

Local Plan Committee

Monday, 07 August 2023

Attendees: Councillor Lewis Barber, Councillor Michelle Burrows, Councillor Paul Dundas, Councillor Richard Kirkby-Taylor, Councillor Kayleigh Rippingale, Councillor Lee Scordis, Councillor Paul Smith, Councillor Michael Spindler, Councillor Tim Young

Apologies: Councillor William Sunnucks

Substitutes:

276 Minutes of Previous Meeting

The Minutes of the meeting held on the 12 June 2023 were confirmed as a correct record.

277 Have Your Say! (Hybrid Council meetings)

Sir Bob Russell addressed the Committee pursuant to provisions of Meetings General Procedure Rule 5 (1). The Committee heard that the speaker had an interest in Colchester Council through their years of service and that the people of Colchester elected their Councillors, but detailed that unanimous decisions of the Council had not been carried out. The speaker detailed that the ABRO site of Flagstaff Road application and how it had failed to meet the spirit of the planning brief that had been a requirement for bidding on the site and that if this was the case then there was no point in having the brief. The Committee heard that a planning officer of the Council had detailed that the developer should have followed the planning brief. The speaker raised an issue surrounding Holy Trinity Church yard which had been handed over to the Town Deal board and that this did not comply with the Masterplan. The Committee heard that there were proposals to animate the river Colne which would destroy the existing wildlife corridor which would be a breach of the Councils Biodiversity Supplementary Planning Document and would be wrong to destroy a wildlife corridor through Castle Park and Bourne Meadow where there were significant number of protected species sightings. The speaker concluded by detailing that these decisions had not been undertaken by Officers despite unanimous decisions by Councillors.

Karen Syrett, Joint Head of Planning, responded to the points raised by the speaker at the request of the Chair. The Committee heard that the ABRO site and its requirements had not been ignored and confirmed that a planning application had been received and a number of consultations needed to take place prior to any decision. Simon Cairns, Joint Head of Planning, responded to the points raised by the speaker at the request of Chair. The Committee heard that plans were being drawn up to change the orientation of the railings and that a planning application would have to take into account the Local Plan and Biodiversity policies and that there would need to be a biodiversity report. With regards to the river Colne, it was understood that there were policies to enhance Biodiversity and understood the perceived contradiction to

enhance and reassured the speaker that the Otters in the river would be unaffected.

Sir Bob Russell responded to the points raised and questioned who had handed Holy Trinity Church over to a Quango and detailed that the removal of the railings would create a space for people to urinate, defecate, and fornicate.

At the request of the Chair, The Joint Head of Planning (Simon Cairns) responded to the points raised confirming that the property had not been handed over to anyone and that any proposed works would have to align with the objectives and policy framework of the Council and that anti-social behaviour would be prevented by locking the gates to the Churchyard every night.

Richard Martin addressed the Committee pursuant to provisions of Meetings General Procedure Rule 5 (1). The Committee heard that Bloor Homes had been circling Middlewick Ranges and asked the Committee to reflect on the ecological disaster of the loss of Middlewick and that fit and proper surveys should take place. The Committee heard that the impact of Biodiversity Net Gain could mean that it would need to be provided off site and that the Council needed to take bold steps on this and that it should not be building proposals that were not required. The Committee heard that there was now a fundamental change in terms of infrastructure from Essex Highways as there were delays to main line infrastructure and that new traffic models should be undertaken as it breached the model for Middlewick and should be submitted to the Planning Inspector. The speaker concluded by detailing that there were severe issues of flooding at the Hythe with the possible likelihood of future flooding events.

At the request of the Chair, the Joint Head of Planning (Karen Syrett) detailed that they had no knowledge of Bloor Homes association with Middlewick and that any Ecological reports would be independent and that housing markets did have peaks and troughs in terms of and that if houses were not selling as well now then it would only add to the housing crisis down the line. The Joint Head of Planning concluded by detailing that the slowdown in the housing market did not mean that people did not want the homes and that there were further changes to come in the Hythe.

Richard Martin responded to the points raised and confirmed that they had spoken to the Bloor Homes ecologists that were on the site.

Shelley Blackaby, Principal Planning Officer (Environment), presented the report to the Committee and detailed that the Draft Climate Change Supplementary Planning Document (SPD) followed on from the agreement to adopt the Biodiversity Supplementary Planning Document at the previous meeting. The Principal Planning Officer detailed that the three proposed Climate Change Supplementary Planning Documents would build on the adopted Local Plan and would provide guidance for policies CC1 and DM25 for renewable energy. The Committee heard that the Climate Change SPD referred to the Council's climate change declaration and the Council's commitment to carbon reduction and waste minimisation as well as higher water

efficiency standards. It was noted that Officers of the Council as well as Members of Essex County Council had been initially consulted on the documents contents. The Principal Planning Officer ran through the Chapters contained within the document as well as referencing the net zero toolkit and net zero carbon buildings, some of whose elements had been contained within the draft SPD. Members were asked to note that this included passive design, overshadowing and ventilation to reduce overheating and that the SPD supported the LETI (Low Energy Transport Initiative) which had been found appropriate by the Planning Inspectorate when looking at other Local Plans. The Principal Planning Officer concluded by detailing that the Committee were being asked to approve the publication of the draft Climate Change SPD for consultation and that any minor changes required could be approved by the Head Of Planning in consultation with the Chair of the Committee prior to the consultation commencing.

David Cooper addressed the Committee pursuant to provisions of Meetings General Procedure Rule 5 (1). The Committee heard that page 15 of the report and building design therein should not be permitted with design features such as plastic chimneys and sending the wrong message and that resources would be better spent on solar areas. The Committee heard that the proposal did not acknowledge rising sea levels with considerable concern being raised in Mersea with some of the queues for the crossing building up to 5km because of high tide. The Committee were asked to note that there was a population increase of 16% on the Island in 10 years and that the sea wall has nearly been breached with it coming close to the 1 in 100-year event.

At the request of the Chair, the Principal Planning Officer responded that the speaker raised valuable points and asked that they be submitted as part of the consultation and clarified that the flooding risk had been assessed in the Strategic Flood Risk Assessment.

David Cooper responded that the issues on Mersea including housing and its relationship to flooding were becoming dangerous with yearly predictions showing worse outlooks.

Members debated the draft document on the issues including the amount of power the document had over developers, the installation of gas boilers as well as the provision of Electric Car charging points. The Principal Planning Officer confirmed that the document would be advice only and not would only be for guidance for policies CC1 and DM25.

Members continued to debate the application on the issues including the weight of the policies when being applied by the Council and at Planning Committees. Members also noted that not everyone could work from home with a query being raised regarding the power requirements for Electric Car charging points being 13 amps or whether this should be 30 amps.

At the request of the Chair, the Principal Planning Officer and Joint Head of Planning responded that guidance regarding electric vehicle charging was taken from the Essex Design Guide. It was noted that the Design Guide had been amended in the week prior to the Committee meeting and detailed that building regulations did require 30 amps. As such it was proposed that the guidance would be updated in the Draft SPD to reflect the updated Essex Design Guide.

The debate concluded with Members commenting on the well written document and guidance.

RESOLVED (UNANIMOUSLY) that the Local plan Committee (LPC) approve publishing the draft Climate Change SPD for public consultation in accordance with the Planning Regulations and Statement of Community Involvement
And

That Minor changes to the SPD be approved by the Head of Planning in consultation with the Chair of the Committee prior to the consultation commencing.
And

That the document is updated to include the most up to date guidance within the Essex Design Guide, specifically with regard to electric vehicle charging.

279 Active Travel Supplementary Planning Document

Rachel Forkin, Principal Planning Policy Officer presented the draft Active Travel Supplementary Planning Document (SPD) to the Committee noting that the proposal would build upon the adopted Local Plan. The Committee heard that new developments should enhance accessibility to sustainable networks and would build on the previous documentation for this area which was produced in 2012 as well as providing up to date information on the network of footways and Public Rights of Ways (PRoWs) and cycling links. The Committee heard that the document included the 10 principles of Sport England for new proposals and that it would promote active travel that would be accessible to all people. The speaker concluded by detailing that the recommendation in the report was that the Committee approve the publication of the draft Active Travel SPD for consultation and that any minor changes required could be approved by the Head Of Planning in consultation with the Chair of the Committee prior to the consultation commencing.

Nick Chilvers addressed the Committee pursuant to provisions of Meetings General Procedure Rule 5 (1). The Committee heard that the proposal would provide guidance for future development through engagement with the Community but challenged the assumptions within the report and asked officers to further research why people did not opt for busses and why people chose to use their cars more or on a car share basis. Further to this the speaker detailed that getting on your bike or undertaking the walking element in the City which had many large hills was patronising to many members of the community who could not do this. The speaker detailed that the Council did not have any control over improvements to public transport or public transport gateways and concluded by detailing that the Council should not reduce car parking spaces as this could lead to cars parking on pavements and junctions.

At the request of the Chair, the Principal Planning Officer responded to the points made by the speaker. The Committee heard that the SPD did not intend or have the power to reduce road capacity and was about providing a choice for those who wanted to use active travel and to communicate that to the local community. The

Principal Planning Officer concluded by detailing that all comments would be welcomed as part of the consultation.

Nick Chilvers responded that they lived 2 miles from the centre of the City and that many people worked shift jobs and did not need to be lectured on their travel choices as they were the backbone of the City and nobody was speaking up on their behalf.

The Committee debated the Active Travel Supplementary Planning Document on issues including ways to engage and consult and detailed that Colchester City Council and Essex County Council had both made it clear that they were not against the car and that the proposal was to provide more of a choice whilst noting that this would not be possible for everyone. Members discussed the role of the equality of opportunity noting that not all options would be possible for everyone. A comment was raised by the Committee regarding the northern gateway and the associated sports facilities not having safe access to Boxford and Langham as this had been overlooked in the past. Members continued to debate the SPD and that the document did not provide any extra power for providing public transport but provided guidance building upon the bus service improvement plan. The Committee requested that further links be added detailing the Essex Bus Strategies and that these be included in the consultation document.

Members continued to debate the Supplementary Planning Document and its consultation on issues including: the permeability of developments and how this was not aiding connectivity, that Colchester Commercial Holdings Ltd were on the climate change working group for the Council and that car clubs were slowly emerging from developments where they had been approved but due to the lag from approval to completion not many were in action at the moment. Some Members felt that the public transport links in Colchester were poor and that cycle routes did not link up but that people needed to be offered a choice when making their journeys. There was some disagreement between Members on the basis of what was practical for everyone and how more could be done to support devolution to allow Colchester City Council to become a Local Transport Authority.

At the request of the Chair, the Principal Planning Office detailed that the purpose of the SPD was to ensure that there were no gaps in the routes and to fill in those gaps where identified and confirmed that all residential developments would need to have a travel plan.

The debate continued with some Members querying the effectiveness of travel plans especially when they were implemented in rural areas where it was not possible to cycle or walk and that a more inclusive policy was needed.

At the request of the Chair, the Principal Planning Officer confirmed that travel plans were monitored by the Council and confirmed that the principles contained in the SPD applied to the new developments in rural and urban areas. The debate concluded with Members discussing the use of e-scooters in the city as well as any possible enforcement action that could be undertaken. The Principal Planning Officer confirmed that the e-scooter trial was funded by Central Government and confirmed that it was not legal to ride the scooters on the road, but the Council would work with the supplier to ensure that they were being used responsibly.

RESOLVED (UNANIMOUSLY) that the Local plan Committee (LPC) approve publishing the draft Active Travel Supplementary Planning Document for public consultation in accordance with the Planning Regulations and Statement of Community Involvement

And

That Minor changes to the SPD be approved by the Head of Planning in consultation with the Chair of the Committee prior to the consultation commencing.

And

That links to the Essex Bus Strategies be included within the draft document.

280 Local Plan Review - Issues and Options

Bethany Jones, Principal Planning Officer, presented the report to the Committee noting that the review of the Local Plan had been triggered by the adoption of Section 1 and heard that the evidence base for the current plan predated 2017 and significant changes to national policies. The Committee heard that there was currently no justification for a joint plan and any plan going forward would be a standalone proposal for Colchester City Council. Members heard that there was no prescribed approach for a Local Plan and the Council had previously consulted for 6 weeks and that going forward there would be an ongoing consultation process and on key themes and would be easier to manage and allow the Council to approach and embrace different opportunities for plan making.

Councillor Dave Harris addressed the Committee as a visiting Councillor. The Committee heard that the Councillor was interested in Middlewick's inclusion in the plan and the engagement around this as the Masterplan for the site had not yet been written. The Committee heard that there would need to be a shopping list of what was expected from the site which could include a community centre like the one that was in Stanway as well as provision for the health facilities as residents currently struggled to get healthcare appointments. Further to this the Ward Member detailed that there was a further requirement for Multi Use Games Area (MUGA) as well as parking provision around existing shops as it was not always possible to walk to shops. The Committee heard that the last assessment of the Plan had been conducted in 2016 and that there had been significant changes to areas including the Highways situation and asked that a new assessment regarding infrastructure be undertaken and that there was a recalculation of the housing numbers for the Middlewick site as well as a re-assessment of the ecological impact and biodiversity. The visiting Councillor concluded by detailing that there had been the possibility of 2000 dwellings on the site and asked for a resident backed Masterplan for Middlewick with engagement with the public and an updated traffic survey and biodiversity survey.

At the request of the Chair the Principal Planning Officer responded to the speaker outlining that the report detailed the evidence base for the Local Plan review and that

a large amount of detail would be needed for the Masterplan. The Joint Head of Planning (Karen Syrett) detailed that the Council would be engaging in a way to better involve people and attract comments from those who would not usually comment. It was noted that this would include visiting shops and that the team were open to any other suggestions for engagement.

Members debated the issues and options of the Local Plan Review and detailed that infrastructure projects like those from Essex County Council such as the digital rollout of 5G masts and the associated infrastructure would be put on highways land where possible. The Committee discussed the impact of lessons learnt from previous consultations and that the Committee would see the detail of any call for sites, and whether there was a green network that would be linking the Tendring Colchester Borders Garden Community. At the request of the Chair the Principal Planning Officer (Environment) commented and confirmed that the Council was looking to provide enhancements where possible and that the green corridors would be one of the golden threads running through the plan which would include waterways being mapped and the inclusion of ancient woodland. The Joint Head of Planning (Karen Syrett) advised the Committee that they had attended Policy Panel regarding this item and that feedback had been given by the panel and taken onboard regarding engagement. In response to a question from the Committee regarding the borders of the City and their relationship to Tendring the Joint Head of Planning confirmed that these issues would be investigated but that the Council would not be writing other Local Authorities plans and that the consultation would include residents' associations.

Members continued to debate the engagement and consultation strategy with a Member bringing forward the consultation approach and the inclusion of youth panels as well as the Alzheimer's Society and Make Space for Girls. Members continued to discuss the options noting that the review could not come soon enough with some Members expressing the view that Middlewick should be reviewed taking on board the thousands of volunteer hours from the community with any Masterplan being required sooner rather than later in the process as the site was not going to be economically viable.

The debate continued with Members being informed that all allocations would need to be reviewed on sites where they had not commenced and advised the Committee that it was not always possible to deliver all the infrastructure up front. Members raised concern over how the changes to the Local Plan would impact existing Neighbourhood Plans. The Joint Head of Planning (Karen Syrett) detailed that the review would need to reflect national policies and that there was a good uptake of Neighbourhood Plans in the Colchester area and confirmed that there would be engagement with the Parishes on their allocations as well as informing the overall strategy.

The debate concluded with Members asking that the engagement include Community 360 as well as minority communities within Colchester. The Joint Head of Planning (Karen Syrett) confirmed that the engagement would include the smaller groups and would be looking at lists of groups to do focus groups and try to include people who would not usually engage.

RESOLVED (UNANIMOUSLY) that the Committee agreed the approach outlined in the Issues and Options engagement;

And

That the Committee agreed to the approach as detailed in Engagement and Consultation Strategy appended to the report as Appendix A.

281 Local Nature Recovery Strategy and Biodiversity Net Gain update

Shelley Blackaby, Principal Planning Officer (Environment), presented the update to the Committee detailing that the Environment Act 2021 created the requirement for Biodiversity Net Gain and explained that from working with the Planning Advice Service (PAS) and the statutory guidance an update could be given to the Committee. The Committee heard that Essex County Council would be the responsible authority overseeing the Strategy with Colchester City Council as a supporting partner. The Principal Planning Officer detailed that the Local Nature recovery Strategy should support authorities designing developments in a different way to enhance habitats and confirmed that Colchester City Council's adopted Local Plan already required a 10% increase in Biodiversity Net Gain. The speaker detailed that the Strategy included the post development purchasing of statutory credits and green infrastructure via habitat banks and that a national register would be established for applicants to register against. Members heard that where it was not possible to accommodate Biodiversity Net Gains on Site the last resort would be large scale habitat projects off site and would contribute to a wider network that would be supported by a proposed Essex wide Supplementary Planning Document. It was noted that Officers were awaiting the details of secondary legislation but would support and prepare officers whilst dispersing advice to stakeholders. The Principal Planning Officer concluded by detailing that the report was for noting only.

Members debated the detail of the strategy with questions being raised regarding the definition of local and whether this would be Colchester centric, Essex wide or include neighbouring counties such as Suffolk. The Principal Planning Officer (Environment) confirmed that local would be defined as Essex County and it was possible that some off-site Biodiversity provision would not be in the Colchester and confirmed that there would be a spatial score for a site.

The Committee continued to discuss the update noting the complicated nature and process of Biodiversity Net Gain and raised the issue of a private market for buying Biodiversity credits on land would be essential. Some Members voiced concern that Colchester would not be seeing the Biodiversity benefits within its area if Essex County Council did not have a viable site within the City area. It was noted that there was the option of buying the credits from Natural England however it had been noted that these had been priced at £369,000 per hectare so there would be a critical concern about the viability of that undertaking.

The Principal Planning Officer (Environment) detailed that areas of importance for Biodiversity had already been mapped and benefitted from that designation and

confirmed that there was significant stakeholder engagement already but that there was not a process of appeal. The Principal Planning Officer (Environment) responded to a further question regarding the sites on Council land and that these could be put forward via a call for sites in the review of the Local Plan as previously discussed. The officer concluded by detailing that the Council was currently operating the policy of a requirement for a 10% Biodiversity Net Gain on site as it was included in the adopted Local Plan.