

# Council

Thursday, 23 March 2023

**Attendees:**

Councillor Lyn Barton, Councillor Catherine Bickersteth, Councillor Molly Bloomfield, Councillor Michelle Burrows, Councillor Nigel Chapman, Councillor Helen Chuah, Councillor Mark Cory, Councillor Pam Cox, Councillor Robert Davidson, Councillor Andrew Ellis, Councillor Adam Fox, Councillor Mark Goacher, Councillor Martin Goss, Councillor Jeremy Hagon, Councillor Dave Harris, Councillor Mike Hogg, Councillor John Jowers, Councillor David King, Councillor Jocelyn Law, Councillor Darius Laws, Councillor Michael Lilley, Councillor Andrea Luxford Vaughan, Councillor Jackie Maclean, Councillor Roger Mannion, Councillor Sam McCarthy, Councillor Sam McLean, Councillor Patricia Moore, Councillor Chris Pearson, Councillor Kayleigh Ripplingale, Councillor Lee Scordis, Councillor Lesley Scott-Boutell, Councillor Paul Smith, Councillor Rhys Smithson, Councillor Michael Spindler, Councillor William Sunnucks, Councillor Dennis Willetts, Councillor Barbara Wood, Councillor Julie Young, Councillor Tim Young

**594 Prayers**

The meeting was opened with prayers from the Reverend Sue Howlett.

**595 Apologies**

Apologies were received from Councillors Arnold, Barber, Bentley, Buston, Coleman, Jay, Kirkby-Taylor, Lissimore, Naylor, Nissen, Tate and Warnes.

**596 One Minute Silence**

Council stood for a minute's silence in tribute to Lawrence Walker, Chair of Colchester Black History Month. Council also remembered former Councillor Eugene Kraft.

**597 Have Your Say! (Council)**

Jane Black addressed Council pursuant to the provisions of Council Procedure Rule 6(1). If the Council wished to approve the Development Plan Document (DPD) for public

consultation, it needed to be brought up to date. The draft did not reflect the intention that the link road be built in two phases. The number of buildings that could be built before the link to the A120 was complete should be specified. There was no mention of partial build out in the Transport Base Evidence documents. The original traffic modelling in the Local Plan was based on the link road being in place. Clingoe Hill and the A133 junction were already subject to congestion and delay. The transport base evidence documents focused largely on providing sustainable transport options. Whilst these were welcome the proposed pedestrian crossings on the A133 would impact on traffic flow. To allow residents to comment adequately, the evidence base should clearly set out proposed journey times and frequency of delays on the A133 and surrounding roads. These representations had been endorsed by the Wivenhoe Society Committee.

Sir Bob Russell addressed Council pursuant to the provisions of Council Procedure Rule 6(1). Whilst the threat of large scale development on the eastern side of Salary Brook had been resolved some years ago, there had been still been concern about possible intrusion from expansion of the University across the A133. Thanks were due to the Mayor, other ward councillors and the Tendring Colchester Borders Garden Community Liaison Group in ensuring this threat had been removed and that none of the eastern slopes of Salary Brook would be built on. A tree belt should also be included to ensure residents on Longridge did not see any new buildings. Given the levels of food imports, building houses on prime agricultural land was odd. Fifty years ago, the Council had faced similar issues around the development of Highwoods, but Councillors had intervened to remedy the situation, as was the case with Salary Brook. Councillors should also act in this fashion in respect of Middlewick.

Russ Edwards, Latimer's Project Director for the Tendring Colchester Borders Garden Community, addressed the Council pursuant to the provisions of Council Procedure Rule 6(1). Congratulations were offered to the officers of Essex, Tendring and Colchester in preparing the draft DPD. Latimer were encouraged by the progress made since the regulation 18 draft version. Latimer were extremely supportive of the vision and ambitions in the DPD and were fully committed to delivering these aspirations. They looked forward to continued engagement with councillors and officers in delivering the DPD and in respect of design activity leading to the hybrid planning application.

It was appreciated that there were concerns about the full delivery of the link road. Latimer was entirely committed to the full delivery of the link road. It was supporting Essex County Council in its discussions with government. This commitment was set out in a Memorandum of Understanding which had been signed by Latimer and the respective Councils. The urgency of the issue for councillors and residents was understood. Latimer supported the conclusion of the work by Gerald Eve on viability which formed part of the evidence base. This found that the project was viable and deliverable. Latimer were committed to working proactively and in partnership with the Councils to ensure the delivery of the full package of infrastructure. Viability was a key element of this work. Latimer expected to deliver approximately two thirds of the

housing in the new community throughout the 25 year development life cycle. Latimer's housing association would own and operate all the affordable homes in the new community.

Councillor Tom Kane, Mayor of Wivenhoe, addressed the Council pursuant to the provisions of Council Procedure Rule 6(1). The Town Council and residents of Wivenhoe had several concerns with the DPD as currently drafted. Wivenhoe must have an adequate green buffer from the new community to preserve its identity as a separate community. No development south of the A133 was key to securing this and this had been the key point made in responses to every consultation. The current plan included University development south of the A133. The access arrangements for this development would add significantly to exiting congestion. The small remaining buffer could be swallowed up by allotments and cemeteries. In respect of transport issues, traffic on Clingoe Hill was already horrendous. The link road could have alleviated some of this but there were still significant problems with the delivery of the link road including staged development, funding shortfalls, landowners reluctant to sell unless massively compensated and unresolved safety issues on the A120 junction. Additional traffic from the Knowledge Gateway and the first phase of housing would exacerbate the problem. The proposed Rapid Transit System was a bus service with limited priority and would be wholly inadequate. Current access to Bromley Road across the site had been removed.

Councillor Shaun Boughton, Wivenhoe Town Council, addressed the Council pursuant to the provisions of Council Procedure Rule 6(1). The concerns about the link road were not just the spiralling costs, but also safety concerns about the junction on the A120, which Highways England had not yet approved. The proposed site's land ownership was extremely complex and no landowner had yet signed the heads of terms. It was understood that one landowner in particular was unlikely to agree to sell. The assembly of the land would have a huge impact on the viability of the scheme. The Garden Community principles were a good framework for place making. However, their assessment of the proposed Garden Community development was that it did not comply with some of the significant principles, including the principle of infrastructure first. To approve the DPD before section 106 agreements were signed went against this principle and this was effectively the same development model that blighted other areas of Colchester. Experience elsewhere had shown that garden communities became car dependent and increased traffic. The Council needed to take control now, otherwise the development would lead to massive congestion. Triggers for infrastructure development needed to be enshrined in policy.

Manda O'Connell on behalf of the Tendring Colchester Borders Garden Community Liaison Group, addressed the Council pursuant to the provisions of Council Procedure Rule 6(1) to urge Councillors to vote to adopt the Regulation 18 draft of the Development Plan Document. Not only would it provide excellent features and amenities to new and existing communities, despite the shortfall in link road funding, but also because the

alternative was much worse. It provided green buffers, a country park, specially tailored University expansion plans together with a commitment to green energy. Infrastructure would be provided alongside homes with a three neighbourhoods approach, with an emphasis on the development of community and not just housing. The Group were satisfied that the measures to secure the shortfall in funding for the link road were robust. If the DPD was not adopted there was a serious risk that the funding could be lost and the Local Plan put back by years. This would increase the risk of speculative development. It was the Group's view therefore that it was not ideal that the Garden Community may have to rely on obtaining the shortfall for the Link Road from the developers. However, with the safeguards in place, this was the best that could be done to secure a Local Plan with a visionary community for the future rather than piecemeal speculative development without regard to the needs of new and existing communities.

**598 Tendring Colchester Borders Garden Community - Submission Version of the Development Plan Document - Regulation 19**

Councillor King, Leader of the Council and Portfolio Holder for Strategy proposed that the recommended decision set out in the report of the Executive Director, Place, be approved and adopted.

Councillor Sunnucks moved a main amendment that the recommended decision set out in the report of the Executive Director, Place, be approved and adopted subject to the addition of the following further paragraphs at the end of the motion:

*This Council:*

*(1) will seek to work in collaboration with Tendring District Council and Essex County Council to agree a further Memorandum of Understanding with Latimer in relation to the delivery of infrastructure across the whole development with a focus on phase 1, ideally before the consultation period starts. This is intended to agree an open book appraisal methodology, acknowledge a phase 1 appraisal to be prepared and agree the principles for delivery of all infrastructure. The Council will also request the appointment of an independent consultant to commence initial negotiations in respect of draft heads of terms for any future S106 agreement.*

*(2) expresses its strong concerns about the risk of congestion should phase 2 of the A120/A133 Link Road be delayed.*

Councillor King indicated that the main amendment was accepted and the motion was deemed amended accordingly. The revised wording of the recommended decision was

therefore as follows:-

*That Full Council, having taken into account the information contained in this report and appendices in making its decision on the Submission Version of the Development Plan Document, associated Sustainability Appraisal and other related evidence, in particular the decision made the Tendring and Colchester Borders Garden Community Joint Committee at its meeting held on 27 February 2023, resolves that –*

- (a) the Submission Version of the Plan for the Tendring Colchester Borders Garden Community (otherwise known as the ‘Development Plan Document’ or DPD) (Appendix 1) and associated Sustainability Appraisal (Appendix 2) along with the Strategic Masterplan and other related evidence listed as background documents which together address the legal requirements of the planning system and the tests of soundness set out in the National Planning Policy Framework, having regard to the comments received in response to the 2022 Regulation 18 public consultation exercise, be published for six weeks’ public consultation in line with Regulation 19 of the Town and Country Planning (Local Planning) (England) regulations 2012 (as amended) and Regulation 13 of the Environmental Assessment of Plans and Programme Regulations and thereafter submitted to the Secretary of State in line with Regulation 21 of the Town and Country Planning (Local Planning) (England) regulations 2012 to begin the process of independent examination;*
- (b) the Garden Community Planning Manager, in consultation with Tendring District Council’s Director of Planning, Colchester City Council’s Executive Director of Place and the Chairman and the Vice-Chairman of the Tendring Colchester Borders Garden Community Joint Committee, be authorised to make any minor editorial changes to the text and maps in the Submission Version of the DPD and to make necessary updates and additions to the evidence base ahead of their publication for public consultation;*
- (c) welcomes the completion of a Memorandum of Understanding which is intended to govern the relationship, collaboration and co-operation between the Councils and Latimer in relation to the delivery of both phases, at the earliest opportunity, of the A120-A133 Link Road which will support the development of the Garden Community; and*
- (d) endorses the recommendation that Officers from the Councils work with Latimer to explore the possibility of entering into an agreement which would detail how the parties would work collaboratively for the duration of the project, delivering the vision for the future of the garden community.*

*This Council:*

- (1) will seek to work in collaboration with Tendring District Council and Essex County Council to agree a further Memorandum of Understanding with Latimer in relation to the delivery of infrastructure across the whole development with a focus on phase 1, ideally*

*before the consultation period starts. This is intended to agree an open book appraisal methodology, acknowledge a phase 1 appraisal to be prepared and agree the principles for delivery of all infrastructure. The Council will also request the appointment of an independent consultant to commence initial negotiations in respect of draft heads of terms for any future S106 agreement.*

*(2) expresses its strong concerns about the risk of congestion should phase 2 of the A120/A133 Link Road be delayed.*

On being put to the vote the motion was approved and adopted (thirty five voted for, two voted against and two abstained from voting),

A named vote pursuant to Council Procedure Rule 15(2) was requested by Councillor Fox, supported by Councillors J. Young and Lilley, and the voting was as follows:-

FOR:- Councillors Barton, Bickersteth, Bloomfield, Chapman, Chuah, Cox, Davidson, Ellis, Fox, Goss, Hagon, Harris, Hogg, King, Law, Laws, Lilley, Maclean, Mannion, McCarthy, McLean, Moore, Pearson, Ripplingale, Scordis, Scott-Boutell, Smith, Smithson, Spindler, Sunnucks, Willetts, Wood, J. Young, the Deputy Mayor (Jowers) and the Mayor (T. Young)

AGAINST:- Councillors Burrows, Cory

ABSTAINED FROM VOTING:- Councillors Goacher, Luxford Vaughan