

# Local Plan Committee

Monday, 21 October 2019

**Attendees:** Councillor Lewis Barber, Councillor Nick Barlow, Councillor Tina Bourne, Councillor Phil Coleman, Councillor Andrew Ellis, Councillor Chris Hayter, Councillor Patricia Moore, Councillor Lee Scordis

**Substitutes:** No substitutes were recorded at the meeting

**Also Present:**

## 173 Have Your Say!

Peter Clements, Chairman of West Mersea Neighbourhood Planning Group, addressed the Committee pursuant to the provisions of Meetings General Procedure Rule 5(3). He referred to the planning application for 100 houses at Brierley Paddocks which he considered to be premature. He explained that the emerging Local Plan had allocated two sites to accommodate 200 houses for Mersea Island and he was concerned that the sites were large and capable of accommodating many more units. He also referred to the limited infrastructure in terms of access, medical services, sewage, transport facilities and parking, five caravan sites and an influx of visitors in the summer months. He explained progress which had been made with the Neighbourhood Plan, with its concept based on a clear directive from the local community and the recent appointment of a consultant to progress the plan further with anticipated submission to the Borough Council in March 2020. He referred to the policies contained in the Plan included affordable housing provision, one- and two-bedroom housing and the inclusion of a medical centre at Brierley Paddocks. He was concerned about the potential for developers to build on both sites at Brierley Paddocks, advocating the developers be required to follow the due planning process and asked the Local Plan Committee members to seek the refusal of the planning applications by the Planning Committee.

Councillor J. Young, Portfolio Holder for Culture and Performance attended and, with the consent of the Chairman, addressed the Committee. She referred to the breadth of work undertaken by the Council's Planning Team which was exemplified by the variety of business items to be considered by the Committee at the meeting. She referred to the importance of the Local List in making a difference in the community; the specialist knowledge of the Planning Team, such as in relation to the Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS); the Council being a pilot authority for the Brownfield Land Register and the success that this had delivered and the support given to Parish Councils in undertaking a Neighbourhood Plan, which enabled local people to shape their communities.

Councillor Harris attended and, with the consent of the Chairman, addressed the Committee. He referred to Middlewick and the need to set aside some land for a future woodland cemetery, in order to plan for more growth for the nearby existing cemetery in Mersea Road. He also referred to the potential for increased traffic from the development of Middlewick Ranges and he asked the Committee to seek agreement from the Ministry of Defence to take the site off the market on the grounds of its potential impact of over-building in the urban area. He also referred to a World War II heritage asset located on the site which he considered should be protected.

The Chairman suggested Councillor Harris refer his request relating to the Ministry of Defence to the Cabinet which he considered would carry more influence and he explained that, in relation to the planning application at Brierley Paddocks, the Local Plan Committee was unable to influence the work of the Planning Committee.

Councillor Ellis sought clarification regarding the status of an emerging Neighbourhood Plan in relation to the determination of a planning application.

Karen Syrett, the Planning and Housing Manager explained that the matter of prematurity had been used in a number of appeals in relation to the Local Plan and Neighbourhood Plans, although with little success, explaining that the provisions of the National Planning Policy Framework (NPPF) were strict in relation to the use of prematurity arguments. She welcomed the progress of the West Mersea Neighbourhood Plan as reported and confirmed that contact would be made with Mr Clements regarding the status of the Plan in relation to the Brierley Paddocks planning application.

Some members of the Committee asked for clarification regarding requests to seek changes to the Local Plan.

The Planning and Housing Manager explained that a Plan had been submitted which was believed to be sound and, as such, it was not appropriate to seek to remove any of the sites, if only because it would be necessary to replace such sites with alternatives. She confirmed that all the sites in the Plan had been assessed and were considered to form the most appropriate strategy for the Borough. She further explained that the removal of any sites would also negatively impact the Council's five-year supply of housing.

#### **174 Local Plan Committee minutes 22 July 2019**

The minutes of the meeting held on 22 July 2019 were confirmed as a correct record.

#### **175 Local Plan Update**

John Akker addressed the Committee pursuant to the provisions of Meetings General

Procedure Rule 5(3). He explained that he had always supported the Local Plan but was concerned about the impact of Section 2 of the Plan so far as it impacted West Mersea. He referred to the submission of a premature planning application which, he considered, would call into question the consideration of the entire Plan by the Planning Inspector and may lead to the submission of other applications. He also referred to the 1500 representations made by residents of Mersea in response to the recent Local Plan consultation exercise. He speculated what may be the outcome should the application receive approval by the Planning Committee and asked the Committee to consider any provisions within the NPPF which would enable the planning application to be deferred, withdrawn or refused by the Council and for it to be considered by the Local Plan Inspector.

Mel Burley addressed the Committee pursuant to the provisions of Meetings General Procedure Rule 5(3). He referred to the different characteristics of Mersea, the Causeway, five caravan sites, and the influx of visitors in the Summer which led to gridlock on occasions. He referred to the need for residents to commute and to travel from the Island to school and was of the view that the number of additional houses allocated to the Island needed to be restrained. He referred to local opposition to the proposed development at Brierley Paddocks and the involvement of local residents in the formulation of the Neighbourhood Plan and the need for the Neighbourhood Plan to be taken into account. He asked for the planning application to be refused on prematurity grounds.

Julie Baker addressed the Committee pursuant to the provisions of Meetings General Procedure Rule 5(3). She referred to problems of health and safety and was of the view that the emerging Local Plan was not sound due to its impact on the safety of residents of Mersea Island. She referred to recent incidents of residents needing emergency medical treatment, the 40-minute travel time to hospital and subsequent deaths. She also explained the added time delay at times when the Causeway was unusable due to the tide. She also referred to the difficulty for some residents without access to the internet who were unable to make representations online. She considered Mersea residents were of the view that the number of houses allocated for the sites at Brierley Park should be restricted. She also asked why it was not possible to rely on the delivery of houses through in-fill development and she requested the provision of additional GPs and a fire service on the Island.

The Chairman explained that the Local Plan Committee was responsible for Planning policy whilst the Planning Committee was responsible for the determination of planning applications, as such the Local Plan Committee had no influence over the outcome of individual planning applications.

Councillor Moore was concerned about the inclusion of a medical centre within the Brierley Paddocks development due to the location of the site on the edge of the town, requiring a bus journey for many elderly residents which she considered was

unacceptable and impractical. She was of the view that the majority of residents sought a central location for this facility.

Karen Syrett, Planning and Housing Manager, responded to the representations made by speakers under the Have Your Say! Arrangements. She confirmed that the determination of planning applications was not the responsibility of the Local Plan Committee; she explained that a drop-in session had previously been held in West Mersea in order to provide an opportunity for residents to respond to a consultation exercise but it had not been well attended; she confirmed it was not possible to include in-fill development within the housing allocations due to inability to predict accurately; she acknowledged the desire for a centrally located medical centre for Mersea but explained that it had not been possible to identify a suitable site closer to the centre of the town whilst the site at Brierley Paddocks offered sufficient land to include the provision of a medical centre although negotiations about the build had yet to be concluded. She further confirmed that the provision of additional GPs was not the responsibility of the Council and was also a national issue of concern.

The Planning and Housing Manager explained that Ian Vipond, Strategic Director of Policy and Place, would usually provide a strategic overview, particularly in relation to Section 1 of the Plan, to the Committee but he had been unable to attend the meeting on this occasion. She confirmed that the consultation responses and technical evidence base had been sent to the Inspector and she understood that a letter was due to be issued confirming the way forward for Section 1 and the examination. The Inspector had asked for points of clarification; Matters, Issues and Questions would be issued and would inform the examination; a thematic approach with explanatory scene-setting introductions had been suggested to the Inspector to assist understanding of the process and a timetable would be issued in due course, with examination hearing sessions expected to commence in mid-January 2020. She also offered to circulate the Inspector's letter to the Committee members once it was available.

The Chairman suggested that, in the absence of the Strategic Director, for any questions from Committee members which the Planning and Housing manager was unable to answer at the meeting responses be prepared after the meeting and published on the Council's website.

Councillor Barber asked for clarification when the examination of Section 2 of the Plan was likely to begin and on what matters the Inspector had sought clarification. He also suggested the potential need for a briefing for Committee members in order to direct questions to the Strategic Director.

The Planning and Housing Manager explained that it had not yet been possible to consider the detailed timetable; Section 2 of the Plan was being reviewed to ensure it remained fit for purpose and the Inspector had sought clarification on a variety of issues, including viability appraisal work from CAUSE and others.

The Chairman acknowledged the benefit of making arrangements for a further briefing session for Committee members.

Councillor Ellis indicated that he had a number of questions which he had intended to ask the Strategic Director and that he would pursue this outside of the meeting. He asked about the timing of the information about the examination hearing dates and the latest letter for the Inspector.

The Planning and Housing Manager explained that she expected a letter from the Inspector setting out the key milestones and the identification of Matters, Issues and Questions and she had been notified of timescales for the examination hearings earlier in the day.

*RESOLVED* that the Local Plan update provided by the Planning and Housing Manager be noted.

## **176 Colchester Local List – Selection Criteria Review 2019**

The Committee considered a report by the Assistant Director Policy and Corporate following the completed consultation on the Colchester Local List Selection Criteria and summarising the responses from stakeholders during the eight-week consultation that was conducted between 4 August and 28 September 2019.

Jess Tipper, Archaeological Advisor, presented the report and, together with Karen Syrett, Planning and Housing Manager, responded to members questions. The Archaeological Advisor explained that the Colchester Local List safeguarded selected heritage assets which were considered historically or architecturally important at a local level; were valued by the local community and made a significant contribution to the character and setting of Colchester and the surrounding villages. It had been adopted by the Local Development Framework Committee in 2011 and there had been regular reviews of the List by the Local Plan Committee, resulting in additions, amendments and deletions. The Local List comprised 715 heritage assets in total covering urban Colchester, Wivenhoe, Boxted, Langham and Wakes Colne.

The current Selection Criteria for Colchester town's Local List, from 2011 applied to buildings only and required at least one of the following criteria to apply:

- Dated earlier than 1840 and in good or restorable condition;
- Dated between 1840-1945, largely complete and of an architectural and/or historic value which increased from 'good' for the oldest to 'very high' for the youngest buildings;
- Dated after 1945, complete with no inappropriate alterations or extensions and of the highest architectural or historic value;
- Has group or skyline value.

Various additional factors were also taken into account in marginal cases, including historic value, iconic value, contribution to the historic character of an area, prominence in the townscape or landscape, quirkiness, rarity in Colchester terms, and sustainability.

A review of the Local List Selection Criteria had been approved by the Local Plan Committee in September 2018 and the proposed revisions, which provided for a much wider set of criteria and reflected the broad definition of heritage assets in the National Planning Policy Framework, were set out in the Appendix to the report. In addition details of the six consultation responses received as a result of the consultation exercise were detailed in an Appendix. Five responses had been positive and/or offered no objections to the proposed selection criteria and three responses proposed new heritage assets for the List which would be considered for adoption, following agreement of the Selection Criteria. One response raised specific concerns about the proposed revised criteria.

Councillor Barber sought clarification on the difference between a Community Asset and Local Listing and the protections offered by each.

The Planning and Housing Manager explained that the Local List was concerned with heritage assets whilst Community Assets were a register of community facilities which enabled communities to bid for an asset should it be placed on the market for sale, although without any provision for the sale to take place. As such an asset could potentially be registered on the Local List and as a Community Asset.

Councillor Ellis welcomed the expansion of the selection criteria and sought clarification regarding the circumstances surrounding the comments from respondents, including Philip Crummy from the Colchester Archaeological Trust and Colchester Historic Buildings Forum, who had indicated they had not been informed about the consultation exercise.

The Archaeological Officer confirmed that he regularly liaised with Philip Crummy and the Colchester Archaeological Trust and he appreciated their help and advice. He explained that he had not consulted the groups prior to the consultation exercise commencing but, as one of a range of key stakeholders, they had been included in the consultation exercise itself. He also confirmed that no response had been received from the Colchester Archaeological Trust and he offered to contact Philip Crummy to ensure he was aware of the proposals and that no breakdown in the consultation process had occurred.

Councillor Moore also welcomed the revised selection criteria and asked whether there would be anything detrimental in adopting the new criteria, how often the register would be updated and how quickly an asset could be added to the register.

The Archaeological Officer confirmed that he wasn't aware of any detrimental

consequences should the broader range of criteria be adopted; a press release was issued annually calling for new nominations to the List and, in cases of emergency, listings could be submitted to any meeting of the Local Plan Committee for consideration.

Councillor Coleman sought confirmation that the proposed five-year review of the criteria would be adequate.

The Archaeological Officer confirmed that he considered a five-yearly cycle of review to be adequate, subject to any future relevant changes in legislation.

Councillor Scordis referred to the potential inclusion of cast iron lamp-posts such as those in Roman Road and Gladstone Road in the Local List, given the programme of street light replacement by Essex County Council which had led to the loss of 19th century lamp-posts. This proposal was welcomed by Councillors Barber and Ellis who were aware of similar examples of street furniture and surfaces in other wards in the Borough, whilst acknowledging the potential differing opinions and priorities of owners of these assets. Nevertheless, further exploration of the proposal was supported.

The Archaeological Officer reported that he was aware that Colchester Civic Society was in the process of recording the examples of old street lamps in the town and he welcomed the suggestion that they be nominated for assessment for inclusion in the Local List.

The Chairman suggested all members of the Council be informed of the revised criteria and the benefits available from the Local List in securing heritage assets.

The Planning and Housing Manager acknowledged the desire to conserve examples of heritage street furniture whilst explaining that such Local Listings would not carry sufficient weight to prevent their legitimate replacement by the Highway Authority, except in relation to examples in Conservation Areas, the setting of a Listed Building or areas subject to an Article 4 Direction. Nevertheless, she offered to look into the matter and to discuss the proposal with Essex County Council officers.

Councillor Ellis referred to the potential for the Committee, in cases of emergency, to give the Planning and Housing Manager authority, following consultation with the Chairman, to approve the inclusion of an asset in the Local List.

The Chairman welcomed the suggestion for a fast track process in cases of emergency and suggested the Committee be provided with further information on relevant law and guidance at a future meeting to enable the proposal to be fully assessed.

The Planning and Housing Manager confirmed that the fast track suggestion would require changes to the Officer Scheme of Delegation and offered to provide the

Committee with further detailed information as soon as possible, including the potential, in cases of emergency, for assets to be added to the Local List temporarily during a period between Committee meetings with formal confirmation at the next available meeting.

*RESOLVED* that the proposed revisions to the Colchester Local List Selection Criteria be approved and the criteria be reviewed every five years.

## **177 Colchester Local List – Former Pumping Station, Rowhedge Wharf**

Phil George, on behalf of East Donyland Parish Council, addressed the Committee pursuant to the provisions of Meetings General Procedure Rule 5(3). He supported the recommendation contained in the report with its references to distinctive, attractive and historic value in relation to the Pumping Station. He referred to the interest from Rowhedge residents and East Donyland Parish Council to protect the building. He also referred to the Rowhedge Heritage Trust (RHT) which, with the Parish Council's support, was exploring options to acquire the building. If successful it was intended to be used to showcase heritage displays and meeting space for the village, with potential for part of the building to be used by the Parish Council. He was of the view that the community would greatly benefit from the retention of the building and, accordingly, asked the Committee to support the recommendation in the report.

Lucy Bannatyne, on behalf of RHT, addressed the Committee pursuant to the provisions of Meetings General Procedure Rule 5(3). She supported the recommendation for the former Pumping Station to be added to the Local List and she considered it represented a strong case based against the criteria. She referred to the age of the building, its history and purpose, the architectural style of the building, its location between new and older parts of the village and she shared the recollections of a village member who had worked in the Pumping Station. She also referred to subsequent uses of the building and explained her view that there was a tangible future use for the building and she explained the aims of the RHT. She explained that the Trust hoped to use the building to house memorabilia and displays and as a base for village activities.

Councillor Lilley, Portfolio Holder for Communities, Wellbeing and Public Safety attended and, with the consent of the Chairman, addressed the Committee. He supported the recommendation for the former Pumping Station to be added to the Local List and for the building to be used by the RHT and the Parish Council. He was concerned about the implications of a planning application which included the former Pumping Station and the intentions of the developers in relation to the provision of additional new housing. He supported the proposal for officers to be given authority to add buildings to the Local List in cases of emergency. He referred to negotiations being undertaken between the developer and the RHT and was of the view that the ownership of the building should be gifted to the Trust for the benefit of the community.



Councillor Fox, Portfolio Holder for Housing attended and, with the consent of the Chairman, addressed the Committee. He supported the inclusion of the former Pumping Station on the Local List and referred to the considerable local support for the protection of the building. He referred to the Listed Building status of the Rowhedge Water Tower and the importance of retaining the Pumping Station to supplement the Water Tower history, as a resource for the local community, as a link between the older parts of the village and the development at the Wharf and to address the need for additional community space. He referred to heritage assets generally and fully supported the enhanced selection criteria, particularly in relation to maritime assets and thanked the Archaeological Officer for the work he had undertaken.

The Committee considered a report by the Assistant Director Policy and Corporate explaining that the former pumping station at Rowhedge Wharf had been identified as a heritage asset that was suitable for inclusion on Colchester's Local List.

Jess Tipper, Archaeological Advisor, presented the report and, together with Karen Syrett, Planning and Housing Manager, responded to members questions. The Archaeological Advisor explained that the disused pumping station was a distinctive and architecturally attractive local landmark that dating from the turn of the 20th century. It had survived virtually intact and was realistically capable of reuse. It was one of a small number of distinctive buildings relating to early water supply and was important to the history of Rowhedge and to the history of water supply and public health reforms in the late 19th and early 20th century. Accordingly, it complied with both the existing and proposed selection criteria.

If approved the Pump House would be added to the existing Local List information within the Historic Environment Record and on the Council's interactive planning map.

Councillor Scordis referred to the support from the Parish Council, a local charity wishing to educate the village, the opportunity to deliver a much needed community asset, the Listed Building status of the Water Tower, the architectural merits of the building and history of the Pumping Station. As such he supported the Local Listing of the building.

Councillor Ellis referred to the charm of the building, its unfortunate remoteness from the Water Tower and the ambitious aspirations of the RHT. He asked whether the building had been registered as a Community Asset and whether there was anything that could be done to assist the RHT to secure the building as a community asset, rather than its conversion for residential use.

The Planning and Housing Manager explained the power available to the Council to determine applications for change of use, she was unaware of its current status in terms of it being a Community Asset but she offered to look into this further outside of the meeting. She explained that in order to register a building as a Community Asset it had to be nominated by a community and its capacity for future community use had to be

demonstrated.

Councillor Bourne welcomed the Committee's consideration of the status of the building and she warned against the danger of communities potentially using Community Asset registration and Local Listing in order to avoid added residential development. She welcomed the detailed case presented to the Committee by the representatives from RHT and the Parish Council in terms of how the building would be put to good use by the community. She considered there may be other similar buildings in the borough, potentially hidden from view or their value only being recognised once a threat had been come to light and she referred to the form and value of late Victorian municipal buildings, like the Rowhedge pumping station. She also expressed concern about the potential loss of valued buildings and gratitude for the assistance offered by local groups such as the Civic Society as well as Town and Parish Councils in seeking to preserve buildings of merit.

Councillor Barber welcomed the report and the information provided on the value of the pumping station and he supported the view that more buildings needed to be saved from demolition. He advocated a request being sent to all Councillors to seek their assistance in identifying buildings of value for potential Local Listing and for inclusion on the Community Asset Register. Councillor Ellis supported the wider circulation of information on the Local List and the Community Asset Register, suggesting the potential for the Council's Communications Team to issue a press release using the example of Rowhedge pumping station capture people's imagination and to build momentum around the heritage value of old buildings.

The Chairman welcomed all the positive contributions during the course of the discussion and supported the need for assistance from people and groups with local knowledge in the identification of heritage assets. He further proposed that the Member Development Group be asked to consider the inclusion within the Member Development Programme of a training session for all councillors on the possibilities derived from the Local List and the Community Asset Register.

The Archaeological Advisor confirmed that the Local List had recently been extended to include of the borough as a whole and, following the approval of the revised criteria, his intention was to work with various local groups to help identify potential heritage assets. He hoped some momentum would have been generated by the example of the pumping station and that it would be possible to build upon this for the future.

*RESOLVED* that the –

- (i) Proposed amendment to the Colchester Local List be approved and the former Pumping Station at Rowhedge Wharf be adopted onto the Local List.
- (ii) Member Development Group be asked to consider the inclusion within the Member Development Programme of a training session for all councillors on the

possibilities derived from the Local List and the Community Asset Register.

**178 Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS) - Update**

David Cooper addressed the Committee pursuant to the provisions of Meetings General Procedure Rule 5(3). He asked whether it was still possible to add to the RAMS policy, particularly with regard to the section on relevant habitat sites and the potential to take into account the habitats on Mersea Island, as partially identified in the West Mersea Neighbourhood Plan, although it had yet to be adopted. He also referred to Cudmore Grove Country Park and the acknowledgement in the RAMS policy that it was not an appropriate place to locate a children's playground, due to the consequent increase in footfall and damage in the area. He also advocated the need for large scale residential development to include consideration of Suitable Alternative Natural Green Spaces (SANGS) to mitigate damage to the natural environment in places such as Mersea Island and Dedham.

The Committee considered a report by the Assistant Director Policy and Corporate providing an update on the work by 12 Essex planning authorities on the mitigation strategy to protect the internationally designated Essex Coast from the effects of increased recreational disturbance as a result of population growth throughout Essex. The Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS) a tariff of £122.30 per dwelling to apply to all residential proposals.

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 Committee members had been advised that consultation on the draft SPD would commence in May 2019 but this had been delayed due to some of the local authorities commissioning legal advice. Numerous minor changes had been made to ensure that the SPD was clear and fit for purpose. As such, consultation on the draft SPD was expected to commence in January 2020.

Since February 2019 a significant work had taken place to progress the RAMS and to ensure that Habitats sites were not adversely affected through increased recreational disturbance. In Colchester a direct payment had been set up to make minor applications straight forward and avoid the need for a legal fee. Chelmsford City Council (CCC) had offered to become the Accountable Body and, as such, would hold all contributions from the 12 partners and employ the project staff. It was anticipated that sufficient development contributions would have been collected to fund the appointment of a Delivery Officer to oversee the project in 2020. In addition, the Essex Planning Officers Association (EPOA) Chief Officer's group had agreed to become the Project Board to govern and oversee the project and determine which avoidance and mitigation measures to fund. The project had also recently become part of the 'Bird Aware' brand which had been developed to communicate the importance of birds and their habitats

and was considered an early avoidance measure which would help to spread the message of the importance of the Essex coast and the need to protect birds in a positive way.

Councillor Barber welcomed the contingency included in the financial considerations and sought clarification on how the tariff had been calculated and the governance arrangements between the twelve partner Authorities.

The Planning Policy Officer explained that consultants had been appointed to assess the issue including what, when and why people visited the coast, from which a Zone of Influence (Zoi) had been created. The projected number of houses planned to be built in the Zoi up to 2038 and the avoidance and mitigation measures needed to protect the coast were identified, from which the tariff had been calculated. She acknowledged the tariff was lower than others but that it was subject to review. She confirmed that Colchester had already started to collect the tariff, whilst some of the other Authorities in the partnership had opted not to do so as yet. She also referred to the officer steering group which met on a monthly basis.

Councillor Moore asked whether it was possible to adjust the RAMS policy to meet the requirements of individual Authorities, she supported concerns about the need to protect the natural environment from damage due to the location of inappropriate facilities, she was concerned about the risk of the RAMS policy leading to alternative mitigation measures being overlooked or disregarded and she was also concerned that the drawing up of the Zoi had been a desk top exercise.

The Planning Policy Officer confirmed that the Habitat Regulations were very strict and the RAMS had been developed on the advice of Natural England, as Government advisers on nature conservation, had advocated a partnership, county-wide approach to the mitigation issue. She confirmed that the RAMS acknowledged the legitimate wish of people to visit the coast and the need to raise awareness of the impact of their activities. She confirmed that large scale development would be expected to provide SANGS, she explained that surveys and workshops had been undertaken by the consultants who had assessed the issues affecting the Essex coast and she referred to the engagement which would take place directly with local people by the Delivery Officer and Rangers.

Councillor Ellis asked about the offer from Chelmsford City Council to become the Accountable Body for the project, whether Chelmsford's boundaries included an area of coastline, whether the governance arrangements for the project included the involvement of local councillors and the reason why some of the partner Authorities had decided to delay the introduction of the tariff, to seek an alternative legal opinion and the implication of the consequent loss of financial contributions towards mitigation measures. He also sought clarification on how the financial contributions were distributed and whether they were ring-fenced.

The Planning Policy Officer confirmed that Uttlesford District Council was the twelfth Authority to join the partnership, Chelmsford City Council had a very small area of coastline, had successfully assumed the Chairmanship responsibilities for the meetings and had undertaken to build a proposal to assume the role of Accountable Body. She explained that although the Delivery Officer and Rangers would be employed by the Accountable Body they would work for the RAMS partnership as a whole. She also explained that the implications of the Habitat Regulations had been fully understood by this Council and its officers, the duty placed on the Council as the competent authority under these Regulations had also been recognised and legal advice had been sought to confirm the duties. However, some of the other partnership authorities had opted to delay collecting the tariff pending the outcome of their own legal advice.

The Planning and Housing Manager confirmed that a joint commissioning of legal advice had been offered to the partnership but only Chelmsford and Tendring had agreed to share the costs involved. She also explained that the advice from Natural England was that, in areas where the tariff wasn't being collected, consideration would be given to holding the Local Authority liable for the cost of mitigation of development.

The Planning Policy Officer confirmed that the financial contributions raised from the collection of the tariff would initially be used to fund the employment of staff, thereafter the money would be directed towards physical projects on sites in those Authority areas which were collecting contributions. She explained that the Zol was the area from where 75% of visitors to the habitat sites came and that Colchester fell within multiple Zol, including the Dengie which was the largest Zol. She also explained that funds collected in Colchester had already been spent on the Bird Aware brand which was specifically concerned with educating people about disturbance of the coast.

*RESOLVED* that -

- (i) The Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS) Strategy Document (Technical Report and Mitigation Report) be approved and consultation on the amended draft Supplementary Planning Document (SPD) be agreed.
- (ii) Authority be delegated to the Planning and Housing Manager (PHM) to make minor changes to the RAMS Strategy Document and SPD, should it be necessary, with any changes considered by the PHM, in consultation with the Chairman and Group Spokespersons, to be more than minor to be reported back to the Committee.

## **179 Neighbourhood Planning - Update**

The Committee considered a report by the Assistant Director Policy and Corporate providing an update on progress of Neighbourhood Planning in Colchester. Shelley Blackaby, Planning Policy Officer, presented the report and responded to members questions. The Planning Policy Officer explained that four Neighbourhood Plans had been adopted – Wivenhoe, Boxted and Myland and Braiswick and West Bergholt which was adopted following the preparation of the report. It was anticipated

that Eight Ash Green Neighbourhood Plan would be made (adopted) later in the year.

Detailed progress of the Neighbourhood Planning activity in the Borough was set out in the report and summarised as follows:

- Boxted – Adopted 2016 and part of the Development Plan used for Decision Making;
- Myland and Braiswick – Adopted 2016 and part of the Development Plan used for Decision Making;
- Wivenhoe – Adopted 2019 and part of the Development Plan used for Decision Making;
- West Bergholt – Referendum held on 19 September 2019 and Council adopted the plan on 16 October 2019. Part of the Development Plan used for decision making;
- Copford with Easthorpe - Work stopped and then restarted in 2018;
- Eight Ash Green - Final Examiner's report received recommending the plan with modifications proceeds to referendum on 7 November 2019;
- Great Tey - A draft plan is expected to be published for consultation in spring 2020;
- Marks Tey - Initial draft of plan published and will be refined once neighbourhood characterisation study is complete;
- Messing - No active NHP group currently;
- Stanway - No active NHP group currently;
- Tiptree - Analysis of consultation responses underway to inform Neighbourhood Plan;
- West Mersea - A consultant to be appointed shortly to assist in drafting the plan.

It was confirmed that Planning officers continued to provide significant support to the neighbourhood planning groups by means of a named officer to advise and assist. A guide on the support that could be provided had been made available on the neighbourhood planning pages of Council' website.

Councillor Barber welcomed the report and stated his gratitude to the Planning Team for the support that they had provided to the West Bergholt Neighbourhood Planning Team. He commented on the pre-dominance of rural areas having conducted Neighbourhood Planning work and considered there would be merit in investigating ways in which the work could be carried out in urban areas and he asked whether it was possible to provide an estimate of cost of delivering a complete Neighbourhood Planning process. Councillor Ellis supported the principle of Neighbourhood Planning within the urban core of the borough whilst acknowledging the difficulty of motivating community groups to start the process and to continue the work going forward.

The Chairman considered the difficulties for communities in urban areas was the lack a framework from which to initiate and sustain the work such as a Parish or Town Council and the relatively higher turnover of people moving in and out of urban areas.

*RESOLVED* that the update on the progress of neighbourhood planning in Colchester Borough be noted.

## **180 Brownfield Land Register - Update**

The Committee considered a report by the Assistant Director Policy and Corporate providing recommendations to encourage further sites to come forward for possible inclusion in the Brownfield Land Register (BLR).

Sean Tofts, 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 the Council had produced and maintained a BLR since December 2017, following the Council's participation in a pilot scheme. Although sites could be submitted at any time, since the initial publication of the BLR no further sites had been submitted for consideration. This was thought to be partially due to the large proportion of suitable brownfield land within Colchester already being included on the BLR and that large areas of brownfield land had already been successfully redeveloped. Nevertheless, there was a perception that brownfield land should be developed before releasing/allocating greenfield sites. Accordingly, it was proposed to run a targeted campaign over six weeks from 24 October to 4 December in order to increase awareness of the register. It was further proposed that the campaign would include:

- Enhanced visibility on the website;
- Social Media Marketing;
- Press Release;
- Direct requests to Parish Councils

An update would be reported alongside the Annual Monitoring Report (AMR) which would include information on any new sites submitted for inclusion and any changes in permissions granted or sites completed on the current BLR.

Councillor Coleman supported the proposals set out in the report and was of the view that a call for brownfield sites should be undertaken on an annual basis

Councillor Ellis commented on Colchester's strong record of having maximised development on brownfield sites and this was an issue upon which there was no grounds for criticism. However, he was concerned about the timing of a campaign to increase awareness given the current status of the emerging Local Plan and the danger that sites would then be classified as windfall sites and, as such, would not form part of the housing trajectory. He therefore sought clarification as to whether it would be better to postpone the campaign to a later date and to hold any potential new brownfield sites in reserve.

The Planning and Housing Manager explained the example of the Woods Factory site at Tufnell Way which was classified as a windfall site and not an allocation in the Local

Plan and when the 700/800 units were delivered they contributed to the Council's housing supply.

Councillor Bourne referred to the ongoing perception that there was still plenty of brownfield sites in the borough and that these should be developed before greenfield sites were released. As such she understood why the proposal to initiate a campaign had come to the Committee for consideration. She doubted whether many sites would be forthcoming as a consequence of the campaign and she welcomed the Council's previous success in delivering development on brownfield sites.

The Planning Policy Officer acknowledged the merits in keeping brownfield sites in reserve but he explained that it was important to bear in mind that brownfield sites tended to take a long time to come forward due to issues such as flooding or contamination.

Councillor Moore supported the view to defer the updating of the register and for this to be timed so that it could be used to the Council's best advantage and for assets not to be wasted by allowing them to become windfall sites. She sought clarification regarding the point at which housing numbers are allocated after a planning permission is granted.

The Planning and Housing Manager explained that housing numbers were counted as they were completed with evidence being requested from developers as to when completions were likely to take place and the monitoring of completions being undertaken on a quarterly basis using building control returns. These completions were used to inform a detailed housing trajectory of a five year and a fifteen-year supply. She also explained that the Local Plan identified sites which should be sufficient to meet the housing targets whilst the housing trajectory included smaller sites which were too small to feature in a Local Plan, a windfall allowance was also included and for each five year period the number of windfall sites was identified. She was aware of Local Authorities who included a windfall allowance in their Local Plan but she considered this approach had a high degree of risk as this was difficult to justify and there could be no certainty about delivery. She further commented that if a site was identified through the call for brownfield sites and was added to the register, it would then assume a suitability for residential development and, accordingly, would be open to a developer to submit a planning application. This would count in terms of housing delivery numbers and it would be added to the housing trajectory but it would not be included in the housing numbers contained in the Local Plan. The Planning and Housing Manager also explained that the BLR was open to anyone proposing a new site at any time and that the initiation of a campaign was to address the perception that there were still many brownfield sites available for development.

Councillor Barber explained that he understood the view for the campaign to be delayed to a more advantageous time but he welcomed the detailed explanation provided by the Planning and Housing Manager and acknowledged the counter view to initiate a



campaign now in order to address the public perception issue.

Councillor Scordis was concerned about any sites added to the BLR not being included in the housing numbers contained in the Local Plan and the lack of opportunity, as a consequence, to provide viable alternatives to sites already allocated. Councillor Bourne supported the view to delay the campaign, given the register was open to nominations at any time and publicity could be undertaken at a more suitable time.

The Chairman welcomed the work that had been undertaken in maintaining the BLR but supported the view that no action be taken at the current time to actively promote the register.

*RESOLVED* that no further action be taken at this time to initiate a campaign to publicise the Brownfield Land Register but that the matter be kept under review.

## **181 National Planning Regulations and Guidance – Update on Recent Changes**

David Cooper addressed the Committee pursuant to the provisions of Meetings General Procedure Rule 5(3). He referred to the ability to use both the Community Infrastructure Levy (CIL) and Section 106 contributions together and he referred to recent Government Guidance explaining how health facilities and health and wellbeing impacts could be incorporated in planning policy making. He also commented on the proposed housing development on Mersea Island and the view of the health authority that the development would place pressure on the local primary care services and, without mitigation would constitute a negative impact. He sought clarification as to whether it would be possible to use the flexibility of the CIL for the two planning application sites on Mersea Island.

The Committee considered a report by the Assistant Director Policy and Corporate highlighting recent changes to Government guidance on a range of planning issues.

Sandra Scott, Place Strategy Manager, presented the report and, together with Karen Syrett, Planning and Housing Manager, responded to members questions. The Place Strategy Manager explained that further revisions to the National Planning Policy Guidance (PPG) had been published. Revisions with particular implications for the plan-making process included:

- Further guidance on what was considered suitable evidence to demonstrate deliverability of a five-year housing land supply;
- Requirements for addressing the housing needs of different groups;
- Detail on measuring biodiversity gain;
- Strengthening the weight that could be given to neighbourhood plans;
- Changes to CIL/Section 106 regulations including the removal of restrictions on pooling contributions.

The Place Strategy Manager explained that this Council had not adopted a CIL and, as

such, it would not be possible at the current time. She confirmed that the policy on CIL would be reviewed when the Council had an up to date Local Plan.

Councillor Bourne referred to the relaxing of the restrictions on pooling contributions and whether it could be applied retrospectively to previous planning decisions, particularly in relation to applications which had generated very small contributions which had proved to be difficult to allocate.

The Planning and Housing Manager was of the view that it would now be possible to pool these types of contributions to enable one larger project to be delivered using multiple smaller contributions. She also explained that the Council's process for allocating Section 106 funding had evolved over a period of time and it was intended, for the future, that ward councillors would become involved in the process at an earlier stage and that the standard charges for small developments, which would benefit from pooling opportunities, would be resumed.

Councillor Ellis commented on the prescriptive nature of the requirement for contributions to mitigate against one specific development. He strongly welcomed the sharing of all kinds of Local Plan related government guidance and legislative information with Local Plan Committee members and asked for consideration to be given to this being done on a routine basis so far as was possible.

Councillor Scordis referred to the development of a metric to demonstrate the achievement of a biodiversity net gain and asked who would be responsible for its enforcement and monitoring. Councillor Ellis welcomed the consideration of the biodiversity net gain initiative and was of the view that it would be a very important policy for the Committee members to consider at a future meeting.

The Place Strategy Manager indicated that the responsibility for enforcing and monitoring the biodiversity metric was likely to rest with the planning authorities and, as such, she considered this process would benefit from the compilation of guidance to ensure a standard and straight forward approach.

Councillor Barber referred to an apparent change in the relationship between the Neighbourhood Plan and the Local Plan and asked whether it was likely in the future that the Neighbourhood Plan would steer the direction of the Local Plan.

The Place Strategy Manager explained that, once a Neighbourhood Plan was adopted it became part of the Development Plan and, as such, had the same status as an adopted Local Plan. She clarified that the change referred to in the report was to remove the added weight which had hitherto been given to the most recently adopted document.

*RESOLVED* that the contents of the report be noted.