

Middlewick Ranges (SC2)

Section 2 – Colchester Borough Emerging Local Plan

Representation ID: 6022

Respondent: Miss Kelly Francis

Main Matter 6 – South Colchester (Policies SC1 to SC3)

- **Are the policies and site allocations for South Colchester justified by appropriate available evidence, having regard to national guidance, and local context, including meeting the requirements of the CLP 1?**

Main Matter 1 – Legal Requirements and Overarching Issues relating solely to the policies within CLP Section 2

- **Does CLP Section 2 accord with national policy for plan making in the NPPF?**
- **Has CLP Section 2 been subject to a Sustainability Appraisal (SA) and have the requirements for Strategic Environmental Assessment been met? Is it clear how the SA influenced the final plan and dealt with mitigation measures?**

In answering the questions posed by the inspectors I raise the following concerns:

The **late inclusion of Middlewick Ranges** into the Local Plan, which did not allow time for historical, contamination and wildlife tests and did not give the local community time to engage with the council nor a chance to look at a neighbourhood plan. In addition, the **inclusion of the site at Draft Local Plan** stage meant that the **consultation was technical** (based around soundness tests) and inaccessible to the majority;

Road congestion, poor public transport, air pollution, and loss of an important wildlife area and green space for the local community;

The **Sustainability Appraisal's assessment of Middlewick Ranges, which cannot be considered fit for purpose.**

The late stage inclusion of Middlewick Ranges into the Local Plan

Early and meaningful engagement and collaboration with neighbourhoods, local organisations and businesses is essential. A wide section of the community should be proactively engaged, so that Local Plans, as far as possible, reflect **a collective vision and a set of agreed priorities for the sustainable development of the area...** (Paragraph 155, NPPF 2012)

Middlewick Ranges were added to the Local Plan at a very late stage in the plan making process, long after the 'call for sites' process had been closed. Middlewick Ranges was first mentioned during the Preferred Options consultations as an alternative site, when the MOD announced they would sell the site for housing.¹ There was no consultation on Middlewick Ranges either at the Issues and Option

¹ Colchester Borough Local Plan Consultation Statement (October 2017). Table 1. Summary of the main issues raised by the representations made pursuant to the Preferred Options consultation, Policy EC3: East

or at the Preferred Options Stage. Middlewick was not mentioned in the relevant documents consulted on during this stage, the Preferred Options Consultation paper and the Sustainability Appraisal Environmental Report (version from July 2016). Neither was South Colchester mentioned, or consulted on, as a separate Growth Location alongside Central Colchester, North Colchester, West Colchester and East Colchester in Colchester's Spatial Strategy. (4.16.)

Only at the last, the Draft Local Plan, stage was Middlewick added and so was South Colchester as a separate Growth area; it was only then that local residents were consulted. This deprived the residents of this area of the chance to meaningfully contribute to the planning process and have a say on the allocations, as well as the general growth strategy for their area. As this was **the last stage before the Draft Local Plan would go to the planning inspectors, any feedback from the consultations would not be taken into consideration by the council to make amendments to the Draft Local Plan**, unlike with consultations on earlier site allocations such as Irvine Road (where the number of houses were reduced as a result of the consultations), or Battleswick Farm (which was thrown out). **Middlewick Ranges was thus presented as a fait accompli.**²

The late-stage addition of Middlewick Ranges and South Colchester to the Local Plan also meant that there was **no time for residents of south Colchester to prepare a Neighbourhood Plan** and thus influence planning in their local area.³ The development of a Neighbourhood Plan from its initial state through to adoption takes about four to five years.⁴ In most cases, the neighbourhood plan area was agreed between 2012 and 2015. As south Colchester was only added to the Local Plan in 2017, there was no incentive for residents of the area to get involved in drawing up a Neighbourhood Plan early on in the planning process; and by the time south Colchester and Middlewick Ranges were added, it was too late for a neighbourhood planning process to have a meaningful impact on site allocations in the area.

Middlewick Ranges (SC2) in the Sustainability Appraisal

158. Each local planning authority should ensure that the Local Plan is based on **adequate, up-to-date and relevant evidence** about the economic, social and environmental characteristics and prospects of the area.

165. Planning policies and decisions should be based on **up-to-date information about the natural environment** and other characteristics of the area...

Colchester. CBC Response: 'Middlewick Ranges: It will be recommended that land at Middlewick Ranges be allocated for residential development having received new information regarding its availability in the consultation. A new policy will be drafted promoting 1000 residential dwellings at the site. The policy will include mitigation needed to reflect the constraints on this site, principally, ecology and highway capacity and to ensure inclusion of relevant infrastructure to support the allocation. Discussions are on – going with the MOD, Essex Wildlife Trust and Highways Authority which may further influence the allocation.' (p. 61)

² This was made clear at the Local Plan Committee report on 2 Oct 2017: 'There are no alternative options.'

³ Local Development Scheme (February 2019), Colchester Borough Council, p. 7.

⁴ Local Development Scheme, p. 8.

167. The [assessments] process should be **started early in the plan-making process** and **key stakeholders should be consulted in identifying the issues that the assessment must cover.** (NPPF, 2012)

This section will deal with the evidence upon which Middlewick Ranges was added to the Local Plan, especially looking at the assessment of the site in the Sustainability Appraisal in 2017, part of the third stage of the local planning process. The Publication Draft Local Plan (June 2017) section on the Spatial Strategy (para 12.1) explains that:

The **Spatial Strategy reflects the Local Planning Authority's evidence base, which includes a Sustainability Appraisal** and Strategic Land Availability Assessment, along with a range of associated issues including development needs, environmental constraints, and deliverability. It also **reflects sustainable development principles underpinned by the NPPF** which seeks to achieve all development meeting the three dimensions of sustainable development, that is; **social, economic and environmental sustainability**. ... All development will need to be in accordance with the spatial strategy and should meet the three dimensions of sustainable development.⁵

It appears that the **Local Plan's overriding criterion for environmental sustainability of a development is its accessibility**, which is defined here as being located within the boundaries of urban Colchester. Colchester's Spatial Strategy (Policy SG1) states that 'Throughout the Borough, growth will be located at the most accessible and sustainable locations ... Development will be focused on highly accessible locations to reduce the need to travel. Development will be supported where a real travel choice is provided and sustainable travel for different purposes is promoted throughout the day. This spatial hierarchy focuses growth on the urban area of Colchester, reflecting its position as the main location for jobs, housing, services, and transport.'

Accessibility seems to override all other ecological considerations such as biodiversity. Given that the climate crisis and biodiversity crisis cannot be seen in isolation from each other, this raises the question as to **what is the evidence for the assumption that it is more sustainable to build on a site within the boundaries of urban Colchester that is extremely rich in biodiversity**, as opposed to a site somewhat outside the urban area that is of much lower biodiversity value? Furthermore, **the assertion that Middlewick is easily accessible and offers a range of transport options, seems dubious** (as will be discussed below). Questions may also be asked in relation to the claims about jobs; the Strategic Economic Areas (SEAs) detailed in the Local Plan are North Colchester, Stanway (West Colchester), and Knowledge Gateway (East Colchester), while the town centre is defined as a Local Economic Area; South Colchester does not feature in the Local Plan's economic strategy (see Table SG£: Colchester Employment Land Supply).

What is the evidence base for the late addition of Middlewick Ranges and South Colchester, and how was the area assessed in the Sustainability Appraisal? It appears that ahead of drafting SC2, Colchester Borough Council consulted with MOD, Essex Wildlife Trust and Highways Authority.⁶ Yet

⁵ The Publication Draft Local Plan (June 2017)

⁶ CBC Response at the Preferred Options consultations: 'Middlewick Ranges: It will be recommended that land at Middlewick Ranges be allocated for residential development having received new information regarding its availability in the consultation. A new policy will be drafted promoting 1000 residential dwellings at the site. The policy will include mitigation needed to reflect the constraints on this site, principally, ecology and highway capacity and to ensure inclusion of relevant infrastructure to support the allocation. Discussions are on – going with the MOD, Essex Wildlife

the entry for Middlewick Ranges (SC2) in the Emerging Local Plan states that: 'given the site's ecological sensitivity, full ecological assessments will need to be undertaken for all Protected Species, Species of Principal Importance during the appropriate survey season.' (14.56); and 'The final number of dwellings will only be confirmed when full details of constraints are known.' (SC2) Hence the site allocation in the Local Plan should only be considered provisional, pending full evidence.

The Sustainability Appraisal for Middlewick Ranges

The Sustainability Appraisal uses a standard set of questions and assessment criteria. The Assessment criteria are explained in the Site Pro forma (Section 3.3). This section will discuss how the Middlewick Ranges site has been assessed to meet a range of different objectives. I will add my own comment to each section.

Section 2:

- *Will it reduce the need for development on greenfield land? Answer: Uncertain*

(Assessment criteria: Significantly positive = 100% brownfield; Positive = approx. 75% brownfield; Negative: approximately 75% greenfield; Significantly negative: 100% greenfield.)

Comment:

It seems odd that the answer to this question is given as uncertain. Even without extensive surveys being carried out it should have been easy to assert that this is largely a greenfield site (apart from some army installations). The appropriate answer should therefore be: negative or significantly negative. **This is development on greenfield land.**

- *Will it provide good accessibility by a range of modes of transport? Answer: Significantly positive*

Assessment criteria: Distance to town. Significantly positive: within Town boundary.

Comment:

The positive assessment results from the assessment criteria suggesting that location with town boundaries equals good accessibility. However, this can be questioned. In fact, the area is **highly car dependent**, not within easy walking distance to town centre, far from railway stations, and not all of served by frequent buses. The road infrastructure is poor, with **narrow congested main routes into town that cannot be widened.**

Section 5:

- *Will existing open spaces be protected & new spaces be created? Answer: Positive*

Assessment criteria: Would the site see a loss of open space? Score: Positive: No loss of publicly accessible open space (as designated in LP); negative: loss of publicly accessible open space (as designated in LP).

Trust and Highways Authority which may further influence the allocation.' Colchester Borough Local Plan Consultation Statement (October 2017), p. 61.

Comment:

The answer would depend on the way 'publicly accessible open space' is defined; while Middlewick Ranges are closed off for part of most weeks for shooting practice, the area outside the fence is still seen by local residents as publicly accessible open space. And there can be no doubt that building houses on Middlewick would lead to the destruction of at least some of this open space, hence there would be a net loss of open space. A further concern is the proposed restricted access to nature areas as proposed in the Masterplan. The answer should therefore be negative: **there will be a net loss of open space.**

Section 8:

- *Will it protect and improve biodiversity? Answer: Positive*

Assessment criteria: Is the site within / on / adjacent to: (amongst other designations) LoWS (Local Wildlife Sites). Score: Positive: Site will not affect LoWs; Negative: Site is within or partly within, or adjacent to a LoWs.

Comment:

The assessment, according to their own criteria, is clearly false. The development site for Middlewick Ranges (SC2) is **fully within the Middlewick Ranges Local Wildlife Site (Co122), and is also adjacent to Birch Brook Local Wildlife Site (Co128)**. The answer to the question 'Will it protect and improve biodiversity' should therefore be a clear negative. There will be a **negative effect on biodiversity** according to assessment criteria used in the Sustainability Appraisal.

- *Will it improve environmental quality in terms of water, air and soil quality? Answer: Not Applicable*

Assessment criteria: Proximity to AQMA (Air Quality Management Area). Score: Positive: Site is >200m from an AQMA; Negative: Site is <200 m from AQMA.

Is the site contaminated land: No impact (0): Site is not on contaminated land; Uncertain (?) Site is on contaminated land/suspected contaminated.

Comment:

It seems odd that the answer given is Not Applicable. It is well known that soil contamination from both military use (lead bullets etc) and from the burial of cattle carcasses during the foot and mouth outbreak is an issue.

Air quality is another issue of high relevance. While the site falls outside the 200m distance from an AQMA, and hence would score positive, the assessment criteria seem very narrow considering how widespread a problem **air pollution is within urban Colchester, comprising a serious danger to public health**. It should be noted that major routes from Middlewick into town centre (Mersea Road, Brook Street etc) are within an AQMA. A 1,000 homes would mean about 1,400 more cars on the road. The loss of a major natural greenfield site (which has an important role in mitigating air pollution) would further exacerbate the problem. In real terms, therefore the building of 1,000 homes on Middlewick Ranges is very likely to have a **negative impact on air quality**, both in south Colchester and in the town centre.

Section 10:

- *Will it reduce the risk of flooding? Answer: Not Applicable*

Assessment criteria: Would the development on the site be located within Flood Zones, 2, 3(a&b)? Would the site be located in an area of high/medium/low/very low risk of flooding from surface water? Very low = significant positive; low = positive; high = negative.

Comment:

It is odd that the answer to the question of flood risk is given as Not Applicable. If flood risk at the time of assessment was unknown the answer should be Uncertain rather than Not Applicable. High ground water levels are an issue at the site. A further possible flood risk that is outside the criteria of the Sustainability Assessment pertains to the run off from the site to Birch Brook, which flows into the Colne at Rowhedge. Flooding is already an issue for gardens downstream at Rowhedge.⁷

- *Will it improve water quality? Answer: Not Applicable*

Assessment criteria: Are there water bodies on or adjacent to the site? Score: Positive = No water bodies on or adjacent to the site. Negative = Site is adjacent to water bodies.

Comment: It is odd that the given answer is Not Applicable. **Middlewick Ranges LoW is directly adjacent to Birch Brook LoW, through which flows Birch Brook** (Birch Brook in turn flows into the River Colne at Rowhedge). According to the assessment criteria applied here, the answer therefore should be negative. As waste water from the site will drain into Birch Brook, the possibility that this may negatively affect the water quality of the brook needs to be considered. Another issue would be the increase in fly tipping and vandalism which may also impact on the water quality of Birch Brook.

Verdict:

The Sustainability Appraisal carried out for Middlewick Ranges is not fit for purpose. Even according to the narrow criteria of the Sustainability Appraisal, the negative impact of the development is ignored or underplayed. Basic facts are ignored: that Middlewick is a Local Wildlife Site, that it is a greenfield site, that it is adjacent to Birch Brook, and that there is a land contamination issue. **If the assessment criteria had been applied correctly, Middlewick would have scored negative for impact in several key areas.**

It is interesting to compare the scoring of Middlewick Ranges with the scoring of Alternatives in the Spatial Strategy Section (these alternatives relate to various proposals to allocate more houses to areas outside the boundaries of urban Colchester). All alternatives score negative on the need for greenfield land; the impact on biodiversity scoring is negative during the Issues and Options stage, while unknown during the Draft publication stage, the question 'Will it improve environmental quality in terms of water, air and soil quality' also receives a negative score. It can only be surmised that **had the same criteria been applied to Middlewick as to these alternatives, development Middlewick would appear in a much less positive light in terms of environmental impact.**⁸

⁷ A local resident provides the following information: "I live in Hillview Close in Rowhedge and have done for over 30 years, the brook is at the bottom of my garden and at least twice every year our garden is flooded. I am concerned that the extra run off from any new development will worsen this. The brook has been surveyed recently I assume regarding this. I have a video from the last 12 months showing how bad it can be and I know people further down stream are worse than me."

⁸ Table 6: Appraisal of the Spatial Strategy Alternatives.

To conclude, the allocation of Middlewick Ranges in the LP is unsound, as it is not consistent with National Planning Policy, not based on proportionate evidence, and not consistent with achieving sustainable development.