

LOCAL PLAN SUB-COMMITTEE AGENDA

Wednesday, 01 August 2018 at 06:00 PM

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

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

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

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PUBLIC SESSION

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- 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 16th May 2018 (copy previously circulated).
- 4 Public Question Time**
(See paragraph above)
- 5 Braintree Retail Study Update 2018** **5 - 11**
- 6 Gypsy and Traveller Evidence Base Update** **12 - 15**
- 7 Kelvedon Neighbourhood Plan** **16 - 20**
- 8 Uttlesford District Council Local Plan Consultation** **21 - 26**
- 9 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.
- 10 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.

11 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.

Braintree Retail Study Update 2018		Agenda No: 5
Portfolio	Planning and Housing Economic Development	
Corporate Outcome:	A sustainable environment and a great place to live, work and play A well connected and growing district with high quality homes and infrastructure A prosperous district that attracts business growth and provides high quality employment opportunities	
Report presented by:	Alan Massow	
Report prepared by:	Alan Massow Acting Principal Planning Policy Officer	
Background Papers:	Public Report	
Retail Study Update (2018) (electronic copy on website) Retail Study Update (2015) Publication Draft Local Plan (2017) National Planning Policy Framework (2012) National Planning Practice Guidance	Key Decision: No	
Executive Summary:		
<p>Braintree District Council has updated its Local Plan evidence base for retail and main town centre uses.</p> <p>The update has identified the required level of floor space up to 2033 for convenience goods (food), comparison goods (i.e. clothing and electronics), food and beverage provision (pubs/restaurants) and other main town centre uses such as cinemas.</p> <p>The study shows that the floor space requirements for the main centres and Freeport/Braintree Retail Park have generally decreased. Factors that may have influence this include retail competition, re-occupation of vacant units, availability of land, reliability of long term projections, the effect of new ways of shopping, operator demand, ability to maintain market share, the impact of new development on existing centres.</p> <p>The report does not indicate that any changes would be necessary to the Publication Local Plan through the examination process.</p>		
Recommended Decision:		
<p>That the Retail Update Study 2018 is included as evidence base for the new Local Plan, and is published for consultation.</p>		

Purpose of Decision:

To support the Publication Draft Local Plan at examination with an up to date evidence base.

Corporate Implications

Financial:	Officer time and expenditure as the Local Plan progresses through examination to adoption.
Legal:	The Local Plan will have to be found “sound” otherwise it could be at risk at examination. Regulatory matters will also have to be addressed to ensure that the Plan is not vulnerable to legal challenge.
Safeguarding:	No matters arising out of this report.
Equalities/Diversity:	The Publication Draft Local Plan has been subject to an Equalities Impact Assessment.
Customer Impact:	No matters arising out of this report.
Environment and Climate Change:	The Publication Draft Local Plan is supported by a Sustainability Appraisal and Habitats Regulation Assessment.
Consultation/Community Engagement:	The Retail Study Update 2018 will be available for public comment.
Risks:	The Publication Draft Local Plan could be found unsound or legally challenged which could impact on the delivery of growth in the District.
Officer Contact:	Alan Massow
Designation:	Acting Principal Planning Policy Officer
Ext. No:	2577
E-mail:	almas@braintree.gov.uk

1 Background

- 1.1 The National Planning Policy Framework states that local planning authorities should assess the quantitative and qualitative needs for land for retail development when preparing Local Plans.
- 1.2 Braintree District Council has commissioned Lichfield's to update its 2015 Retail Study to help inform the production of the new Local Plan. Lichfield's under the name Nathaniel Lichfield's & Partners prepared the 2015 and 2012 studies.
- 1.3 The objectives of the study are to provide a robust and credible evidence base to support the Council's new Local Plan as it moves forward to examination, taking into account any changes since the 2015 study. It comprises a qualitative analysis of the existing retail and leisure facilities within the districts towns and local centres, the identification of the role of each centre, its catchment area and the relationship between those centres.
- 1.4 It provides an updated quantitative and qualitative assessment of the need for new retail facilities within the District, and for leisure and other main town centre uses. This is provided as a breakdown of retail requirement for convenience goods (such as food), comparison goods (such as electricals and clothing), and food and beverage provision (café's, pubs, and restaurants).
- 1.5 The study period is up to 2033, however as longer term retail forecasts are difficult to predict, regular updating of retail studies is recommended.

2 Retail Study Methodology

- 2.1 The retail study methodology is unchanged from the previous study. A full outline of the methodology is provided in appendix 1 of the 2018 update.

3 The Shopping hierarchy

- 3.1 The shopping hierarchy is unchanged from the previous study, in that Braintree town centre is the main shopping destinations and that Freeport/Braintree Retail Park provides the most comparison floor space within the District. Halstead and Witham continue to serve as smaller centres providing a reasonable range of shops and facilities. All three centres should continue to be designated as town centres in the retail hierarchy. Freeport and Braintree Retail Park are not in the retail hierarchy.

4 Assessment of Retail Need

- 4.1 Development plans should develop and keep under review town centre strategies that plan for a 3-5 year period, whilst also giving a Local Plan life time view. The assessment is based on a defined study area which is shown at appendix 1 to this report and is unchanged from the 2015 report.
- 4.2 The economic downturn continues to impact on the retail and leisure sectors leaving voids in centres and retail parks, as such market conditions are still considered challenging.
- 4.3 Future expenditure levels will need to take into account the speed of economic recovery particularly in the short term (2018 to 2023). Trends in population

growth, home shopping/internet sales and growth in turnover efficiency need careful consideration.

- 4.4 The underlying trend for retail growth is cyclical, but growing in real terms.
- 4.5 The impact of Brexit is expected to result in slower growth in the short term. Real Gross Domestic Product (GDP) has been slightly weaker in 2017 than previously expected. However the underlying trend over the medium to long term is expected to lead to a need for further modern retail floor space even with growth in home shopping and turnover efficiencies. This national trend is expected to be mirrored in Braintree District.
- 4.6 For new forms of retailing, such as home/electronic shopping, these have seen increased growth with the use of personal computers and smart phones. Click and collect has also become more popular. Future growth will continue to have an effect on high street retailing and traditional stores. This will impact on Braintree because there will be an effect on the amount of growth expenditure available to support development and operator demand for new floor space. The study makes allowances for future growth in e-tailing based on available projections.
- 4.7 Food store operators have responded to changes in customer requirements. Trading formats have changed with smaller store formats capable of being accommodated within towns and local centres such as Tesco Express and Sainsbury Local. The number of these stores has increased. Larger food store proposals have not been implemented due to a move toward smaller format stores nationally, reflecting changes in customer shopping habits. Discount food operators Aldi and Lidl have rapidly expanded nationally and may look for further opportunities in the district in future.
- 4.8 For comparison retail, bulky goods operators have rationalised and scaled down store sizes. Other traditional high street retailers have also sought out of town locations. Recent permissions for retail warehouse premises suggest that there is continued demand for warehouse space in the District.
- 4.9 High Street comparison retailers have changed formats with retailers seeking larger modern shop units over 200 sq.m. Generally operator demand decreased during the recession and national retailers sought locations in larger centres. Much of the demand for space in smaller centres comes from the discount and charity sectors or non-retail services. Smaller vacant units could still be attractive to independent traders and non-retail services.
- 4.10 Charity and discount shops have continued to grow steadily with no sign of the trend ending.
- 4.11 Non-retail services such as money lending/pay day loan shops, betting and hot food takeaway, have raised concerns and resulted in changes to permitted development in town centres. Greater flexibility has meant that the composition of town centres could change, meaning operators have more difficulty finding space. It is unlikely however to have a significant impact on Braintree or Witham who have relatively low vacancy rates, but Halstead has vacancy rates higher than the national average.

- 4.12 These trends are not new, and the high street is more resilient than it may appear.
- 4.13 Population and expenditure forecasts indicate that an increase of 10% in convenience goods spending by 2033 is likely. Comparison goods spending is likely to increase by 71% by 2033. The reason for the big difference between the two figures is that convenience expenditure tends to remain the same regardless, whereas comparison expenditure is more closely related to income.
- 4.14 It is appropriate for the district to plan to maintain the districts share of convenience goods expenditure in future, as to not do that would be unsustainable and not address the needs of future residents.
- 4.15 For comparison goods shopping Braintree and Freeport are the main comparison shopping destinations but they are both smaller than surrounding centres at Chelmsford, Colchester, Bishop's Stortford etc. all of which are within range of the District and have a more extensive range of retailers.
- 4.16 Additional requirement for other town centre uses such as food and beverage, commercial leisure uses, cinemas theatres, private health and fitness clubs, bowling, Bingo, and gambling, and nightclubs has also been assessed. It concludes that no need exists for theatres, bowling, bingo or night clubs is apparent.

5. Policy Review

- 5.1 The report comes to the same conclusions as the 2015 report regarding the retail hierarchy, impact thresholds, town centre boundaries and primary shopping areas and no further changes would be necessary.

6 Growth Requirements

- 6.1 The tables below is a summary of floor space projections to 2033. All figures are expressed in square meters and are gross.
- 6.2 The previous report showed higher growth requirement.

The table below shows convenience floor space requirements.

Centre	By 2023	By 2028	By 2033
Braintree	1,444	2,196	2,927
Witham	0	0	0
Halstead	0	0	0

- 6.3 There is no requirement for any additional convenience goods floor space in either Witham or Halstead following the recent opening of Aldi and Lidl. The previous report indicated some small scale growth may have been required but this would likely have been met through re-use of vacant shop units. Capacity has increased in Braintree this is in part due to the closure of its Morrison's store.
- 6.4 The table below shows comparison floor space requirements.

Centre	By 2023	By 2028	By 2033
Braintree	1,649	3,789	5,978
Freeport/Braintree Retail Park	0	0	2,480
Witham	309	717	1,135
Halstead	196	455	721

6.5 The table below shows floor space requirements for food and beverage provision.

Centre	By 2023	By 2028	By 2033
Braintree	618	1,323	2,010
Freeport/Braintree Retail Park	206	443	674
Witham	317	683	1,039
Halstead	238	514	783

6.6 In the short term capacity has dropped in all areas. Increased floor space is required in the longer terms compared to the previous report.

7 Implications for the Local Plan

7.1 The sites identified in the Publication Draft Local Plan should be sufficient to meet the identified need for retail floor space and other uses. The Council has identified local centres at its strategic growth locations and the garden communities, however due to the longer term nature of these proposals, it would be too soon to tell the exact composition of those centres. It is likely that the retail evidence base would be reviewed again and a more accurate picture of likely need established closer to the date.

7.2 As a general rule of thumb strategic developments of around 2000 new homes could support local shopping facilities of up to 1500 sq.m gross providing a balance of convenience, comparison and food/beverage floor space.

7.3 No changes to policy are required.

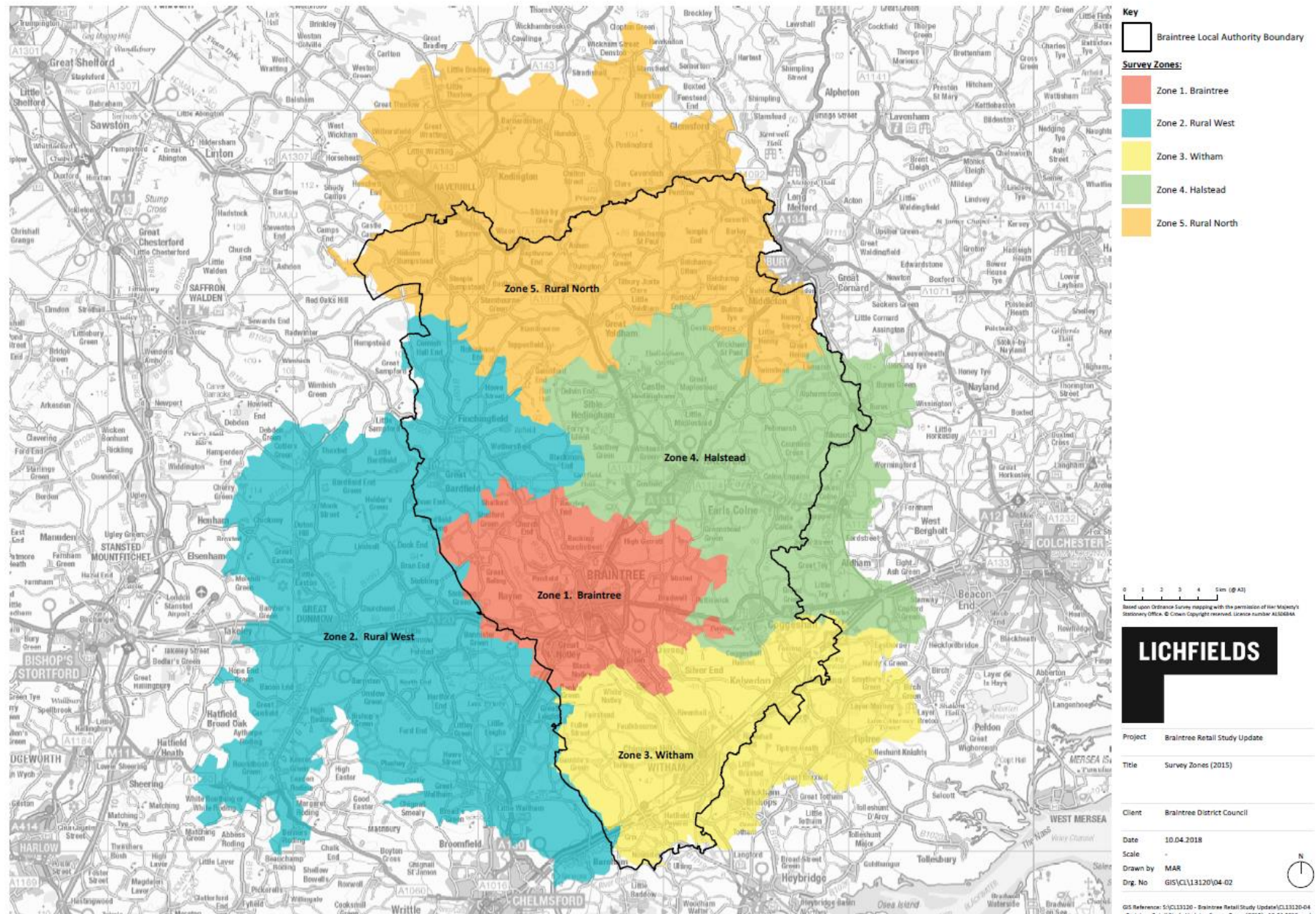
8 Consultation

8.1 Once approved as part of the Local Plan evidence base, it is recommended that the Retail Study is consulted for 4 weeks, with responses being provided to the Local Plan Inspector when appointed.

9 Recommendation

9.1 That the Retail Update Study 2018 is included as evidence base for the new Local Plan, and is published for consultation.

Appendix 1 – Study Area Map



Gypsy and Traveller Evidence Base Update		Agenda No: 6
Portfolio	Planning and Housing Economic Development	
Corporate Outcome:	A sustainable environment and a great place to live, work and play A well connected and growing district with high quality homes and infrastructure A prosperous district that attracts business growth and provides high quality employment opportunities Residents live well in healthy and resilient communities where residents feel supported	
Report presented by:	Alan Massow Acting Principal Planning Policy Officer	
Report prepared by:	Alan Massow Acting Principal Planning Policy Officer	
Background Papers:	Public Report	
Essex, Southend-on-Sea & Thurrock Gypsy and Traveller Accommodation Assessment Joint Methodology (2018)* Essex Gypsy and Traveller Accommodation Assessment Summary Report (2018)* Gypsy and Traveller Accommodation Assessment Braintree District Update (2017)* *(electronic copies on website) Publication Draft Local Plan (2017) National Planning Policy Framework (2012) Planning Policy for Traveller Sites (2015)	Key Decision: No	
Executive Summary:		
The Essex Wide Gypsy Traveller and Travelling Showpersons Study has now been completed for all areas which helps inform our requirement in the Local Plan.		
The figure for Gypsy and Travellers in Braintree District has been clarified. Previously the figure was quoted as 30, this figure is now 26.		
The number of pitches for Travelling Showpersons remains unchanged at 6.		
Further work is to be undertaken to determine if further transit sites are required in Essex.		
Recommended Decision:		
That the Essex, Southend-on-Sea & Thurrock Gypsy and Traveller Accommodation Assessment is approved as part of the Councils Local Plan Evidence base.		

Purpose of Decision:

To ensure that the Publication Draft Local Plan is supported by a robust and credible evidence base.

Corporate Implications

Financial:	Officer time and expenditure, cost of defending appeals and legal challenges.
Legal:	The Local Plan will have to be found “sound” otherwise it could be at risk at examination. Regulatory matters will also have to be addressed to ensure that the Plan is not vulnerable to legal challenge.
Safeguarding:	No matters arising out of this report.
Equalities/Diversity:	The Publication Draft Local Plan has been subject to a Equalities Impact Assessment.
Customer Impact:	No matters arising out of this report.
Environment and Climate Change:	The Local Plan has been subject to a Sustainability Appraisal and Strategic Environmental Assessment.
Consultation/Community Engagement:	The Uttlesford Local Plan has undergone public consultation.
Risks:	If the Local Plan is found unsound or legally challenged this could impact on the delivery of Garden Communities and other allocations in the Plan.
Officer Contact:	Alan Massow
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1 Introduction

- 1.1 Braintree District Council as part of the joint Essex Authorities commissioned Opinion Research Services to provide an update for its Gypsy and Traveller Accommodation Assessment.
- 1.2 The update comes about due to changes to national Policy published in August 2015, which for the purpose of planning changed the definition of Gypsy and Travellers to those who have travel.
- 1.3 The update now includes a recommendation as to how to deal with the potential for transit pitch provision.
- 1.4 The new study has to seek to apply the revised planning definition of a traveller, focusing on any pitch and plot needs who meet the revised definition, identify need for households that meet or may meet the planning definition, and to provide an assessment of need for households that do not meet the planning definition to support wider housing allocations.
- 1.5 Previously the committee considered the extract for Braintree District and study methodology. The remaining areas in the Essex wide report have now been completed.
- 1.6 In addition, the tables in the report relating to Braintree have been clarified resulting in smaller figure for pitch provision than quoted in the Publication Local Plan. Previously the figure for Gypsy and Travellers was quoted as 30, this figure should be 26.

2 The Revised Figures

- 2.1 The identified need figures are as follows;

Table 1 - Breakdown of need to be addressed for Gypsy and Travellers in Braintree (2016 – 2033)

Status	GTAA	SHMA	Total
Meet planning definition (Inc 10% of unknowns)	2 (2+0)	0	2
Not meet planning definition (Inc 90% of unknowns)	0	24 (20+4)	24
TOTAL	2	24	26

Table 2 – Breakdown of need to be addressed for Travelling Showpeople in Braintree (2016 – 2033)

Status	GTAA	SHMA	Total
Meet Planning Definition (inc 70% of unknowns)	6 (5+1)	0	6
Not meeting Planning Definition (Including 30% unknowns)	0	0	0
TOTAL	6	0	6

- 2.2 As such when the Local Plan part 2 examination takes place officers will be supporting an amendment to the preamble text and policy LPP36 – Gypsy and Travelling Show person Accommodation to correct the figures.

3 Transit Provision

- 3.1 No figures or locations are suggested for transit pitch provision. What the report indicates is that, once the change in policy definition has been in effect for 3 years, sufficient data should exist to determine likely need for transit provision in Essex. As such in later this year further work will be carried out to later this year to determine likely need for transit pitches.

4 Recommendation

- 4.1 That the Essex, Southend-on-Sea & Thurrock Gypsy and Traveller Accommodation Assessment is approved as part of the Councils Local Plan Evidence base.

Braintree Draft Local Plan – Kelvedon Neighbourhood Plan Regulation 14 Consultation Response		Agenda No: 7
Portfolio Corporate Outcome:	Planning and Housing A sustainable environment and a great place to live, work and play A well connected and growing district with high quality homes and infrastructure	
Report presented by:	Gary Sung	
Report prepared by:	Gary Sung	
Background Papers:		Public Report
<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) • Kelvedon Neighbourhood Plan Regulation 14 Submission NP Volume 1* *(electronic copy on website) • Kelvedon Neighbourhood Plan Regulation 14 Submission NP Volume 2** (electronic copy on website) 		Key Decision: No
Executive Summary:		
<p>This report considers the Regulation 14 draft of the Kelvedon Neighbourhood Plan and recommends that the Council submits a response to the public consultation. The closing date for the consultation is 14 September 2018.</p> <p>When adopted the policies in neighbourhood plans become part of the Local Plan and are used to determine planning applications. The response if agreed will ask for two amendments to be made to the Neighbourhood Plan. The report is concluded with an outline of the next steps to be undertaken.</p>		
Recommended Decision:		
<p>That the proposed response at section 3 from Braintree District Council to the Kelvedon Neighbourhood Plan Regulation 14 is agreed to be submitted.</p>		
Purpose of Decision:		
<p>To respond to the Regulation 14 consultation on the Kelvedon Neighbourhood Plan</p>		

Corporate Implications	
Financial:	No matters arising out of this report.
Legal:	The Council must take an active role in the preparation of Neighbourhood Plans.
Safeguarding:	No matters arising out of this report
Equalities/Diversity:	It has not been necessary to conduct an Equality Impact Assessment, as the policies have been drafted by an external body to the Council.
Customer Impact:	The plan when adopted will form part of the statutory development plan for Kelvedon parish and be used to determine planning applications.
Environment and Climate Change:	The plan when adopted will form part of the statutory development plan which will inform planning policies and allocations.
Consultation/Community Engagement:	This is the first formal consultation on the Kelvedon Neighbourhood Plan and there will be further public consultation at later stages in the adoption process.
Risks:	The Neighbourhood Plan examination may not succeed at examination. The Neighbourhood Plan may be rejected at a referendum. Risk of High Court challenge.
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1 Background

- 1.1 Neighbourhood planning was introduced by the Localism Act in 2011 to allow communities to shape development in their areas through the use of Neighbourhood Development Plans, Neighbourhood Development Orders and Community Right to Build Orders.
- 1.2 When adopted, neighbourhood plans will become a statutory development plan for the purposes of determination of planning applications. According to section 38(6) of the planning and compulsory purchase act, this means that planning applications must be determined in accordance with the development plan, unless material considerations indicate otherwise.
- 1.3 Paragraph 216 of the NPPF allows the consideration of an emerging Neighbourhood plan to be given weight in accordance with its stage of preparation and the extent of unresolved objections to relevant policies. Most inspectors however have only given Regulation 14 Neighbourhood Plan policies limited weight.
- 1.4 In order to pass examination, the Neighbourhood Plan must meet the basic condition as set out at Paragraph 8(2), Schedule 4B of the Town and Country Planning Act 1990. This includes clause (e) which state that the plan must be in general conformity with the strategic policies contained in the Local Plan.
- 1.5 Regulation 14 is the first formal public consultation stage and is a significant milestone in the production of the Plan. It marks an important achievement by the Kelvedon Neighbourhood Planning Steering Group and Kelvedon Parish Council, and the document is a result of many months of research, survey work, policy writing and effort for which all community volunteers should be greatly commended.

2 Kelvedon Neighbourhood Plan Regulation 14 Submission NP

- 2.1 The neighbourhood plan establishes a vision and sets out policies divided according to 7 objective headings. Each policy is supported by justification text.

General overview of neighbourhood plan policies:

- Housing – 10 policies
 - Moving around – 4 policies
 - Health and social care – 1 policy
 - Education – 3 policies
 - Heritage – 3 policies
 - Natural environment – 5 policies
 - Business and retail – 8 policies
 - Developer's contributions – 1 policy
- 2.2 Supplementary guidance for producing development briefs, community consultation and detailed evidence on local green spaces, character assessments, heritage and key views are contained in a second volume.

- 2.3 The plan does not propose any specific new housing allocations above that proposed in the Publication Draft Local Plan.

3 Response

Neighbourhood Plan Policy: HO4 Location / Sites where development will be permitted

- 3.1 This policy seeks to restrict any 'housing development' outside of the development boundary unless 7 criteria are met. These include being within 720 metres of the village centre and having to adjoin the village boundary.
- 3.2 LPA response: While the restrictions to housing outside the development boundary reflects to an extent the strict control to uses appropriate to the countryside as stated in Publication Draft Local Plan Policy LPP1, we find that this policy may not be compatible with the other policies in the Plan.
- 3.3 Fundamentally the policy could be too restrictive to allow Local Plan Policies LPP34 Affordable Housing in Rural Areas, LPP39 Replacement Dwellings in the Countryside, LPP40 Rural Workers Dwellings, LPP41 Infill Development in Hamlets and LPP42 Residential Conversion of Buildings in the Countryside to function without conflict.
- 3.4 Criteria which require a shared boundary edge and to be within 720m of the village centre would prejudice otherwise policy compliant housing development for infill at existing hamlets and clusters for example along London Road, Church Road, at Felix Hall or agricultural worker's dwellings. While we would also encourage rural exception sites to be adjacent to the village but the 720m limit prevents sites that could otherwise be sustainable from coming forward.

Neighbourhood Plan Policy: BR3 Live work units

- 3.5 This policy seeks to support new live-work units throughout the built area of Kelvedon where use class B1(a) is combined with C3.
- 3.6 Criteria (i) is unclear, it states that each live-work unit should have a minimum requirement of one to two bedrooms. This requires clarification.

4 Next Steps

- 4.1 The Regulation 14 public consultation will conclude on 14 September 2018 and it is the responsibility of the Kelvedon neighbourhood planning group to collate responses, consider them and make any further amendments to the Plan.
- 4.2 Officers will commission a screening assessment of the neighbourhood plan to determine whether it is likely to result in significant environmental effects.
- 4.3 Once the neighbourhood planning group have completed their amendments, a Regulation 15 submission draft of the Neighbourhood Plan is expected to be submitted to the Council. This is likely to be after the summer.

5 Recommendation

- 5.1 That the proposed response at section 3 from Braintree Council to the Kelvedon Neighbourhood Plan Regulation 14 is agreed to be submitted.

Uttlesford District Council Regulation 19 Local Plan Consultation		Agenda No: 8
Portfolio	Planning and Housing Economic Development	
Corporate Outcome:	A sustainable environment and a great place to live, work and play A well connected and growing district with high quality homes and infrastructure A prosperous district that attracts business growth and provides high quality employment opportunities Residents live well in healthy and resilient communities where residents feel supported	
Report presented by:	Alan Massow Acting Principal Planning Policy Officer	
Report prepared by:	Alan Massow Acting Principal Planning Policy Officer	
Background Papers:	Public Report	
Uttlesford District Council (UDC) Regulation 19 Local Plan (2018) UDC Regulation 19 Habitats Regulation Assessment (2018) UDC Regulation 19 Local Plan Sustainability Appraisal Environmental Report UDC Regulation 19 Local Plan Sustainability Appraisal Environmental Report Non-Technical Summary UDC Regulation 19 Habitats Regulation Assessment Figure A1 Location of European Sites UDC Regulation 19 Habitats Regulation Assessment Figure A2 Location of Site Allocations UDC Regulation 18 Local Plan (2017)	Key Decision: No	
Executive Summary:		
Uttlesford District Council have published for consultation their regulation 19 Local Plan. This consultation is the step before a Local Plan is submitted to the Secretary of State for examination. The Council has previously commented on the Plan at regulation 18 stage in August 2017.		
The Plan includes proposals for development at West of Braintree, which would be a cross border proposal sitting alongside the proposals in the Braintree Local Plan.		
Uttlesford have made a number of changes to the document following on from comments which were previously submitted by the Council including adding reference to the garden community principles, modal shift, retailing, transport infrastructure, and monitoring and review. Officers are recommending that the Plan is supported although have suggested a small number of minor amendment which may aid the Plan.		

<p>Officers are also of the view that the requirements relating to the Duty to Co-operate have been met.</p> <p>It is not proposed to submit any comments in relation to the Sustainability Appraisal or Habitats Regulation Assessment.</p> <p>The consultation concludes on the 13th August 2018 at 5pm.</p>	
<p>Recommended Decision:</p> <p>That the following comments are submitted:</p> <p>That the Plan is Positively Prepared That the Plan is justified That the Plan is Effective That the plan is Consistent with National Policy And that the Plan accords with the duty to co-operate.</p> <p>In addition it is proposed to submit the comments set out in sections 3, 4, 5 and 6 of this report.</p>	
<p>Purpose of Decision:</p> <p>To provide Braintree District Council view to Uttlesford District Council as to the soundness of the Regulation 19 Local Plan (2018) prior to submission to the Secretary of State.</p>	
<p>Corporate Implications</p>	
Financial:	Officer time and expenditure through continued joint working with Uttlesford District Council on the garden communities.
Legal:	The Local Plan will have to be found “sound”. Regulatory matters will also have to be addressed to ensure that the Plan is not vulnerable to legal challenge.
Safeguarding:	No matters arising out of this report.
Equalities/Diversity:	This document is produced by Uttlesford District Council and therefore has not equalities or diversity issues for Braintree District Council to consider.
Customer Impact:	No matters arising out of this report.
Environment and Climate Change:	The Uttlesford Local Plan is supported by Sustainability Appraisal and Habitats Regulation Assessment.
Consultation/Community Engagement:	The Uttlesford Local Plan has undergone public consultation.
Risks:	If the Uttlesford Local Plan is found unsound or legally challenged this could impact on the delivery of Garden Communities.
Officer Contact:	Alan Massow
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1 Introduction

- 1.1 Uttlesford District Council has published for consultation its Regulation 19 Pre-submission Local Plan. The new Uttlesford Local Plan will be part of the statutory planning framework for the District to 2033.
- 1.2 Braintree District and Uttlesford District Council are working together on a cross boundary garden community known as “West of Braintree”. The Councils have agreed to produce a joint Development Plan Document to cover the whole of West of Braintree area and to ensure a co-ordinated and joined up approach for the new community should this be taken forward in the Local Plans. Regular meetings have taken place to discuss strategic cross boundary issues and these will continue.
- 1.3 Braintree District Council has previously commented on the Plan under the regulation 18 consultation including comments on garden community principles and west of Braintree Garden Community. Other comments were submitted on the parts of the plan which generally related to West of Braintree.
- 1.4 It should be noted that this response is on the basis that the Braintree Local Plan continues to include the West of Braintree Garden Community. If this position changes then we will have detailed discussions with UDC on the impacts and the way forward.
- 1.5 As this is more of a technical consultation the District Council has to submit comments on the basis of soundness.
- 1.6 To determine whether a plan is “sound” or not, a Planning Inspector uses four tests, which are;
 - 1 – Is the Plan **Positively Prepared?** (i.e. is it based on a strategy which seeks to meet objectively assessed development and infrastructure requirements.):
 - 2 – Is the Plan **Justified?** (i.e. is it the most appropriate strategy when considered against the reasonable alternatives, based on proportionate evidence.);
 - 3 – Is the Plan **Effective?** (i.e. are the plan proposals deliverable over its period and based on effective joint working on cross-boundary strategic priorities.):
 - 4 – Is the Plan **Consistent with national policy?** (i.e. does it enable the delivery of sustainable development in accordance with the national policy.)
- 1.7 In addition to the four tests of soundness, the Inspector will also assessed whether or not Uttlesford has planned strategically on appropriate matters with other Local Authorities, a process which is known as the **Duty to Cooperate**.

- 1.8 The Council's Sustainability Appraisal and Habitats Regulation Assessment have also been published with the Plan, but it is not proposed to submit any comments on these reports.

2 Regulation 19 Pre-submission Local Plan

- 2.1 The Regulation 19 Pre-submission Local Plan (The Plan) covers the period 2011 to 2033. It proposes 14,000 new dwellings over that period of which 3,190 have been built, 3,939 have planning permission and a windfall allowance of 1,120 (which are therefore not specifically allocated). This means the remaining housing allocations needed in the Local Plan is a minimum of 5,751.

3 Spatial Portrait, Vision and Objectives

- 3.1 BDC continues to strongly support reference to the West of Braintree garden community within this section and the broader spatial strategy for Uttlesford.
- 3.2 The total number of homes in the West of Braintree Garden Community is not yet an absolute number as set out in this text. At present the BDC Local Plan estimates a range of between 7000-10,000 new homes on the garden community within the Braintree district which would need to be added to a likely range of development within Uttlesford District. The exact number of homes on the site will be refined through the specific Development Plan Document (DPD) and master planning on the site. As such Braintree would recommend that the number in paragraph 3.32 and where it is repeated in the document (including paragraph 3.102) is amended to a range, as it is set out in policy SP8.

4 Policy Comments

Policy SP5 – Garden Community Principles

- 4.1 Following our comments on the previous regulation 18 consultation, this policy has been reworked and now includes a list of the TCPA garden communities principles which the Council welcomes. The overall policy aligns with the Braintree ambition to create holistically planned new communities underpinned by a comprehensive package of infrastructure.

Policy SP8 – West of Braintree Garden Community

- 4.2 Braintree Council has previously commented on this policy and has worked with UDC during the revisions of the Local Plan to ensure that this policy and the policy in the Braintree Local Plan reflect the same ambitions for the garden community which will be developed in a single comprehensive way, set out in the Development Plan Document.
- 4.3 Criteria 2 of the policy has been expanded to include reference to the Economic Development Strategy for West of Braintree, and indicates that employment will be phased. It also states that floor space allocations will be defined within the Strategic Growth Development Plan Document. However the Inspector of the North Essex Section 1 Plan in his letter IED011 paragraph 58 recognises that whilst setting employment land figures is a complex process, particularly so far in advance, it does *“not preclude setting indicative*

requirements for the overall amount of employment land or floor space at each GC Braintree would therefore like to work with Uttlesford to allocate an employment floor space requirement for the West of Braintree Garden Community.

- 4.4 The associated inset map for West of Braintree still excludes an area of land between Boxted Wood and Andrewsfield. Braintree District Council consider that this area should be included within the area of search, as this will provide maximum flexibility for the location of the built development within the area of search, and for appropriately landscaped buffers and open space to neighbouring settlements.
- 4.5 The section on transport has also been expanded to include reference to the Strategic Growth Development Plan Document and masterplans for the Garden Community in a phased manner. Reference has also been made to avoiding the use of unsuitable roads by car through existing communities which is welcomed.

Policy RET1 – Town and Local Centres Strategy

- 4.6 BDC welcomes the recognition that the West of Braintree garden community has a local retail centre in this policy. We note the last sentence which references to retail in garden communities being important to achieve garden city principles, but feel that clarification may be needed as the garden cities will be going beyond the plan period, and would become town centre in their own right in the future.

Paragraph 7.16 Modal Shift

- 4.7 Braintree Council support the inclusion of additional wording regarding modal shift as suggested by our previous comments to the Plan.

Policy TA4 – New Transport Infrastructure or Measures.

- 4.8 BDC strongly welcomes the inclusion within this policy of measures to improve the Braintree branch line which if completed would provide a more regular and reliable service from Braintree and Freeport railway stations. However the wording in the policy indicates that the scheme has been approved for control period 6 which BDC do not believe is the current position and therefore a minor correction may be required. However BDC would welcome the support of UDC in moving this scheme forward to a fully funded scheme.

Policy D4 – Development Frameworks and Codes

- 4.9 In the supporting text for this policy, paragraph 9.11, as well as within the policy itself, refers to the need for adopted masterplans for the sites to be submitted. It should be made clear for the West of Braintree Garden Community that this would be a Development Plan Document rather than a Supplementary Planning Document and it will be a joint document, covering the site in a comprehensive way.

Policy M1 – Monitoring and Review

- 4.10 BDC continues to support the reference in criteria 9 to compulsory purchase orders which could be used if necessary.

Policy M2 – Implementation of Monitoring and Major Projects

- 4.11 The delivery of the West of Braintree Garden community may be on a different model to that on other major projects within UDC. As such it may require a bespoke policy which, as it applies across two local authority areas, could be set out in detail within the site specific DPD. A minor amendment may be necessary to the policy to make this clarification.
- 4.12 We note and support that criteria 5 has been changed to enable direct intervention in the delivery of a site in order to support the timely delivery of sites as suggested in our previous comments.

5 Appendix 3

- 5.1 We support the changes to appendix 3 in relation to the separation of delivery among the three garden communities for ease of reference.

6 Duty to Co-operate

- 6.1 Uttlesford and Braintree District Councils have had numerous meetings as their respective Local Plans have emerged. This co-operation will continue as the West of Braintree strategic growth location develops. As such officers are of the view that the Duty to Cooperate between Uttlesford and Braintree District Council has been met. The Planning Inspectorate letter received by the North Essex Authorities in June (reference IED011) confirms in paragraph 8 that; *“It is apparent from the DtC statements that substantial and effective co-operation took place, both between the NEAs themselves and with neighbouring authorities and other prescribed bodies, during the preparation of the Plan.”*

7 Consultation

- 7.1 The consultation runs from the 25th June 2018, to 5 pm on the 13th August 2018.

8 Next Steps

- 8.1 Uttlesford intend to submit the Plan in the autumn of 2018 with a view to holding a public examination in the winter of 2018/19. It is anticipated that adoption would be by autumn 2019.

9 Recommendation

- 9.1 That the following comments are submitted:
- That the Plan is Positively Prepared
 - That the Plan is justified
 - That the Plan is Effective
 - That the plan is Consistent with National Policy
 - And that the Plan accords with the duty to co-operate.

In addition it is proposed to submit the comments set out in sections 3, 4, 5, and 6 of this report.