

LOCAL PLAN COMMITTEE

22 February 2024

<i>Present: -</i>	Councillors T. Young (Chair), Arnold, Kirkby-Taylor, Powling, Rippingale, Rowe, Scordis, Smith, Smithson, and Spindler
<i>Substitute Member: -</i>	Cllr Powling substituted for Cllr Barber Cllr Arnold substituted for Cllr Burrows Cllr Rowe substituted for Cllr Sunnucks
<i>Also in Attendance: -</i>	Cllr Goacher Cllr Harris Cllr Nissen Cllr Warnes

296. Minutes of Previous Meeting

The minutes of the meetings held on the 11 December 2023 and 15 January 2024 were confirmed as a true record.

297. Have Your Say!

Glyn Evans addressed the Committee pursuant to provisions of Meetings General Procedure Rule 5 (1). The Committee heard that they were speaking at the meeting regarding public trust, transparency, honesty, credibility, and ability to listen actively. The Committee heard that when they had previously served as a Councillor for Wivenhoe they had seen some poor decisions with regards to Ecology in places such as Salary Brook regarding door mice and hedgerows. The Committee heard that they had been a naturalist who had addressed the Council in 2019 on the woodland project where many trees had died. The Committee heard that Essex Wildlife Trust and Colchester Natural History Society had disassociated themselves with the Council pertaining to the woodland and biodiversity work. The speaker detailed that Middlewick had found its way into the Local Plan and detailed that a second opinion was not required and detailed that the Council had already received 17. The speaker concluded by asking members to show whether they would still vote for a local plan with Middlewick in the Local Plan.

The Chair responded that it was for the Chair to call for votes from the Committee and that Members did not have a report before them to remove Middlewick from the Local Plan and that the Local Plan reviewing process was continuing through evidence gathering with the final decision being made by Full Council.

At the request of the Chair the Democratic Services Officer read out a statement from Alan Short as follows:

“At the Local Plan Committee on 11th December 2023 several speakers under have your say asked that the designation of Middlewick Ranges in the Local Plan for the development of 1000 houses be removed.

Councillor Martyn Warnes in his statement said: “that the time to act is now” and others called for a focused review. In a later meeting on 15th January 2024 Karen Syrett responded and said it could be done but it was ‘not straightforward’.

Later Paul Dundas in the subsequent discussion asked: “Now, if a site is removed because we choose to do so, what potential if any liability does that leave on the council as part of this process?”

The response confirmed that there would be no liability.

In the written statement from Councillor Martin Goss it said “The MoD have now decided to sell even more land which opens a risk to even more housing on the site, roughly another 700 at least. It is time to take a fresh look at Middlewick and see whether the whole site can be removed legally from the Local Plan.”

Natural England suggests that Middlewick Ranges should not be included for development given the site is of SSSI level quality. It calls for any decision made to be based on current information rather than the highly inadequate study done more than 4 years previous, commissioned by the owners of the land. It further reserves the right to oppose any planning proposals submitted to the Planning Committee; the very real prospect of a SSSI designation hangs over any prospective Middlewick application.

The land is again being considered by a buyer and the likely cost of the rejection of a planning application under the Local Plan as it now stands followed by an appeal will be a considerable drain on the council’s resources. We also know that a very large area has been submitted under the call for sites.

If a focused review based on a desk study and current legislation was quickly taken and the planning officers used their award winning skills with their suggested complicated removal which we are told could be done, the full council is very likely to remove the Middlewick Ranges immediately from the Local Plan. The chances of Full Council voting FOR a Local Plan with Middlewick in it now seems extremely far-fetched.

Question: To planners – bearing in mind Middlewick threatens the integrity of the Local Plan and the mounting evidence against its inclusion, and that it will take time to replace, what is stopping you committing to a Focused Review tonight without further delay?

To councillors – you will have to vote for an updated Local Plan this autumn, and are now fully aware that this site should never have been included, as verified by 17 experts and numerous organisations like RSPB and Essex Wildlife Trust. Therefore, will you instruct planners this evening and going forward that you would not vote for the Local Plan with Middlewick on it?”

The Chair responded that Alan Short had attended the Full Council meeting that took place on the previous evening where they had made comments about the Chair (Cllr T. Young) and Cllr Goss and outlined that he had received an email from Alan Short earlier in the day which read as follows:

“Dear Tim, I wish to apologise for my statement last night in your alleged role in the suppression of the Natural England letter on the Wick. I would have said so last night to the

meeting if I had been given the opportunity and the chance. I was relying on what the Gazette had said at the time and had no idea this was untrue. I will be there again tonight and will publicly apologise ... I still think the inclusion of the Wick in the plan is a mistake and the sooner it is removed the better. I appreciate that this will be a Full Council decision but despite the Planning Officers not wanting to remove it the decision was a mistake based on inadequate information and Natural England came to the party very late."

The Chair outlined that they had replied to Alan Short accepting the apology and agreed that the claim would no longer be talked about.

Richard Martin addressed the Committee pursuant to provisions of Meetings General Procedure Rule 5 (1). The Committee heard that the inclusion of Middlewick in the Local Plan Review was not sound and that this had been the conclusion of the independent advice and detailed that the original Stantec report could no longer be used as evidence. The speaker detailed that the experimental methods of mitigation would be a catastrophe and detailed that Councillors were misinformed when Middlewick was put into the Local Plan.

Martin Pugh addressed the Committee pursuant to provisions of Meetings General Procedure Rule 5 (1). The Committee heard that the speaker had been walking past Middlewick where they had seen vehicles doing exploratory work and raised concerns about the utter contempt of wildlife on the site. The speaker detailed that the site was being reviewed with an utter contempt for wildlife and detailed that there needed to be a focussed review and that the Council needed to intervene on site as the ecology on the site had been debunked and detailed that the original report had been cartoonish in its inadequacy.

Councillor Goacher addressed the Committee as a visiting Councillor. The Committee heard that the Council was in its current position and that could not be changed immediately and detailed that the Committee would get a vote on Middlewick in the Autumn and outlined that they could see the same debate happening then. The speaker detailed that one of the other sites that had been put forward for housing was opposite Cymbeline Meadows and questioned what the process would be for this area. The speaker concluded by outlining that they did not want to pre-empt the process for this and detailed that for item 7 the conservation area could be bigger than what was being proposed.

Councillor Harris addressed the Committee as a visiting Councillor. The Committee heard that they were attending on behalf of Berechurch residents and detailed that they were grateful for the letter that had been sent to all Councillors from the Colchester Natural Society and Essex Field Club. The Committee heard that the Ministry of Defence (MOD) and consultants had got the details wrong with regards to ecology at Middlewick and that the area was a rare green space. The speaker detailed that the area around Middlewick currently suffered from severe road congestion and that a review should take place to remove Middlewick from the Local Plan. The speaker concluded by detailing that they were confused as to why so many iterations of maps had been included in the report for the Evidence Base and Call for sites update.

Councillor Warnes addressed the Committee as a visiting Councillor. The Committee heard that the review encompassed Middlewick and the former ranges which were also associated with Acid Grassland which went close to Abbots Road. The speaker detailed that the proposals for the site were now including Donyland Woods and confirmed that these would have an impact on Old Heath and the Hythe and Berechurch Wards and detailed that they supported a review of the Local Plan and the Middlewick allocation therein. The Committee heard that they would also support a focussed review of Middlewick ranges and the wider proposals. The speaker concluded by detailing that there was a wealth of information

available on ecology grounds to reject the latest proposals on the site and that there was a lot of ecological information that the Committee needed to consider.

Councillor Nissen addressed the Committee as a visiting Councillor. The Committee heard that they were addressing the Committee in their role as Chair of the Environment and Sustainability Panel. The speaker detailed that they had asked about the feasibility of a desk study for Middlewick Ranges to study and analyse the errors in the Stantec report and asked that a focussed review is carried out to ensure the protection of a rare piece of land. The speaker concluded by detailing that they supported the proposals outlined in item 7 in the agenda to expand the conservation zone.

At the request of the Chair the Joint Head of Planning (Karen Syrett) responded to the points that had been made by the Have your Say Speakers. The Committee heard that all the points that had been raised by speakers had been noted and clarified that there was not a vote before the Committee on individual sites and detailed that Full Council had been requested by a have your say speaker to look into a focussed review for Middlewick which was not supported by the Portfolio Holder or from Officers due to the resource implications and instead supported a full review of the Local Plan. The Joint Head of Planning detailed that evidence would need to be collected for any review to the Local Plan and that solely removing Middlewick could have unintended consequences across the City. The Committee heard that there would be a consultation on the sites and that the Council would need to Publish a Regulation 19 version of the reviewed Local Plan that would need to be sent to the Planning Inspectorate. It was detailed that following this there would be possible modifications that would need to be enacted and then consulted upon and surmised that removing Middlewick from the plan would not be a quick fix and that a comprehensive review of the plan for the entire City was needed. The Joint Head of Planning continued by detailing that the letter from Natural England referred to the development management stage of the process and how they would work with the Local Planning Authority and interested parties noting that Natural England were supporting the independent ecology work which would include a desktop exercise and detailed that they did not foresee anyone objecting to the Ecology Work. The Committee were asked to note that they were not being asked to vote for the Local Plan tonight and that the Council could not control what the MOD was doing but noted that the Leader of the Council shared concerns about the MOD and their intentions as well as works that they were undertaking. The Joint Head of Planning concluded by outlining that the decision had been taken to undertake a full review of the Local Plan that would allow a reconsideration of all sites and that as of yet no formal planning application had been submitted to the Council regarding Middlewick.

The Place Strategy Manager (Sandra Scott) added that the Council had been in contact with Natural England and that they were supporting the independent Survey which was being carried out on their advice and although there were references to SSSI value of the site, Natural England had not formally designated the area of Middlewick as a Site of Special Scientific Interest.

In response to a question regarding the unintended consequences of the removal of Middlewick from the Local Plan from the Committee, the Joint Head of Planning detailed that the allocated 1000 homes on Middlewick would have to be found elsewhere.

John Akker addressed the Committee via zoom pursuant to provisions of Meetings General Procedure Rule 5 (1). The Committee were urged to consider the position of rural communities which could not offer easy access to employment or other infrastructure. The Committee heard that there was a resource deficit of planning in Colchester and that with the Local Plan Review taking place there were concerned residents and questioned how they

would be kept informed of the call for sites and what the process would be after that with regards to keeping parish councils informed.

298. Amendments to Colchester Conservation Area No 4: North Station Road and Environs, Character Appraisal & Management Proposals

The Historic Buildings and Areas Officer, Eirini Dimerouki presented the report to the Committee noting that they had previously approved that a consultation be carried out and that the summary of responses was contained within the report noting the concerns and comments that had been raised. The Committee heard that the concerns raised had been addressed and that Officers sought approval from the Committee to extend the boundary of the conservation area and to start the formal process for the Article 4 directions.

Sir Bob Russell addressed the Committee pursuant to provisions of Meetings General Procedure Rule 5 (1). The Committee heard that North Station Road was one of the most cosmopolitan streets in the City and that the area had been a part of their life for 70 years and thanked officers for the report and the research therein. The speaker detailed their concern that tyre and exhaust replacement businesses were included in the conservation area and that they were at a loss as to why £400,000 had been allocated to fix the link and why trees were being planted in metal boxes. The speaker concluded by questioning the second schedule regarding commercial works such as Sea trade House where additional drug use issues had been identified.

At the request of the Chair the Joint head of Planning, Simon Cairns, responded that the Riverside scheme had already commenced and that what was proposed would not act in a retrospective way and detailed that Officers understood the concerns of the local community but that the issues raised were outside of the Council's control.

Sir Bob Russell responded to the points made and asked that the Council consult with the LGA regarding the proposals not being implemented and asked that Legal advice was sought on this matter.

Members debated the proposal on issues including: that there were still some issues with some specific places within the conservation area designation, that ward members supported the proposals, and that the proposal would see further improvements in the area.

RESOLVED (UNANIMOUSLY) That the Local Plan Committee Resolved to approve:

The proposed extension of "Colchester Conservation Area No 4: North Station Road and Environs" to include a further 6 terraced houses in Causton Road (shown in map included in Appendix I).

And

To adopt the revised draft "character appraisal and management proposals" (As shown in appendix II)

And

To agree to commence the statutory process for the making of the Article 4 Directions (draft Directions included in Appendix III)

299. Colchester Local Plan Review: Issues and Options Update

The Place Strategy Manager, Sandra Scott, presented the report to the Committee noting that the update centred around the engagement taking place through the agreed iterative approach. The Committee heard that the vision engagement was underway and that all comments and ideas would be included in informing other areas of the Local Plan Review. It was noted that the engagement on the vision had been agreed in December and would continue to run until March 2024 and that the Council would be working with the Residents Panel where further themes would be looked at. The Committee heard that for health and wellbeing technical consultations would be taking place with Health Professionals and that it was recognised that this was an important part of the engagement of placemaking alongside community, natural and historic spaces. It was noted that best practice Climate Change policies were currently being drafted by Essex County Council and that there was potential for these to inform the local plan placemaking and climate change elements.

In response to questions from the Committee the Place Strategy Manager confirmed that the Council was receiving generally positive comments in respect of the green network and waterways element and had received a number of suggested opportunities including on Middlewick and confirmed that a link to the consultation portal would be sent to Councillors. It was noted that although a postcode was not attached to where the comments came from they could be seen on a map extract layer on the portal.

In response to further questions from the Committee the Place Strategy Manager detailed that planning can help address mental health and wellbeing issues and that the issues and options feedback would recognise the interrelationship on this and join it together in the review process.

RESOLVED (UNANIMOUSLY) That the Local Plan Committee note the progress made as part of the Issues and Options for the Local Plan Review.

300. Colchester Local Plan Review – Evidence Base and Call for Sites Update

The Principal Planning Policy Officer, Bethany Jones, presented the report to the Committee detailing that the evidence base and call for sites supported the Local Plan Review and detailed that some studies required specialist consultants that would be working on these in the next few months including the local housing needs assessment. The Committee heard that officers had been progressing a number of evidence based documents which included the call for sites which had been undertaken and allowed the suggestion of sites for housing, commercial and green uses. It was noted that 195 submissions had been received but confirmed that as they were all separate there could be some duplication or overlapping of sites in the report before the Committee. Members were asked to note that the submissions did not mean that the sites would be automatically included in the Local Plan Review and would be subject to a further individual assessment on their merits.

Councillor Lilley addressed the Committee as a visiting Councillor. The Committee heard that there was concern that they and officers were in the same position as previous years and that as this was the start of the process it was too early to comment. The speaker detailed that residents were worried about Middlewick as well as the woodland being allocated as housing which had been put forward in the document and as such this had started a mass panic and confirmed that they would be happy to lead a save the woodland campaign. The speaker concluded by detailing that Members were asking to remove the development from the area and put in a motion to protect the area.

Sir Bob Russell addressed the Committee pursuant to provisions of Meetings General Procedure Rule 5 (1). The Committee heard that where there were sites for housing that the names of all those who had proposed them be published and detailed that they needed to ask what sites were being put forward by the Ministry of Defence. Further to this the speaker sought clarification on the proposed status within the document for Cymbeline Meadows.

At the request of the Chair the Principal Planning Policy Officer responded that the call for sites had been available for everyone to put forward sites and not just housing sites but green/blue spaces as well. It was confirmed that no sites had been submitted by the Ministry of Defence and confirmed that a number of green sites had been proposed,

Sir Bob Russell responded to the points made and asked that the different sort of sites be made clearer in the report.

Graham Barney (Chair of Copford with Easthorpe Parish Council) addressed the Committee pursuant to provisions of Meetings General Procedure Rule 5 (1). The Committee heard that there was concern within their parish that the housing needs survey would be taken into account and that the 15 proposed sites would have an impact on conservation area, heritage and National Highways land. The speaker detailed that new houses would need to be in the right place, with good access and that there needed to be contributions as local facilities were overloaded with significant increases in traffic. The speaker concluded by asking that residents were involved in the reviewing of the allocations process.

At the request of the Chair the Principal Planning Policy Officer responded that the impact on the conservation area and impact on heritage would be looked at in the review of the sites and that the Local Plan Review would be informed by all evidence and not just the site assessments. The Principal Planning Policy Officer concluded by detailing that Officers were engaging with Parish Councils on where we are in the process and where we will be going.

Nigel Sagar addressed the Committee pursuant to provisions of Meetings General Procedure Rule 5 (1). The Committee heard that their comment was pre-emptive and was in regard to Hall Road. It was noted that a further site had been put forward and asked the Committee to think about the consequences of increasing homes in an area that has a Neighbourhood Plan.

At the request of the Chair the Principal Planning Policy Officer responded that a briefing had been held recently with Town and Parish Councils and that officers would be in contact with those who have a neighbourhood plan and keep them informed of the review.

Nigel Sagar responded to the points made and detailed that the road mouth for Hall Road was not acceptable and that further homes could not be accepted on in the area.

Members debated the report on issues including: that there was concern that there were large sites in Tiptree which had previously had applications on them.

At the request of the Chair the Joint Head of Planning (Karen Syrett) responded that all evidence would be considered when allocating sites including the site history of previous applications.

Members debated the report before them and noted that it was difficult to differentiate the different uses of the sites and asked that in future reports a key or colour coding was included for clarity.

RESOLVED (UNANIMOUSLY) That the Local Plan Committee noted the submissions received through the Call for Sites Process

And

That the Local Plan Committee noted the updates for the evidence base documents required to support the Colchester Local Plan Review.