

Local Plan Committee

Monday, 04 February 2019

Attendees: Councillor Christopher Arnold, Councillor Lewis Barber, Councillor Phil Coleman, Councillor Nick Cope, Councillor Andrew Ellis, Councillor Adam Fox, Councillor Gerard Oxford, Councillor Martyn Warnes

Substitutes: Councillor Dennis Willetts (for Councillor Nigel Chapman)

Also Present:

156 Have Your Say!

Tom Foster, Chairman of the Campaign Against Urban Sprawl in Essex (CAUSE), addressed the Committee pursuant to the provisions of Meetings General Procedure Rule 5(3). He referred to the methodology consultation undertaken by LUC, independent consultants carrying out additional Sustainability Appraisal work for the North Essex Authorities, considering the process to identify the most sustainable solutions did not comprise a suitable analytical framework, with evidence of bias and pre-determination. He was also of the view that the plan was not deliverable and, as such the Sustainability Appraisal could not go ahead. The Barrister, Martin Edwards' opinion was that the Council had shown wilful disregard of the Inspector's advice with doubts about the legality of the process which needed to be addressed before the completion of further work. He explained that CAUSE was proposing that Committee members require the commissioning of a legal opinion on the process, the provision of evidence of financial viability, the cessation of funding to NEGC and the reversion to the Inspector's option 1 which would be the most reliable way of getting the Local Plan adopted with minimum delay.

Paul Frost, representing Hands Off Wivenhoe, addressed the Committee pursuant to the provisions of Meetings General Procedure Rule 5(3). He represented Hands Off Wivenhoe and highlighted the legal opinion of Martin Edwards, the Barrister for CAUSE. He considered the opinion supported what Hands Off Wivenhoe had been saying about Garden Communities. He referred to the appearance of Colchester, Tendring and Braintree Councils disregarding the comments and guidance of the Planning Inspector. He was also of the view that the public consultation was a token exercise without a genuine and substantive purpose and that opinions expressed by others had also been disregarded.

Andrea Luxford Vaughan attended and, with the consent of the Chairman, addressed the Committee. She referred to the scoping methodology and a 30-minute meeting she

and three other organisations had with LUC. She had deduced from the meeting that there would be no consideration of a proportionate growth strategy despite it being recommended by the Inspector. She also referred to the scope being different to the one submitted to the Inspector as well as the fact that there would be two stages to the assessment. She explained that the first assessment would be split into part A, without infrastructure and part B which would include infrastructure. This would be followed by the second stage would be undertaken by the Local Authorities using a framework, encompassing 15 points for consideration. She questioned how this second stage, which would drive which site would be chosen for development, could be independent. She confirmed she had responded to the consultation on behalf of Wivenhoe Town Council. She questioned how meaningful input from the consultations would be driven and responded to. She also referred to NEGC Ltd and that a promised Business Plan had not been published whilst a budget of £450,000 had been allocated by Colchester Borough Council. She queried what financial contribution the three other Local Authorities would be making and sought clarification regarding the work being undertaken to reflect this level of budget. She sought clarification on what sums of money had actually been paid to NEGC Ltd and from whom. She referred to the brief given to NEGC Ltd to deliver three Garden Communities and whether that had now changed. She also referred Locally Led Development Corporations, the Guidance on the New Towns Act 1981 (Local Authority Oversight) Regulations 2018 in relation to the appointments process for Chairmen and Board members and a statement from John Spence in relation to Braintree, Colchester and Tendring's control of land acquisitions. She also sought clarification on plans to use Compulsory Purchase powers. She asked about the Rapid Transport draft report and whether this had been seen by Committee members and the CAUSE legal opinion and the consensus among various campaign groups that the Sustainability Appraisal had been pre-determined and is very biased and what measures are being taken to counteract this view. She also referred to the existence of a Steering Group, set up to oversee NEGC Ltd the Chairman of which was also the Managing Director of NEGC Ltd, which, in her view, represented a conflict of interest. She also questioned the membership of the Group including a representative from the University of Essex but not from the Hospital Trust. She sought assurance on how the Steering Group could be democratically scrutinised.

157 Local Plan Update

Ian Vipond, Executive Director, responded to the representations made by speakers under the have Your Say! Arrangements and provided a verbal update on the current situation in relation to the Local Plan. He referred to the January update on the Local Plan process, the issues the Inspector had asked the Council to look into and evidence gathering which had been circulated to members of the Committee and was publicly available on the Local Plan website hosted by Braintree District Council.

He referred to the sustainability work being undertaken by LUC and the challenge by the Inspector to ensure a robust and independent piece of work was delivered, although in

the context that it was being done on behalf of a Local Authority. He confirmed that LUC had proposed their methodology following the scope contained in the letter from the Inspector. The consultation exercise had enabled questions to be asked about the methodology and it would be for LUC to decide if they wished to change it and it was not for the Council to get involved in that process.

He referred to the Spatial Options which was the next stage of the process, including proportionate growth, and it would be for LUC to narrow down the number of options needed to be considered. He referred to comments about bias and pre-determination and confirmed that LUC, who were professionals in the Sustainability field, were undertaking an independent exercise which was ongoing. He confirmed he had no knowledge of what the outcome of that process would be.

He referred to comments made about legal opinions and confirmed that legal advice was received on an ongoing basis and the opinion obtained by CAUSE had been looked at a but a specific legal opinion would be sought at the stage when it was clear that all representations had been submitted and could be tested at one time. He reassured the Committee that nothing contained in the CAUSE legal opinion were matters which had not been raised before.

He explained that the consultation in relation to the Sustainability Appraisal was a technical piece of work to assess the sustainable impact of development and was over and above what would usually occur because it was considered important for the LUC methodology to be subject to a specific consultation exercise. The next stage of work would be in relation to Spatial Options which would be subject to a separate consultation exercise whilst it was likely there would also be further consultation on the Local Plan generally and which was an example of what the £450,000 funding was intended for. He confirmed that the funding budget for NEGC Ltd was held by Colchester, he was unable to confirm what funding had been received from the other Authorities, but he was aware that funding decisions by each of the Districts and the County had been agreed at relevant District Cabinet meetings.

He confirmed that a Locally Led New Town Development Corporation was one model by which Garden Communities could be proceeded with and legislative Regulations were now in place for that model. He explained the history of Development Corporations and the involvement of District Councils within them and chaired by an Independent person. Whilst Locally Led examples included an oversight body in the form of the relevant Local Authority. He explained that any Council project would generally include the establishment of a Board, involving Councillors and one or more Working Groups involving council officers. He confirmed that the Managing Director of NEGC Ltd had been appointed Chairman of the Garden Communities Steering Group and that this scenario was not uncommon.

He confirmed that a series of draft workings were expected to be brought to the

Committee for consideration in June/July 2019, with potential for a series of informal briefings at this time.

Councillor Ellis was of the view that the consultation exercise undertaken by LUC with stakeholders had been requested by the Inspector and he did not consider 30 minutes was a sufficient allocation of time for this. He explained that he was expecting the detail of the draft methodology and the results of the consultation exercise to be submitted to the Committee for consideration. He also referred to the suggestion made by the Inspector for the commissioning of a specific legal opinion on the wider Sustainability Appraisal and asked why this had not yet been done. He asked about the sites to be taken forward and the involvement of the Local Authorities in this process. He was in agreement with the need to know what funds had been made available to NEGC Ltd. He referred to the need for the process to be transparent and was of the view that consideration should be given to holding briefings in an open format. He commented that the Scrutiny Panel had been informed that £350,000 had been made available for NEGC Ltd with a further £100,000 to support the Local Plan process and further consultation generally. He referred to the detail and timing of the further consultation and asked when this would be submitted to the Committee for consideration. He considered it vital that the support of local communities for the process had been secured before this was concluded.

The Executive Director responded by confirming that the responses to the methodology would be made public and brought back to the Committee for consideration. He confirmed that the process had been made as robust and independent as possible and it would be for LUC to determine whether the methodology needed to be reviewed in the light of the responses received. In terms of the options for the next stage, due to the Local Plan being part way through an examination, LUC had been given information from the Inspector as to which sites needed to be included and alternatives which needed to be assessed and, in this context, there would be input from the Local Authorities in relation to the scale but there would be later opportunities to challenge from a strategy perspective. Ultimately, LUC would be required to stand by their methodology and their conclusions.

Councillor Ellis sought further clarification in relation to the independence of the process and he questioned the reasoning behind LUC's decision not to initially include proportionate growth in the methodology and the scope that LUC had applied to their definition of proportionate growth. He asked whether the responses to the next round of consultation would be referred to the Committee for consideration and for details of information as it was received by officers to be circulated to the Committee members for information. He also sought clarification on the reason why the Inspector's specific request for a legal opinion to be sought before any further work had been undertaken had not been implemented.

The Executive Director confirmed that matters of evidence would be submitted to the

Committee for consideration prior to submission to the Inspector. Nevertheless, whilst acknowledging the need for transparency, he did not consider it appropriate to bring draft documents to the Committee. In this context, he referred to the informal briefings for Committee members which had taken place in the past and which were intended to continue for the elements of the evidence. He also acknowledged the need for a legal opinion to be sought and confirmed that strong advice had been received that a Barrister's written opinion should be undertaken at the point when all the anticipated opinions from others had been received. He agreed to seek further confirmation on that point.

Councillor Barber was also of the view that the Council should seek to address the legal issues raised at the earliest opportunity and asked for internal legal advice on this matter to be shared with the Committee members. He did not support the allocation of any further funding to NEGC Ltd; he was of the view that consultation should be undertaken by the Council in its own right; he questioned the objectivity of NEGC Ltd given its stated brief to deliver three Garden Communities; he advocated the sharing of draft documents with Committee members, in confidence and welcomed the opportunity to see the contents of all Local Plan associated information so that he would be in a position to check on progress. He also sought clarification on the date for a check and challenge workshop.

Councillor T. Young, Portfolio Holder for Business and Culture attended and, with the consent of the Chairman, addressed the Committee. He explained that a wider Group including the actual Board of NEGC Ltd had been set up and confirmed that he was a Board member, along with a representative from the University of Essex and other agencies. The Group members attend Board meetings and receive help and advice from various sources in order to deliver the best solutions possible. He confirmed, as Portfolio Holder, that he was happy for information to be shared with Committee members on a confidential basis. He also confirmed that Richard Bayley, Managing Director of NEGC Ltd, was also a member of the wider Group so that information and advice could be shared jointly.

Councillor Arnold referred to the setting up of the Docklands Development Corporation and the transfer of planning powers from the Local Authorities to enable that to happen. He expressed concern that the establishment of a Development Corporation may mean that the decision making powers of the Local Plan and Planning Committees might be subject to a similar transfer and he explained that he did not wish to see any democratic deficit or any compromises in order to fit in with Braintree and Tendring. He sought assurances in relation to a Development Corporation potentially exercising planning powers.

The Executive Director was of the view that the three Authorities would not be investigating potential models which involved the imposition of a Development Corporation in this form. He confirmed that legislation had been passed in relation to

Locally Led Development Corporations which included putting the oversight in the hands of Local Authorities and provided for the retention of planning powers if wanted. The Development Corporation provided a mechanism to control the implementation of infrastructure, although there were variations such as for the delivery of regeneration. He also confirmed that Development Plan Documents for the potential Garden Communities would continue to be determined by this Committee.

Councillor Cope sought clarification regarding the definition of proportionate growth and whether it was compatible with the contents of the draft Local Plan.

The Executive Director confirmed that the majority of housing development in the Local Plan was through proportional growth and was what the Council had been doing for the last 50 years. He explained that this was by adding housing development to the edges of settlements with the bulk of the growth going to the bigger settlement, such that Colchester town had taken the bulk of the growth by extending its urban area. He further explained that the proposed Local Plan continued with this proportionate approach, in terms of housing numbers, whilst the three Garden Communities would grow through the Local Plan process and it would be in the following version of the Local Plan that they would come to fruition and housing development in the Borough would then be concentrated in the Garden Communities. This process would therefore change the way development was traditionally delivered in the Borough, although it would still be necessary to provide some development by proportional growth.

Councillor Willetts referred to the matter of pre-determination and remained unconvinced regarding the explanation provided in relation to the separation of decision making and implementation, as such he speculated whether the speaker who had raised the issue was satisfied with the responses given.

Tom Foster, the Chairman of CAUSE, was further invited to address the Committee and explained that, in his view, officers had not listened to the opinions expressed by CAUSE and had declined invitations to attend meetings and conferences organised by CAUSE. He considered this to strongly suggest that the Garden Communities issue had been pre-determined.

RESOLVED that the current situation in relation to the Local Plan be noted and arrangements be made for clarification on the funds received from the other Local Authorities to be made available to Committee members following this meeting.

158 Minutes

The minutes of the meeting held on 12 November 2018 were confirmed as a correct record.

159 Local Development Scheme

The Committee considered a report by the Assistant Director Policy and Corporate giving details of the Local Development Scheme (LDS) which required updating to reflect consultation and timetable variations for the Local Plan and the Strategic Development Plan Documents as well as the addition of a new Supplementary Planning Document on the Recreational Disturbance Avoidance and Mitigation Strategy.

Bethany Jones, Planning Policy Officer, presented the report and, together with Karen Syrett, the Planning and Housing Manager, responded to members questions. The Planning Policy Officer explained that the LDS was an essential tool used to keep the Local Plan up to date and provide details of consultation periods, public examinations and expected dates of adoption and publication for each document. The Committee had previously reviewed the LDS on a number of occasions with the last update being in November 2017 and it now required updating to reflect further consultation and timetable variations for the Local Plan and the Strategic Development DPDs as well as the addition of a new Supplementary Planning Document on the Recreational Disturbance Avoidance and Mitigation Strategy.

The LDS also set out which documents would form part of the Colchester Local Plan along with the timetable for the preparation and review of each document. The key dates for planning documents, which were further explained within the LDS document itself, attached to the report as an Appendix, were:

- Local Plan
 - Submission – October 2017
 - Examination of Section 1 - January and May 2018, Autumn 2019
 - Examination Section 2 – Spring/Summer 2020
 - Adoption of Section 1 – Spring 2020 (if adopted independently)
 - Adoption of Full Plan – Winter 2020/21
- Planning Obligations SPD, 2019
- Recreational Area Disturbance and Mitigation (RAMs) SPD 2019
- Joint Development Plan Documents for Garden Communities;
 - Issues and Options consultation – Nov 2017- Jan 2018
 - Preferred Options consultation - Winter 2020/21
 - Submission version consultation –Winter 2021/22
 - Submission – Spring 2022
 - Examination – Summer 2022
 - Adoption – Winter 2022/23
- Neighbourhood Planning;
 - Boxted – NP Adopted December 2016
 - Myland – NP Adopted December 2016
 - Wivenhoe – Adoption expected in summer 2019
 - West Bergholt – Adoption expected in autumn 2019
 - Eight Ash Green – Adoption expected in autumn 2019

Great Tey – Adoption in Summer 2020

Tiptree – Adoption in winter 2019/20

Marks Tey – Adoption in Summer 2020

West Mersea – Adoption in spring/summer 2020

Copford – Adoption in spring/summer 2020

- Evidence base documents and updates which will be necessary to support the Local Plan Review
- Changes to the text of the LDS to reflect the range of documents outlined above.

Changes to Regulations meant that there was no longer a requirement to include Supplementary Planning Documents in an LDS, but they had been included to demonstrate the links between all the documents which contributed to the Colchester Local Plan.

Councillor Ellis sought clarification on the timing of a consultation exercise on Section 1 of the Local Plan modifications, whether this would be affected by changes required as a result of a consultation and whether the consultation responses would be submitted to the Committee for consideration prior to further submission the Inspector.

The Planning and Housing Manager confirmed that the LDS would be updated to include a consultation exercise on modifications following the examination of Section 1 of the Local Plan.

Councillor Willetts sought clarification on the timescales for the Neighbourhood Plans and the likely implications due to the potential for some Neighbourhood Plans to be approved prior to the approval of Section 2 of the Local Plan.

The Planning and Housing Manager confirmed that there was no problem with Neighbourhood Plans being approved in advance of the Local Plan and those approved Neighbourhood Plans which contained policies would take precedence. This being particularly important in relation to those Neighbourhood Plans which include allocations as it was then only necessary to provide evidence of a three-year housing supply. She acknowledged the potential to include Neighbourhood Plan timescales in the LDS and was willing to do so if this was considered beneficial, on the understanding that this may lead to more frequent reviews to update the document to take account of matters outside of the Council's control.

Councillor Barber asked about the implications of a Neighbourhood Plan which included housing allocations which were contrary to that contained in the draft Local Plan and whether it was possible to amend the Plan to take account of policies contained in emerging Neighbourhood Plans.

The Planning and Housing Manager confirmed that this was not possible, because the Local Plan was part the way through the examination and the variety of stages of each

of the numerous Neighbourhood Plans.

The Planning Policy Officer proposed the amendment of the LDS document by means of the addition of the words 'hearing session' after Examination in order to clarify this point.

RESOLVED that the changes to the Local Development Scheme (LDS) be agreed.

160 Mill Field Conservation Area Designation

The Committee considered a report by the Assistant Director Policy and Corporate seeking authority to proceed to the statutory designation of the proposed new Conservation Area to be known as Mill Field Estate Conservation Area, together with the inclusion of an Article 4 Direction. The Mill field Conservation Area Appraisal and Management Plan document was attached to the report and an amendment sheet had been published giving details of an amendment to page 28 of that document.

Eirini Dimerouki, Historic Buildings and Areas Officer, presented the report and, together with Karen Syrett, Planning and Housing Manager, responded to members questions. The Historic Buildings and Areas Officer explained that the Committee had approved public consultation on the Consultation Draft Conservation Area Character Appraisal and Management Proposals on 19 March 2018.

Fifteen responses had been received with the main concerns including:

- disagreement with the boundary on Maldon Road, which included the corner properties on Errington, Hamilton and Constantine Road but not the intervening properties;
- disagreement with the exclusion of Alexandra Road from the boundaries;
- disagreement with the inclusion of the word 'Estate' in the name, as historically inaccurate and/or unsuitable for the area's character;
- concerns about the financial implications for the Council and suggestion of alternative uses for the Council's financial resources;
- disagreement with the appraisal of the area's quality and state of preservation;
- concerns about the implications for property owners due to the designation, including the added need for planning permissions which would impede the proper maintenance of the properties.

The report provided the reasoning behind the exclusion of the majority of properties in Maldon Road and the whole of Alexandra Road and the historical development of the area on what had been the Mill Field Estate was detailed. Reference was made to correspondence with Councillor Whitehead about street trees in Errington Road and the cost of replacement. It was also explained that the use of an Article 4 Direction would require the submission of a planning application for specified categories of development which would otherwise benefit from permitted development rights and would provide for scrutiny to be given to domestic extensions and alterations to secure the preservation

and enhancement of the character and appearance of the area

The results of the consultation exercise had not generated the need for any amendments to the Character Appraisal and Management Proposals and, as such, the designation of the proposed Conservation Area could proceed as proposed.

Councillor Cope welcomed the report, noted the exclusion of some properties in Maldon Road and the whole of Alexandra Road and asked for the document to be amended to provide for their inclusion on the basis that these locations also contained examples of houses with architectural merit. He also referred to the lack of support from the County Council for the replacement of street trees.

The Historic Buildings and Areas Officer explained that the houses in Maldon Road had been excluded because they represented a type that was closer to the character of the Conservation Area 2 and it was the intention to extend the boundaries of that conservation area in due course. For the time being, however, the properties on the corners of Constantine, Hamilton and Errington Roads had been included because development on these properties would affect the Mill Field Estate Conservation Area.

Councillor Barber referred to Fixing the Link and the proposed Conservation Area around North Station Road, which had been considered at the Committee's meeting in March 2018 and asked when this would be considered again. He also referred to opportunities for dialogue with Essex County Council in relation to improving infrastructure and he supported the comments made in relation to the replacement of street trees and potential funding streams being investigated.

The Planning and Housing Manager explained that the proposed North Station Road Conservation Area would be submitted to a future meeting of the Committee when resources permitted. She also confirmed the existence of a recent consultation exercise in relation to street trees and she acknowledged the potential for street trees to enhance an area but explained that it was difficult for work to be undertaken in the highway by anyone other than the Highway Authority. She invited the Committee to consider raising this issue with Essex County Council.

Councillor Willetts referred to the decision to exclude Alexandra Road from the proposed Conservation Area and considered this to be an arbitrary one, with no real evidence to support it. He was of the view that varied architectural style would enhance the street scene in the area and asked how the decision to exclude them had been derived. He was also concerned about the implications for owners of properties with satellite dishes and parking spaces.

The Historic Buildings and Areas Officer confirmed that the determination of the boundaries of a Conservation Area could be difficult and, in this instance, the decision was made on the basis of character and strong architectural cohesion. She

acknowledged that Alexandra Road included some very interesting buildings but that the street's development had not taken place in an organised way. She confirmed that protection could be provided by a property's inclusion in the Local List. She also explained that the controls available through the Article 4 Direction would not necessarily mean that features such as satellite dishes and parking spaces would not be permitted but it would enable an assessment to be made of whether a feature was justified.

The Chairman supported the suggestion that correspondence be initiated with Essex County Council to seek guidance on the continuing planting and replacement of street trees.

Councillor Ellis welcomed the report and supported the designation of a Conservation Area on the basis of its architectural similarity and defined character. He also supported the proposal to include an Article 4 Direction and was of the view that alternative solutions to satellite dishes would now be possible, in terms of fibre broadband, which would deliver a more visually pleasing environment.

Councillor Cope explained that he was aware that residents in existing Conservation Areas had the ability to seek approval for features such as satellite dishes and solar panels and he was of the view that the system worked reasonably well. He also referred to email correspondence he had exchanged with the County Council's Chief Arboriculturalist and the Borough Council's Arboricultural Officer in relation to the replacement of street trees which he intended to circulate to the Committee members after the meeting.

The Planning and Housing Manager confirmed that, if the Committee members were concerned about the visual impact of solar panels, it would be necessary to amend the list of items excluded from permitted development in the proposed Conservation Area to include solar panels. This addition wouldn't prevent the installation of solar panels but would provide more control over them.

RESOLVED that –

- (i) Subject to the addition of solar panels to the list of items excluded from the permitted development rights in the Conservation Area, approval be given to proceed to the statutory designation of the proposed new Conservation Area to be known as Mill Field Estate Conservation Area, together with the inclusion of an Article 4 Direction.
- (ii) Correspondence be initiated with Essex County Council indicating the Committee's strong support for street trees and seeking guidance on measures to provide for the continuing planting and replacement of street trees.

David Cooper addressed the Committee pursuant to the provisions of Meetings General Procedure Rule 5(3). He considered the policy to be a mechanism to finance two rangers on behalf of Natural England and the RSPB. He referred to comments made by Natural England at the East Mersea caravan site appeal that signage and instructions to the public did not work and the construction of a large play area at Cudmore Grove by Essex Council which had resulted in significant traffic problems along the one-track road during school holiday periods. He considered this was typical of projects undertaken without consultation or a coherent plan. He referred to the current compilation of Neighbourhood Plans by Tiptree, Wivenhoe and Mersea which included consideration of appropriate locations for play areas. He considered this approach needed to be adopted for the proposed larger developments for open spaces, recreation spaces and leisure centres. He considered these areas would also need to provide their own community centres to provide for social cohesion with links to public transport. He referred to Mersea Island being the closest beach to Colchester and the River Blackwater and asked about the protection envisaged for recreational water craft. He confirmed that the Beach Water Quality Classification compliance for East Mersea had found no evidence of sewage pollution, however this may not always be the case with increased tourism. He also asked about the solution for unsustainable transport as a result of tourism by car to Mersea Island.

John Akker addressed the Committee pursuant to the provisions of Meetings General Procedure Rule 5(3). He confirmed that the RAMS was a matter of concern to people living on the coast and needed to be given serious consideration. He asked about the policy of the Council on consultation with the public on the implementation; the careful handling of the definition of wildlife and the environment in terms of the significant impact of visitors arriving by car on wildlife and water quality and the level of the RAMS tariff proposed, asking that it be kept under review to ensure full accountability was maintained.

The Committee considered a report by the Assistant Director Policy and Corporate giving details of a mitigation strategy to protect the internationally designated Essex Coast from the effects of increased recreational disturbance as a result of population growth throughout Essex.

Shelley Blackaby, Planning Policy Officer, presented the report and, together with Karen Syrett, Planning and Housing Manager, responded to members questions. The Planning Policy Officer explained that eleven Essex local authorities had been working together to deliver the Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS) which set a tariff of £122.30 per dwelling, applicable to all residential planning proposals in the borough.

A large portion of the Essex coastline was covered by various wildlife designations to protect wildfowl, wading birds and their coastal habitats. Population growth in Essex was likely to increase the number of visitors to these sensitive coastal areas, with potential

for conflict via increased recreational disturbance of the species and habitats, unless adequately managed. The Essex Coast RAMS had been designed to identify the mitigation measures necessary to address recreational impacts at the ten Habitats sites in Essex from additional residential development, focusing on management activities and behavioural change rather than any additional infrastructure, such as Country Parks. Zones of Influence (Zol) had been identified for each Habitat site and the whole of Colchester Borough was located within a Zol meaning all residential development in Colchester would be within the scope of the Essex Coast RAMS. The RAMS Supplementary Planning Document included information about the need to avoid and mitigate, the types of development covered by the RAMS, details of what the applicant needed to do and the tariff.

Councillor Ellis asked about the proposed consultation and whether the outcomes would be referred back to the Committee for further consideration. He asked about the use of the funds which would be collected, whether there would be a mechanism for local people to influence where the funds were spent and the accountability processes around that. He considered it would be an important issue for the Mersea estuary area and should be welcomed, whilst asking about the implementation of the policy in terms of the additional charge already being imposed on developers.

The Planning Policy Officer explained that the intention was for the Planning and Housing Manager to be given authority to approve minor changes to the draft Supplementary Planning Document prior to consultation but more significant changes would be submitted to the Committee for approval. In addition, once the representations to the SPD had been collated and finalised it would be submitted to the Committee for approval. She also explained that the RAMS would be governed by a Project Board with Chief Officer representation from each Local Authority effected to oversee the direction of the funding, a Steering Group with officer representation from each Authority and an Accountable Body which would be assumed by one of the Authorities, yet to be agreed, who would directly employ the Delivery Officer to manage the project. The Delivery Officer would report annually and this would be included in the Committee's Annual Monitoring Report. She further explained that there were many local organisations which knew the area well and, as such, were invited to recently held workshops where much useful information was gathered and would be used to develop the project moving forward.

Councillor Willetts agreed with the principles of the RAMS in terms of mitigation of very sensitive areas. However, he was concerned about the Committee's policy to pursue increase growth across the borough which would have a damaging impact on the coast and other sensitive areas. He also considered these were two mutually exclusive policies and an inevitable impact on the wildlife and environment would take place. He referred to the consultation, the Zones of Influence (Zol) and the proposed £122.30 tariff per dwelling on each planning application. He asked how the level of the tariff was arrived at and considered this had been undertaken on an arbitrary basis. He was of the

view that a sensitivity analysis should have been undertaken which have concluded that a smaller Zol with a larger tariff was more appropriate. He also questioned the inclusion of Braintree and Chelmsford within the Zol, given neither Authority contained any coastal areas within their boundaries, whilst Uttlesford had not been included.

The Planning Policy Officer confirmed that the purpose of the RAMS was to mitigate likely and significant impacts of future development. She also confirmed there may be a need for bespoke mitigation in relation to specific sites which would be applied in addition to the tariff. The boundaries of the Zol had been derived from desktop studies, visitor surveys and workshops with interested bodies. She confirmed that Braintree and Chelmsford had accepted the need for the tariff and were already collecting contributions on the basis that the pull of the coast was strong for residents in their areas. She considered the proposed tariff to be fair and proportionate. She also confirmed that a small part of Uttlesford District Council fell within the Zol and discussions were taking place regarding its potential inclusion.

The Chairman referred to the play area at Cudmore Grove which he welcomed on the basis that children needed to be encouraged to play outdoors.

Councillor Cope referred the views of the Highway Authority in relation to traffic impact from developments such as the play area at Cudmore Grove and the historical features located along the sea wall from Cudmore Grove and his concern about the defence of the coastline from the sea and the lack of commitment for residents to defend against erosion from the sea.

Councillor Fox welcomed the RAMS in terms of the impact on the coast and the further impact from additional development. He referred to the strategy duration of 20 years and asked when the process would be implemented and when it would be reviewed. He was mindful that within that period further changes would have taken place, the impact of which would need to be further assessed.

The Planning Policy Officer confirmed that she was aware that the Environment Agency were working on matters related to sea erosion but this was outside the scope of the RAMS. She confirmed that the RAMS would be continually reviewed by the Delivery Officer once in post, prioritising projects identified by the Project Board. Visitor surveys would be undertaken on a 5-year basis and an annual report would be submitted which would be included in the Committee's Annual Monitoring Report.

Councillor Barber welcomed the report but was concerned regarding the process in terms of the potential for the decision making to be slowed unnecessarily. He asked how long it was likely to be between the completion of a development and the delivery of a project.

The Planning Policy Officer confirmed that the initial costs would be utilised to employ

the Delivery Officer, followed by a Ranger, responsible for monitoring the sensitive areas. However, it would be difficult to associate and identify a tangible project to a specific development.

Councillor Ellis also referred to the impact of sea erosion and the need for breaches to be defended which he considered to be an important issue. He also referred to the Shoreline Management Plan and whether details of this could be shared with the Committee members. He also sought clarification regarding a comment made in relation to RSPB receiving funds via the RAMS.

The Planning Policy Officer confirmed that the RSPB had been involved in the project and attended one of the workshops but it would not be receiving money through the RAMS. She agreed to look into the current status of the Shoreline Management Plan and would update the Committee members accordingly.

The Planning and Housing Manager explained that the reference to potential for entering into Unilateral Undertakings was not something they had expected developers to actually do, with the intension being that the payment of the tariff would simplify the process. She also confirmed that the tariff would be paid up front so that mitigation would be in place prior to the occupation of each dwelling.

Councillor Warnes welcomed the report and asked whether the Ministry of Defence had been included as one of the participants who contributed to the drafting of the strategy.

The Planning Policy Officer confirmed that representation from the Ministry of Defence had been invited to one of the workshops.

RESOLVED that -

- (i) The Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS) Supplementary Planning Document be approved for consultation and the contents of the RAMS Strategy Document (Technical Report and Mitigation Report) be noted;
- (ii) Authority be delegated to the Planning and Housing Manager to make minor changes to the Supplementary Planning Document, should it be necessary, and any changes considered to be more than minor by the Planning and Housing Manager, in consultation with the Group Spokespersons of the Committee, will be reported back to the Committee prior to the consultation commencing.