions of London;
- He was concerned that community values were being sacrificed for housing numbers;
- He acknowledged that the draft Plan would need to be submitted to the Planning Inspectorate before March 2018 otherwise the consequences would not be good;
- He acknowledged the need to speak up for things which were important and considered that, although there were some NIMBY comments, many residents had expressed genuine concerns which should be taken on board.

Councillor Barber:

- He acknowledged the dire consequences if the draft Plan was not submitted to the Planning Inspectorate given the potential for housing totals to be increased in the future;
- He would be interested in hearing more should there be a robust legal argument against the submission of the Plan;
- He was concerned about the delivery of adequate infrastructure and other well documented deficiencies within the Garden Community proposals;
- The strong feelings from considerable numbers of residents despite the proposals' continued progression through the Local Plan process were of concern to him.

The Chairman agreed that the delivery of infrastructure was key to the success of the Local Plan. Essex County Council had already indicated that the A120 improvements would be started in 2023 for completion in 2026. He explained that the draft Local Plan

had not been driven as a consequence of under delivery by Tendring District Council but was a consequence of a lack of housing land for future development. If this situation had been allowed to continue then speculative housing developers such as Gladmans would be in a position to argue that the Council no longer had a viable supply of land. As such, it made sense for Colchester to work towards a joint approach with Braintree and Tendring although Colchester would need to proceed with a new Plan regardless of the partnership arrangement with its neighbours. He referred to the current housing target of 920 per year and the potential within certain evidence models for this number to have been around 1,100. He explained that Colchester had not over developed in terms of housing delivery over previous years, currently the Borough was virtually on plan in terms of numbers delivered.

The Place Strategy Manager confirmed that the Garden Community Development Plans would be presented to the Committee at its meeting in November 2017. She confirmed that there was potential for concern regarding the impact of projected housing need in London. Currently it had been accepted that there was scope to provide 42,000 new homes in London, this currently represented a shortfall of 7,000 in terms of need for new homes whilst the proposed new methodology indicated a need for 72,000 new homes. The shortfall in new housing provision for Chelmsford was based on housing totals which had been agreed in 2007/08 based on the East of England Plan.

Councillor Ellis:

- He supported the view expressed by Councillor Jowers that community values were being sacrificed for housing numbers;
- He regretted the lack of assurance in relation to amendments to the caravan policy wording as he was aware that, due to a loophole, caravans were being occupied for 12 months of the year on Mersea Island. These residents were not counted in terms of residencies but were having an impact on local facilities such as dentists and GP surgeries which were already full. He therefore asked the Place Strategy Manager to look again at the policy wording in order to ensure there was no absolute presumption to allow development of caravan parks. He considered this to be a significant issue which needed to be addressed otherwise it had the potential to be detrimental to the Island and with catastrophic consequences. He asked that the concerns expressed about the caravans be addressed given the occupants were not living in Mersea as tourists but as residents.

The Place Strategy Manager confirmed that officers were looking into the wording of the caravan park policy as well as a number of other policies but she was unable to confirm exactly what changes would be proposed in relation to the caravan policy in particular. She also confirmed that permanent 12 month occupancy had not been permitted in terms of planning permission requirements. There were also caravan park licensing requirements in terms of occupancy which needed to be complied with and the sites were being monitored by the Council's Enforcement Officers. She was aware that evidence so far from local doctors, schools and council tax records had not indicated

there were significant breaches in occupancy requirements but she encouraged anyone with relevant evidence to report it for further investigation.

Councillor G. Oxford:

- He had been informed by Will Quince MP that information in relation to the Southern Relief Road issue was being considered by the Ministry of Defence;
- He referred to the Government's consultation on housing numbers methodology which was likely to lead to an increase in housing totals for Colchester and, as such, the submission of the draft Plan in its current form could not be delayed;
- In terms of comments regarding too much housing in Colchester, he was aware, from statistics in 2015, that there were 34,354 0 to 15 year olds in the Borough who, by the end of the next Plan period, would require accommodation. He was concerned about the implications for these young people if adequate provision was not made for them in the Borough.

Councillor Chapman:

- He referred to the problem of people not regularly involved with the Local Plan having difficulty understanding the Local Plan process as set out in legislation and, as a consequence, people were becoming desperately worried about the town's ability to deal with the increase in population. It was very difficult to explain to people how so many houses could be built and how the infrastructure would be provided to go with it;
- He was aware from previous experience that, however many houses were built, many people would still present as homeless;
- He sought clarification in relation to comments from Natural England, Sport England and others regarding the contents of the Council's strategies.

The Planning Policy Manager explained that a number of meetings would be taking place with various stakeholders in relation to these issues. She acknowledged the comments made but was aware that there was no fundamental differences of opinion and these would be addressed by means of Statements of Common Ground.

Councillor Graham:

- He considered it unhelpful to the discussion for references to be made about the town being destroyed. He accepted that there were challenges and that we needed to deal with them in as positive a way as possible;
- He acknowledged residents' concerns about the provision of NHS and health services but he was of the view that, although the Council had influence over these service providers, it was wrong to seek assurances from this committee in relation to solutions. He was aware that meetings were taking place with the Ambulance Trust, the NHS and the Clinical Commissioning Group and asked about future investment plans from Central Government and sought assurances as to whether any meetings had taken place with the Secretary of State about future funding.

The Chairman explained that health issues were discussed at the Committee's previous meeting and was aware that the Place Strategy Manager had participated in a recent

meeting with a number of relevant stakeholders about health related issues. He was aware that the NHS had confirmed that the way services were delivered in the future would change with greater use of broadband and 4G technology and more provision being delivered at home.

The Place Strategy Manager confirmed that a meeting had taken place on 4 September 2017 which had been very productive, involving representatives from all different sectors from the health service and included Colchester and Tendring Councils, North Essex Clinical Commissioning Group, East of England Ambulance Service, Colchester Hospital Trust, the Community Health Partnership as well as a representative from the Department of Health. The input from the Department of Health had been particularly useful in terms of the national perspective as to how services were likely to change over the Plan period in terms of different methods of care. A Working Group had been established which would meet in November 2017 and would act as the group to submit comments to the Council in the future regarding the Local Plan. Three key issues emerged from the meeting in relation to Estates and Facilities, Workforce and Digital Infrastructure.

Councillor Jowers:

- He wished to thank the Place Strategy Manager and her team for the work they were doing in relation to the Local Plan and also, in particular, in relation to an issue pertinent to Mersea and the protection of the historic seafront.

RESOLVED that the summary of issues raised during the consultation on the Draft Publication Local Plan be noted.