

Council

Monday, 04 July 2022

Attendees:

Councillor Tracy Arnold, Councillor Lyn Barton, Councillor Molly Bloomfield, Councillor Michelle Burrows, Councillor Helen Chuah, Councillor Mark Cory, Councillor Pam Cox, Councillor Adam Fox, Councillor Mark Goacher, Councillor Martin Goss, Councillor Dave Harris, Councillor Mike Hogg, Councillor John Jowers, Councillor David King , Councillor Richard Kirkby-Taylor, Councillor Jocelyn Law, Councillor Darius Laws, Councillor Michael Lilley, Councillor Sue Lissimore, Councillor Jackie Maclean, Councillor Roger Mannion, Councillor Sam McCarthy, Councillor Sam McLean, Councillor Patricia Moore, Councillor Steph Nissen, Councillor Chris Pearson, Councillor Kayleigh Rippingale, Councillor Lee Scordis, Councillor Lesley Scott-Boutell, Councillor Paul Smith, Councillor Rhys Smithson, Councillor Michael Spindler, Councillor William Sunnucks, Councillor Leigh Tate, Councillor Martyn Warnes, Councillor Dennis Willetts, Councillor Barbara Wood, Councillor Julie Young, Councillor Tim Young

537 Prayers

The meeting was opened with prayers from Sister Diana of the Canonesses of the Holy Sepulchre.

538 Apologies

Apologies were received from Councillors Barber, Bentley, Chapman, Coleman, Davidson, Ellis, Hagon, Luxford Vaughan, B. Oxford and G. Oxford.

539 Have Your Say!

Beryl Cox addressed the Council pursuant to the provisions of Council Procedure Rule 6(1). Middlewick should never have been included in the Local Plan in the first place, given the wide range of wildlife and extremely rare acid grassland on the site. The Council had exceeded its target for housing and other brownfield sites had become available which should be used instead of Middlewick. Whilst it would take extra work to redo the Plan with Middlewick removed, this should be done. Middlewick was an oasis of green for the estates that surrounded it and the development of the site would generate

additional traffic on roads which already had the highest pollution measurements in the town. The site was being used as political football. All parties had said they did not want to see the inclusion of Middlewick in the Plan as it was an important ecological site, so this was the opportunity to ensure this happened. The inclusion of Middlewick would be incompatible with the Climate Emergency declared by the Council in 2019. If the Plan was approved it would destroy the site and its wildlife and deprive future generations from being able to use the site. Councillors should not abstain from voting because to “do nothing is to consent”.

Dave Smith addressed the Council pursuant to the provisions of Council Procedure Rule 6(1) and explained that he believed that this was an historic vote. There were two choices before the Council. The right choice was to reject the Local Plan. The site was an important undeveloped site and the local road network would not be able to cope with the additional traffic. The other choice was to play the political game and tow the party line. Councillors should serve the people who elected them into office and the votes of individual members should be recorded.

Sir Bob Russell addressed the Council pursuant to the provisions of Council Procedure Rule 6(1). He explained that 99% of flower meadows in Essex had been lost since the Second World War. The Council should protect what was left. There had been opportunities to save Middlewick from development over the past five years if the political will had been there. All the army land between Abbots Road and Weir Lane had been cut in two: a red half which included the land for development, and a blue half which the Ministry of Defence said would be retained for training purposes. This claim should not be believed. Freedom of information requests had demonstrated that the ranges had only been used for firing and no other military purpose. The Council should have refused to consider the development of Middlewick given its ecological importance. Residents did not want to see an urban sprawl from Monkwick to Old Heath. Even if the Plan were to be delayed for a year to remove Middlewick, Colchester would still be ahead of most authorities in the production of a Local Plan. It was queried whether the Conservative, Liberal Democrat and Labour Groups had instructed their members to vote in favour of the Local Plan. A named vote should be taken and it was noted that 20% of Councillors were not present. The Council had not taken advantage of the Prime Minister’s statement that there would be no housing development on greenfield sites.

Richard Martin addressed the Council pursuant to the provisions of Council Procedure Rule 6(1) on behalf of the Save Middlewick Group and its legal representatives. Whilst it was accepted that the Local Plan would be approved at this meeting, it should not be as it was not consistent with local and national commitments. All local authorities were now considering how best to protect the environment and how to implement biodiversity net gain. It was clear that the land at Middlewick should not have been allocated for development. There had not been proper consultation before its initial inclusion. Middlewick contained acid grassland, a habitat so rare that it was considered irreplaceable. The mechanisms proposed to safeguard this were speculative and

untested. The Inspector's modifications were noted as was the need for a long term agreement to be in place between the developer and the Council before development starts. If the developer was unable to comply with the requirements around the recreation of the acid grassland, the Council must ensure policy was enforced. It was understood that Natural England had contacted the Council to request the inclusion of Middlewick be delayed until further evidence of the ecological impact was provided.

Chris Piggott addressed the Council pursuant to the provisions of Council Procedure Rule 6(1) in opposition to the proposed development on Middlewick. Many Councillors had publicly opposed or campaigned against the inclusion of Middlewick in the Local Plan, and it was expected that they would vote against the proposal. This was a massive decision, and it would be the Council's responsibility if it went through. The meeting should not be used as a political football, nor should the government or Member of Parliament be blamed. It was an area of rare acid grassland that could not be recreated. The area was rich in biodiversity and the development of 1000 homes would destroy it forever. This was inconsistent with the climate emergency the Council had recently declared.

Andrew Wilkinson addressed the Council pursuant to the provisions of Council Procedure Rule 6(1). He had emailed a document to all Councillors answering some of the issues raised by Councillors about Middlewick, the inclusion of which seemed to be the main point of contention about the Plan. A plan did not have to be adopted until the end of 2023 and many Councils had decided to wait until that point to adopt their Local Plan. If the concern was that speculative development would take place now, how many speculative applications had been received and were Neighbourhood Plans up to date? Having a Plan that could be adopted at short notice would be a deterrent to developers. The Council was now required to deliver 1086 homes per annum regardless of whether Plan was adopted. Whilst it was appreciated that no one wanted development near them, Middlewick was a more valuable site than agricultural land. Opposition was not NIMBYism as many of speakers did not live near Middlewick. The meeting should be cancelled and rescheduled as Councillors were not in possession of all the facts, or if not, the Plan should be rejected as the threat of speculative development was preferable to building on Middlewick.

Alan Short addressed the Council pursuant to the provisions of Council Procedure Rule 6(1) to highlight the amount and variety of wildlife that had vanished from gardens since he had moved into his property 47 years ago. There was an existential threat to the planet and the species on it. The Council was proposing to give 40% of Middlewick to developers and would be putting the rest at risk as once development had begun, it would be hard to resist calls for further development. The proposal to persuade the Ministry of Defence not to sell the land would not work as adopting the Local Plan would only enhance the value of the land. This part of the Plan needed to be abandoned and the Council needed to lead the citizens of Colchester in a campaign to save Middlewick and embarrass the Ministry of Defence so the sale of the land was withdrawn.

Richard Kilshaw addressed the Council pursuant to the provisions of Council Procedure Rule 6(1). He had addressed previous meetings detailing the under evaluation of the site by the MOD's ecology report and highlighting that the proposed habitat creation scheme would not adequately compensate for the loss of priority habitat acid grassland. The Department of Environment, Food and Rural Affairs had commissioned a study showing the resources, capacity and expertise within local authorities was not enough to deal with the existing planning workload and the increase required by biodiversity net gain. The following questions were raised:-

- Had Colchester Borough Council taken part in this study and how did it fare?
- Had Councillors and officers advising them read the MOD's ecology report and understood the significance of the survey limitations stated?
- Had Councillors read the details of the proposed habitat compensation scheme?
- Why was the mitigation hierarchy being ignored?

Whilst it was claimed that 60% of the site would remain as green open space, this would be fragmented into two parts so development would be more damaging than this figure suggested. If adopted, it was hoped that the conditions applied by the Inspector would make the site virtually unworkable for developers and applications would be followed closely and any deviations from these conditions publicised. Middlewick should be removed from the Local Plan.

William Joliffe addressed the Council pursuant to the provisions of Council Procedure Rule 6(1). This was the most important decision in the Council's history. Why Middlewick had been included in the section 3 of the Local Plan was not understood, and if Councillors really did not want this to go ahead they should be brave enough to vote against it. Middlewick was a glorious open space in the heart of Colchester. The Ministry of Defence would abide by any decision not to include Middlewick in the Local Plan. Mersea Road could not cope with the current traffic levels and the Abbots Road/Old Heath junction was already chaotic. This was the last chance to vote against the proposal. It was disappointing to note that Will Quince MP was not present to put his case. Middlewick was a valuable resource and place of solace, particularly to those who did not have their own garden.

540 Colchester Local Plan Section 2 - Adoption

It was PROPOSED by Councillor Goss that the recommendation contained in draft minute 239 of the Local Plan Committee meeting of 13 June 2022 be approved and adopted.

On being put to the vote the motion was approved (TWENTY SIX voted FOR, FIVE

voted AGAINST and SEVEN ABSTAINED from voting).

A named vote having been requested pursuant to the provisions of Council Procedure Rule 15(2) the voting was as follows:-

FOR: Councillors Arnold, Barton, Bloomfield, Burrows, Chuah, Cory, Cox, Fox, Goss, Hogg, King, Kirkby-Taylor, Law, Maclean, McLean, Moore, Rippingale, Scott-Boutell, Smith, Smithson, Sunnucks, Willetts, Wood, J. Young, the Deputy Mayor (Jowers) and the Mayor (T. Young).

AGAINST: Councillors Goacher, Lissimore, McCarthy, Spindler and Tate.

ABSTAINED FROM VOTING: Councillors Harris, Laws, Lilley, Mannion, Pearson, Scordis and Warnes.