

Public Document Pack

Planning Policy and Local Plan Committee

11 November 2021

**MINUTES OF THE MEETING OF THE PLANNING POLICY AND LOCAL PLAN COMMITTEE,
HELD ON THURSDAY, 11TH NOVEMBER, 2021 AT 6.03 PM
IN THE COUNCIL CHAMBER, AT THE COUNCIL OFFICES, THORPE ROAD,
WEELEY, CO16 9AJ**

Present:	Councillors Turner (Chairman), Fairley (Vice-Chairman), Bush, Chapman, C Guglielmi, I Henderson, Scott and Winfield
Also Present:	Councillor White
In Attendance:	Lisa Hastings (Deputy Chief Executive & Monitoring Officer), Gary Guiver (Acting Director (Planning)), Keith Simmons (Head of Democratic Services and Elections) and Matt Cattermole (Communications Assistant)

18. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Apologies for absence were submitted on behalf of Councillors Allen and Newton (with no substitutions).

19. MINUTES OF THE LAST MEETING

It was moved **RESOLVED** that the Minutes of the last meeting of the Committee held on 19 October 2021 be approved as a correct record and be signed by the Chairman.

20. DECLARATIONS OF INTEREST

In respect of Agenda Item 6 – Report of the Deputy Chief Executive & Monitoring Officer, Councillor Scott declared for the public record that he was a Ward Member for land that would be the site of the proposed Tendring Colchester Border Garden Community (TCBGC).

Also in respect of Agenda Item 6, Councillors G V Guglielmi and Turner each declared for the public record that they were this Council's representatives on the TCBGC Member Group.

21. QUESTIONS ON NOTICE PURSUANT TO COUNCIL PROCEDURE RULE 38

On this occasion no Councillor had submitted notice of a question pursuant to Council Procedure Rule 38.

22. PUBLIC SPEAKING

Pursuant to the provisions of the Council's public speaking scheme for the Planning Policy & Local Plan Committee, no member of the public had registered to ask at this meeting a question or to make a statement regarding the item contained in the report of the Deputy Chief Executive & Monitoring Officer.

23. REPORT OF THE DEPUTY CHIEF EXECUTIVE & MONITORING OFFICER - A.1 - TENDRING COLCHESTER BORDERS GARDEN COMMUNITY: PROPOSED

PREPARATION OF A DEVELOPMENT PLAN DOCUMENT AND PROPOSED ESTABLISHMENT OF A JOINT COMMITTEE

The Committee gave consideration to a report of the Deputy Chief Executive & Monitoring Officer (A.1) which sought its approval to formally recommend to Full Council that a joint Development Plan Document be prepared together with Colchester Borough Council; and further that a Joint Committee be established with Colchester Borough Council and Essex County Council in relation to the Tendring Colchester Borders Garden Community.

Members were aware that the Tendring Colchester Borders Garden Community (TCBGC) was located across Tendring District Council's (TDC) and Colchester Borough Council's (CBC) Local Planning Authority's area, and that accordingly those Councils could consider establishing a Joint Committee made up of members from both of those Councils.

The Committee recalled that both TDC and CBC had now adopted a common Section 1 of their Local Plan, which had the shared vision of sustainable development and allocation of TCB Garden Community, which would be further defined through a joint Development Plan Document (DPD) providing detailed parameters and policies (as required within Section 1 – Policies SP7 & 8).

Members were reminded that this Committee, at its meeting held on 29 June 2021, had approved the updated Local Development Scheme for 2021-24, which had made reference to the jointly prepared DPD with Colchester for the TCBGC. However, a formal decision was required under Section 28 of the Planning and Compulsory Purchase Act 2004. The Committee needed therefore to formally recommend this to Full Council, and the outcome of this meeting would be reported to Cabinet at its meeting on 12 November 2021 when it would also be considering the Joint Committee for TCBGC.

It was felt that due to the joint nature of Section 1 there was a case to be made for a Joint Committee for Tendring and Colchester, which would also include members from Essex County Council (ECC), continuing with the existing partnership working on this project. This format had been adopted elsewhere and linked into decisions around infrastructure and possibly other County matters.

The Committee was advised that it was possible to delegate various functions to a Joint Committee but that at this stage the proposed Terms of Reference for the Joint Committee would be limited to planning functions related to preparing for plan making through the DPD process; and development control and determination of planning applications for TCBGC against the common Section 1 and adopted DPDs.

It was reported that ECC had also proposed to transfer/delegate their relevant planning functions to the Joint Committee for the Tendring Colchester Borders Garden Community.

Members were informed that the alternative to establishing a Joint Committee, was to leave the current arrangements in place such that Cabinet and/or the relevant Committee of both Councils would be involved in the decision making process for production of the Draft DPD. Once the DPD was adopted, the relevant Council's Planning Committee would deal with any individual planning application in their area.

This latter option could present some complications associated with managing the practicalities, introducing delay to the process and it was therefore considered beneficial to advance the joined up and partnership approach through to decision making.

The Committee was informed that the Tendring Colchester Borders Garden Community Member Group had assessed the various options and considered the joint committee approach for both the TCBGC joint DPD and Development Control functions would best demonstrate the Councils' continued partnership commitment to delivering the Garden Community, provide increased confidence to developers and remove delayed individual decision making through working together for the benefit of the residents in both areas.

Members were assured that the establishment of the Joint Committee would be limited to the TCBGC and all other local planning authority functions would remain unaffected and rest with TDC and CBC.

The proposed Terms of Reference and Scheme of Delegation of the TCBGC Joint Committee were set out in Appendix A to the Officer report and consequential amendments to this Committee's delegated functions and responsibilities were set out in Appendix B thereto.

The Committee was made aware that further executive functions related to the TCBGC could be delegated by the Leader of the Council, as the project developed and a partnership agreement might be deemed necessary between the Councils to formulate arrangements between them.

Councillor Ivan Henderson suggested that the third member of the Joint Committee should be appointed by Full Council from the opposition and this was accepted by the Committee as a general principle to be included.

Councillor Henderson also raised whether the scrutiny provisions would apply and the Monitoring Officer confirmed that the work programme for the relevant Overview and Scrutiny Committee could always include the work of TCBGC, but also gave a reassurance that the Constitution would be reviewed to ensure the work of a Joint Committee would be covered.

With the permission of the Chairman (Councillor Turner), Councillor White, in his capacity as the Chairman of the Planning Committee, raised questions on behalf of that Committee which were answered, as appropriate, by the Deputy Chief Executive & Monitoring Officer and the Acting Director (Planning).

Having considered all of the information and advice contained in the Officer report and its appendices:-

It was moved by Councillor Fairley, seconded by Councillor Bush and:-

RESOLVED that the Planning Policy & Local Plan Committee recommends to Full Council that –

- (a) a joint Development Plan Document is prepared together with Colchester Borough Council in accordance with Section 28 of the Planning and Compulsory Purchase Act 2004;

- (b) a Joint Committee is established with Colchester Borough Council and Essex County Council in relation to the Tendring Colchester Borders Garden Community for the discharge of executive and non-executive functions related to TCBGC, pursuant to Sections 101(5), 102(1)(b) and 102(2) of the Local Government Act 1972 on the terms of reference attached at Appendix A to item A.1 of the Report of the Deputy Chief Executive & Monitoring Officer; and
- (c) the third elected Member of the Joint Committee to be appointed by the Full Council should be a Member from a political group that is not represented on the Cabinet.

The meeting was declared closed at 7.23 pm

Chairman