

LOCAL PLAN SUB-COMMITTEE AGENDA

Thursday, 11 July 2019 at 6:00pm

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

THIS MEETING IS OPEN TO THE PUBLIC
(Please note this meeting will be webcast and audio recorded)
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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 (Vice-Chairman)	Councillor D Hume
Councillor K Bowers	Councillor Mrs G Spray (Chairman)
Councillor G Butland	Councillor T Walsh
Councillor T Cunningham	Councillor J Wrench
Councillor A Everard	
Councillor P Horner	

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 by midday on the working day before the day of the Committee meeting. For example, if the Committee Meeting is due to be held on a Tuesday, the registration deadline is midday on Monday, (where there is a bank holiday Monday you will need to register by midday on the previous Friday).

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.

Please note that there is public Wi-Fi in the Council Chamber, users are required to register in order to access this. There is limited availability of printed agendas.

Health and Safety

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Documents

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We welcome comments from members of the public to make our services as efficient and effective as possible. If you have any suggestions regarding the meeting you have attended, you can send these via governance@braintree.gov.uk

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 10th January 2019 (copy previously circulated).
- 4 Public Question Time**
(See paragraph above)
- 5 North Essex Garden Communities - Build Out Rates** **5 - 8**
- 6 North Essex Garden Communities - Delivery Mechanisms** **9 - 12**
- 7 North Essex Garden Communities - Additional Employment Land Evidence** **13 - 16**
- 8 North Essex Garden Communities - Additional Highway Information** **17 - 23**
- 9 Cressing Neighbourhood Plan - Regulation 16 Consultation Response** **24 - 29**
- 10 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.
- 11 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.

12 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.

Build Out Rates Topic Paper		Agenda No: 5
Portfolio: Planning and Housing Corporate Outcome: Securing appropriate infrastructure and housing growth Report Presented by: Emma Goodings Head of Planning and Economic Development Report Prepared by: Emma Goodings		
Background Papers: National Planning Policy Framework Publication Draft Local Plan 2017 IED011 Inspectors response to the North Essex Authorities June 2018		Public Report: Yes Key Decision: No
Executive Summary: The Local Plan Inspector found that whilst not impossible that one of more of the Garden Communities could deliver at rates of around 300 homes a year, he felt (based on the evidence before him) that it would be more prudent to plan on the basis of an annual average of 250 a year. The North Essex Authorities have therefore produced a topic paper which reviews recent studies and examples of build out rates. The topic paper concludes that since the examination hearings the Inspector's advice to plan for an annual average of 250 completions a year at the Garden Communities is overly cautious and that, based on the evidence compiled, rates of more than 300 homes a year are achievable. Modifications to the Local Plan will be required to take the new evidence into account.		
Recommendation: To approve the Build Out Rates Topic Paper as evidence to support the Local Plan		
Purpose of Decision: To add to the evidence base of the Local Plan		

Corporate Implications	
Financial:	Cost of evidence preparation is being met from base budget
Legal:	Must comply with Government legislation and guidance on planning policy
Equalities/Diversity:	An Equality Impact Assessment of the Local Plan has been produced
Safeguarding:	None
Customer Impact:	The Local Plan will have an impact on customers across the District.
Environment and Climate Change:	Policies in plans that are proposed to be prepared will need to have regard to the environment and climate change issues.
Consultation/Community Engagement:	The new evidence if approved will be subject to a 6 week public consultation period.
Risks:	That the Local Plan is not found sound or is subject to legal challenge
Officer Contact:	Emma Goodings
Designation:	Head of Planning and Economic Development
Ext. No.	2511
E-mail:	Emma.goodings@braintree.gov.uk

1. Background

- 1.1 Section 1 of the emerging Local Plan ('the Section 1 Plan') sets out an overarching strategy for future growth across Braintree, Colchester and Tendring – the 'North Essex Authorities' ('NEAs'). As well as including policies setting the overall housing and employment requirements for North Essex up to 2033, the Section 1 Plan proposes three new cross-boundary 'Garden Communities' along the A120 corridor. In contrast, 'the Section 2 Plan' for each of the three Authorities contains more specific local policies and proposals relevant only to their individual area.
- 1.2 In October 2017, the North Essex Authorities submitted their Local Plans to the Secretary of State to begin the formal process of examination. The Secretary of State then appointed an experienced Planning Inspector, Mr Roger Clews, to undertake the examination for Section 1 of the plan.
- 1.3 Following the examination hearings, the Councils received three letters from the Local Plan Inspector containing interim feedback on the soundness and legal compliance of the Section 1 Local Plan. The first letter dated 8th June 2018 set out the Inspector's initial findings mainly in respect of legal compliance and the soundness of the Garden Community proposals. The second letter dated 27th June 2018 set out the Inspector's findings in respect of the need for new homes. The third letter dated 2nd August 2018 contained the Inspector's response to questions of clarification raised by the NEAs in

respect of the Inspector's first letter. The content of these letters was reported to Members in 2018.

- 1.4 In summary, whilst supporting many elements of the Plan the Inspector identified a number of key issues about the viability and deliverability of the Garden Community proposals and the way in which the Authorities had selected the option of Garden Communities over other reasonable alternatives. Because of this, he was unable to endorse the Section 1 Local Plan as being sound. Instead, the Inspector provided the Authorities with three options for how to progress a Local Plan towards adoption.
- 1.5 On 22nd October 2018, the NEAs wrote to the Inspector to advise him that the Councils remained committed to using Garden Community principles to secure the future housing requirements in the North Essex Authorities area and would provide the further evidence requested by the Inspector including evidence on:
- the availability of funding for the necessary strategic infrastructure;
 - the financial viability of the proposed communities;
 - the environmental effects, including transport issues;
 - employment provision within the Communities (and elsewhere) to ensure housing growth is matched with economic growth; and continuing engagement with the local communities.
- 1.6 The Councils also committed to reviewing the 'Sustainability Appraisal' underpinning the choice of strategy in the Local Plan, ensuring that it considered a full range of realistic alternatives to the Garden Communities, at a range of different sizes. Importantly, the Councils committed to reviewing all of the above evidence before submitting it to the Inspector and before any further consultation – to see whether any changes to the plan or the overall strategy were necessary.

2. Build Out Rates

- 2.1 Garden Communities are expected to deliver new homes partly within the timescale of the Local Plan up to 2033, but mostly beyond 2033 and potentially over multiple plan-periods. Whilst they propose between 29,000 and 43,000 in total over their full period of construction, it is only expected that 7,500 new homes will be delivered i.e. 2,500 in each of the three locations up to 2033. To achieve this level of development between now and 2033, each location would need to see rates of development increasing over time to between 250 and 350 homes a year in North Essex and beyond when growth in Uttlesford is also added in.
- 2.2 In his letter, the Local Plan Inspector (paragraph 53) found that whilst not impossible that one of more of the Garden Communities could deliver at rates of around 300 homes a year, he felt (based on the evidence before him) that it would be more prudent to plan on the basis of an annual average of 250 a year. If the NEAs were to adopt this approach, the total number of homes that Garden Communities could be expected to contribute towards housing supply in the period up to 2033 would reduce, but more importantly the overall

construction period for the Garden Communities would be extremely long, particularly for the larger Colchester/Braintree Borders Garden Community where the construction period would be somewhere between 60 and 96 years. The implications on viability of such a long construction period are considerable – particularly in relation to interest payments.

- 2.3 In response to the Inspector's comments, Officers from the three NEAs have conducted further research into the rates of house building that are achievable and have produced a topic paper entitled 'Build out rates in the Garden Communities'. The topic paper includes a review of the evidence that was before the Inspector at the examination hearings and a review of recent publications which explore how to boost house building (including the Oliver Letwin Review) as well as evidence on high build-out rates that have either been achieved or are expected to be achieved on sites in other parts of the country.
- 2.4 The topic paper concludes that since the examination hearings the Inspector's advice to plan for an annual average of 250 completions a year at the Garden Communities is overly cautious and that, based on the evidence compiled, rates of more than 300 homes a year are achievable.
- 2.5 As a result of the topic paper, modifications will be required to the Local Plan in relation to housing trajectory and overall quantum of housing development within the Plan period.

Recommendation

To approve the Build Out Rates Topic Paper as evidence to support the Local Plan

North Essex Garden Communities - Delivery Mechanisms		Agenda No: 6
Portfolio: Planning and Housing Corporate Outcome: Securing appropriate infrastructure and housing growth Report Presented by: Emma Goodings Head of Planning and Economic Development Report Prepared by: Emma Goodings		
Background Papers: National Planning Policy Framework Publication Draft Local Plan 2017 IED011 Inspectors response to the North Essex Authorities June 2018		Public Report: Yes Key Decision: No
Executive Summary: <p>The Inspector, within his letter of June 2018 suggested that there was no substantial evidence to show that only new models of delivery were capable of delivering Garden Communities in the way envisaged. In response to this, the Councils' legal advisors Dentons have produced a specific paper which explains that since the submission of the Local Plan in 2017, the Government has placed greater emphasis on Local Authorities taking a more pro-active role in the delivery of new homes and the delivery of Garden Communities. It also explains that new statutory provisions have been put in place promoting 'Locally Led New Town Development Corporations' (LLNTDCs) as a mechanism by which new development can be delivered.</p>		
Recommendation: <p>To approve the addition of the Delivery Mechanisms paper to the evidence base of the Local Plan</p>		
Purpose of Decision: To add to the evidence base of the Local Plan		

Corporate Implications	
Financial:	Cost of evidence preparation is being met from base budget
Legal:	Must comply with Government legislation and guidance on planning policy
Equalities/Diversity:	An Equality Impact Assessment of the Local Plan has been produced
Safeguarding:	None
Customer Impact:	The Local Plan will have an impact on customers across the District.
Environment and Climate Change:	Policies in plans that are proposed to be prepared will need to have regard to the environment and climate change issues.
Consultation/Community Engagement:	The new evidence if approved will be subject to a 6 week public consultation period.
Risks:	That the Local Plan is not found sound or is subject to legal challenge
Officer Contact:	Emma Goodings
Designation:	Head of Planning and Economic Development
Ext. No.	2511
E-mail:	Emma.goodings@braintree.gov.uk

1. Background

- 1.1 Section 1 of the emerging Local Plan ('the Section 1 Plan') sets out an overarching strategy for future growth across Braintree, Colchester and Tendring – the 'North Essex Authorities' ('NEAs'). As well as including policies setting the overall housing and employment requirements for North Essex up to 2033, the Section 1 Plan proposes three new cross-boundary 'Garden Communities' along the A120 corridor. In contrast, 'the Section 2 Plan' for each of the three Authorities contains more specific local policies and proposals relevant only to their individual area.
- 1.2 In October 2017, the North Essex Authorities submitted their Local Plans to the Secretary of State to begin the formal process of examination. The Secretary of State then appointed an experienced Planning Inspector, Mr Roger Clews, to undertake the examination for Section 1 of the plan.
- 1.3 Following the examination hearings, the Councils received three letters from the Local Plan Inspector containing interim feedback on the soundness and legal compliance of the Section 1 Local Plan. The first letter dated 8th June 2018 set out the Inspector's initial findings mainly in respect of legal compliance and the soundness of the Garden Community proposals. The second letter dated 27th June 2018 set out the Inspector's findings in respect of the need for new homes. The third letter dated 2nd August 2018 contained the Inspector's response to questions of clarification raised by the NEAs in

respect of the Inspector's first letter. The content of these letters was reported to Members in 2018.

- 1.4 In summary, whilst supporting many elements of the Plan the Inspector identified a number of key issues about the viability and deliverability of the Garden Community proposals and the way in which the Authorities had selected the option of Garden Communities over other reasonable alternatives. Because of this, he was unable to endorse the Section 1 Local Plan as being sound. Instead, the Inspector provided the Authorities with three options for how to progress a Local Plan towards adoption.
- 1.5 On 22nd October 2018, the NEAs wrote to the Inspector to advise him that the Councils remained committed to using Garden Community principles to secure the future housing requirements in the North Essex Authorities area and would provide the further evidence requested by the Inspector including evidence on:
- the availability of funding for the necessary strategic infrastructure;
 - the financial viability of the proposed communities;
 - the environmental effects, including transport issues;
 - employment provision within the Communities (and elsewhere) to ensure housing growth is matched with economic growth; and continuing engagement with the local communities.
- 1.6 The Councils also committed to reviewing the 'Sustainability Appraisal' underpinning the choice of strategy in the Local Plan, ensuring that it considered a full range of realistic alternatives to the Garden Communities, at a range of different sizes. Importantly, the Councils committed to reviewing all of the above evidence before submitting it to the Inspector and before any further consultation – to see whether any changes to the plan or the overall strategy were necessary

2 Delivery Mechanisms

- 2.1 The Section 1 Local Plan explains that the NEAs are committed to ensuring that the new Garden Communities are as sustainable and high quality as possible and that the infrastructure needed to support them is delivered at the right time. This will require the Councils to work very closely with the relevant landowners using a robust delivery mechanism that ensures a fair and equitable distribution of the costs and land requirements needed to secure the ambitions for the Garden Communities and create a long term legacy appropriate to the scale of the ambition. Given the scale of complexity of the proposed Garden Communities, it is envisaged that 'Local Delivery Vehicles' (LDVs), with both private and public sector representation, will be used to oversee these developments.
- 2.2 Whilst, in his letter, the Inspector acknowledged that this approach was generally compatible with national planning policy and deploying new models of delivery was a legitimate aspiration, he questioned if other delivery mechanisms could be adopted – suggesting that there was no substantial

evidence to show that only new models of delivery were capable of delivering Garden Communities in the way envisaged.

- 2.3 In response to this, the Councils' legal advisors Dentons have produced a specific paper entitled 'Delivery of the Garden Communities' which explains that since the submission of the Local Plan in 2017, the Government has placed greater emphasis on Local Authorities taking a more pro-active role in the delivery of new homes and the delivery of Garden Communities. It also explains that new statutory provisions have been put in place promoting 'Locally Led New Town Development Corporations' (LLNTDCs) as a mechanism by which new development can be delivered. It is proposed that modifications to the Local Plan are made to reflect the potential for Garden Communities to be delivered via LLNTDCs, but that it will ultimately be for the Councils to decide whether this is the most appropriate means by which to proceed.
- 2.4 The paper also explains that if LLNTDCs are not used as a vehicle to deliver the Garden Communities and landowners and developers are left to bring the development forward on their own, they will be expected to meet all costs associated with their delivery in accordance with both the policies in the Local Plan and any more detailed requirements set to be included in the new Development Plan Documents (DPDs) for each of the schemes. It also explains that if landowners were unwilling to release their land at a reasonable price which allows for these costs to be met, the NEAs would be willing to use 'Compulsory Purchase Order' (CPO) powers to acquire the land – something that is supported by national planning policy, where necessary.
- 2.5 Dentons' paper will help to explain to the Inspector that whilst a Local Delivery Vehicle or a LLNTDC is the preferred means by which to deliver the Garden Communities, other delivery mechanisms are available and could be employed to ensure that the developments come forward in the way envisaged.

Recommendation

To approve the addition of the Delivery Mechanisms paper to the evidence base of the Local Plan

North Essex Garden Communities - Additional Employment Land Evidence		Agenda No: 7
Portfolio:	Planning and Housing	
Corporate Outcome:	Securing appropriate infrastructure and housing growth	
Report Presented by:	Emma Goodings Head of Planning and Economic Development	
Report Prepared by:	Emma Goodings	
Background Papers:		Public Report: Yes
National Planning Policy Framework Publication Draft Local Plan 2017 IED011 Inspectors response to the North Essex Authorities June 2018		Key Decision: No
Executive Summary:		
The Planning Inspector requested that the North Essex Authorities put to him an employment land requirement for each proposed Garden Community. The North Essex Authorities appointed specialist consultants Cebr to undertake an analysis of the existing sectors and to forecast the growth of these sectors using a variety of assumptions including past trends and the ability to intervene to attract particular sectors to the area. This then results in a gross employment land area for each Garden Community.		
Recommendation		
To approve the additional employment study as evidence base for the Local Plan		
Purpose of Decision: To add to the evidence base of the Local Plan		

Corporate Implications	
Financial:	Cost of evidence preparation is being met from base budget
Legal:	Must comply with Government legislation and guidance on planning policy
Equalities/Diversity:	An Equality Impact Assessment of the Local Plan has been produced
Safeguarding:	None
Customer Impact:	The Local Plan will have an impact on customers across the District.
Environment and Climate Change:	Policies in plans that are proposed to be prepared will need to have regard to the environment and climate change issues.
Consultation/Community Engagement:	The new evidence if approved will be subject to a 6 week public consultation period.
Risks:	That the Local Plan is not found sound or is subject to legal challenge
Officer Contact:	Emma Goodings
Designation:	Head of Planning and Economic Development
Ext. No.	2511
E-mail:	Emma.goodings@braintree.gov.uk

1. Background

- 1.1 Section 1 of the emerging Local Plan ('the Section 1 Plan') sets out an overarching strategy for future growth across Braintree, Colchester and Tendring – the 'North Essex Authorities' ('NEAs'). As well as including policies setting the overall housing and employment requirements for North Essex up to 2033, the Section 1 Plan proposes three new cross-boundary 'Garden Communities' along the A120 corridor. In contrast, 'the Section 2 Plan' for each of the three Authorities contains more specific local policies and proposals relevant only to their individual area.
- 1.2 In October 2017, the North Essex Authorities submitted their Local Plans to the Secretary of State to begin the formal process of examination. The Secretary of State then appointed an experienced Planning Inspector, Mr Roger Clews, to undertake the examination for Section 1 of the plan.
- 1.3 Following the examination hearings, the Councils received three letters from the Local Plan Inspector containing interim feedback on the soundness and legal compliance of the Section 1 Local Plan. The first letter dated 8th June 2018 set out the Inspector's initial findings mainly in respect of legal compliance and the soundness of the Garden Community proposals. The second letter dated 27th June 2018 set out the Inspector's findings in respect of the need for new homes. The third letter dated 2nd August 2018 contained the Inspector's response to questions of clarification raised by the NEAs in

respect of the Inspector's first letter. The content of these letters was reported to Members in 2018.

- 1.4 In summary, whilst supporting many elements of the Plan the Inspector identified a number of key issues about the viability and deliverability of the Garden Community proposals and the way in which the Authorities had selected the option of Garden Communities over other reasonable alternatives. Because of this, he was unable to endorse the Section 1 Local Plan as being sound. Instead, the Inspector provided the Authorities with three options for how to progress a Local Plan towards adoption.
- 1.5 On 22nd October 2018, the NEAs wrote to the Inspector to advise him that the Councils remained committed to using Garden Community principles to secure the future housing requirements in the North Essex Authorities area and would provide the further evidence requested by the Inspector including evidence on:
- the availability of funding for the necessary strategic infrastructure;
 - the financial viability of the proposed communities;
 - the environmental effects, including transport issues;
 - employment provision within the Communities (and elsewhere) to ensure housing growth is matched with economic growth; and continuing engagement with the local communities.
- 1.6 The Councils also committed to reviewing the 'Sustainability Appraisal' underpinning the choice of strategy in the Local Plan, ensuring that it considered a full range of realistic alternatives to the Garden Communities, at a range of different sizes. Importantly, the Councils committed to reviewing all of the above evidence before submitting it to the Inspector and before any further consultation – to see whether any changes to the plan or the overall strategy were necessary

2. Additional Employment Study

- 2.1 Section 1 (through Policy SP6) aims to deliver sufficient employment within the Garden Communities to accommodate the 'one job per household' ambition set out in the NEGC Charter. The submitted Section 1 does not specify how much land should be allocated for employment uses, instead opting for an approach that would allow for the amount of employment land within each Garden Community to be defined through the Strategic Growth Development Plan Documents (DPDs).
- 2.2 In his interim findings the Inspector took issue with this approach and whilst he accepted the difficulties involved in forecasting employment requirements so far into the future, he nonetheless considered it appropriate for Section 1 to provide an indicative employment land requirement. He therefore recommended that the NEAs modify Section 1 to include employment land figures for each Garden Community; doing so would provide direction to the preparation of the DPDs in a similar way to how the housing ranges will be used to inform residential land requirements in the DPDs.

- 2.3 To address this issue, the NEAs appointed Cebr (Centre for Business and Economic Research) to prepare an evidence base document which defines the amount of employment land required at each Garden Community. In doing so Cebr have analysed the existing sectors within the North Essex economy and forecasted the growth of these sectors using a variety of assumptions including past trends and the ability to intervene to attract particular sectors to the area. From this analysis Cebr were able to apply industry standard employee to floorspace ratios (different sectors have different ratios) which provided a volume of employment floorspace for each sector. This floorspace information was then converted into gross employment land.
- 2.4 Using Cebr's work, the NEAs are therefore now in a position to modify Section 1 to include employment land requirements for three Garden Communities as follows:
- Tendring Colchester Borders – 7ha within the plan period (as part of a total of 25ha)
 - Colchester Braintree Borders – 4ha within the plan period (as part of a total of 71ha)
 - West of Braintree – 9ha within the plan period (as part of a total of 44ha)
- The inclusion of these floorspace requirements are included in the proposed modifications.

Recommendation

To approve the additional employment study as evidence base for the Local Plan

North Essex Garden Communities - Consideration of Additional Highway Work Undertaken		Agenda No: 8
Portfolio:	Planning and Housing	
Corporate Outcome:	Securing appropriate infrastructure and housing growth	
Report Presented by:	Emma Goodings Head of Planning and Economic Development	
Report Prepared by:	Emma Goodings	
Background Papers:		Public report: Yes
National Planning Policy Framework Publication Draft Local Plan 2017 IED011 Inspectors response to the North Essex Authorities June 2018		Key Decision: No
Executive Summary:		
<p>The Inspector considered that further information was required on a number of highway schemes which were considered as part of the Local Plan. In particular, he noted that the strategic highway position around the A120 dualling and A12 was uncertain, that the modal share being proposed was ambitious and that more detail was needed on the proposed rapid transit system especially on capital costs and timing.</p> <p>The North Essex Authorities have been working with Essex County Council Highways and their consultants as well as Highways England and Network Rail to produce further information for the Inspector on the strategic road schemes which have moved forward since the examination sessions and have produced two further studies, one of which provides more detail on the rapid transit system and one which reviews the likelihood of achieving the proposed modal share in the Garden Communities.</p>		
Recommendation		
1.	That the Rapid Transit System for North Essex – from vision to plan is approved as part of the Local Plan evidence base.	
2.	That the Mode Share Strategy for the North Essex Garden Communities is approved as part of the Local Plan evidence base	
3.	That Members note the updates to the A12, A120 and Marks Tey Railway Station schemes	
4.	To note that the evidence base confirms the need for the infrastructure contained in the current HIF Bids submitted by Essex County Council with	

regard to the North Essex Garden Communities and as currently being considered by Government and that the Councils would expect a decision on those Bids before submitting further evidence to the Secretary of State	
Purpose of Decision: To add to the evidence base of the Local Plan	
Corporate Implications	
Financial:	Cost of evidence preparation is being met from base budget
Legal:	Must comply with Government legislation and guidance on planning policy
Equalities/Diversity:	An Equality Impact Assessment of the Local Plan has been produced
Safeguarding:	None
Customer Impact:	The Local Plan will have an impact on customers across the District.
Environment and Climate Change:	Policies in plans that are proposed to be prepared will need to have regard to the environment and climate change issues.
Consultation/Community Engagement:	The new evidence if approved will be subject to a 6 week public consultation period.
Risks:	That the Local Plan is not found sound or is subject to legal challenge
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- 1.2 In October 2017, the North Essex Authorities submitted their Local Plans to the Secretary of State to begin the formal process of examination. The Secretary of State then appointed an experienced Planning Inspector, Mr Roger Clews, to undertake the examination for Section 1 of the plan.
- 1.3 Following the examination hearings, the Councils received three letters from the Local Plan Inspector containing interim feedback on the soundness and

legal compliance of the Section 1 Local Plan. The first letter dated 8th June 2018 set out the Inspector's initial findings mainly in respect of legal compliance and the soundness of the Garden Community proposals. The second letter dated 27th June 2018 set out the Inspector's findings in respect of the need for new homes. The third letter dated 2nd August 2018 contained the Inspector's response to questions of clarification raised by the NEAs in respect of the Inspector's first letter. The content of these letters was reported to Members in 2018.

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2. Strategic Road Network

2.1 HIF Bids

The Section 1 Local Plan (through Policy SP5) identifies 'strategic priorities for infrastructure provision and improvements' to support the major growth proposed for North Essex. These include improved road infrastructure and strategic highway connections to reduce congestion and provide more reliable journey times along the A12, A120 and A133 to improve access to markets and suppliers for businesses, widen employment opportunities and support growth.

- 2.2 For the Tendring/Colchester Borders Garden Community, Policy SP8 in the Section 1 Plan requires primary vehicular access to the site to be provided off

the A120 and A133 and the Concept Framework prepared by David Lock Associates shows a potential link road between the A133 and the A120. This link road is considered essential for the development as it will unlock land to deliver housing, improve connectivity locally and within the wider region, serve new park and ride sites and relieve traffic going to the University of Essex and the Knowledge Gateway technology and research park.

- 2.3 For the Colchester/Braintree Borders Garden Community, it is already proposed that the A12 will be widened – however the form that that widening will take will have implications for the scale of development that the Garden Community can deliver. Policy SP9 in the Section 1 Plan envisages between 15,000 and 24,000 new homes and the Concept Framework prepared by David Lock Associates shows how realigning the A12 to following a more southerly route to act as a southern bypass that will release more land to enable development to achieve the upper-end of that range and a pattern of development that can be centred around key facilities.
- 2.4 Both the Colchester/Braintree Garden Community and to a lesser extent the West of Braintree Garden Community rely on additional road capacity being created through the dualling of the A120 between Marks Tey and Braintree – the form of which would also have implications for the way in which the Colchester/Braintree Borders scheme is to be laid out.
- 2.5 In his June 2018 letter, the Inspector (paragraph 37) indicated that greater certainty over the funding and alignment of the A120 dualling scheme and the feasibility of realigning the widened A12 at Marks Tey would be necessary to demonstrate that the Garden Communities were deliverable in full. At the time of the Local Plan examination in 2018, no decisions had been taken in respect of either of these schemes.
- 2.6 In response to the Inspector's advice, the NEAs can now produce an update on the progress of two bids that have been made by Essex County to the Government's Housing Infrastructure Fund (HIF). One bid is for £99 million to fund the A133/A120 link road as well as a Rapid Transit System (RTS) to serve the Tendring/Colchester Borders Garden Community. The other bid is for £299 million to enable the realignment of the A12 to take the more southerly route thus enabling a larger scale of development (approximately 21,000 homes) to be achievable at the Colchester/Braintree Garden Community.
- 2.7 Engagement between Essex County Council and Government officials has been very positive to date and, at the time of writing, an announcement from the Secretary of State is understood to be imminent.

A120 Dualling

- 2.8 For the A120 dualling, Essex County Council has agreed a preferred route for the dualled A120 which involves a brand new road between Braintree and Kelvedon which could be delivered in 2026. At the time of the Inspector's June 2018 letter, there had been no decisions in respect of the proposed alignment for the dualled A120 and the Inspector was concerned (paragraph 36) that the

various options for realigning the A120 that were under consideration at the time could have quite different implications for the A120's relationship with the Colchester/Braintree Borders Garden Community. Since then, there has now been a decision from Essex County Council to approve a preferred route for the A120 which will involve an entirely new off-line dual carriageway between Braintree and Kelvedon which would free up significant capacity on the existing A120 between Marks Tey and Braintree to accommodate the growth proposed at the Garden Communities.

2.9 Marks Tey Station

Policy SP9 in the Section 1 Plan in respect of the Colchester/Braintree Borders Garden Community states that opportunities will be explored to establish how Marks Tey rail station can be made more accessible to residents of the new community including relocation of the station to a more central location and improvement of walking, cycling and public transport links to the station. A Concept Framework for the Garden Community shows the relocation of the station some 2km to the south-west where it could form part of a transport interchange in the centre of the community. Neither the Section 1 Plan nor the Concept Framework say that the relocation of the station is essential to the success of the Garden Community, but there would be benefits in being able to have the station at the heart of the new community rather than on the outskirts.

- 2.10 In his letter, the Inspector stated (paragraph 44) that the current peripheral location of the station would integrate poorly with the structure of the proposed Garden Community and whilst he acknowledged (paragraph 45) that relocation was not essential, he nonetheless felt it would be a missed opportunity if a Garden Community on the scale currently proposed were to proceed with the station on its periphery. Furthermore, the Inspector noted (paragraph 47) that the viability appraisal in support of the Local Plan allocated a considerable cost of some £50 million towards the relocation of the station albeit 30 years into the build programme which, in his view, would be too late to enable the station to be integrated into the planning of the new town centre.

- 2.11 Through discussions with Network Rail, it has been determined that moving Marks Tey Station is not likely to be feasible and that if the Garden Community for the Colchester/Braintree border is to proceed, it should assume that the station will remain in its current location. A letter from Network Rail, to this effect, has been received and will be provided to the Inspector. With the relocation of Marks Tey Station ruled out, any master planning for the Garden Community will have to proceed on the basis that the station will remain in its current location.

3 Rapid Transit

- 3.1 The Section 1 Local Plan (through Policy SP7) proposes a step change in integrated and sustainable transport systems for the North Essex area that put walking, cycling and rapid public transit networks and connections at the heart of growth in the area, encouraging and incentivising more sustainable active

travel patterns. Key to achieving this, it is proposed that each Garden Community is served by a 'rapid transit system' (RTS) to enable fast public transport connections into Colchester, Braintree and Stansted. A Movement and Access Study produced in support of the plan set a target of 30% of all journeys to, and from the Garden Communities, to be made by rapid transit.

- 3.2 In his June 2018 letter (paragraph 39), the Inspector raised concern that such a target could only be achieved if RTS was available early on in the lifetime of the Garden Communities and that, at the time of the examination, the planning for RTS was at a very early stage and that there was insufficient evidence on which to determine the likely form of RTS, its capital cost (which would be key to the overall viability of Garden Communities) and the timescales for delivery.
- 3.3 In response to the Inspector's concerns, Essex Highways (the partnership between Essex County Council and consultants Ringway Jacobs) have produced a document entitled 'Rapid Transit System for North Essex – From vision to plan' which explains how a high quality, frequent and rapid public transport system can be created which, alongside other measures incorporated into the Garden Communities, will provide the best possible chance of achieving a successful outcome. The document considers different modes of rapid transport and concludes that bus technology is the best option for the North Essex Garden Communities and also sets out different route options for the RTS which enable rapid linkages between the Garden Communities, town centres, key employment areas (including Stansted Airport) and other important attractors utilising a combination of newly created routes and existing roads. The document explains how the proposed form of RTS is economically viable and that it can be incrementally developed, in a phased manner, alongside the growth at Garden Communities.

4 Mode Share

- 4.1 In addition to the document produced on RTS, a paper entitled 'Mode Share Strategy for the North Essex Garden Communities' has been produced separately by consultants ITP which sets out a variety of measures that can be put in place to influence the way in which people travel, which, alongside RTS will enable the 30% target to be achieved. Such measures include achieving mixed-use developments which integrate residential, leisure and employment land uses together; higher density development in certain locations; building close to the public transport network; the use of car parking restrictions on specific streets; giving priority to walking and cycling in the layout of development; and the creation of car free areas in certain locations.

Recommendation

1. **That the 'Rapid Transit System for North Essex – from vision to plan' is approved as part of the Local Plan evidence base**

2. That the 'Mode Share Strategy for the North Essex Garden Communities' is approved as part of the Local Plan evidence base
3. That Members note the updates to the A12, A120 and Marks Tey Railway Station schemes
4. To note that the evidence base confirms the need for the infrastructure contained in the current HIF Bids submitted by Essex County Council with regard to the North Essex Garden Communities and as currently being considered by Government and that the Councils would expect a decision on those Bids before submitting further evidence to the Secretary of State

DRAFT

Cressing Neighbourhood Plan - Regulation 16 Consultation Response		Agenda No: 9
Portfolio	Planning	
Corporate Outcome:	<p>A sustainable environment and a great place to live, work and play</p> <p>A well connected and growing district with high quality homes and infrastructure</p> <p>A prosperous district that attracts business growth and provides high quality employment opportunities</p> <p>Residents live well in healthy and resilient communities where residents feel supported</p>	
Report presented by:	Gary Sung, Senior Planning Policy Officer	
Report prepared by:	Gary Sung, Senior Planning Policy Officer	
Background Papers:		Public Report: Yes
<p>Cressing Neighbourhood Plan Reg 16</p> <p>Cressing - Basic Conditions Statement - January 2019</p> <p>Consultation Statement - January 2019</p> <p>Habitats Regulation Assessment (HRA)/Strategic Environmental Assessment (SEA) - Screening Report - March 2019</p> <p>https://braintree.objective.co.uk/portal/neighbourhood_plans/cressnp/cressreg16/</p>		Key Decision: No
Executive Summary:		
<p>This report presents the Regulation 16 submission version of the Cressing Neighbourhood Plan and recommends that the Council submits a response to the public consultation.</p> <p>Whilst the Neighbourhood Plan is otherwise in conformity with the strategic policies of the publication draft Local Plan, there are two policies which are at risk of conflict and will need an objection to be raised. The first objection is on Policy 3 (Open Countryside Buffer Area) which should not be applied to adjacent areas. The second objection is regarding Policy 8, specifically the part on pre-application consultation for reserved matters applications. The closing date for the consultation is 15th July 2019.</p> <p>When adopted, the policies in Neighbourhood Plans become part of the Local Plan and are used to determine planning applications. The report is concluded with an outline of the next steps to be undertaken.</p>		
Recommended Decision:		
That the consultation response to the Cressing Neighbourhood Plan is approved.		

Purpose of Decision:	
To agree the response to the Cressing Neighbourhood Plan Regulation 16 consultation.	
Corporate Implications	
Financial:	The preparation of the Plan set out within the Local Development Scheme will be a significant cost which will be met through the Local Plan budget. Further funding will be available once a referendum date has been set.
Legal:	To comply with Government legislation and guidance
Safeguarding:	No matters arising out of this report
Equalities/Diversity:	The Council's policies should take account of equalities and diversity.
Customer Impact:	Planning applications will have to be in conformity with the neighbourhood plan once adopted. This could impact on residents.
Environment and Climate Change:	This will form part of the evidence base for the emerging Neighbourhood Plan and will inform policies and allocations.
Consultation/Community Engagement:	Public consultation has taken place during various stages of the emerging Neighbourhood Plan.
Risks:	The Neighbourhood Plan examination may not succeed at examination. The Neighbourhood Plan may be rejected at a referendum. Risk of High Court Challenge.
Officer Contact:	Gary Sung
Designation:	Senior Planning Policy Officer
Ext. No:	2590
E-mail:	Gary.sung@braintree.gov.uk

1.0 Background

- 1.1 Cressing Neighbourhood Plan (NP) has reached regulation 16 public consultation which is the penultimate stage before independent examination. This follows years of plan preparation by Cressing NP Steering Group, including a regulation 14 public consultation, and collaboration with RCCE and the Local Planning Authority (LPA).
- 1.2 The LPA, in consultation with Cressing Parish Council, are in the process of appointing an independent neighbourhood plans examiner who will be testing if the NP is legally compliant and meets the set of basic conditions as set out in Paragraph 8(2), Schedule 4B of the Town and Country Planning Act 1990. This includes legal requirements to comply with Habitats Regulations and being in general conformity with the strategic policies in the Local Plan. The National Planning Policy Framework (NPPF) and National Planning Policy Guidance (NPPG) require all plans to provide a clear framework for decisions

to be made – policies should be concise, precise and supported by appropriate evidence.

- 1.3 Regulation 16 consultation is undertaken by the LPA in an administrative role, but it is also a chance for the LPA to commend policies which support its strategic Local Plan objectives and to highlight any adverse policy matters to the examiner. Responses should be justified with reference to the Basic Conditions. When adopted, the NP will become a statutory development plan for the purpose of the determination of planning applications, meaning that determination must be made in accordance with the plan unless material considerations indicate otherwise.
- 1.4 NPPG paragraph 41-074 states the thought process an LPA or examiner should go through when considering conformity with the Local Plan:
- whether the neighbourhood plan policy or development proposal supports and upholds the general principle that the strategic policy is concerned with
 - the degree, if any, of conflict between the draft neighbourhood plan policy or development proposal and the strategic policy
 - whether the draft neighbourhood plan policy or development proposal provides an additional level of detail and/or a distinct local approach to that set out in the strategic policy without undermining that policy
 - the rationale for the approach taken in the draft neighbourhood plan or Order and the evidence to justify that approach
- 1.5 Following the examination, the examiner's report is sent to the LPA and to the Parish Council. The LPA can either agree the examiner's recommendations and proceed to referendum, or consult and potentially hold an additional examination on alternative modifications before issuing a final decision. If a decision on the examiner's report is not made within 5 weeks (assuming no further consultation is required), then the Plan could be called in by the Secretary of State for determination.
- 1.6 The referendum is organised by Electoral Services in accordance with the Neighbourhood Planning (Referendum) Regulations 2012. The referendum will pass on a simple majority after which the LPA then has 8 weeks to 'make' the plan.

2.0 Cressing Neighbourhood Plan Regulation 16

- 2.1 Page 21 of the Cressing NP sets out the vision for the parish in 2033, followed by a series of objectives for each of the topic areas below:

General overview of neighbourhood plan policies:

- Natural Environment – 3 policies,
- Historic Environment – 1 policy,
- Infrastructure, services and utilities – 1 policy,
- Community facilities and public open space – 1 policy,
- Housing – 2 policies,
- Economy – 1 policy,
- Highway safety, connectivity and sustainable transport – 1 policy,

- Developer's contributions – 1 policy.
- 2.2 Officers would wish to highlight and draw attention to policies in the NP which are considered at risk of conflict with the Strategic Policies of the publication draft Local Plan and not meeting basic conditions. These are discussed in turn below.

Strategic Vision and Policy 3 Countryside Buffer

- 2.3 The vision for Cressing emphasises a 'village community' which is 'clearly separated from the town of Braintree'. The key policy to this end is Policy 3 on 'Maintaining the Character and Integrity of the Parish' which proposes an 'Open Countryside Buffer Area' between the urban fringes of Braintree and the settlements of Cressing Parish. It will identify, as per figure 5 of the NP, an area that will only support development if it can demonstrate that a physical gap between the two can be 'maintained and enhanced'. The policy is supported by a 14-page evidence base document published online regarding the coalescence between Cressing Parish and the town of Braintree.
- 2.4 The policy will apply to development either within or sharing a boundary with (adjacent to) the designated area and require demonstration that development is 'of a scale, massing and visual appearance which will not detrimentally impact upon the rural character'. An exception is given for new strategic infrastructure, provided mitigation, such as visual screening, is sought.
- 2.5 Braintree District Council did submit a response to the NP regulation 14 consultation which in summary, requested an amendment to the extent of the buffer to exclude non-natural features such as the National Grid sites and clarification of mapping presentation – these were satisfactory and addressed the points raised.
- 2.6 Officers recommend that a further amendment is required to make the NP meet basic conditions. By applying the policy's five criteria to adjacent sites, the policy as written is extraterritorial and unspecific in range – so long as a potential development site shares a boundary with the policy area, regardless of its size, the restrictive criteria in the policy would apply. There is a lack of clarity which could lead to inconsistent decision making and potentially conflict with the allocation of retail warehousing (the B&Q site) south of Millennium, and the Transport Policy Area Way. Amendments to address this concern could be either; (a) lower the requirements on development within and adjacent to the zone to enhance rural character, (b) delete the words '*or adjacent to*' within the policy, or (c) include an exception to allocated sites.
- 2.7 Regardless of the above, it should be noted that it remains possible for the policy to be superseded by strategic policies at the point of adoption of the development plan.
- 2.8 Policies for the Historic Environment are in general conformity with the strategic policies of the adopted Replacement Local Plan, Core Strategy and publication draft Local Plan.

- 2.9 As the consultation documents appear to fulfil the legal requirements and Basic Conditions, including HRA screening, the examination can be completed in around three months from the end of the consultation. Examination of this NP is unlikely to require a public hearing due to the absence of allocations without planning permission. However, this is subject to the level of objections received and is entirely at the discretion of the examiner.

Policy 8 Design, Layout, Scale, Character, and Appearance of New Development

- 2.10 This policy adds more detail which applicants for residential and other developments must show in their design and access statements to ensure that the style and design reflect existing village development. Of particular note is 8Bii and 8Bv requiring residential development, where appropriate, to be set back from the road with front gardens and provide a low density open character.
- 2.11 Criteria A, B and C are acceptable, however Criteria D commits the LPA to new burdens. It states:

'Where outline approval has been granted for new development, the Parish Council should be consulted as part of the pre-application process and closely involved in the production of the detailed scheme prior to the submission of the reserved matters application.'

- 2.12 For regulation 14 consultation, the LPA recommended that the Criteria should be removed, rather than modified, thus this is the first opportunity that the LPA has had to comment on the above paragraph. The consultation response document from the Neighbourhood Plan Steering Group indicates that the Parish Council would like to be more involved in the design process which is commendable. Consultation with the Parish Council is already part of the planning application process and is supported by the Town and Country Planning Regulations and additional pre-application consultation with the Parish Council is not currently legally required or practised by Development Management, so this policy would need to be carefully considered by the LPA.

- 2.13 In consultation with Development Management colleagues, the following concerns have been raised;

- Pre-application is a confidential discussion between the developer and the Council therefore third party involvement would be a risk to information security, particularly if the Parish Council response requires a Council meeting for ratification,
- the timetable for pre-application meetings and response to the applicant could be delayed while awaiting response from the Parish Council,
- all reserved matters pre-applications in the Parish are affected including development which may not be relevant to the design objectives of the policy, including for example any A120 or Braintree branch line applications.

- 2.14 Whilst officers acknowledge that the Parish Council wish to take a proactive approach to design, this should be through bespoke arrangements on a case-

by-case basis with agreement with the developer. Officers do not find that the obligations placed upon the LPA are workable in practice and recommend removal of criteria D.

Other Policies

- 2.15 Criteria D of policy 7, relating to Housing, commits the Council to future working with the Parish Council to consider how local residents can gain access to affordable housing within the Parish with the objective of apportioning higher or highest priority to local residents and family members. Officers support this objective and are actively discussing it with the Parish Council.
- 2.16 It is acknowledged that policy 7 does not allocate CRESS201 Appletree Farm and it is understood that this is due to expediency in plan production by avoiding HRA requirements to undertake a full appropriate assessment. The absence of an NP allocation does not contradict the publication draft Local Plan which will allocate this site upon adoption of Section 2.

3.0 Next Steps

- 3.0 The public consultation concludes on 15th July 2019 after which responses will be submitted to the examiner. An examiner will be appointed with the agreement of the Parish Council, and the independent examination will start in due course.

4.0 Recommendation

- 4.1 That the Council objects to the following two policies in the Cressing Neighbourhood Plan:
- (i) Policy 3 on the 'Open Countryside Buffer Area' should not be applied on adjacent areas, including draft Local Plan allocations of Retail Warehousing and Transport Related Policy Area.
 - (ii) Policy 8, criteria D concerning pre-application consultation for reserved matters applications is deleted.