

Local Plan Committee

Monday, 08 June 2015

Attendees: Councillor Elizabeth Blundell (Member), Councillor Andrew Ellis (Member), Councillor John Jowers (Group Spokesperson), Councillor Kim Naish (Group Spokesperson), Councillor Lyn Barton (Deputy Chairman), Councillor Martin Goss (Chairman), Councillor Gerard Oxford (Group Spokesperson), Councillor Christopher Arnold (Member), Councillor Barrie Cook (Member)

Substitutes: No substitutes were recorded at the meeting

38 Have Your Say!

Councillor Manning attended and, with the consent of the Chairman addressed the Committee. He explained that he was attending in his capacity as the Chairman of the Planning Committee. He referred to the role of the Planning Committee in determining planning applications in accordance with the policies of the Council. He was aware of a number of considerations which had required the Committee to add conditions to planning approvals and he requested the Committee to consider whether the relevant policies of the Council needed to be reviewed to take account of the following examples:

- Air Quality Management Zones – the need to take account of the cumulative impact of individual applications in one vicinity
- The need for development to be better than carbon neutral
- The use of grey water recycling as standard in future developments
- The provision of recycling areas in future developments
- The use of underground parking to make better use of space
- The installation at construction stage of ducting for servicing cabling later
- The provision of infrastructure prior to the occupation of housing developments
- The provision of a fully integrated cycle scheme for the whole Borough

Karen Syrett, Place Strategy Manager, welcomed the ideas for new policies, particularly when it was brought by those involved in the determination of applications. She explained that the Council may be constrained in respect of some of the examples due to other legislative requirements but she confirmed that the examples given would be considered when the policies were next due for review.

39 Minutes of 13 April 2015

The minutes of the meeting held on 13 April 2015 were confirmed as a correct record.

Councillor Naish (in respect of his membership of the Angling Trust East of England Freshwater Forum, Inland Waterways Association, Environment Agency and Chelmer and Blackwater Navigation Fishery) 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 Head of Commercial Services concerning the responses received following the consultation on the Issues and Options stage of the Local Plan.

Laura Chase, Planning Policy Manager, presented the report and, together with Karen Syrett, Place Strategy Manager, responded to Councillors questions. Laura explained that as part of the development of a new Local Plan a local planning authority was required to invite consultees to ‘make representations to the local planning authority about what a local plan...ought to contain’, and that the local authority should then take account of these views when developing its plan. This consultation was carried out in January and February 2015 and at the same time, landowners and developers were invited to put forward potential development sites. The results of the Call for Sites process were reported separately to this Committee. The consultation process involved publishing the document and supporting information on the website, notification of the consultation to interested organisations and individuals and a series of nine public drop-in sessions which were advertised through social media, press coverage, and posters circulated to parish councils.

An estimated total of 415 people attended the Council workshops which were held in a variety of venues across the Borough. A summary of the issues recorded at the workshops was included as an Appendix and particular concerns included:

- The justification for further housing growth in Colchester given existing problems with congestion and infrastructure capacity (health in particular)
 - Specific concerns about growth options and site allocations near attendees’ homes.
 - Diverse views on growth options
 - Objections to development on greenfield land and open countryside, including land north of A12 and expansion outside villages
 - Questions over the extent to which job growth could keep pace with housing growth
 - Recognition of the need for more housing, particular affordable housing and housing for different groups – young, old, families, etc.
 - The need to provide more infrastructure in advance of any further growth, with specific mention of the following facilities:
- Roads
 - Public transport, including train and station capacity

- Parking
- Hospitals/Surgeries/Clinics
- Schools
- Cycleways, Bridleways and Footpaths
- Open Space/Sports Facilities
 - Improvements needed to Town Centre
 - Preservation of Colchester's heritage

By the close of consultation, the Council had received a total of 649 responses from individuals and organisations. The report included an overview of consultation responses to highlight representative views on key themes, a summary of views on particular growth options and sites put forward in the Call for Sites as well as a section on parish council responses. Following a period of evidence base development, sustainability appraisal, and policy development work it was anticipated that the Council would be in a position to set out clear views on policies and growth options in the Preferred Options document to be brought to the December meeting of the Committee and published for consultation early in 2016.

In discussion, Members of the Committee commented, in particular, in relation to:

- The relatively high numbers of attendees at the workshops and the apparent successful engagement with the process
- The likely cost of the Local Plan process for Colchester Borough Council
- The welcome retention of green corridors in the Borough
- Concern regarding the impact on the local river network
- Whether more needed to be done to encourage the engagement of Abellio Greater Anglia and Network Rail in the Local Plan process
- The need for examples to be provided of sustainable travel plans which were working well in practice
- The need for infrastructure in relation to transport, health and schools, to be delivered but in reality the difficulty of achieving it and the use of forward funding to assist where possible
- The need for residents to understand why continuing future development is necessary and the undesired consequences of not making decisions around future development
- The methods used to get the necessary information out to residents
- The need for infrastructure projects to remain within their budgets
- The need for joint working with neighbouring local authorities
- The use of brownfield sites to be maximised in order to protect as much land as possible yet to be developed
- Concern about consultation weaknesses in urban areas not represented by Parish Councils
- Identification of a suitable location for a further Travellers Site and for a Transit Site to serve the County as a whole

- The need for further lengths of the A120 to be dualled in order to accommodate the levels of anticipated development
- The importance of producing a very robust evidence base and for the future targets to be approved so that it would not be possible for alternative Housing Market assessments to be used to challenge the Council's approach
- The need to avoid the coalescence of communities, such as between Colchester and Rowhedge
- Whether the ongoing development in the Borough was actively attracting residents to the town from elsewhere
- The importance of clarifying the relationship between the High Street retail area and the out of town areas

In response to questions from the Committee members, Karen explained that, although it wasn't yet possible to accurately estimate the likely costs for Colchester, she anticipated the cost of the process would be less than that recently published by Maldon District Council, that this Council had a practice of trying to keep the work in-house and, to this end, a bid for support and pooling resources had been submitted. She intended to update the Committee periodically about the financial implications.

Karen and Laura jointly responded to individual questions as follows:

- It was confirmed that a meeting had taken place with the rail companies and details of these discussions would be reported at a later date
- The use of travel diaries for the Garrison development was a good example of travel plans working well and could be used to demonstrate good practice
- There was a requirement to produce an infrastructure plan with a strong evidence base which would enable a proactive approach to be taken to the delivery of infrastructure
- Conversations about the general principles as well as about the detail were always welcomed, social media was being used more as well as workshops and there was a willingness to try new formats. The Statement of Community Involvement was the communication plan for the process as a whole
- It had been noticed that there appeared to be a move in residents understanding of the issues
- Joint work was continuing with a range of neighbouring Authorities, including Essex County Council and Braintree and Tendring District Councils
- There had been very high levels of engagement in areas where residents felt strongly about certain issues and there were a number of residents groups which were known to the Council and who were actively involved in the same way as Parish Councils
- The need for a very robust evidence base to be produced was fundamental in order to support the direction agreed by the Council, in terms of housing need and the protection of communities
- The increase in numbers of residents from outside the Borough was considered to be a general consequence of being located in the very prosperous south east of the country and it wasn't considered that Colchester was receiving a disproportionate share of residents from elsewhere

RESOLVED that-

- (i) The responses received following a statutory six week public consultation concerning the initial Issues and Options phase of developing a new Local Plan for Colchester be noted
- (ii) The next steps in plan development, as set out in Section 5 of the Head of Commercial Services' report be agreed.

41 Update on the new Local Plan 'Call for Sites' process

Councillor Jowers (in respect of his acquaintance with a number of the respondents to the Call for Sites consultation and his membership of the Rural Community Council for Essex) 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 Head of Commercial Services drawing the Committee's attention to the 'Call for Sites' submissions received by the Council as part of the new Local Plan preparation and asking the Committee to agree the consultation on the Strategic Land Availability Assessment templates.

Chris Downes, Planning Policy Officer, presented the report and, together with Karen Syrett, Place Strategy Manager, responded to Councillors questions and assisted the members in their discussions. Chris explained that the Council had been preparing a new Local Plan which, once adopted, would set out the growth strategy, planning policies and land allocations for the Borough from 2017 to 2032 and beyond. As part of this process the Council was required to identify the land supply available to accommodate its growth needs in relation to new housing, jobs, open space, community facilities and other uses. This 'Call for Sites' formed part of the Strategic Land Availability process, followed guidance set out in the national Planning Practice Guidance (PPG) and involved inviting land owners, developers and other stakeholders to put forward sites to be assessed and considered for allocation. Two Call for Sites had been carried out and throughout both the Council had received 224 submissions which were detailed in the Appendices to the report. In addition the Council would also proactively look to identify any additional potential sites and locations for growth, in order to ensure its approach to new land allocations is comprehensive. None of the sites had been assessed and their submission did not give them any current planning status as adopted sites.

The sites would be assessed through the Strategic Land Availability Assessment (SLAA) to appraise the suitability, availability and achievability. In addition sites and broad locations for growth would be subject to Sustainability Appraisal (SA) to appraise every stage of plan preparation, including potential site allocations, in order to ensure that the new Local Plan will contribute to sustainable development in the Borough. It was anticipated the Council would publish its Preferred Options (Draft Plan) towards the end of the year for consultation in early 2016.

Lee Scordis addressed the Committee pursuant to the provisions of Meetings General Procedure Rule 5(3). He expressed his concern about the submission of the site at Battlewicks Farm, Rowhedge which he considered could potentially lead to an additional 700 to 1,000 vehicle movements in the Rowhedge area. He considered the road infrastructure in the area was already poor and congested and it would have a detrimental impact on the schools at Rowhedge and Old Heath as well as the doctor's surgery. He was also concerned about the impact generally on the separate vibrant communities of Rowhedge and Old Heath.

Peter Postlethwaite addressed the Committee pursuant to the provisions of Meetings General Procedure Rule 5(3). He expressed his concern about the submission of the

site at Battleswick Farm, Rowhedge which he considered would have a detrimental impact on the closely knit community of Rowhedge. He was of the view that the Council had always previously turned down planning applications in this location and he considered this proposal would threaten the green belt between Colchester and Rowhedge. The community was already about to absorb a large development on the waterfront and he referred to a recent meeting at the Village Hall where many members of the local community had attended and voiced their opposition.

Councillor Lilley attended and, with the consent of the Chairman addressed the Committee. He supported the views expressed by the two residents from Rowhedge. He confirmed that he had made it clear that the submission of the site did not constitute a planning application but, as a member of the Committee, he was aware that there was a number of statutory restraints within which the planning process operated. As such, he was concerned about the Council's ability to resist the development of the site in the future. He confirmed there had been a large public outcry in the local community about the proposal on the basis that it would ruin the village. He urged the Committee to support the views expressed by the local community, to retain the site as farmland and to remove the site from any further consideration.

In response to the representations made in relation to Battleswick Farm, the contributions made by the residents and the ward councillor were welcomed but it was emphasised that the site submission did not constitute any form of planning application. It was not within the Committee's remit to remove one individual site from further consideration without completing the statutory process of assessment and appraisal.

In discussion members of the Committee referred to:

- The relatively small number of proposed sites for consideration
- The need for a decision on whether development would take place north of the A12
- The need for small sites to be considered if the East/West option for development was accepted
- Recognition that urban centres would be required to accept a greater level of development than the village communities
- Colchester had a number of natural boundaries which acted to prevent the spread

of development and the need for allocations to be proportionate to the settlement size

- Whether district boundaries and the overall size of developments could be added to the location maps of the sites
- Whether it was possible for an option to be included which provided for no future development and the potential vulnerability to further development of villages which did not have the resources to formulate a Neighbourhood Plan
- In the past the concentration of development had taken place in the northern parts of the town and the need for future development to be accommodated elsewhere

Karen and Chris jointly responded to individual questions as follows:

- Areas like the Mersea waterfront benefitted from a local policy criteria which assisted in maintaining areas considered to be of special character
- The location maps were available on the website in an interactive format but the suggestion to have district boundaries and sizes of development added was accepted and would be actioned
- Although the majority of development was likely to be in the urban areas, it was inevitable that there would be some development in villages. However, villages without the resources for a Neighbourhood Plan would not be in a weaker position as they would be encouraged to work with the Council's Planning Policy Team through the Local Plan process
- Some smaller communities were coming forward proactively to consider future development on the basis that there were opportunities to improve facilities and services for the benefit of residents
- It was emphasised that, following the full assessment and appraisal process, sites which were then deemed to be unsuitable for consideration would be in a stronger position to resist development in the future

RESOLVED that the submissions received through the Call for Sites process be noted and consultation on the Strategic Land Availability Assessment templates be agreed.

42 Changes to Neighbourhood Plan Regulations

The Committee considered a report by the Head of Commercial Services giving details of the changes to timescales in respect of Neighbourhood Planning as amended by the 2015 Neighbourhood Plan Regulations and requesting the Committee to delegate powers to approve Neighbourhood Plan Area Designation applications.

Karen Syrett, Place Strategy Manager, presented the report and assisted the Committee members in their discussions. She explained that the concept of Neighbourhood Planning had been introduced through the Localism Act in 2011 and embedded in the National Planning Policy Framework in March 2012, when it came into effect. In February 2015, amended Neighbourhood Plan Regulations were published. The key amendments were in relation to how much time consultees had to submit representations to Neighbourhood Plan Area Designation proposals and how much time

Local Planning Authorities had to determine these proposals.

Neighbourhood Planning and the approval of various stages of the plan making is currently a function of the Local Plan Committee. However, the new timescales for determining Neighbourhood Plan Area Designations, in some cases, did not fit well with Local Plan Committee timescales. It was therefore proposed that the Committee delegate approval of a Neighbourhood Plan area. This was a non-Executive function of the Council, as such, it was not possible to delegate authority to a member of the Cabinet and the proposal was therefore to delegate authority to the Head of Commercial Services.

RESOLVED that the changes to consultation timescales and timeframes for determining Neighbourhood Plan Area Designation proposals as amended by the 2015 Neighbourhood Plan Regulations be noted and the powers to approve Neighbourhood Plan Area Designation applications be delegated to the Head of Commercial Services.

43 Maldon Local Plan

Councillor Jowers (in respect of his membership of Essex County Council) 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 Head of Commercial Services giving details of the interim findings on the soundness of the housing policies in the Maldon Local District Plan which had been published in the Inspector's report on 8 May 2015.

Karen Syrett, Place Strategy Manager, attended to assist the Committee in its discussions. She explained the Inspector's conclusions that the Plan was not sound because policy H6:

- was not **positively prepared** in that it did not meet objectively assessed needs or development requirements for housing for travellers;
- was not **justified** by proportionate evidence as what evidence there was either was out-of-date or could not be relied upon; and
- was not **consistent with national policy** because it did not deliver sustainable development in accordance with the National Planning Policy Framework (NPPF) or with the Planning Policy for Traveller Sites (PPTS).

He also concluded that there was no clear justification as required by paragraph 153 of the NPPF for the Plan's proposal to set out traveller provision in an additional Local Plan at a later date.

The Inspector advised that the options now available to Maldon were to either withdraw the Plan or to receive a formal report from the Inspector recommending non-adoption.

It was particularly important to note:

- The need for up to date robust evidence which should be reflected in the plan, i.e. correct housing targets and allocations
- That criticism of a joint study could have implications for other local authorities. Undermining the Essex Gypsy Travellers Accommodation Assessment could have knock on effects for this Council
- One seemingly small element of the Plan could undermine the whole document
- The cost of producing a Local Plan and the need to ensure that it is fit for purpose
- The importance of the Duty to Co-operate.

RESOLVED that the Interim Findings on the soundness of the housing policies in the Maldon Local District Plan be noted.