

LOCAL PLAN SUB-COMMITTEE AGENDA

Thursday, 15 March 2018 at 06:00 PM

**Council Chamber, Braintree District Council, Causeway House, Bocking
End, Braintree, CM7 9HB**

THIS MEETING IS OPEN TO THE PUBLIC
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Members of the Local Plan Sub-Committee are requested to attend this meeting to transact the business set out in the Agenda.

Membership:-

Councillor D Bebb	Councillor Mrs J Money
Councillor Mrs L Bowers-Flint (Chairman)	Councillor Lady Newton
Councillor G Butland	Councillor Mrs W Scattergood
Councillor T Cunningham	Councillor Mrs G Spray
Councillor D Hume	Councillor Miss M Thorogood

Members unable to attend the meeting are requested to forward their apologies for absence to the Governance and Members Team on 01376 552525 or email governance@braintree.gov.uk by 3pm on the day of the meeting.

A WRIGHT
Chief Executive

INFORMATION FOR MEMBERS - DECLARATIONS OF INTERESTS

Declarations of Disclosable Pecuniary Interest, Other Pecuniary Interest or Non-Pecuniary Interest

Any member with a Disclosable Pecuniary Interest, other Pecuniary Interest or Non-Pecuniary Interest must declare the nature of their interest in accordance with the Code of Conduct. Members must not participate in any discussion of the matter in which they have declared a Disclosable Pecuniary Interest or other Pecuniary Interest or participate in any vote, or further vote, taken on the matter at the meeting. In addition, the Member must withdraw from the chamber where the meeting considering the business is being held unless the Member has received a dispensation from the Monitoring Officer.

Question Time

The Agenda allows for a period of up to 30 minutes when members of the public can speak. Members of the public wishing to speak are requested to register by contacting the Governance and Members Team on 01376 552525 or email governance@braintree.gov.uk no later than 2 working days prior to the meeting. The Council reserves the right to decline any requests to register to speak if they are received after this time. Members of the public can remain to observe the public session of the meeting.

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Documents

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PUBLIC SESSION

Page

- 1 Apologies for Absence**
- 2 Declarations of Interest**
To declare the existence and nature of any Disclosable Pecuniary Interest, other Pecuniary Interest, or Non-Pecuniary Interest relating to Items on the Agenda having regard to the Code of Conduct for Members and having taken appropriate advice where necessary before the meeting.
- 3 Minutes of the Previous Meeting**
To approve as a correct record the Minutes of the meeting of the Local Plan Sub-Committee held on 6th November 2017 (copy previously circulated).
- 4 Public Question Time**
(See paragraph above)
- 5 Chelmsford City Council Pre-submission Local Plan - Response** **4 - 10**
- 6 Braintree District Local Plan Examination - Update** **11 - 14**
- 7 Urgent Business - Public Session**
To consider any matter which, in the opinion of the Chairman, should be considered in public by reason of special circumstances (to be specified) as a matter of urgency.
- 8 Exclusion of the Public and Press**
To agree the exclusion of the public and press for the consideration of any Items for the reasons set out in Part 1 of Schedule 12(A) of the Local Government Act 1972.

At the time of compiling this Agenda there were none.

PRIVATE SESSION

Page

- 9 Urgent Business - Private Session**
To consider any matter which, in the opinion of the Chairman, should be considered in private by reason of special circumstances (to be specified) as a matter of urgency.

Response to the Chelmsford City Council Pre Submission Local Plan		Agenda No: 5
Portfolio: Planning and Housing Corporate Outcome: Securing appropriate infrastructure and housing growth Report Presented by: Alan Massow Report Prepared by: Alan Massow		
Background Papers: <ul style="list-style-type: none"> National Planning Policy Framework (NPPF) National Planning Practise Guidance (NPPG) Localism Act (2011) Planning and Compulsory Purchase Act (2004) Pre-Submission Local Plan Document (CCC) Pre-Submission Sustainability Appraisal (SA) (CCC) Pre-Submission Habitats Regulations Assessment (HRA) (CCC) SLAA Submissions 2018. <p>Chelmsford's consultation documents are available to view; http://consult.chelmsford.gov.uk/portal</p>		Public Report: Yes Key Decision: No
Executive Summary: <p>Chelmsford City Council is consulting on its regulation 19 pre-submission consultation Local Plan, sustainability assessment and habitats regulation assessment. This consultation concludes the 14th March 2018. A Call for Sites site submission form is also available.</p> <p>The purpose of the consultation is to determine whether or not consultees feel that the plan is "sound" as defined under paragraph 182 of the National Planning Policy Framework, in that is it positively prepared, justified, effective and consistent with national policy, and if the plan is legally compliant as well as having met the requirements of the Duty to Co-operate.</p> <p>The Plan seeks to meet the areas objectively assessed need for housing and other uses in full, and is accompanied by a Sustainability Appraisal (Incorporating a Strategic Environmental Assessment), and Habitats Regulation Assessment.</p> <p>The Plan proposes to meet its objectively assessed housing need of a minimum of 18,515 homes between 2013 and 2036 at an annual average of 815 homes per year, as well as providing additional retail, and employment land among other uses.</p> <p>The proposed Braintree District Council response is attached in full at Appendix 1.</p>		

Recommendation	
That Braintree District Council submits the attached response to the Chelmsford City Council Submission Local Plan.	
Purpose of Decision: To agree comments to the Chelmsford City Council Regulation 19 Pre-submission Local Plan.	
Corporate Implications	
Financial:	Staff and Member costs associated with attending duty to cooperate meetings.
Legal:	Local Plans are subject to legal compliance in terms of consultation, contents, and adoption.
Equalities/Diversity	The Plan seeks to provide appropriate homes for all members of society.
Safeguarding	None
Customer Impact:	The Plan contains proposals which could potentially impact on residents of the district.
Environment and Climate Change:	Proposed development is likely to have an impact on the environment as well as climate change, however the Plan has been subject to Sustainability Appraisal and Strategic Environmental Assessment.
Consultation/Community Engagement:	The documents are subject to full public consultation as set out in regulations.
Risks:	If the Chelmsford City Council's Plan is found unsound it could result in increased housing pressure on neighbouring authorities.
Officer Contact:	Alan Massow
Designation:	Senior Policy Planner
Ext. No.	2577
E-mail:	almas@braintree.gov.uk

1 Background

- 1.1 Chelmsford City Council is a neighbouring authority to Braintree District Council meaning that the Council is a statutory consultee for Chelmsford's Local Plan process.
- 1.2 Chelmsford City Council has produced and published for consultation its regulation 19 Pre-Submission Local Plan, Sustainability Appraisal and Habitats Regulation Assessment. A Site Submissions form is also available for sites to be submitted.
- 1.3 Chelmsford Plan has under gone two previous rounds of consultation; an Issues and Options consultation which took place in 2015/16, and a Preferred Options consultation in 2017. The latest consultation is the formal regulation 19 Pre-Submission consultation which is the final consultation before a Plan is submitted to the Secretary of State for independent examination by the

Planning Inspectorate.

- 1.4 A Sustainability Appraisal and Habitats Regulations Assessment are also available for consultation, however no comments are proposed for either of these documents.
- 1.5 As this is the Pre-Submission consultation the main areas to assess are soundness and legal compliance. Soundness meaning that the Plan is positively prepared, justified, effective and consistent with national policy, and legal compliance referring to areas such as the Duty to Co-operate, sustainability appraisal, compliance with national policy and legislation among others.
- 1.6 Braintree shares a housing market area with Chelmsford and has worked with the Council in commissioning evidence on housing need.

2 Duty to Cooperate

- 2.1 Braintree District Council continues to hold regular duty to cooperate meetings with Chelmsford City Council. These have included meetings at a member level.
- 2.2 Particular areas for discussion include the plans for the North-East Chelmsford By-pass and development along the A131 corridor.
- 2.3 Officers are satisfied that Chelmsford City Council has met its obligation in regard to the duty, and Braintree District Council will continue to engage positively and pro-actively as the Plan and development proposed contained within it progress.

3 Chelmsford City Plan Regulation 19 consultation

- 3.1 The Plan seeks to meet all of Chelmsford's identified need for housing and employment for the period 2013 – 2036. A minimum of 18,515 net new homes at an average annual rate of 805 new homes are required. The Plan identifies 21,893 net new homes which is approximately 20% above the total objectively assessed housing need, and provides a comfortable buffer. 9 new Gypsy and Traveller pitches and 24 Travelling Showpeople pitches are also required, as well as 725 new jobs per year up to 2036. Additional retail requirement of 11,500 sqm within the City Centre or designated centres within Chelmsford's Urban Area and 1900 sqm at South Woodham Ferrers is also proposed to be met within the Plan period.
- 3.2 Braintree District Council support Chelmsford's commitment to meet its needs for housing in full.
- 3.3 The Plan proposes to focus new housing and employment on growth to the most sustainable locations at Chelmsford and South Woodham Ferrers, and villages outside the Green Belt. Strategic policy S9 – The Spatial Strategy provides a more detailed breakdown.

- 3.4 In terms of impacts on Braintree District, the closest growth proposals are at Great Leighs. These allocations total approximately 1050 new homes as well as provision for 5 travelling show person's plots. Further details are available under Strategic Growth Site 5a – Great Leighs – Land at Moulsham Hall, Growth Site 5b – Great Leighs Land east of London Road, and Strategic Growth site 5c – Great Leighs – Land North and South of Banters Lane. These policies outline the proposed uses in more detail including infrastructure such as a new primary school, highways improvements, and contributions toward the Chelmsford North East Bypass.
- 3.5 Strategic policy S11 – Infrastructure Requirements includes provision for a Chelmsford North East Bypass, and new railway station at Beaulieu just to the north of Chelmsford. Additional park and ride facilities are proposed at West Chelmsford and North East Chelmsford. Improvements are also proposed to the Essex Regiment Way which links Braintree with Chelmsford. Other proposals include bus priority schemes and rapid transit measures and a new access to Broomfield Hospital. A safeguarded route for the Chelmsford North East Bypass is included on the proposals map.
- 3.6 This policy is supported by Strategic Policy S12 – Securing Infrastructure and Impact Mitigation. It seeks to secure necessary financial contributions, on-site provision and off-site capacity improvement works, or the provision of land. The policy seeks to ensure that development is supported by appropriate infrastructure either through existing capacity or through additional capacity if required. The additional capacity should be sustainable over time in both physical and financial terms.
- 3.7 It is also noted that Chelmsford Race Course is proposed for continued development as a major race course and equestrian centre with supporting entertainment facilities.
- 3.8 The remainder of the plan contains policies of a non-strategic nature which deal with issues such as design, parking standards, and affordable housing. The plan also includes a monitoring framework for the performance of its policies.

4 Timescale

- 4.1 Once the pre-submission consultation has finished Chelmsford City Council intend to submit the document in the summer of 2018, followed by an independent examination in the autumn of 2018 with adoption following in the winter of 2018/19.

5 Next Steps

- 5.1 The closing date of the consultation is the 14th March. Therefore a draft response has been submitted to Chelmsford City Council with the final version being sent after this committee.

Recommendation:

That Braintree District Council submits the attached response to the Chelmsford City Council Submission Local Plan.

Appendix 1

Proposed response to Chelmsford City Pre-Submission Consultation Local Plan

Braintree District Council submits comments to the Chelmsford City Council Regulation 19 consultation Local Plan as follows;

- 1 – Braintree District Council considers the Local Plan to be legally compliant.
- 2 – Braintree District Council agrees that the requirements of the Duty to Co-operate have been met.
- 3 – Braintree District Council considers the Local Plan to be sound.

The Council would also like to make the following additional comments;

Braintree Council supports Chelmsford's commitment through the Local Plan to meet its objectively assessed housing need in full. As a partner in the housing market area, Braintree has worked collectively with Chelmsford and the other partners in the housing market area, Tendring and Colchester, to prepare evidence on the objectively assessed need for homes. The local authorities will continue to work together on any updates to this evidence if required.

Braintree Council supports the proposed settlement strategy which seeks to locate development in the most sustainable locations.

BDC support the commitment to the provision of infrastructure in policy S11 to support Chelmsford's development proposals, and note the inclusion of a protected route for a North East Chelmsford By-pass. Braintree District Council is supportive of these proposals but notes that contributions from developments in Chelmsford City may be required to support schemes in Braintree District if this is where the impact is assessed to be. It is considered this is most likely to occur on allocations close to the boundary of the two authorities and could include improvements to transport infrastructure and funding of new educational facilities. BDC would be very supportive of improvements to ensure a joined up network of footpaths, cycleways and bridleways and on the provision of public transport routes to ensure a network of sustainable travel options, reducing the need of residents from both Districts to travel by private vehicle.

BDC notes the special policy area for Chelmsford racecourse set out in policy SPA2. BDC is particularly supportive of the elements of the policy which seek to minimise the individual car travel to and from the site and to minimise the impact of floodlighting on the site.

Braintree Council looks forward to continued joint work and cooperation under the Duty to Co-operate on issues such as highways and education provision along the Great Leighs Corridor, the north east Chelmsford by-pass, and other projects as and when they arise.

The level of co-operation between the Council's is further emphasised by the number of joint commissioned evidence base produce for our respective local plans including work on housing need, and Gypsy and Travellers.

Update on the examination of the Braintree Local Plan		Agenda No:6
Portfolio: Planning and Housing Corporate Outcome: Securing appropriate infrastructure and housing growth Report Presented by: Emma Goodings Report Prepared by: Emma Goodings		
Background Papers: <ul style="list-style-type: none"> National Planning Policy Framework (NPPF) National Planning Practise Guidance (NPPG) Braintree Local Plan Submission Draft 2017 		Public Report: Yes Key Decision: No
Executive Summary:		
Recommendation To note the contents of the report in relation to the examination of the Braintree District Local Plan.		
Purpose of Decision: For Members to receive an update on the Local Plan examination progress and timetable.		
Corporate Implications		
Financial:	Costs of preparing the Local Plan have been met from existing budgets	
Legal:	Local Plans are subject to legal compliance in terms of consultation, contents, and adoption.	
Equalities/Diversity	The Plan seeks to provide appropriate homes for all members of society.	
Safeguarding	None	
Customer Impact:	The Plan contains proposals which could potentially impact on residents of the district.	
Environment and Climate Change:	Proposed development is likely to have an impact on the environment as well as climate change, however the Plan has been subject to Sustainability Appraisal and Strategic Environmental Assessment.	
Consultation/Community Engagement:	The Local Plan has been subject to three rounds of consultation. All the examination documents and correspondence between the Inspector and the local authorities are public documents.	

Risks:	That the Braintree District Local Plan is not found sound at examination.
Officer Contact:	Emma Goodings
Designation:	Head of Planning Policy and Economic Development
Ext. No.	2511
E-mail:	Emma.goodings@braintree.gov.uk

1 Background

- 1.1 Braintree District Council have been working to produce a new Local Plan to replace the 2005 Local Plan Review and the 2011 Core Strategy.
- 1.2 The Braintree District Local Plan is made up of two parts. The Strategic Section1 is shared with Colchester and Tendring Councils, it includes 10 strategic policies which apply across the north Essex area and includes proposals for three garden communities at West of Braintree, Colchester Braintree borders and Tendring Colchester borders.
- 1.3 The Submission draft Local Plan was subject to consultation in June and July 2017. It was then submitted to the government in October 2017.
- 1.4 The Planning Inspectorate (PINs) appointed an independent inspector, Mr Roger Clews, to examine the section 1 Plan at a joint examination with Braintree, Tendring and Colchester. Collectively the Inspector refers to us at the North Essex Authorities.
- 1.5 The examination of the Local Plan follows a standard procedure set out in guidance produced by the Planning Inspectorate. The examination of the Local Plan refers to all the time between the Inspector being appointed and his final report being received.
 - 1.5.1 Braintree is hosting the Local Plan examination pages on behalf of all three authorities. This is where all information on the examination is published. The pages can be found by following this link
https://www.braintree.gov.uk/info/200643/section_1/1065/section_1_examination_publication_local_plan_braintree_district_colchester_borough_and_tendring_district_council

2 The Section 1 Examination

- 2.1 Before the oral part of the examination began, the Inspector published a series of questions which he wished to consider further. Participants, including the Councils, were given the opportunity to submit further responses, known as hearing statements, to each of these matters. These can be found on the examination website.
- 2.2 The oral examination was scheduled to take place for six days from the 16th January 2018. It took place at the Weston Homes Community Stadium in Colchester.

- 2.3 Participation at the oral examination is by the invitation of the Inspector only. There were various participants including the Councils and their consultants, landowners with sites included and excluded in the Local Plan, town and parish councils and local residents. The Inspector also invited a number of major infrastructure providers to an infrastructure session including Highways England, Anglia Water and Network Rail.
- 2.4 During the course of the oral examination sessions the Inspector asked for further information and documents to be added to the examination database. These are also published on the examination webpage.

3 Representations made by Lightwood Strategic

- 3.1 During the examination it came to light that a representation made by Lightwood Strategic in support of an alternative site for development around Pattiswick had been received within the consultation period in the summer of 2017 but had not been considered by the Councils or reported to the Inspector. Lightwood were able to attend and participate in the second week of hearing sessions but were not able to attend the first week or put in related hearing statements.
- 3.2 The Inspector discussed this matter with Lightwood and the North Essex Authorities during the examination. Lightwood made it clear that they wished to appear at an oral examination under matter 1 which related to the Duty to Co-operate and legal compliance.
- 3.3 The Inspector has considered this request and a subsequent hearing statement submitted by Lightwood Strategic and has advised that a further oral examination session will now take place on the **9th May 2018** to consider further the matters of Duty to Co-operate and legal compliance. Participants are to be invited by the Inspector along with further hearing statements on the particular issues raised.
- 3.4 All information relating to this additional hearing session and the accompanying hearing statements will be published on the examination pages in due course.

4 Timescale and Next Steps

- 4.1 Following the further consideration and oral examination as set out above, it is expected that the Inspector will outline his timetable for any further work or for receipt of his final report. This will be published on the website when it is received.
- 4.2 Most Local Plans are subject to main modifications which are changes proposed to the Local Plan since its submission. These must be subject to a public consultation of at least six weeks. Depending on their scale, these changes may also need to be the subject of a further Sustainability Appraisal.

The Inspector would then consider the responses to this consultation in the drafting of his final report.

- 4.3 There can be a further six weeks between the drafting of the Inspector's report and the formal receipt of the report by the local authority due to internal review and fact checking.
- 4.4 There is no current indication from the Planning Inspectorate as to when the examination into section 2 may commence.

Recommendation:

To note the contents of the report in relation to the examination of the Braintree District Local Plan.