Agenda item 4(i)

Extract from the minutes of the Local Plan Committee meeting of 13 June 2022

238. Have Your Say!

It was noted prior to the commencement of the Have Your Say! Speaking arrangements that that the Chair had doubled the amount of time allowed in the Council's procedure rules and would allow 10 speakers (30 Minutes) on the Local Plan – Section 2 Adoption item and unlimited time for Councillors.

Richard Martin addressed the Committee pursuant to the provisions of Meetings General Procedure Rule 5(1). The Committee heard that the speaker had used the ranges for the past 30 years where there were a lot of dog walkers and open space that could be used for recreational purposes but if the plan was approved this would be lost. The Speaker outlined that the situation was reminiscent of Neville Chamberlain proclaiming peace in our time and outlined how other sites contained within the plan had been reduced in size. The speaker elaborated that there had been a U-turn on planting trees on Highwoods and outlined that other speakers in attendance would explain why the inclusion of Middlewick was wrong and concluded by asking whether all Members of the Committee had read the 650 page agenda.

Richard Kilshaw addressed the Committee pursuant to the provisions of Meetings General Procedure Rule 5(1). The Committee heard how it was vital to understand the ecological evidence base and that this was being undermined by the Council who were underestimating this. The speaker elaborated that surveys had been conducted outside of required times and that the surveys on vertebrates and wildlife were not acceptable. Further to this the speaker outlined that the Council had failed to properly consider sites for compensation of the dry acid grassland making the desired outcome unlikely in the required timeframe. . The Speaker concluded that the strength of feeling regarding the Middlewick site would not be ignored and that failures in procedures would be used to challenge the process and urged the Council not to agree to the officer recommendation.

Andrew Wilkinson addressed the Committee pursuant to the provisions of Meetings General Procedure Rule 5(1). The Committee heard that it was a fact that section 1 of the Local Plan had been adopted and that the Council had a 5-year land supply, and that the Planning Inspector had found that Section 2 had met its legal requirements and urged Councillors to look at the figures contained within the plan and how Colchester could meet these. Members heard that a new Local Plan could be completed within 12 months as most of the plan had been completed and that the Council could look at other sites that would protect against speculative development and on the Middlewick Site. It was noted the possible windfall sites that could come forward and there was the possibility of 1250 more dwellings than needed and that this would increase housing targets within the borough. The speaker concluded that the strategy and approach needed to be redefined in terms of its priorities on growth.

Grace Darke addressed the Committee pursuant to the provisions of Meetings General Procedure Rule 5 (1). The Committee heard that the Council was in a predicament and outlined that the Middlewick Ranges should not have been included in the plan and detailed how some Councillors had commented that the plan had been forced upon them and urged the Committee investigate an alternative plan as it did not have to be adopted until 2023 which would also give the Government time to review. The speaker asked members to note the feeling at the local level and noted that the Council was between a rock and a hard place and would risk millions of pounds and would be a small price to pay if the currency was life and not money and that the destruction of the rare acid grassland would be ecological suicide. The Speaker outlined that the Secretary of State for Levelling Up, Housing and Communities and Minister for Intergovernmental Relations had outlined that there would be changes to the Planning System and informed Members that new evidence had been received from Natural England, that the plan would be subject to a legal challenge and concluded by commenting that what was the use of a house if you don't have a tolerable planet to put it on.

Lisa Cross addressed the Committee pursuant to provisions of Meetings General Procedure Rule 5 (1). The Committee heard that there was a climate emergency and that the Council should make the morally and ethically right decision as trust had been placed on the Council to protect and safeguard local residents but the Councils record was shaky and that the Committee would be making a misinformed decision. The speaker elaborated that legal standpoints had been ignored and that it was morally repugnant that Councillors in other wards could throw other wards under the bus and that an officer had been put forward for an award when the current proposal was on the table. The Committee heard that the Ministry of Defence were also under scrutiny for their decision regarding the Middlewick Ranges and outlined that if the Council was a trustworthy ally the plan would be supported but the Council needed to come forward to build a resilient Colchester for the future.

Sir Bob Russell addressed the Committee pursuant to provisions of Meetings General Procedure Rule 5 (1). The Committee heard that the speaker wished to associate themselves with all comments that had been made by previous speakers and that all political parties were in the dock including the Government who were closing a firing range in a Garrison Town. The Speaker elaborated that 99% of wildflower meadows had been lost in Essex since 1945 and that the Committee had an opportunity to stop this proposal and referenced the creation of the Highwoods Country Park and whether this could be looked into for the Middlewick Ranges. The Committee heard how the speaker had spoken to an expert in the field of Local Planning who had found deficiencies in the plan concerning Middlewick. The speaker outlined that the proposed biodiversity increases would not be gained for a number of years and that the policies did not constitute a masterplan but that one could be created ahead of adoption and that the modified plan had to allocate 15,970 dwellings with a further contingency for 1250 dwellings. The speaker concluded by urging Members to do what was done years go on the Highwoods site and take back control.

Nick Chilvers addressed the Committee pursuant to provisions of Meetings General Procedure Rule 5 (1). The Committee heard that the environmental and transport impact upon the borough would be significant and outlined that he had never been in a room where Members had expressed sympathy for a country park at Middlewick as this was a smokescreen. The speaker outlined that a masterplan should be in place before any application was made on the Middlewick Site and asked that the Council worked with residents in the area who were experts in their respective fields and that decisions should not be made behind closed doors. The Speaker elaborated that Essex County Council's Highways Department had been complacent and that if there was a country park then this would need to work for new and existing residents, that the sustainable transport would be an issue as families would not want to access services via a bike or walking. The speaker concluded that the issues raised were the fault of the Council, that there was a trust problem at the Council and that the Committee should reject the plan.

John Akker addressed the Committee pursuant to provisions of Meetings General Procedure Rule 5 (1). The Committee heard that the speaker attended on behalf of West Mersea Parish Council and outlined support for adoption of Section 2 of the Local Plan although this was with a heavy heart as they had attended many meetings of the Committee and did not expect to be in the current position. The speaker elaborated that there was significant concern from rural areas that if the plan was not adopted then the rural areas of the borough could be open to speculative development, and that without the Local Plan West Mersea Neighbourhood Plan would be under threat as well. The Speaker concluded that the borough was under threat of development from Central Government and that they would take the decisions out of Local Communities hands, and that if there was a delay that the work put in for Neighbourhood Plans would have been for no benefit.

William Jolife addressed the Committee pursuant to provisions of Meetings General Procedure Rule 5 (1). The Committee heard that on the 26 May the speaker had received a letter from the Lead Officer for Housing, Planning and Economic Growth which outlined that the Planning Inspector had found that Section 2 of the Local Plan had been found to be legally compliant and ready for adoption. The speaker outlined that nobody wanted more development and that the letter stated the opposite, and that the Council should keep Middlewick ranges in its current form. The speaker elaborated that it would be a crime against the environment to allow dwellings on the Middlewick Ranges and they knew many people who used the area to clear their minds, that the infrastructure could not cope with increases in vehicle movements in the area especially when school drop off and pick-up times. The speaker concluded that the decision was not being taken locally as the Planning Inspectorate was based in Bristol and that Middlewick should stay as it currently is.

Alan Short addressed the Committee pursuant to provisions of Meetings General Procedure Rule 5 (1). The Committee heard that the Council had the ability to try and stop the development on Middlewick and that there needed to be a masterplan that protected the area from development and that as soon as one application on Middlewick was approved then further development would be allowed. The speaker outlined that the right thing to do was fight now and turn the area into a country park

as the Council did not need the site as it was projected to have a surplus of 1200 dwellings. The speaker concluded that development on Middlewick should be stopped and urged the Committee to not adopt Section 2 of the Local Plan.

The Lead Officer for Housing, Planning and Economic Growth responded to the Have Your Say! Speakers outlining that other sites had been reduced in number of dwellings through an evidence based approach and that the allocations in West Mersea were based on evidence and confirmed that the proposal for Middlewick had seen a reduction in dwellings from 2000 to 1000. It was also explained that the ecological evidence had been professionally reviewed, and that the Council had not ruled out building on compensatory land. The Committee also heard that a masterplan would need to be created for Middlewick which could ensure up to that 60% of the site would remain as open space, that the Council did have a five year land supply at the current time but that this was a rolling target which would require topping up as sites were delivered, and that the Annual Position Statement would be published soon but it was expected there would not be a large surplus. The Officer elaborated that the Council would require an extra 920 dwellings with a buffer of 5% to meet the target set by the Government, that the most recent projections put the buffer figure at 1060 dwellings and the standard methodology indicated that it could be even higher. The Officer responded that there was scepticism on how a Local Plan could be completed in 7 months and that the allocations for Tiptree alone took several rounds of consultation and lasted longer than 7 months. Members of the Committee heard that the difficult decisions would not go away regardless of what sites were included in the plan and that Middlewick had been the subject of a lot of evidence-based work and confirmed that Middlewick could have been submitted by the Ministry of Defence much later in the plan making process than it was but was still valid. The Officer concluded by outlining that the Secretary of State for Levelling Up, Housing and Communities and Minister for Intergovernmental Relations statement did not transform into regulations and that the proposed plan would look at how any site across the Borough was developed.

The Lead officer for Housing, Planning and Economic Growth continued responding to Have Your Say! Speakers outlining that policies for Middlewick would be contained in a Masterplan, and enquired if it was the same expert that Sir Bob Russell was talking about had also expressed the view that it was wrong not to adopt a plan, and that the housing target as described was a rolling target that had to be delivered. The Committee heard that if the planning authority did not have a plan or adopt a plan then there could be Government intervention in the planning process. The Lead officer for Housing, Planning and Economic Growth concluded their response by clarifying that the best way to protect the open space and not have it fenced off was through the Local Plan's adoption, and that the Planning Inspector had looked at the transport elements of the Plan and had found them to be acceptable.

At the request of the Chair the Democratic Services Officer read out a statement from Will Quince MP as follows:

Thank you for allowing me to have a statement read out at your meeting this evening. I would like to address my comments to the future of Middlewick Ranges.

I believe it to be important to highlight that I have been consistently outspoken in my opposition to the proposed development and inclusion of the Wick in the Local Plan. I have supported residents and community groups and remain in full support of their ongoing opposition to build houses and have worked to persuade the Ministry of Defence (MoD) to abandon plans to sell the Wick. I understand the need for housing, particularly affordable and for social rent, but it is clear to me, that Colchester Borough Council did not need to allocate 1,000 homes on Middlewick Ranges in the Local Plan and have consistently strongly argued against this.

I refer the Committee to my previous submissions in opposition to the inclusion of Middlewick in the Local Plan and my submissions to the Planning Inspector, again setting out my opposition. The grounds for removing Middlewick from the Local Plan are numerous and compelling.

Most recently, I met with Minister for Defence Procurement, Jeremy Quinn, in March to outline my continued opposition to the sale, however the frustrating reality is the MoD will not simply withdraw the site from its disposal list, especially as Colchester Borough Council included Middlewick in the Local Plan and allocated it for 1,000 homes. A decision which went against the wishes of local residents and was completely unnecessary, especially given the lateness of the application by the Defence Infrastructure Organisation.

In particular, I have raised concerns about the rare lowland acid grassland which would be lost if the sale and development were to go ahead. On that basis, viability for development must be questioned. A stipulation made to the Local Plan meant a management company would need to be set up to look at the creation of acid grassland in another area in mitigation for up to 30 years. I impressed on the Minister the considerable risk this poses to the MoD given such a recreation of rare acid grassland on a site has never been done and is only possible in theory. The MoD would, as a result, have a 30-year liability based on an unproven concept.

The above is a compelling reason alone but one of many. Again, I refer the Committee to my previous submissions in opposition to the inclusion of Middlewick in the Local Plan.

Building on the Wick is not something I or my constituents ever wanted to see. This committee has the chance to right this wrong and stand with local residents. Middlewick should never have been included in the Local Plan and tonight you can change this.

I urge you to be bold and do the right thing.

Councillor Mark Goacher attended and with the consent of the Chair addressed the Committee. The Committee heard that the Councillor did not envy the role of new Members of the Committee and the position that they were being put in and continued by outlining that Middlewick should never have been included in the Plan in the first place. The best thing that could happen would be for the Ministry of

Defence to remove it from sale but this is unlikely when they are being offered an allocation in Section 2 of the Local Plan. Members heard that the additional dwellings would rise above the 1000 dwelling mark with no guarantee that it would not go higher and asked how long it would take to remove the Middlewick allocation and re-write the plan as well as asking what ecological guarantees would there be for the site as they had no confidence from the Ministry of Defence expert who said that they could move Badger Setts. He elaborated that the inclusion of Middlewick would be ecocide and how they had visited the area on Sunday morning and noted how it was well used by the surrounding areas and if developed upon would be taking away residents right to the open area, and if included would increase the amount of traffic movements. The Councillor concluded by reminded the Council that there was a Climate Emergency and quoted Joni Mitchell that "you don't know what you got till it's gone."

Councillor David King, Leader of the Council, attended and with the consent of the Chair addressed the Committee. The Committee heard how he had listened to the passion and knowledge of those who had already spoken about one part of the whole plan which would need to cover the entirety of the Borough. The Committee heard that it would be wrong not to adopt Section 2 and asked members to note the quality of advice that had been received from Officers but noted the time that had been taken to get the plan into its current form and before the Committee. He outlined that they were troubled by the lack of trust from speakers but praised the Lead Officer for Housing, Planning and Economic Growth as an admirable public servant whose service was nationally recognised. The Committee heard how they accepted that there were disagreements but the Council needed to press ahead with the plan which would bring more infrastructure and would safeguard against speculative development. Members were asked to note that higher housing targets would be put upon the borough if there was no plan and that these would not be in the interest of residents and referred to how the Council was between a rock and a hard place but encouraged the Committee to fall back on their sense of duty to the Borough. Members heard that the Committee and residents would have to work at getting 60% of Middlewick as open space as well as a high quality of design but asked the Committee to look at the big picture and that if the plan was not adopted it would have a serious impact on Colchester's reputation locally and nationally.

Councillor Lee Scordis attended and with the consent of the Chair addressed the Committee. The Committee heard how the he did not envy the responsibility of the decision before the Committee was a catch-22 decision and agreed that Middlewick should never have been included in the plan. He was disappointed in the Ministry of Defence for including this in the plan and was disgraceful that a Planning Inspector had agreed to this and showed what the Borough had to work with at a national level. It was questioned whether the Council would have its own biodiversity study for Middlewick and if there was the possibility of a Country Park on the site would this be run by the Council and would it be possible to challenge the conclusions from Essex County Council's Highways Department and concluded that busses had been cut and that promises regarding public transport recently had not been forthcoming.

Councillor Adam Fox attended and with the consent of the Chair addressed the Committee. The Committee heard how the Councillor often walked in Middlewick and commented on how the statement from Will Quince MP had outlined doing the

right thing but did not define what the right thing was. The visiting Councillor elaborated that the MP was playing politics as the Government wanted all Councils to have a Local Plan and that the Ministry of Defence was selling land all over the Country and responded to the comments from Sir Bob Russell regarding the support for Section 1 of the Local Plan and hoped that this was an inadvertent mistake regarding comments on who had approved Section 1. The speaker explained how they had been working with the local MP to take Middlewick out of Section 2 and put together petitions and visited Westminster on the matter. The Committee heard that Mersea and Middlewick could result in speculative development if the plan was not approved and concluded by outlining the infrastructure deficit in the Borough that all Councillors were aware of.

The Lead Officer for Housing, Planning and Economic Growth responded to the points raised by visiting Councillors as follows: that there was never a guarantee on the number of dwellings that could come forward in a planning application but that the best way to control this was through a Local Plan which would restrict the number on a site, that the process of changing the plan would not simply be removing the Middlewick site and including another and provided the example that there had been more representations on a site in Mersea than from Middlewick , and that at the current stage some of the data contained within the plan was 6 years old. The Committee heard that traffic had been addressed through sustainable modes included in the plan, that the average time from publication to adoption of a Local Plan was 19 months but there was significant time prior to that which the Lead Officer elaborated on and the processes and milestones in the process. The Lead officer clarified that all Councils excepting National Parks were subject to the presumption in favour of sustainable development and that if Members did want externally commissioned work this was possible but would come at a cost and could challenge any proposed highway works at the Planning Committee stage.

239. Colchester Local Plan Section 2 – Adoption

The Place Strategy Manager presented the report to the Committee which included the report from the Planning Inspector who had found that the plan was legally compliant and that very few modifications had been made by them compared to what had been submitted. The Place Strategy Manager outlined that the agenda contained the final draft of Section 2 as well as the previously described alterations and Maps which would be included in the plan. Members were asked to consider tributes which had been included in the report for Stephen Ashworth and Alistair Day who had worked on the plan in their respective roles and had enriched the final result that was before the Committee. The Place Strategy Manager concluded by acknowledging that there were significant concerns from local residents regarding the plan in its current form but warned Members that once the current adopted plan was out of date and if the Council did not have one in place then the Borough would be open to speculative development.

In the debate Members of the Committee outlined how they had received significant correspondence on the report and raised the concerns as mentioned by officers of possible speculative development if the Borough did not have a plan in place and the impact that this would have. Members raised concern regarding the inclusion of

Middlewick and whether there was any possibility of creating a country park as well as the approach of the Local Plan as a whole.

The Lead Officer for Housing, Planning and Economic Growth responded to a question raised by the Committee that no further letter had been received from Natural England other than the response to the Modifications consultation and explained that if the Committee chose to recommend that the Local Plan was not adopted that would be the recommendation that would be sent to full Council who would then make the final decision.

The Committee welcomed the inclusion of the tributes into the proposed document and continued to debate the application on the details concerning play parks, the design of housing and the environmental impact of traffic on residents as well as the alternative options that were open to the Council in terms of building upwards and making use of the Borough's airspace. Some Members of the Committee did not feel that the plan represented their political views based on the previous administrations and the governing parties within the Council should own the document and that the development of the Middlewick site would cause the loss of a green lung in the South of Colchester.

The Lead Officer for Housing, Planning, and Economic Growth and the Place Strategy Manager responded to a question from the Committee outlining that high rise development was better in some areas such as the Hythe than it was in other parts of the Town , that if included Middlewick would provide the infrastructure improvements required but if the 1000 dwellings were spread out across the Borough then would not deliver the same improvements. The Lead Officer for Housing, Planning, and Economic Growth elaborated that the plan had to provide a 15-year land supply and asked Members to note that not every site would deliver to its optimum level and that the 5 year land supply played a crucial role in making decisions on planning applications.

Members discussed the impact of previous housing market difficulties and how it was not possible to force an applicant to build out what they had planning permission for and that paragraph 11 of the National Planning Policy Framework (NPPF) detailed the plan making section of the document. It was elaborated that if Local Plans were out of date then it meant applications that were in accordance should be approved without delay and that the presumption in favour of sustainable development would apply to Colchester as it was not an exception as detailed in the guidance.

Members continued to debate the report outlining the risks that Council would take in not adopting the plan as well as the impact that it would have on residents. It was noted by some Members of the Committee that adopting the Plan would be the less damaging option for the Borough, but that adoption would not be the end of the process as there would be the opportunity to create masterplans of specific areas and supplementary planning documents. The Committee discussed the limited time that was left before the deadline of adoption in 2023, the impact of not adopting the proposed plan, and that without the plan up to 80% of Middlewick could be developed on.

The Lead Officer for Housing, Planning and Economic Growth confirmed the 80% figure as mentioned was correct and commented that the Ministry of Defence could use the site for another purpose as was happening in Braintree where a prison was being promoted as a use on a separate site. In response to questions from Members the Lead Officer for Housing, Planning and Economic Growth outlined that a meeting of the Full Council could withdraw the plan and would have the implication that Neighbourhood Plans would have to take on further growth, that Ministry of Defence would not be interested in in the numbers of dwellings on Middlewick as they would be selling the site, and that the best way to ensure that 2000 dwellings did not come forward was to limit it to 1000 as detailed in the plan before the Committee.

Members discussed the representations that had been made at the meeting, the response from the Planning Inspector, that there was a shortfall of infrastructure in Colchester, that the Committee should consider what was best for the whole of Colchester, whether the retention of 60% of open space was acceptable on the Middlewick site, and why it was not classed as irreplaceable habitat.

The Lead Officer for Housing Planning and Economic Growth responded to the question posed that the ecological evidence regarding Middlewick was in accordance with the Institute for Ecology and this evidence and the challenges to this evidence were put before the inspector and they had not changed the designation to irreplaceable habitat.

The Committee continued to debate the application on issues including: the safeguarding planning protections that the plan would bring to the Borough, the outcome of other Councils who had not approved their plans which had left them open to significant development and financial situations, the recent situation at Tendring District Council and how this had effected planning appeals and their outcomes in a negative way, that there was an opportunity for masterplans for specific areas to come forward and that when they did the community would need to be engaged and consulted on this process. The debate concluded with comments regarding how this consultation could be achieved, as well as drawing on comments from previous speakers including Sir Bob Russell and his contributions at the meeting and previous meetings.

It was proposed and seconded that the Committee recommend adoption of the Local Plan- Section 2 as detailed in the officer recommendation,

*RECOMMENDED TO COUNCIL (*SEVEN VOTED FOR and ONE VOTED AGAINST with TWO ABSTENTIONS) that the Modified Colchester Local Plan Section 2, attached as Appendix C to the Assistant Director's report, and accompanying Policies Maps (as appended to the Assistant Director's report as Appendix D) be formally adopted..

RESOLVED that *(*SEVEN VOTED FOR and ONE VOTED AGAINST with TWO ABSTENTIONS) the Lead Officer for Planning and Place Strategy be authorised to make minor corrections should any be required prior to publication of the final Plan and formal notification as required under the Planning Regulations

A named vote was requested and supported by 2 other Members of the Committee pursuant to Meetings General Procedure Rules 9 2) and the voting was as follows:-

For	Against	Abstain
Cllr Tracy Arnold Cllr Martin Goss Cllr Richard Kirkby-Taylor Cllr Jocelyn Law Cllr Sam McLean Cllr Kayleigh Rippingale Cllr Paul Smith	Cllr Lewis Barber	Cllr Darius Laws Cllr William Sunnucks

The Assistant Director of Place and Client Services report on the Adoption of Section 2 of the Local Plan and its appendices submitted to the Local Plan Committee follows.