

COLCHESTER BOROUGH COUNCIL
Local Plan Committee
Monday, 4 February 2019 at 18:00

SUPPLEMENTARY AGENDA
(Part A - open to the public including the media)

6. Minutes

The Councillors will be invited to confirm that the minutes of the meeting held on 12 November 2018 are a correct record.

Local Plan Committee

Monday, 12 November 2018

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

Substitutes: Councillor Darius Laws (for Councillor Nigel Chapman), Councillor Andrea Luxford Vaughan (for Councillor Nick Cope)

Also Present:

143 Appointment of Chairman

Andrew Weavers, Monitoring Officer, explained that the items of business to appoint a Chairman and a Deputy Chairman would be deferred to the next meeting of the Committee and, accordingly, he would facilitate the meeting to enable the further matters of business to be conducted.

RESOLVED that the appointment of the Chairman and Deputy Chairman of the Committee be deferred to the next meeting of the Committee and the Monitoring Officer be authorised to facilitate the remainder of the meeting.

144 Have Your Say!

Paul Griffith addressed the Committee pursuant to the provisions of Meetings General Procedure Rule 5(3). He was from Wivenhoe and asked why the Committee was not discussing the Local Plan at this meeting. He referred to contentious issues included in the Method Scoping Statement released by LUC, the land use consultants for the North Essex Authorities, for their Sustainability Appraisal. He suggested a Local Plan Progress report be included as a standard item on the Committee's agenda to keep the Committee members informed and as a catalyst for discussion. He referred to the areas of search within the LUC Scoping Statement, in particular in relation to the majority of sites identified by Tendring District Council being located on the border with Colchester. He was of the view that other sites in the heart of Tendring District needed to be given serious consideration. He considered Colchester District would be disproportionately disadvantaged by development on its borders leading to more traffic congestion and burdens on infrastructure. He also referred to Market Field Care Farm, supporting the work of the school / college but proposing that the Care Farm should be located in Tendring, close to the school / college.

The Monitoring Officer confirmed that the suggestion for a Local Plan progress report at each meeting had been agreed for the future.

Karen Syrett, Planning and Housing Manager, referred to the sites identified by the land use consultants and confirmed there would be consultation on these. She also confirmed that the maps would be amended in order to clarify matters. She confirmed that Tendring District was not excluded from consideration for the Market Field Care Farm project but explained that the site required was a large one.

Councillor Luxford Vaughan welcomed the introduction of a progress report and referred to comments made by Councillor T. Young in relation to more sites being looked at and she questioned when this would take place and whether it would include a call for sites.

The Planning and Housing Manager confirmed there would be no call for sites and that the methodology which had already been published included many alternative sites and it was these which would be the subject of consultation.

Jane Black addressed the Committee pursuant to the provisions of Meetings General Procedure Rule 5(3). She represented the Wivenhoe Society and was concerned about the level of consultation on the LUC document. She asked whether a consultation would take place on the current version or whether a revised version would be released. She indicated that requests from Wivenhoe Town Council to meet with representatives from LUC had been declined and asked if assistance could be given to facilitate a meeting. She referred to a lack of consideration about proportionate expansion of existing communities, a lack of methodology as to how to do this, an absence of criteria to be used to assess the impact of development particularly in relation to traffic congestion and the NPPFs requirement for mitigation was not included.

The Planning and Housing Manager indicated she was unable to confirm what would be consulted on until the response to the Council's letter had been issued by the Inspector. She was aware that Wivenhoe Town Council had requested a meeting but the explicit instruction from the Inspector had been for a meeting to take place with the Campaign Against Urban Sprawl in Essex (CAUSE) because they had put forward an alternative scenario to be assessed. This meeting had taken place and observers from Wivenhoe Town Council had been in attendance.

Paul Frost addressed the Committee pursuant to the provisions of Meetings General Procedure Rule 5(3). He represented Hands Off Wivenhoe and he questioned why the Council was proceeding with the Garden Communities projects and was concerned about the funding being allocated to the projects but with no apparent public scrutiny of this expenditure. He referred to further funding of £500,000 being allocated to the North Essex Garden Communities Ltd (NEGC) and asked why and on what the money was being spent. He asked when the money would be paid, whether it would be subject to scrutiny, if it would be made public and why NEGC were employing a PR company. He

referred to traffic congestion due to works on the A133 and speculated about future traffic congestion near Wivenhoe and was of the view that the funds allocated to NEGC should be allocated for the genuine good of the residents. He considered Garden Cities were too big to work in Colchester, preferring discreet and affordable communities such as garden villages of a manageable size. He advocated the use of existing infrastructure, referring to the under-utilised railway line between Clacton and Alresford and asked why this had not been considered.

The Planning and Housing Manager considered that questions relating to finance, transparency and accountability of NEGC were not Local Plan issues and explained that a report was to be considered by Cabinet where it would be more appropriate to direct most of the speaker's questions. She confirmed that the use of the railway line was the alternative scenario suggested by CAUSE, referred to as the Metro Town, which would be tested through the Sustainability Appraisal.

Councillor Harris attended and, with the consent of the Chairman, addressed the Committee. He referred to concerns expressed by residents in urban wards such as Berechurch, including lack of infrastructure, problem of air quality, over capacity at doctors and dentists and employment problems, all of which had been exacerbated by new housing developments in the urban areas over the previous ten years. Residents were also asking for the Council's housing target to be reduced. He supported the principle of Garden Communities as the most appropriate way to deliver housing for the future and he welcomed measures to ensure that the emerging Local Plan was robust to ensure there would be sufficient houses for the future in the most appropriate places for the whole of Colchester.

In response to a question the Planning and Housing Manager confirmed that a response had been sent from the Council to the government's consultation on the method of assessing housing need, with a view to demonstrating justification for the council to continue to use the 2014 housing needs targets.

Councillor Arnold acknowledged the concerns expressed in relation to the urban areas of the Borough and referred to similar concerns expressed by residents in rural wards. He was of the view that the Committee would need to find a balanced solution which would work for the urban areas and the villages. He compared the style of development along the Northern Approaches Road with that along the Northern Growth Area, the former being from the 1995 Local Plan and the latter from a later Local Plan from which it was possible to see how the Council's approach to development had changed over these periods. He referred to the emerging plan and the approach to development contained within that which was different again, including a chapter on the importance of bringing infrastructure forward before the actual development.

Councillor Warnes supported the views expressed by Councillor Harris in relation to the impact of small to medium size estate development and the lack of critical mass

sufficient to incorporate associated infrastructure leading to parking problems and broadband issues. He emphasised the need for the views of residents living in urban areas, which had been built up by means of traditional methods by private developers, be articulated to the Committee in the same way as residents from the rural areas already had.

Councillor Barber acknowledged the views expressed by Councillor Harris but he was of the view that there were many innovative ways to deliver the Council's housing requirements and he advocated moving away from further discussion on the principles of Garden Communities but to concentrate on the detail of the Local Plan.

Councillor G. Oxford referred to the 5,000 people on the Housing Needs Register and over 43,000 young people below the age of 19 in the borough and asked how they would be provided for in the future. He was of the view that the use of Section 106 Agreements had not delivered the necessary infrastructure and the fact that infrastructure was required before development not afterwards and as such issues such as critical mass needed to be considered.

Councillor Luxford Vaughan questioned the potential use of compulsory purchase powers to acquire land for development and the vulnerability of the approach to development contained in the emerging plan should this method of land acquisition not be deliverable. She also sought clarification as to whether the emerging plan included a ratio for social housing and whether the affordable housing quota would be viable.

The Planning and Housing Manager confirmed that the emerging plan included a ration of 30% policy for affordable housing, covering several tenures, including social housing.

Councillor Laws supported the views expressed in support of the existing identities of communities. He referred to different tenures and the need to reconsider accepted heights for buildings and the changes that automated cars would be bring to social spaces and to communities.

Councillor Coleman acknowledged the comments made about development along the Northern Approach Road compared to the development, including sports facilities, which was currently proceeding within the Northern Gateway. He considered Mile End was an example of what had been done badly and what could be done better.

William Sunnocks addressed the Committee pursuant to the provisions of Meetings General Procedure Rule 5(3). He welcomed the detailed discussion on the Local Plan. He referred to a letter from CAUSE to the Planning Inspector concerning the timetable set by the Council for further work prior to a further inspection in June 2019. He considered this to be unrealistic and that the Plan was currently not considered to be viable. He referred to the need for critical mass to deliver infrastructure and was of the view that evidence had indicated this principle was not true. He advocated the need to

look at the practicalities of infrastructure delivery. He suggested a timetable be drawn up including all the work required before June from which progress could be monitored. He also considered Option 1 should be reconsidered. He referred to extensive information about sustainability but there was an absence of information about finances and he stressed the need to consider viability. He suggested a Viability Review Panel be appointed, using expertise in the community, to advise the Committee.

The Planning and Housing Manager confirmed that a timetable had been drawn up which had informed the information presented to the Committee at its last meeting which was regularly monitored and would be reviewed if necessary. The viability work was also underway and would help inform the sustainability information. She confirmed it would be presented to the Committee when it had developed further and she did not consider it necessary to seek additional assistance at this stage.

Councillor Barber asked about an alternative approach should the Council's current approach to the Local Plan prove not to have the results anticipated. He considered it important that a Plan B be considered as a contingency which could be speedily put in place if necessary.

The Planning and Housing Manager explained that this would be reviewed, if necessary, when the Inspector's further response had been received. As she could not predict what the Inspector's response would contain, she did not consider it possible to prepare a Plan B as an alternative option. She also confirmed that the viability work was continuing to be undertaken by Hyas Associates as this approach had not been questioned by the Inspector.

Councillor Ellis supported the views expressed in relation to a timetable and suggested this could form part of the update to be provided at future meetings. He referred to the Inspector's view that the viability work needing to be undertaken in advance of sustainability appraisal and he asked when the viability work would be considered by the Committee.

The Planning and Housing Manager confirmed that the sustainability appraisal had not been carried out, rather LUC had produced a methodology and the viability work and other evidence base reviews would inform the sustainability appraisal.

Jackie White addressed the Committee pursuant to the provisions of Meetings General Procedure Rule 5(3). She spoke as a person on the Housing Register and was of the view that it was more important to consider the actual building of housing rather than where it would be built. She was also of the view that the Local Plan needed to separate social housing from affordable housing and a target be set for social housing. She asked about the specific allocations for social housing, accessible housing, and lifetime housing. She also referred to Purple Day, an initiative to increase awareness of accessibility issues for shops and customer facing businesses. She considered accessibility in Colchester was particularly poor and that problems and awareness of the

problems and challenges faced by people with disabilities needed to be enhanced. She acknowledged that some buildings were difficult to adapt and others which were possible to adapt but had not been. She considered this was something Colchester should be considering and to consider taking part in the initiative next year.

The Planning and Housing Manager explained that it wasn't possible to change the definition of affordable housing in the Local Plan as the Council's policies were required to be consistent with the National Planning Policy Framework. She also explained that Lifetime Housing had been replaced by a criterion contained in Building Regulations. The emerging Local Plan referred to Building Regulations in this regard as well as including specific references to wheelchair and fully accessible housing. She confirmed that a scheme was currently being progressed which included this provision. She further confirmed that participation in Purple Day was a matter for Cabinet to consider.

Councillor G. Oxford agreed with the representations made in relation to poor access in Colchester and he referred to a recent planning appeal decision which had authorised the replacement of a ramp with a step to a local restaurant. He also supported the Council's involvement with Purple Day in the future. He referred to the need for accessible housing to be designed to be usable by people with disabilities.

Councillor Fox supported the views expressed in relation accessible and affordable housing but acknowledged that local government was obliged to work within the parameters set by national government. He was aware that the Council had plans to build more social housing which was as a consequence of the Housing Revenue Account cap being lifted. He also confirmed that for the future, developments were being obliged to include elements of social housing.

Councillor Barber agreed with the representations made in relation to poor access in Colchester and the problems and challenge facing people with disabilities. He was hopeful that certain highway related issues would be addressed by Essex County Council in due course. He recommended taking the opportunity to experience a visit to the town centre with a person with a disability to experience things from their perspective and he advocated the need for Colchester and Essex Councils to work collaboratively to address some of the issues. He recommended that the speaker take the opportunity to address the cabinet members on the issue.

Councillor Laws agreed with the representations made in relation to poor access in Colchester and acknowledged the difficulties in relation to many older buildings which were difficult to adapt. He considered staff needed to be more proactive in understanding the needs of people who have access issues. He supported the need for Colchester to consider participation in the Purple Day initiative. He referred to the need to redefine the public realm giving the changes which were taking place in town centres generally. He was of the view that there were opportunities to do this from both private and public led perspectives, but he emphasised the need to ensure such projects were

inclusive and accessible for all.

Jackie White responded by reiterating the need for the Local Plan to include reference to a specific proportion of social housing to be delivered as part of the affordable housing allocation. She also invited every councillor to undertake a wheelchair challenge in the town.

145 Minutes of 13 September 2018

There were no minutes for confirmation at the meeting.

146 Colchester Orbital

The Committee considered a report by the Assistant Director Policy and Corporate giving details of the progress of the Colchester Orbital, a circular multi-user route around the town's periphery, connecting green spaces with cycle routes and bridleways and the work of 'Walk Colchester'. The route and enhanced connectivity to it had been included in the Green Infrastructure Policy and other relevant policies in the emerging Local Plan, recognising the role and value it could make towards the green infrastructure network, pedestrian and cycle connectivity in and around the town centre and beyond.

Sandra Scott, Place Strategy Manager, presented the report and, together with Karen Syrett, the Planning and Housing Manager, responded to members questions. She explained that the community led group, Colchester Green Links and Open Spaces, had made impressive progress with the initial phases of the Orbital project. Under the umbrella of "Walk Colchester" the Orbital route had been launched as part of the 2018 Jane's Walk programme, spear-headed by Rowena Macaulay. The route itself had featured in several the events this year including a cycling event. The inner route provided a continuous network, with many opportunities to enhance its accessibility and connectivity as new development continued to come forward. There was also ambition for an outer Orbital which was linked to longer terms aspirations.

While much of the Inner Orbital network already existed, it was not complete or fully accessible to all. An audit of man-made barriers, such as kissing-gates and styles, by Walk Colchester in 2016-17 had identified 26 such features which could be mitigated through removal, replacement or enhancement.

Opportunities to improve connectivity between existing Green Infrastructure assets, the Orbital and new development would be taken as development sites came forward. New developments would be expected to contribute towards the creation of new paths /green infrastructure where gaps existed and to deliver improvements. Contributions would also be sought, where related to development, to enhance the quality of the existing Orbital route through improved signage, drainage improvements or new landscaping.

The opportunity existed, through partnership working, for Colchester Borough Council to help build capacity and skills and to provide support through identifying potential funding streams and other resources for delivery. To this end, Cabinet had agreed to allocate £20,000 to the Colchester Orbital project to take forward further mapping, develop the brand to include app development and explore opportunities to improve accessibility and attract funding.

The Committee received a very detailed presentation from Rowena Macaulay on the project and progress to date and responded to the Committee members questions.

All Members of the Committee thanked Rowena for her presentation and all the work she had been doing to promote the project. The importance of the Committee being kept up to date with such projects was emphasised and the project itself was warmly welcomed and considered it to be a real asset for Colchester. A detailed discussion took place including a number of questions and comments from Councillors as set out below:

Councillor Fox referred to the need for the project to be accessible as possible with little opportunity for anti-social use, for its use to be maximised and for it to relate to other initiatives undertaken by the Council. He sought clarification as to the potential for the project to be considered within the framework of Assets of Community Value.

Councillor Barber referred to the need to consider how people move in the town centre and suggested it may be useful to look again at the Fix the Link route.

Councillor Laws referred to difficulties of kissing gates for people with access issues, he supported shared spaces for pedestrians and cyclists and the need for 'soft' policing of anti-social uses, he advocated the introduction of lighting and better signage, the power of branding and the opportunities to publicise the route and the links from it.

Councillor Arnold supported the protection and enhancement of green links in Colchester, referred to the potential for the route to be adopted as Supplementary Planning Guidance, welcoming the opportunity to protect flora and fauna. He asked whether there were opportunities to consider the inclusion of additional parished areas, other than Mile End and voiced his concern about the use of the route by horse riders on the basis that this may compromise the use by pedestrians. He also advocated the creation of links to well used long distance paths such as National Cycle Route 1 and the Essex Way.

Councillor G. Oxford was in favour of equality for all groups and suggested the need for charging points to be considered for use by wheelchair users and commented on the difficulty for wheelchair users of using soft surfaces.

Councillor Ellis welcomed the potential for the project to be adopted as Supplementary

Planning Guidance and the collaborative work which had taken place. He fully supported the innovative approach of the photo trail which he likened to a Wainwright's Guide for Colchester. He asked about work with local schools and the potential to make the project a subject for competitive homework. He acknowledged he had not been familiar with the work of Walk Colchester and the need for funding and suggested that all Councillors would benefit from awareness in terms of ideas for the allocation of Locality Budgets.

Councillor Coleman referred to that part of the route where it crossed the A12 at Spring Lane.

Councillor Barber suggested that discussions could be had with County Council colleagues, in the context of the Local Highway Panel work, about improvements to safety at the crossing points at the Spring Lane roundabout.

Rowena responded to the various questions and comments, as follows:

- The route included a number of places of conflict at access points, such as A-frame barriers which she was opposed to. She was of the view that the project needed to be inclusive for all. She was hopeful the project would have longevity and a new digital map would assist with this and she was hopeful the project would contribute to health and well-being principles in so far as £4,000 funding had been received from Active Essex which would be used to train walk leaders and for specific disadvantaged groups;
- She acknowledged the need for the route to have an identity and for hard signage, possibly leaflets for certain sections as well as access to digital maps from mobile phones. She also suggested the possibility of making more equipment available for people to use in order to utilise the route;
- The project needed to include the major walking routes, the entire outer orbital route had now been walked by two walkers and the intention was to gather their feedback from the walk. She had struggled to find a map of Colchester parishes but was keen to include them;
- She considered appropriate surfacing may be an ongoing discussion but she considered hard surfacing needed to be appropriate to a context and considered hoggan pathways were a suitable compromise. She was of the view that the publicising of information about the orbital route had opened up many more miles for people with disabilities;
- Walk Colchester was an umbrella organisation which was delivering a number of projects including those concentrating on digital mapping of the walking environment. She welcomed the potential to involve local schools and, subject to time commitments, would be very happy to expand on this potential;
- Acknowledged the concerns regarding the crossing of the A12 but confirmed that a crossing was required and that warning text was included explaining the potential dangers.

The Planning and Housing Manager thanked Rowena for her extremely useful

presentation and discussion which was important for the Local Plan and the Council as a whole. It linked directly to one policy in the Local Plan, without which there would be no mechanism for its inclusion within Section 106 funding considerations or other funding opportunities. She confirmed that consideration would be given to look at Supplementary Planning Guidance or Document status and also to consider improving the Borough Council's website to include more information on walking and cycling, including a link to the Walk Colchester work. She also confirmed that she would investigate the criteria relating to Assets of Community Value with a view to pursuing the potential for this project to be considered.

RESOLVED that Rowena Macaulay be thanked for her presentation on the Colchester Orbital and the work of Walk Colchester and the progress made be highly commended.

147 Market Field Care Farm

Councillor Barber (in respect of his governorship of Lexden Springs School which, like Market Field School was a member of the Essex Special Schools Education Trust) declared a non-pecuniary interest in this item pursuant to the provisions of Meetings General Procedure Rule 7(5).

The Committee considered a report by the Assistant Director Policy and Corporate giving details of the project identified by the Market Field Learning Community (MFLC) to get young people with moderate learning difficulties specifically trained and ready for working life by creating a productive and thriving business.

Sandra Scott, Place Strategy Manager, presented the report and, together with together with Karen Syrett, Planning and Housing Manager, responded to members questions. She explained that The MFLC wanted to open up a dialogue with the Council at an early stage as they believed their project supported the priorities outlined within the Local Plan.

The Market Field Farm was an initiative to get young people specifically trained and ready for working life. It was intended to not only support young adults with Special Educational Needs (SEN) but provide jobs and community interests in the area. They already had support from local employers, including the University of Essex, Beth and Chatto Education Trust. The intention was that the business would provide continued education, support and employment opportunities for young adults with SEN, whilst also providing the local community with jobs, community space, a cultural hub, access to fresh food, and the opportunity to grow their own vegetables and help with the conservation of wildlife. It would also encourage commerce in the area with a café, shop and garden centre.

The MFLC had considered a way forward and was approaching funders and grant givers and were confident that they would secure the funds needed for the capital costs.

However, despite the current development and growth aspirations in the county and specifically around Colchester they were finding it almost impossible to identify a suitable site.

The Colchester Local Plan did not identify a suitable site specifically for a farm along the lines that MFLC had outlined, however, MFLC had produced a substantial vision and plan document and a paper on how their plan and vision supported the guiding principles of Garden Communities.

The Committee received a presentation from Naomi Andrews, Project Manager and Gary Smith, Executive Head of Market Field School on the Market Field Care Farm project and progress to date.

All Members of the Committee thanked Gary and Naomi for their interesting presentation and welcomed the aspirations of the proposals. A detailed discussion took place including a number of questions and comments from Councillors as set out below:

Councillor Ellis acknowledged the merits of the project and of the work done by the school and was fully supportive of the aspirations but without the benefit of a suitable site being identified for the project he was of the view that it would be difficult for the Committee to assist with the project.

Councillor Barber suggested the consideration of the Lexden Springs site which he hoped would not be developed for housing and that Councillors be willing to contact the Care Farm project if they are aware of potential sites in their wards.

Councillor Luxford Vaughan asked whether the transition of students from the school or the college to the Care Farm was criteria in terms of preferred site location. She referred to school places at Market Field being highly sought after and was aware of parents of children on the school waiting list tended to move in order to be closer to the school. She was therefore of the view that the location of prospective young adults needn't be a limiting factor in terms of site location.

Councillor Fox asked whether Essex County Council had indicated its support for the project, in terms of young adults with learning difficulties getting into work places and also asked about interest from the Ministry of Defence.

Councillor Arnold questioned the need for the project to fit around a Local Plan process as he considered there would be a good case to accommodate a departure application. He considered the difficulties were due to the concentration of the search within the A12 corridor which was where the developers were also searching. He cited the example of a similar project in the North York Moors on a remote site which appeared to be operating very successfully without the benefit of the best transport links. He speculated on the benefit of giving consideration to sites in more remote areas.

The Planning and Housing Manager confirmed that there was no opportunity for sites to be identified in the Local Plan at the current time. However, she explained that, if the Garden Communities projects proceeded there would be scope through site specific Development Plan Documents although this may be a longer-term opportunity. She was of the view that it would be a mistake if the identification of a site was solely concentrated on Council owned land. She explained that the usual route would be for the project leaders to come to the Council, asking for advice about the proposal, having already identified a potential site. She also explained that not all the land the subject of developer options would be allocated for housing and where it was a developer may be willing to accommodate the project as part of a larger development scheme.

Naomi and Gary responded to the various questions and comments, as follows:

- The ideal size of the site they were looking to identify was around 12 acres and approaches had been made to a considerable number of land and estate owners in the locality but this had been completely unsuccessful as the four biggest developers had secured options on so many potential sites or landowners were not willing to negotiate on sites. She also explained that approaches had been made directly with the developers confirming their willingness to act in collaboration in a development scheme;
- The project was not just for Market Field students but for students within accessible routes, as such, the location of the site for the project had been dictated by the desire to be within the A12 corridor;
- There were plans to expand the school by another four classrooms;
- The Ministry of Defence had identified one site north of Braintree which had not yet been the subject of a Masterplan study, but this had been deemed to be unviable on the grounds that it was too distant for the prospective students and it lack public transport connections. Essex County Council had indicated support but had not offered the identification of land for the project;
- It was important to the success of the project that the students were able to get to the site independently and for them to be part of the community and it was doubtful that this could be achieved in remote locations.

The Planning and Housing Manager confirmed the support of the Committee members for the proposal and that assistance would be available where possible once a site had been identified.

RESOLVED that Naomi Andrews and Gary Smith be thanked for their presentation on the project and the progress to date and that assistance from the Council be offered where possible.

148 Neighbourhood Planning Update

The Committee considered a report by the Assistant Director Policy and Corporate

giving details of the progress of Neighbourhood Planning in Colchester Borough.

Sandra Scott, Place Strategy Manager, presented the report and, together with Karen Syrett, Planning and Housing Manager, responded to members questions. She explained that the Neighbourhood Planning Regulations 2012 provided the legislative framework for Neighbourhood Plans (NHPs). The revised National Planning Policy Framework (NPPF) also introduced guidance confirming that, where policies were out of date, the significance of the NHP was greatly enhanced. It was explained that developers frequently tried to challenge Local Authorities' five-year housing supply position to trigger the NPPF's 'presumption in favour of sustainable development'. However, for NHPs made within 2 years or less of the decision being made, authorities were only required to demonstrate a three-year supply of deliverable housing sites. In such cases the adverse impact of allowing development that conflicted with the Neighbourhood Plan was likely to significantly and demonstrably outweigh the benefits.

Within the Colchester Borough area there had been considerable NHP activity within several parishes, most of whom were continuing to progress with the challenging task. The making of the Boxted NHP and Myland and Braiswick NHP in 2016 were the first in Essex to reach the final stage and had benefitted from government funding. Similar funding was no longer available with each parish council having to apply for funding as they progressed from bodies such as Locality.

An overview of the activity in the Borough was summarised as set out below with more detailed progress outlined in the report:

- Boxted – made in 2016 and now part of the development Plan used for decision making;
- Myland and Braiswick – made in 2016 and now part of the development Plan used for decision making;
- Copford with Easthorpe – evidence gathering and scoping, consultation on Vision restarted in November 2018;
- Eight Ash Green – consultation on submission plan, including allocation for 150 dwellings, due to be completed by early 2019;
- Great Tey – early stages of evidence gathering and scoping;
- Messing – work abandoned;
- Marks Tey –awaiting Local Plan progress to inform approach to evidence gathering and scoping;
- Stanway – work abandoned;
- Tiptree – consultation on draft plan, including allocations for 600 dwellings, anticipated in late 2018;
- West Bergholt - consultation on submission plan, including allocations for 120 dwellings, anticipated in winter 2018/2019;
- West Mersea – evidence gathering and consultations undertaken with plan writing in progress;

- Wivenhoe – submission plan, including allocation of 250 dwellings, undergoing examination but delayed due to complexities of a directly relevant High Court challenge elsewhere.

The Council continued to provide significant support to the NHP groups, providing them with a named officer to advise and assist. In addition, the Council was responsible for the procedural work at Designation, Submission, Examination and Referendum stages. In some cases groups had applied to Locality for grants which had enabled them to engage consultants which provided an additional resource and was particularly helpful for technical work, such as site assessments.

David Cooper addressed the Committee pursuant to the provisions of Meetings General Procedure Rule 5(3). He referred to the two housing sites allocated for 200 houses in West Mersea in the draft Local Plan and the concern this was raising. He also referred to the Council Leader's Listening session when this was raised. He was concerned that the provision of 100 houses on each site would be considered unacceptable by an Inquiry Inspector. He was aware that a nearby site had suffered an increase from 65 units to 105 in the previous Local Plan Inquiry due to lack of density. The West Mersea Neighbourhood Planning Group had sought planning advice as a result of which AECOM had been instructed to review the case. The question of a single development site had been raised and a request had been made for this to be discussed with Colchester Planning Officers. He asked the Committee for assistance in facilitating such a meeting.

Councillor Peter Banks addressed the Committee pursuant to the provisions of Meetings General Procedure Rule 5(3). He explained that he was the Chair of the West Mersea Neighbourhood Plan Steering Group. He sought clarification on a potential outline application for 200 dwellings on one of the sites allocated for housing in West Mersea. He asked the Committee about their compliance priority, whether it was to retain the two site allocations of 100 dwellings per site or the total allocation of 200 dwellings. He also asked for assurances regarding the refusal of the application on the grounds that it did not meet the desired number of dwellings or, in the event of its approval, whether there would be a restriction on further development on the second site.

John Akker addressed the Committee pursuant to the provisions of Meetings General Procedure Rule 5(3). He referred to a problem with the work of the Committee, in that it was concentrating on 'the bigger picture' issues but that wasn't the reality in places like Mersea. He explained that a plan had been put forward for Mersea but the one developer was going ahead and had published dates for meetings with the local community. He asked where the Council would stand in relation to planning applications coming forward and in relation to any subsequent appeal. He advocated the need for the Planning Committee and the Council to stand behind the Local Plan and that it will be defended. He considered a mistake had been made when the Plan was submitted in relation to the allocation of 200 dwellings and two sites. He was of the view that

developers considered that the two sites could jointly accommodate 350 dwellings. He asked for one site only to be allocated and for the Neighbourhood Plan to also proceed on this basis.

Paul Knappett addressed the Committee pursuant to the provisions of Meetings General Procedure Rule 5(3). He referred to the National Planning Policy Framework Neighbourhood Planning provisions and the fact that Mersea's Neighbourhood Planning process had been slow to start work and, accordingly, the site allocations had been developed in the emerging Local Plan. He considered that circumstances had changed significantly and he considered Mersea's Neighbourhood Plan was capable of being adopted ahead of Section 2 of the emerging Local Plan. He explained that the Mersea Neighbourhood Steering Group had been advised that it must remain compliant with the emerging Local Plan. He was therefore of the view that there was nothing to prevent the submission of speculative planning applications whilst the Steering Group was restricted to being inventive within the confines of the two allocated sites. He asked why the Neighbourhood Plan could not be allowed to identify for itself where to allocate the location of new homes.

Sarah Shehadeh addressed the Committee pursuant to the provisions of Meetings General Procedure Rule 5(3). She represented the Mersea Island Society and requested that only one site is considered for West Mersea which would be sustainable for the community's current infrastructure.

The Planning and Housing Manager explained that the Plan had been submitted and, as such, it was not within the Committee's remit to take out a site. The Council was looking at an increased housing target so it would be likely that even more sites would need to be allocated. She confirmed that Mersea was a District Centre, like Tiptree and Wivenhoe. Tiptree and Wivenhoe were at more advanced stages of their Neighbourhood Plan preparation, Wivenhoe had determined their growth themselves and the sites were reflected in the Local Plan. This accounted for 250 units plus a care home and part of the boundary was also within the garden community so further housing may be allocated within the boundary. Tiptree had allocated 600 new units, identified in broad locations for growth and the Neighbourhood Plan Group were looking at sites to actually allocate. Mersea had been behind this timescale and, as a consequence, the Borough Council had allocated the sites. She confirmed that applications could be submitted on allocated sites and any other land and, in considering applications, in advance of the Local Plan being adopted, weight could be given to emerging policies. The weight afforded was dependent on how advanced the Local Plan was, the extent to which there were unresolved objections and the degree of consistency of the policies with the National Planning Policy Framework. She was aware that City and Country were looking to promote their site for more dwellings along with community infrastructure and she understood they had previously agreed to 100 dwellings but she was of the view that the best way to secure the lesser number was through planning policy. The second site had emerged following the promotion of another site by Mersea Homes. She confirmed,

however, that it was not possible to remove a site on the basis that another suitable one has come forward. Housing targets were minimum targets and were subject to change, locally and nationally. If an application was submitted before the emerging Plan was adopted, it could be refused on grounds of prematurity or conflict with emerging policies. She advocated the use of planning policies which set out what was expected for each site. In response to a question about the potential for the Neighbourhood Plan to be adopted before the Local Plan, she also confirmed that this wouldn't arise because the Neighbourhood Plan had to be submitted to the Council for a conformity check and it needed to accord with strategic policies in the Local Plan.

The Place Strategy Manager confirmed that the examination would test both the sites and that this was the place to have the debate about one site or two.

Councillor Barber referred to the circumstance where authorities only being required to demonstrate a three-year supply where Neighbourhood Plans had been adopted and emphasised the need for unadopted Neighbourhood Plans to be completed in order to secure this benefit. He also asked what was being offered to provide assistance to parish councils with their neighbourhood planning process.

The Planning and Housing Manager explained that it was challenging for the planning team to support the various neighbourhood planning groups in the borough. She confirmed that there was no active promotion of support but requests for assistance would not be turned away.

Councillor Elliott referred to a planning application currently being considered for Tiptree and commented on the absence of concern from the Highway Authority regarding the traffic impact.

Councillor Ellis sympathised with the views expressed by residents from West Mersea and voiced his concern about the allocation of sites and the early submission of applications from developers. He asked whether there was any mechanism at all that could be used to amend the Plan to remove one of the sites, especially given the acknowledgement that additional sites would need to be investigated in relation to Section 2 of the Plan. He also asked about assistance for Marks Tey Parish Council and whether an officer could be allocated to assist them again.

The Planning and Housing Manager confirmed that if the Committee opted to revisit Section 2 of the Plan this would mean that more sites would be allocated due to the circumstance of the increasing housing target and this would also mean that it set the timetable back in order to accommodate a call for sites and further consultation. She further confirmed her view that the opportunity to remove one of the Mersea sites was at the examination, with the Inspector. She confirmed that she wasn't aware that Marks Tey Parish Council had been in need of further assistance and suggested that the Council would be willing to respond upon submission of a request.

Councillor Luxford Vaughan sought an explanation of the Habitat Assessment judgement. She understood that Section 2 of the Plan could not undergo an examination until Section 1 had been completed and she was concerned that the Wivenhoe Neighbourhood Plan would be further delayed because of this. She referred to the work involved for parish councils in undertaking the Neighbourhood Planning work, despite the assistance given by the Council's planning team members, and she was concerned about the incentive for local communities to undertake the work, given the mixed messages due to the current circumstances with the Plan.

The Planning and Housing Manager acknowledged the problem of mixed messages and that parishes were at different stages in the neighbourhood planning process. She confirmed that assistance would be given to parishes wishing to initiate this work. She confirmed that she anticipated Section 2 going to examination in Autumn 2019.

Councillor Warnes referred to Tiptree, which was a designated growth area but had definite access and traffic issues which needed to be addressed.

Councillor Arnold referred to the lack of resources within local communities to take on board neighbourhood planning work. Great Horkesley had taken advice and had opted to deliver what the community wanted through the Local Plan process rather than the neighbourhood planning route. He was therefore aware that neighbourhood planning did not suit every local community and not every parish council wanted to engage with the process. He was of the view that all the evidence presented to the Inspector at the examination of the Local Plan would be fully considered, including all the objections submitted by residents of West Mersea about the land allocations. He considered that the Inspector was there to listen to the arguments which had been put to this Committee and he cited previous examinations where directions had been issued to strike out certain elements of the Plan.

The Planning and Housing Manager confirmed that access issues in Tiptree was at the forefront of Essex County Council Highways Department and access issues had been identified as the key objective for the neighbourhood plan and were seeking to address the problems identified through the delivery of housing.

RESOLVED that the update on the progress of Neighbourhood Planning in Colchester Borough be noted.