

LOCAL DEVELOPMENT FRAMEWORK COMMITTEE

31 JANUARY 2011

Present :- Councillor Colin Sykes (Chairman)
Councillors Elizabeth Blundell, Mark Cory,
Beverly Davies, Christopher Garnett, Martin Goss,
John Jowers, Kim Naish and Henry Spyvee

Also in Attendance :- Councillor Lyn Barton

32. Minutes

The minutes of the meeting held on 13 December 2010 were confirmed as a correct record.

Councillor John Jowers (in respect of being responsible for the funding of the Rural Community Council of Essex, an organisation which supports the development of parish plans and village design statements) declared a personal interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7(3)

Councillor Colin Sykes (in respect of his membership of Stanway Parish Council) declared a personal interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7(3)

33. Revised Statement of Community Involvement // Consultation Draft

The Committee considered a report by the Head of Strategic Policy and Regeneration on the consultation draft of the revised Statement of Community Involvement (SCI) together with the consultation draft document appended to the report. The Committee was requested to note that the revised SCI is to be released for public consultation as required by Regulation 26 of the Town and Country Planning (Local Development) (England) (Amendment) Regulations 2008. The Committee was also requested to make comments on the consultation draft and to raise other ideas and suggestions for future local community involvement and engagement which would be incorporated into the final version of the SCI as appropriate or implemented locally in the future as part of the changes proposed in the Localism Bill.

Karen Syrett, Spatial Policy Manager, and James Firth, Planning Policy Officer, attended to assist the Committee in its deliberations. The Planning Policy Officer explained that the document would be subject to consultation for six weeks from 28 January to 11 March 2011 and the final revised version of the SCI would be submitted to the Portfolio Holder for Planning and Sustainability for adoption.

General comments

Members of the Committee made some general comments:-

- whether it was appropriate for this document to come back to the Committee because responsibility for the document lay with the Local Strategic Partnership, but the future of that body was uncertain;
- whether there would be a need to make further amendments to the Statement of Community Involvement when the Localism Bill came into effect later in the year;
- whether there was any reduction in the resources allocated to this work;
- concern regarding the emphasis throughout the document on public access to information and documents being available on the council's website and the potential for those without access to the internet being disadvantaged.

The Planning Policy Officer explained that the SCI formed part of Colchester's Local Development Framework. The LDF has to have regard to the LSP and to the Sustainable Community Strategy. The effect of many of the amendments are matters of fact and bring the document up to date, but some residents will want to comment. The Spatial Policy Manager confirmed that there will be a reduction in resourcing because one member of the team was being seconded to the Development Management Team.

Specific comments on the draft document

Members of the Committee made comments or sought clarification on the following matters:-

- how would the document relate to the Localism Bill;
- concern that community groups may not be included on a register;
- concern at the heavy reliance on electronic means of communication and providing information;
- whether involvement of the public in planning applications would need to be publicised;
- concern that some local councils were not aware of the LDF process and would need to become familiar with it so they were in a position to inform their residents. Local councils should also be kept up to date;
- whether and how much support the borough council could offer to communities who were not as proactive as others in preparing neighbourhood plans. The borough council would need to act as advisor to balance out the abilities of the various communities. Reference was made to the Rural Community Council of Essex (RCCE) which assists with parish plans but they also impose a charge which is passed down to districts;
- concern that many of the parish councillors were not elected so there was no democratic mandate. If planning powers were devolved down there should be a requirement that the parish councillors were qualified, and in this respect there was some comfort that the borough council was to continue to provide parishes with planning training, and the five largest parishes would continue to have regular planning liaison meetings;
- in Appendix 1, Consultation Organisations, the mention of the Regional Development Agency – East of England Development Agency was questioned, and it appeared that some groups were listed twice.

Councillor Lyn Barton, Portfolio Holder for Planning and Communities, attended and, with the consent of the Chairman, addressed the Committee. She referred to the introduction of a charge for pre-application advice. It had been brought in because the requests for advice had risen to around 100 per month. Formerly this work had been occupying a significant amount of the Development Team's time without compensation; £50 for a householder enquiry was considered a reasonable and manageable recompense.

The Planning Policy Officer explained that neighbourhood plans would have an implication for local involvement. They would run alongside the LDF and would need to comply with the LDF but there was no requirement for every area to have a neighbourhood plan in place.

The Spatial Policy Manager explained that the official estimate of the cost of producing a neighbourhood plan varied between £30,000 and £350,000. Any assistance required could be provided by council officers rather than consultants but that would have resource implications for the borough council. Many parishes may not consider it necessary for them to have a neighbourhood plan and they may wish to continue with village design statements and parish plans. It was explained that all the methods of community engagement in Appendix 2 would be used as appropriate. A meeting had been arranged with the University of Essex on various methods of engagement and it was hoped that this would produce some fresh ideas.

RESOLVED (UNANIMOUSLY) that the revised Statement of Community Involvement consultation draft be noted and the Committee's comments as set out above be taken forward by being incorporated into the document if appropriate or considered as part of the local implementation of the changes proposed in the Localism Bill.

34. Revised Sustainable Design and Construction Supplementary Planning Document // Consultation Draft

The Committee considered a report by the Head of Strategic Policy and Regeneration on the consultation draft of the revised Sustainable Design and Construction Supplementary Planning Document (SPD) together with the consultation draft document which was appended to the report. The Committee was requested to note that, following approval from the Portfolio Holder, the revised Sustainable Design and Construction SPD would be released for public consultation as required by Regulation 17 of the Town and Country Planning (Local Development) (England) Regulations 2004 (as amended). The Committee was also requested make comments on the consultation draft.

Karen Syrett, Planning Policy Manager, and Shelley Blackaby, Planning Policy Officer, attended to assist the Committee in its deliberations. The Planning Policy Officer explained that the document would be subject to consultation for four weeks after which all the representations received would be addressed, the document amended as appropriate and the final version of the SPD would be submitted to the Committee for formal adoption.

Code for Sustainable Homes

Members of the Committee made comments or sought clarification on general concerns:-

- the aspiration is right but how can the borough council achieve the desired outcome. The Code was being pushed along too far too soon, it should go in tandem with existing stock. Uncertainty as to whether the industry has been given sufficient time to comply;
- the question of the additional cost and who it would be passed on to;
- the impact on the 'basic' housing market;
- the possibility of land values becoming depressed as a consequence of the increased cost of building;
- the implementation of the Code should be properly prioritised;
- how the levels could be achieved in difficult situations, for example a north facing house on a north slope;
- whether the targets could be met across a group of houses, for example a mix of ten level 6 houses and ten level 2 houses rather than each house having to meet a particular target;
- doubts about the statement that the cost of level 3 is not as expensive as people may think.

The Planning Policy Officer shared the Committee's concerns regarding the timescale to zero carbon homes. However, it was explained that the drive for sustainable design and construction started in 2004 and it was intended to phase the levels in to give developers an opportunity to familiarise themselves. Currently developers were not being asked to build to a higher specification because level 3 of the Code was equivalent to the current building regulations requirements. By 2016 it was intended that the building regulations requirement would be equivalent to zero carbon, level 6. In difficult situations where it was not practical to meet the required level there would be no compulsion to do so but the developer would be required to provide an explanation why it could not be met. The energy category was the most expensive to achieve. Braintree District Council and Chelmsford Borough Council had been asking developers to achieve level 3 for the past 2 to 3 years without any resistance. Braintree District Council had considered requesting level 4 but had put it on hold because of concerns about resistance and also because there were no adopted policies to support the higher level. In respect to the case studies, the selling price of properties incorporating energy efficient technologies was similar to properties without such technologies, but the energy efficient homes were easier to sell.

Building Research Establishment Environmental Assessment Method (BREEAM)

The Planning Policy Officer explained that BREEAM was the most widely known scheme for assessing the sustainability of buildings. The Building Research Establishment had been developing their research over a number of years and the organisation was considered to be wholly credible. The main issue why the standards could not be met was the cost, but there may be other reasons such as topography.

Members of the Committee were generally satisfied with the document, and expressed interest in responses from the development industry. Some traditional building techniques would be abandoned. There was some concern that the document referred to support and encouragement and members requested some indication of how both methods were to be achieved. The Chairman hoped that those developers who attended the Committee's previous meeting would take time to look at this document and put forward their comments.

RESOLVED (UNANIMOUSLY) that the revised Sustainable Design and Construction Supplementary Planning Document consultation draft be noted and the Committee's comments regarding provision of support and/or encouragement to developers be taken into account when preparing the final version as appropriate.

Councillor John Jowers (in respect of being a member of Essex County Council and his role as Cabinet member for Communities and Planning within which he has responsibility for Cudmore Grove Country Park) declared a personal interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7(3)

Councillor Kim Naish (in respect of being a river bailiff for some of the rivers referred to in the report) declared a personal interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7(3)

35. Habitat Regulations Assessment Monitoring Programme

The Committee considered a report by the Head of Strategic Policy and Regeneration on a proposed Habitat Regulations Assessment Monitoring Programme. The assessments have committed the Council to undertake a programme to monitor visitors to Natura 2000 sites in order to ensure that population growth does not affect the integrity of these internationally important sites. The Committee was requested to note the first stage of work carried out as part of the Habitat Regulations Assessment monitoring programme.

Shelley Blackaby, Planning Policy Officer, attended to assist the Committee in its deliberations. She explained that the Council had entered into a Service Level Agreement with Tendring District Council and Braintree District Council to carry out the monitoring programme on their behalf.

Members of the Committee were concerned about the consequence on an area if the increase in visitors was having an unwanted impact. They enquired who would make a judgment on any action taken and what action would be taken. Members also believed that activities on the water, such as sailing, water skis and jet skis, would also have an impact to the extent that there could be more nuisance and disruption from the water. It was considered that these activities should be included in the monitoring programme.

The Planning Policy Officer explained that this was a pioneering area of work. It was possible that this authority was the only one conducting a monitoring programme. The

suggestion of surveying people on the water would be taken on board and included in the programme. Natural England would make a judgment on any action to be taken. Such action would be assessed on whether there had been an increase in visitors and a deterioration of site quality. A variety of measures could be taken, such as restricting access, fencing off certain areas or erecting information boards.

RESOLVED (UNANIMOUSLY) that the commencement of the Habitat Regulations Assessment monitoring programme be noted and any activity on the water observed be included in the programme.