

LOCAL PLAN SUB-COMMITTEE AGENDA

Thursday, 15 November 2018 at 06:00 PM

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

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

Membership:-

Councillor D Bebb	Councillor 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

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

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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 1st August 2018 (copy previously circulated).
- 4 Public Question Time**
(See paragraph above)
- 5 Uttlesford District Council Local Plan Regulation 19 Consultation - Addendum of Focused Changes** **5 - 21**
- 6 National Planning Policy and Guidance - Consultation on Updates** **22 - 29**
- 7 Bradwell with Pattiswick Neighbourhood Plan Regulation 16 Consultation Response** **30 - 34**
- 8 Braintree Publication Draft Local Plan - Update** **35 - 38**
- 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

Uttlesford District Council Addendum of Focused Changes to the Regulation 19 Local Plan Consultation		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 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
Addendum of Focused Changes to the Regulation 19 Local Plan (2018) https://www.uttlesford.gov.uk/media/8585/Addendum-of-Focussed-Changes-to-the-Regulation-19-Local-Plan/pdf/Addendum_of_Focussed_Changes_to_Reg_19_LP_October_2018.pdf Sustainability Appraisal of the Addendum of Focused Changes (2018) Uttlesford District Council (UDC) Regulation 19 Local Plan (2018) UDC Regulation 18 Local Plan (2017) NEA005 – Letter to Inspector 19 th October 2018 and Enclosures.		Key Decision: No
Executive Summary:		
<p>Uttlesford District Council have previously published for consultation their Regulation 19 Local Plan. This consultation was the step before a Local Plan is submitted to the Secretary of State for examination.</p> <p>Uttlesford District Council have now published an addendum of focused changes and is seeking comment, on the focused changes. These changes include text changes in relation to the West of Braintree Garden Community which are in part as a result of the delay in the North Essex Authorities' examination.</p> <p>Comments on other parts of the Regulation 19 Local Plan will not be accepted if they do not arise from new facts related to the addendum.</p>		

Comments should be on the principle of “soundness” i.e. the proposed changes are positively prepared, justified, effective and consistent with national policy. In addition to soundness, legal requirements and the duty to co-operate have to be met.

The consultation concludes on the 27th November 2018.

Recommended Decision:

That the BDC response to the UDC focused changes consultation is as follows:

Focused change 2

Focused Change 2 in SP3 is strongly supported by Braintree District Council. The authority appreciates that there is an elevated risk level around the delivery of the Garden Community at West of Braintree and particularly around the timing of the decision making on the North Essex Authorities strategic section 1 Plan which also creates a level of uncertainty for the UDC examination. BDC can confirm that it has recently written to the Planning Inspector confirming that it wishes to proceed with the section 1 examination and is currently gathering further evidence base and seeking comments on a method scoping statement for a revised Sustainability Appraisal. It is anticipated that this work will be completed early in 2019. Whilst the Council cannot prejudge the outcome of the further evidence base and Sustainability Appraisal, the evidence gathered so far continues to show a garden community at West of Braintree as a viable and deliverable option for long term growth.

Focused change 4

There are three changes to this final paragraph within the policy on Garden Community principles. All three changes are noted and supported by Braintree District Council. There are no further comments in relation to the first change. We note the purpose of the second change in recognition of the elevated risks with the West of Braintree Garden Community and particularly support the recognition within that change that the development here will be part of a wider garden community. We also strongly support the third change which will help to ensure that garden community principles are delivered on any site which is privately developed as well as those which may be developed through a locally led development corporation model

Focused change 5

This change is noted. It provides the Plan with the necessary flexibility to deal with any delays or alterations to the garden communities including West of Braintree. The change does not mean that UDC are not committed to the garden communities, but provides a fallback position to adopt if necessary. As such BDC supports the change. A minor point of language that ‘restricts’ should be changed to ‘restrict’

Focused change 6

This change is strongly supported as it will help to ensure that the garden communities will be delivered in a comprehensive and holistic way which can

ensure that the necessary infrastructure and community facilities are delivered at the same time as the housing development. As set out in the policy a Development Plan Document will be produced for the Garden Community which will provide a detailed basis for any future planning applications.

Focused change 7

The change is supported as it ensures that the Plan protects environmentally sensitive sites and meet soundness requirements

Focused change 8

The change is supported as it ensures that the Plan protects environmentally sensitive sites and meets the soundness requirements.

Focused change 9

This change is noted and it provides the Plan with the necessary flexibility to deal with any delays or alterations to the garden communities including West of Braintree. The change does not mean that UDC are not committed to the garden communities, but provides a fallback position to adopt if necessary. As such BDC supports the change. However the wording of the change needs some clarity and therefore we suggest the following text; *“If it becomes apparent one or more of the Garden Communities is significantly delayed, or is not deliverable, and should that restrict the Council’s ability to meet the homes and jobs required then the Council will undertake an early review of the Local Plan to consider how these requirements can be met”*

That focused changes 1, 3 and 10 are noted and supported by Braintree District Council.

Purpose of Decision:

To provide Braintree District Council comments to Uttlesford District Council on the Addendum of Focused Changes to the Regulation 19 Local Plan.

Corporate Implications

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	The Uttlesford Local Plan has undergone public

Engagement:	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
Designation:	Acting Principal Planning Policy Officer
Ext. No:	2577
E-mail:	almas@braintree.gov.uk

1 Introduction

- 1.1 Uttlesford District Council has released a consultation on focused changes to its Regulation 19 Local Plan which was subject to consultation over the summer of 2018. Before the Plan is submitted to the Planning Inspectorate for examination, Uttlesford District Council (UDC) have taken the opportunity to put forward a small number of focused changes for comment. These changes relate to our own examination progress and the consequential impacts on the West of Braintree Garden Community, the requirement to differentiate between the strategic and non-strategic policies in the Plan and policies relating to the consideration of sites protected under the Habitats Regulation Assessment.
- 1.2 The changes proposed are only those to policies in the Plan. Consequential changes which may be necessary to supporting text are not identified here as they do not relate directly to soundness, but will be picked up as the examination into the Local Plan progresses.
- 1.3 UDC has also updated a small number of evidence base documents which are also available for comment upon during this consultation. It is not proposed that BDC make any comments to those evidence base documents.

2 Addendum of Focused Changes to UDC Regulation 19 Local Plan October 2018.

- 2.1 The addendum contains ten focused changes which are each set out below, together with the Braintree District Council proposed response. Responses will not be considered on other parts of the Plan. Changes to the text are indicated as an underline for an insertion and cross through for a deletion.
- 2.2 As this is a Regulation 19 consultation, consultation responses should be related to the tests of soundness.
- 2.3 It should be noted that several of the changes relate to the elevated risk status to the delivery of the West of Braintree Garden Community which is a cross boundary development covering land within BDC's and UDC's administrative area. The elevated risk stems from its cross boundary nature and the reliance on the land within Braintree District being approved in the BDC's strategic section 1 Local Plan. Due to the distribution of the site across administrative boundaries, it would not be possible for a Garden Community to be developed on the land in Uttlesford District alone.
- 2.4 The delay to our Local Plan examination means that it is unlikely that the Planning Inspector examining the UDC Plan will have a confirmed approach to West of Braintree from the Inspector examining the shared strategic section 1 Plan for the North Essex Authorities. As such UDC have decided to propose modifications which set out what would happen if this or any of the other Garden Communities in the Plan were not to proceed. It should be noted and as set out in the introduction to the focussed changes that; *"The Council (UDC) still believes that the West of Braintree Garden Community is a*

sustainable location for major development and there remains a realistic prospect of delivery on this site at the time point anticipated in our local plan”

Focused Change 1 – SP3 The Scale and Distribution of Housing Development

Page No.	Chapter, Policy, Paragraph, Table, Figure Reference	Proposed Change	Justification
34	Chapter 3 Policy SP3 The Scale and Distribution of Housing Development, Second paragraph	Provision <u>The plan is</u> to meet this requirement will be <u>made</u> from the following sources of supply (which should deliver some 14,600 dwellings in total):	The proposed focussed changes seek to reflect the elevated risk around the delivery at WoB GC.

- 2.5 Policy SP3 provides a list of all the sites and areas proposed for development including the West of Braintree Garden Community. This minor wording change is noted and supported but no comments from BDC are proposed.

Focused Change 2 – Policy SP3 The Scale and Distribution of Housing Development

Page No.	Chapter, Policy, Paragraph, Table, Figure Reference	Proposed Change	Justification
34	Chapter 3 Policy SP3 The Scale and Distribution of Housing Development, Table within the policy	Add an asterisk to the “West of Braintree Garden Community*” and an asterisk below the table with the following text <u>“*Following the examination into the North Essex Authorities Local Plans there is an elevated level of risk around the delivery of the West of Braintree Garden Community. If these risk issues are not be capable of being resolved, and should that restricts the Council’s ability to meet the housing requirement, then the Council will undertake an early review of the Local Plan to consider how these requirements can be met.”</u>	The proposed focussed changes seek to reflect the elevated risk around the delivery at WoB GC, and indicate what measures the Council will take if there are delivery issues around WoB GC.

- 2.6 The proposed change has been put forward by UDC to reflect the elevated risk level around the delivery of the West of Braintree Garden Community. It is proposed that BDC support the change with the following comments:-
- 2.7 Focused Change 2 in SP3 is strongly supported by Braintree District Council. The authority appreciates that there is an elevated risk level around the delivery of the Garden Community at West of Braintree and particularly around the timing of the decision making on the North Essex Authorities’ shared strategic section 1 Plan which also creates a level of uncertainty for the UDC examination. BDC can confirm that it has recently written to the Planning Inspector confirming that it wishes to proceed with the section 1 examination and is currently gathering further evidence and seeking comments on a method scoping statement for a revised Sustainability Appraisal. It is anticipated that this work will be completed early in 2019. Whilst the Council cannot prejudge the outcome of the further evidence base and Sustainability Appraisal, the evidence gathered so far continues to show a Garden Community at West of Braintree as a viable and deliverable option for long term growth.

Focused Change 3 – SP5 – Garden Community Principles

Page No.	Chapter, Policy, Paragraph, Table, Figure Reference	Proposed Change	Justification
38	Chapter 3 Policy SP5 Garden Community Principles, First paragraph	<u>The Plan is to deliver</u> three new garden communities will be delivered in Uttlesford, at Easton Park, North Uttlesford and West of Braintree.	The proposed focussed changes seek to reflect the elevated risk around the delivery at WoB GC.

- 2.8 The minor wording change is noted and supported but no comments are proposed to be added.

Focused Change 4 – SP5 Garden Community Principles

Page No.	Chapter, Policy, Paragraph, Table, Figure Reference	Proposed Change	Justification
39	Chapter 3 SP5 Garden Community Principles, Final paragraph	The Council is confident that the new garden communities <u>at Easton Park and North Uttlesford</u> can be delivered. <u>Notwithstanding the possible risks to delivery of West of Braintree Garden Community the Council is continuing to plan for development here as part of a larger garden community extending into Braintree.</u> The exact delivery model for each garden community will be determined separately from the land-use planning process, however the Council will need to be satisfied that any proposed delivery model will realise all the garden city principles and a test will be established in the Development Plan Document to enable this to be determined. Delivery models could range from privately led arrangements to locally-led development corporations with compulsory purchase powers. <u>In the case of a privately led arrangement there will be a requirement for a master developer to enter into a 'Quality and Collaboration Partnership' with the Council.</u> If necessary, the Council will consider intervening directly to ensure the garden city principles are met within the proposed timetable set out within the Local Plan.	The proposed focussed changes seek to reflect the elevated risk around the delivery at WoB GC and to ensure that any privately led arrangements secures development in line with garden city principles.

- 2.9 There are three changes to this final paragraph within the policy on Garden Community principles. All three changes are noted and supported by Braintree District Council. There are no further comments in relation to the first change. We note the purpose of the second change in recognition of the elevated risks with the West of Braintree Garden Community and particularly support the recognition within that change that the development here will be part of a wider garden community. We also strongly support the third change which will help to ensure that Garden Community principles are delivered on any site

which is privately developed as well as those which may be developed through a locally led development corporation model.

Focused Change 5 – SP5 Garden Community Principles

Page No.	Chapter, Policy, Paragraph, Table, Figure Reference	Proposed Change	Justification
40	Chapter 3 Policy SP5 Garden Community Principles, New paragraph to follow the final paragraph	<u>If it becomes apparent that West of Braintree Garden Community will be significantly delayed, or is not deliverable, and should that restricts the Council's ability to meet the homes and jobs requirements, then the Council will undertake an early review of the Local Plan to consider how these requirements can be met.</u>	The proposed focussed changes seek to reflect the elevated risk around the delivery at WoB GC, and indicate what measures the Council will take if there are delivery issues around WoB

- 2.10 This change is noted. It provides the Plan with the necessary flexibility to deal with any delays or alterations to the garden communities including West of Braintree. The change does not mean that UDC are not committed to the garden communities, but provides a fallback position to adopt if necessary. As such BDC supports the change. A minor point of language that 'restricts' should be changed to 'restrict'.

Focused Change 6 – SP8 West of Braintree Garden Community

Page No.	Chapter, Policy, Paragraph, Table, Figure Reference	Proposed Change	Justification
56	Chapter 3 Policy SP8 West of Braintree Garden Community, First paragraph	Permission will be granted for a new garden community of 10,500-13,500 homes at land West of Braintree. <u>Proposals must demonstrate the deliverability of the wider garden community. Proposals that are not part of the larger cross-boundary site, and do not demonstrate the deliverability of the wider garden community, will be refused.</u> The details and final number of homes will be set out in a Strategic Growth Development Plan Document to be prepared jointly by Uttlesford and Braintree District Councils. Up to 3,500 of these homes will be in Uttlesford. All criteria in this policy relate to the part of the garden community to be delivered in Uttlesford.	The proposed focussed changes seek to reflect the elevated risk around the delivery at WoB GC, and make clear that the land in WoB GC on the Uttlesford side of the boundary is not deliverable on its own without the land in Braintree District Council's area.

- 2.11 This change is strongly supported as it will help to ensure that the Garden Communities will be delivered in a comprehensive and holistic way which can ensure that the necessary infrastructure and community facilities are delivered at the same time as the housing development. As set out in the policy a Development Plan Document will be produced for the Garden Community which will provide a detailed basis for any future planning applications.

Focused Change 7 – EN8 Protecting and Enhancing the Natural Environment

Page No.	Chapter, Policy, Paragraph, Table, Figure Reference	Proposed Change	Justification
174	Chapter 10 Policy EN8 Protecting and Enhancing the Natural Environment, Third paragraph	Where a site of International designation for nature conservation importance is adversely affected by the proposals, permission will be refused unless the District Council is satisfied that: there are imperative reasons of overriding public interest, which could be of a social or economic nature, sufficient to override the harm to the site; <u>or there are imperative reasons of overriding public interest relating to human health, public safety or benefits of primary importance to the environment. Furthermore, where a proposal relies on mitigation measures to address potential effects on a site of international designation, the Council will need to undertake an appropriate assessment under the Habitats Regulations and will require the developer to provide the necessary information to enable this to be done. Planning permission will not be granted unless all necessary mitigation measures are secured.</u>	Sites protected at a European level, e.g. Epping Forest Special Area of Conservation, are afforded strong protection from impacts. The policy seeking to protect such sites from development should make clear that planning applications should be supported by appropriate mitigation measures.

- 2.12 This policy deals with the issue of natural environmental protection. This change updates the policy in respect of Habitats Regulations and Appropriate Assessments following on from legal judgements earlier in the year.
- 2.13 The change is supported as it ensures that the Plan protects environmentally sensitive sites and meets legal requirements.

Focused Change 8 – Policy EN8 Protecting and Enhancing the Natural Environment

Page No.	Chapter, Policy, Paragraph, Table, Figure Reference	Proposed Change	Justification
189	Chapter 10 Policy EN15 Air Quality, New criterion 10	<u>10. Development affecting the habitats or species of a site of International designation does not adversely affect the air quality of the site</u>	Sites protected at a European level, e.g. Epping Forest Special Area of conservation, are afforded strong protection from impacts. There is currently work being undertaken looking at air quality impacts on Epping Forest. The policy seeking to protect such sites from development should make clear that planning applications should be supported by appropriate mitigation measures.

- 2.14 This policy deals with the issue of air quality. This change updates the policy in respect of Habitats Regulations and Appropriate Assessments following on from legal judgements earlier in the year.
- 2.15 The change is supported as it ensures that the Plan protects environmentally sensitive sites and meets legal requirements.

Focused Change 9 – Policy M2 Implementation and Monitoring of Strategic Projects

Page No.	Chapter, Policy, Paragraph, Table, Figure Reference	Proposed Change	Justification
270	Chapter 36 Policy M2 Implementation and Monitoring of Strategic Projects, New paragraph at the end of the policy	<u>If problems arise such that it becomes apparent one or more of the Garden Communities is significantly delayed, or is not deliverable, and should that restricts the Council's ability to meet the homes and jobs requirements, then the Council will undertake an early review of the Local Plan to consider how these requirements can be met.</u>	The proposed focussed changes seek to reflect the elevated risk around the delivery at WoB GC, and indicate what measures the Council will take if there are delivery issues around WoB GC.

- 2.16 This policy contains UDC monitoring requirements such as when reviews of the Plan will take place and when direct intervention of delivery would be implemented. It also includes requirements for developers to provide expected phasing and delivery rates for development
- 2.17 This change is noted and it provides the Plan with the necessary flexibility to deal with any delays or alterations to the Garden Communities including West of Braintree. The change does not mean that UDC are not committed to the Garden Communities, but provides a fallback position to adopt if necessary. As such BDC supports the change. However the wording of the change needs some clarity and therefore we suggest the following text; *"If it becomes apparent one or more of the Garden Communities is significantly delayed, or is not deliverable, and should that restrict the Council's ability to meet the homes and jobs required then the Council will undertake an early review of the Local Plan to consider how these requirements can be met"*

Focused Change 10 – Appendix 1 List of Strategic Policies

Page No.	Chapter, Policy, Paragraph, Table, figure Reference	Proposed Change	Justification
282	Appendix 1, New appendix to be inserted prior to appendix 1.	See the text appended to this document at Appendix 1	The NPPF requires Local Plans to set out the Strategic Policies in their area. The new appendix seeks to do this using the guidance in the NPPF2012 and NPPG.

- 2.18 UDC are proposing this change to the Local Plan to clearly identify which policies within it are strategic in nature. This is a requirement of the NPPF and NPPG. This change is supported by BDC but has no further comments to make.

3 Next Steps

- 3.1 Once the consultation has finished UDC will submit the Plan for examination with a view to having hearing sessions in 2018/19, and adoption of the Plan in autumn 2019.

4 Recommendation

That the BDC response to the UDC focused changes consultation is as follows:

Focused change 2

Focused change 2 in SP3 is strongly supported by Braintree District Council. The authority appreciates that there is an elevated risk level around the delivery of the Garden Community at West of Braintree and particularly around the timing of the decision making on the North Essex Authorities strategic section 1 Plan which also creates a level of uncertainty for the UDC examination. BDC can confirm that it has recently written to the Planning Inspector confirming that it wishes to proceed with the section 1 examination and is currently gathering further evidence base and seeking comments on a method scoping statement for a revised Sustainability Appraisal. It is anticipated that this work will be completed early in 2019. Whilst the Council cannot prejudge the outcome of the further evidence base and Sustainability Appraisal, the evidence gathered so far continues to show a garden community at West of Braintree as a viable and deliverable option for long term growth.

Focused change 4

There are three changes to this final paragraph within the policy on Garden Community principles. All three changes are noted and supported by Braintree District Council. There are no further comments in relation to the first change. We note the purpose of the second change in recognition of the elevated risks with the West of Braintree Garden Community and particularly support the recognition within that change that the development here will be part of a wider garden community. We also strongly support the third change which will help to ensure that garden community principles are delivered on any site which is privately developed as well as those which may be developed through a locally led development corporation model

Focused change 5

This change is noted. It provides the Plan with the necessary flexibility to deal with any delays or alterations to the garden communities including West of Braintree. The change does not mean that UDC are not committed to the garden communities, but provides a fallback position to adopt if necessary. As such BDC supports the change. A minor point of language that 'restricts' should be changed to 'restrict'

Focused change 6

This change is strongly supported as it will help to ensure that the garden communities will be delivered in a comprehensive and holistic way which can ensure that the necessary infrastructure and community facilities are delivered at the same time as the housing development. As set out in the policy a Development Plan Document will be produced for the Garden Community which will provide a detailed basis for any future planning applications.

Focused change 7

The change is supported as it ensures that the Plan protects environmentally sensitive sites and meets soundness requirements

Focused change 8

The change is supported as it ensures that the Plan protects environmentally sensitive sites and meets the soundness requirements.

Focused change 9

This change is noted and it provides the Plan with the necessary flexibility to deal with any delays or alterations to the garden communities including West of Braintree. The change does not mean that UDC are not committed to the garden communities, but provides a fallback position to adopt if necessary. As such BDC supports the change. However the wording of the change needs some clarity and therefore we suggest the following text; *"If it becomes apparent one or more of the Garden Communities is significantly delayed, or is not deliverable, and should that restrict the Council's ability to meet the*

homes and jobs required then the Council will undertake an early review of the Local Plan to consider how these requirements can be met”

That focused changes 1, 3 and 10 are noted and supported by Braintree District Council.

Technical Consultation on Updates to National Planning Policy and Guidance		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	
Technical consultation on updates to national planning policy and guidance MHCLG (October 2018) The Housing Delivery Test Measurement Rule Book (2018) National Planning Policy Framework (2012) National Planning Policy Framework (2018) National Planning Practice Guidance	Key Decision: No	
Executive Summary:		
The Ministry of Housing, Communities and Local Government (MHCLG) are seeking views on changes to planning practice guidance on the standard method for assessing local housing need including housing land supply, deliverability, and development requiring Habitats Regulation Assessment (HRA). This report sets out the proposed Braintree District Council responses to those changes.		
The consultation concludes at 23:45 on 7th December 2018.		
Recommended Decision:		
That the responses to the questions set out at:		
<ul style="list-style-type: none">Response to Question 1 - paragraphs 2.6 to 2.8Response to Question 2 - paragraphs 2.10 to 2.11Response to Question 3 - paragraph 2.13Response to Question 4 - paragraphs 3.6 to 3.7Response to Question 5 - paragraphs 4.7 to 4.11Response to Question 6 - paragraph 5.9		
are submitted in response to the MHCLG consultation.		

Purpose of Decision:	
To respond to Government technical consultation on updates to national planning policy and guidance.	
Corporate Implications	
Financial:	Officer time and expenditure, cost of defending appeals and legal challenges.
Legal:	The proposed changes to national policy could be subject to legal challenge.
Safeguarding:	No matters arising out of this report.
Equalities/Diversity:	None.
Customer Impact:	No matters arising out of this report.
Environment and Climate Change:	None.
Consultation/Community Engagement:	The changes are subject to a current consultation.
Risks:	<p>The risk of continued uncertainty associated with proposed future revisions of the methodology.</p> <p>The risk of continued uncertainty from the acknowledged need for further guidance on some aspects of the definitions of supply.</p> <p>That the plan-led system is undermined leading to a loss of public confidence and difficulties for effective planning of services and infrastructure.</p>
Officer Contact:	Alan Massow
Designation:	Acting Principal Planning Policy Officer
Ext. No:	2577
E-mail:	almas@braintree.gov.uk

1 Introduction

- 1.1 The Ministry of Housing, Communities and Local Government (MHCLG) are seeking views on changes to planning practice guidance on the standard method for assessing local housing need including housing land supply, deliverability, and development requiring Habitats Regulation Assessment (HRA).
- 1.2 Earlier this year the Government consulted on proposed changes to the National Planning Policy Framework (NPPF) and a revised NPPF was issued in July, with some alterations to National Planning Practice Guidance (NPPG). The NPPG continues to be updated in light of the new NPPF.
- 1.3 The new NPPF introduced the Standard Methodology for the calculation of housing need, which authorities are required to use (unless exceptional circumstances exist).
- 1.4 The Standard Methodology when combined with the new Office of National Statistics (ONS) 2016 based statistics has led to significant differences for many Local Authorities' housing need calculations, with many authorities seeing significant reductions in their housing need requirements. This has undermined the Government's commitment to boost housing supply across the country, and has seen a number of authorities postponing their Plans to consider the difference in housing supply figures.

2 Local Housing Needs Assessment

- 2.1 In 2017 the Government announced that it would enable the housing market to deliver 300,000 homes a year on average by the mid 2020's.
- 2.2 The consultation document claims that household projections are constrained by housing supply, as new households are unable to form if they have no houses to move into. This is allegedly exacerbated by historic under-delivery of housing, and its associated pent up demand. The UK is also considered to be less responsive to demand relative to other countries, however the evidence base document supporting this assertion is an interim report from 2003 and makes no reference to the findings of the final report published in 2006. The final report known as the Barker Review, included recommendations for improving responsiveness which includes outlining the benefits of the plan led system, and how critical it is to have up-to-date and robust development plans, and how they promote efficiency on critical issues such as the location of new residential sites being discussed upfront once rather than each time a planning application is made.
- 2.3 Officers would question the reasoning in relation to the arguments for pent up demand when you consider how the standard methodology is applied. The demand would be factored in as part of the affordability ratio. The more "pent up" demand you have the greater that ratio, and therefore the more housing you would have to provide.

- 2.4 The consultation document has a number of questions and detailed revisions to policy which are set out below alongside the proposed response from this organisation.
- 2.5 **Q1 – Do you agree that planning practice guidance should be amended to specify that 2014 based projections will provide the demographic baseline for the standard method for a time limited period?**
- 2.6 No. Paragraph 31 of NPPF2, requires that all policies should be underpinned by relevant and up to date evidence. In order to be found “sound” plans have to be justified in that they are an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence.
- 2.7 Simply ignoring the most up to date evidence is not productive.
- 2.8 Past under delivery would be accounted for in the Standard Methodology’s affordability ratio, as undersupply of new homes would have an inflationary impact on house prices, meaning that areas where the demand is not being met would have a higher housing requirement. This is also why backlog does not have to be applied when using the standard methodology as opposed to other ways of calculating a requirement.
- 2.9 **Q2 – Do you agree with the proposed approach to not allowing 2016 based household projections to be used as a reason to justify lower housing need?**
- 2.10 No. This would require further work and justification, as plans and decisions must be based on up-to-date, robust and credible evidence.
- 2.11 Simply reverting to use of the 2014 projections fails to acknowledge a number of important factors in the changes seen from the 2016 based projections, including migration assumptions and mortality assumptions. To avoid discrediting the revisions, given the importance of this work, the consideration of the projections should be subjected to objective review and analysis, free from vested interests, such as by involving the UK Statistics Authority, the Royal Statistical Society and BSPSS.
- 2.12 **Q3 – Do you agree with the proposed approach to applying the cap to spatial development strategies?**
- 2.13 No. This would not take into account local circumstances which occur at the local authority level.

3 Housing Land Supply

- 3.1 The NPPF uses the standard method for assessing local housing need as the baseline for housing land supply calculations where plans are considered to be out of date as well as providing the foundation for plan-making.

- 3.2 Two changes are proposed. The first adds additional text to footnote 37 of paragraph 73 of the NPPF. Paragraph 73 is not proposed to change but is provided for context;

“7.3 Strategic policies should include a trajectory illustrating the expected rate of housing delivery over the plan period, and all plans should consider whether it is appropriate to set out the anticipated rate of development for specific sites. Local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years’ worth of housing against their housing requirement set out in adopted strategic policies, or against their local housing need where the strategic policies are more than five years old³⁷....”

37 Unless these strategic policies have been reviewed and found to require updating. Where local housing need is used as the basis for assessing whether a five year supply of specific deliverable sites exists, it should be calculated using the standard method set out in national planning guidance.

- 3.3 It is also proposed to amend the definition of local housing need in the glossary of the NPPF to;

“The number of homes identified as being needed through the application of the standard method set out in national planning guidance (or, in the context of preparing strategic policies only, this may be calculated using a justified alternative approach as provided for in paragraph 60 of this Framework. , or a justified alternative approach”

- 3.4 This change means that alternative proposals for calculating local housing needs can only be carried out during the production of a development plan, and therefore alternative proposals can’t be proposed during the determination of planning applications. This change is supported as it provides certainty as to which method should be used when determining local housing need in the context of decision making.

- 3.5 **Q4 – Do you agree with the proposed clarification to footnote 37 and the glossary definition of local housing need?**

- 3.6 The proposed changes to footnote 37 do not provide any certainty as it is not known what the standard method is currently, or what it would be in future.

- 3.7 The change in glossary definition is supported.

4 The definition of Deliverable

- 4.1 The definition of what is a deliverable site is important as it determines which sites should be included within the Council's housing trajectory, and therefore what your 5 year supply figure will be. Government are of the view that the definition could be clarified, to make it clear that only sites that are not major development, and which have only an outline planning are in principle considered to be deliverable.

4.2 The original and revised definition is shown below with alterations other than format, underlined.

4.3 The NPPF2 glossary definition of deliverable is as follows;

Deliverable: To be considered deliverable, sites for housing should be available now, offer a suitable location for development now, and be achievable with a realistic prospect that housing will be delivered on the site within five years. Sites that are not major development, and sites with detailed planning permission, should be considered deliverable until permission expires, unless there is clear evidence that homes will not be delivered within five years (e.g. they are no longer viable, there is no longer a demand for the type of units or sites have long term phasing plans). Sites with outline planning permission, permission in principle, allocated in the development plan or identified on a brownfield register should only be considered deliverable where there is clear evidence that housing completions will begin on site within five years.

4.4 The proposed new definition of deliverable is as follows;

Deliverable: To be considered deliverable, sites for housing should be available now, offer a suitable location for development now, and be achievable with a realistic prospect that housing will be delivered on the site within five years. In particular:

a) sites which do not involve major development and have planning permission, and all sites with detailed planning permission, should be considered deliverable until permission expires, unless there is clear evidence that homes will not be delivered within five years (for example because they are no longer viable, there is no longer a demand for the type of units or sites have long term phasing plans).

b) where a site has outline planning permission for major development, has been allocated in a development plan, has a grant of permission in principle, or is identified on a brownfield register, it should only be considered deliverable where there is clear evidence that housing completions will begin on site within five years

4.5 The proposed changes to the definition are minor, however the definition includes significant flaws which undermine the Local Plan process, and encourages smaller sites, which are unable to contribute significantly to infrastructure but cumulatively have an impact to support 5 year supply. They are more likely to lapse as they are often promoted by more vulnerable small scale developers, amateurs, or permissions sought merely for the purpose of valuation. Larger development sites, which can significantly contribute towards improved infrastructure, often secure outlining planning consent and should not automatically be discounted from the supply. Clear evidence on continued progress on these sites as they move towards building should be accepted.

4.6 **Q5 Do you agree with the proposed clarification to the glossary definition of deliverable?**

4.7 Braintree District Council continues to have concerns at the arbitrary removal of allocated sites in a development plan from the definition of deliverable. Such sites have undergone rigorous assessment, including independent examination, to determine their suitability for development. These sites are

locally determined to be suitable for development and give people certainty as to which areas are going to be developed. By not considering these sites as developable you undermine the development plan for the area. Braintree District Council has allocated site in its development plan which are coming forward significantly earlier than expected, such as Forest Road in Witham which is currently building out but was not expected to start until 2021.

- 4.8 Outline planning permissions particularly for large sites, gives a clear indication that a site will be coming forward for development. Securing an outline application for a large development site is not a quick process and the time and expenditure involved would clearly indicate an intention to develop before that permission expired.
- 4.9 Minor development sites are perceived as being more likely to lapse than a major application and should not be considered to be a more reliable source of supply.
- 4.10 It is critically important that there should be a realistic assessment of deliverable supply. Whilst this should not be unduly optimistic, neither should it be unduly pessimistic.
- 4.11 The high threshold for considering sites such as those with outline permission has been described in a recent appeal decision as a considerable increase in the evidential burden upon the local planning authority. This is even now being applied retrospectively to evidence already examined at appeal inquiries some time ago, to exclude sites with outline permission. Moreover, it is being applied to justify the granting of outline permission to land promoters who have exclude similar sites from their supply assessment, such as sites on which the same land promoter had gained outline permission on the basis of them being needed to contribute to the 5 year supply. This is understandably seen by the public, and by councillors, as illogical and less than transparent.

5 Development Requiring Habitats Regulation Assessment

- 5.1 In March 2018 a ruling from the European High Court (People Over Wind, Sweetman v Coillte Teoranta) has clarified the circumstances when plans or projects require appropriate assessment and that the screening process for those assessments should not take into account mitigation measures proposed through the Habitats Regulation Assessment
- 5.2 This ruling has resulted in delays for the determination of planning applications for housing development and the progress of development plans including neighbourhood plans.
- 5.3 Neighbourhood Plans have been particularly impacted because as currently worded the regulations for Neighbourhood Plan production specifically state that Neighbourhood Plans which have likely significant effects on habitats sites can't progress (Schedule 2 Neighbourhood Plan Regulations (2012)). This means that only neighbourhood plans which do not have any housing allocations or are not within a zone of influence of a habitats site would be able to proceed to adoption. This particular problem has led to delays in

neighbourhood plan production especially for the Hatfield Peverel Neighbourhood Plan.

- 5.4 Paragraph 117 of the 2018 NPPF reads as follows;

The presumption in favour of sustainable development does not apply where development requiring appropriate assessment because of its potential impact on a habitats site is being planned or determined.

- 5.5 The proposed alteration reads;

The presumption in favour of sustainable development does not apply where the plan or project is likely to have a significant effect on a habitats site (either alone or in combination with other plans or projects), unless an appropriate assessment has concluded that there will be no adverse effect from the plan or project on the integrity of the habitats site.

- 5.6 The result of the change means that the presumption in favour of development would apply once a plan or project has undergone an appropriate assessment which concludes that there would be no adverse effects on a habitats site. Previously the presumption would not apply regardless of whether an appropriate assessment was done.

- 5.7 The consultation document acknowledges that further revisions will be required to regulations and guidance.

- 5.8 **Q6 – Do you agree with the proposed amendment to paragraph 177 of the National Planning Policy Framework?**

- 5.9 Whilst the proposed change would enable housing proposals to progress, those neighbourhood plans which are seeking to address their own local housing need would still be unable to progress until The Neighbourhood Planning (General) Regulations 2012 were updated. This is particularly important when considering the Government's commitment in the budget to make it easier for neighbourhoods to allocate or give permission to land for housing.

6 Recommendation:

That the responses to the questions set out at:

- **Response to Question 1 - paragraphs 2.6 to 2.8**
 - **Response to Question 2 - paragraphs 2.10 to 2.11**
 - **Response to Question 3 - paragraph 2.13**
 - **Response to Question 4 - paragraphs 3.6 to 3.7**
 - **Response to Question 5 - paragraphs 4.7 to 4.11**
 - **Response to Question 6 - paragraph 5.9**
- are submitted in response to the MHCLG consultation.**

Response to the Bradwell with Pattiswick Neighbourhood Plan		Agenda No: 7
Portfolio: Planning and Housing Corporate Outcome: Securing appropriate infrastructure and housing growth Report Presented by: Alan Massow, Acting Principal Planning Policy Officer Report Prepared by: Alan Massow, Acting Principal Planning Policy Officer		
Background Papers: <ul style="list-style-type: none"> National Planning Policy Framework (NPPF) National Planning Practise Guidance (NPPG) Localism Act (2011) Planning and Compulsory Purchase Act (2004) Bradwell with Pattiswick Neighbourhood Plan Regulation 14 Draft Bradwell with Pattiswick Neighbourhood Plan Regulation 16 Draft and supporting documents Publication Draft Local Plan (2017) Local Plan Review (2005) Core Strategy (2011) 		Public Report: Yes Key Decision: No
Executive Summary: <p>Bradwell with Pattiswick Parish Council's Neighbourhood Plan group has been working on a Neighbourhood Plan for the parish. Neighbourhood Plans become part of the Development Plan and the policies contained within them are then used in the determination of planning applications. They have the same status as the non-strategic elements of the Local Plan.</p> <p>Members may recall that the Plan has previously been consulted on under regulation 14 which concluded on the 18/05/18.</p> <p>This report sets out the Braintree District Council response to the regulation 16 version of the Bradwell with Pattiswick Neighbourhood Plan.</p> <p>The regulation 16 consultation runs for 6 weeks and concludes on the 17th December 2018. It is anticipated that the examination will take place in January/February 2019, and the Plan can be agreed to go out to referendum by Full Council in March.</p>		
Recommendation: <p>That the comments outlined under section 3 of this report are submitted in response to the Regulation 16 consultation.</p>		

Purpose of Decision: To agree the response to the Bradwell with Pattiswick Neighbourhood Plan Regulation 16 consultation.	
Corporate Implications	
Financial:	The preparation of the Plans 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 Governments legislation and guidance
Equalities/Diversity	The Council's policies should take account of equalities and diversity.
Safeguarding	None
Customer Impact:	There will be public consultation during various stages of the neighbourhood plan
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:	There will be public consultation 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:	Alan Massow
Designation:	Acting Principal Planning Policy Officer
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1 Background

- 1.1 Neighbourhood planning is a right for communities introduced through the Localism Act 2011. It allows communities to shape development in their areas through the production of Neighbourhood Development Plans, Neighbourhood Development Orders, and Community Right to Build Orders.
- 1.2 Neighbourhood Development Plans become part of the Local Plan and the policies contained within them are then used in the determination of planning applications. The policies in the plan cannot block development that is already part of the Local Plan. What they do is shape where development will go and what it will look like.
- 1.3 A Neighbourhood Plan should support the strategic development needs set out in the Local Plan and plan positively to support local development.
- 1.4 The Neighbourhood Plan will become part of the statutory development plan once it has been made (brought into legal force) by the planning authority. Applications for planning permission must be determined in accordance with

the development plan, unless material considerations indicate otherwise.

- 1.5 Paragraph 47 to 50 of the National Planning Policy Framework sets out the weight that may be given to relevant policies in emerging plans in decision taking. Factors to consider include the stage of preparation of the plan and the extent to which there are unresolved objections to relevant policies. Whilst a referendum ensures that the community has the final say on whether the Neighbourhood Plan comes into force, decision makers should respect evidence of local support prior to the referendum when seeking to apply weight to an emerging Neighbourhood Plan.
- 1.6 The Neighbourhood Planning Act (2017) also gives some weight to the policies and proposals contained within a Neighbourhood Plan once an examiners report is received.
- 1.7 A draft Neighbourhood Plan must be in general conformity with the strategic policies of the development plan in force if it is to meet the basic condition.
- 1.8 Although a draft Neighbourhood Plan or Order is not tested against the policies in an emerging Local Plan the reasoning and evidence informing the Local Plan process is likely to be relevant to the consideration of the basic conditions against which a neighbourhood plan is tested.
- 1.9 Only a draft Neighbourhood Plan or Order that meets each of a set of basic conditions can be put to a referendum and be made. The basic conditions are set out in paragraph 8(2) of Schedule 4B to the Town and Country Planning Act 1990 as applied to neighbourhood plans by section 38A of the Planning and Compulsory Purchase Act 2004. The basic conditions are:
 - a. having regard to national policies and advice contained in guidance issued by the Secretary of State it is appropriate to make the Order (or Neighbourhood Plan).
 - b. having special regard to the desirability of preserving any listed building or its setting or any features of special architectural or historic interest that it possesses, it is appropriate to make the order. This applies only to Orders.
 - c. having special regard to the desirability of preserving or enhancing the character or appearance of any conservation area, it is appropriate to make the order. This applies only to Orders.
 - d. the making of the Order (or Neighbourhood Plan) contributes to the achievement of sustainable development.
 - e. the making of the Order (or Neighbourhood Plan) is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area).
 - f. the making of the Order (or Neighbourhood Plan) does not breach, and is otherwise compatible with, EU obligations.

g. prescribed conditions are met in relation to the Order (or Neighbourhood Plan) and prescribed matters have been complied with in connection with the proposal for the Order (or Neighbourhood Plan).

- 1.10 It should be noted that criteria b and c do not apply to neighbourhood plans only neighbourhood orders.
- 1.11 The Neighbourhood Plan Group have also submitted all required documents need to support the Plan as it proceeds to examination.

2 Bradwell with Pattiswick Neighbourhood Plan

- 2.1 The neighbourhood plan is set out into five sections. The first three are an introduction to the neighbourhood plan and the consultation, followed by a portrait of the parish including its location, key characteristics, issues, SWOT (Strengths, Weakness, Opportunities, Threats) analysis, and a local planning context. The next section outlines a future vision of the parish including objectives.
- 2.2 The Plan then moves onto a policy section, which includes policies on the environment, community facilities and public open space, heritage, drainage and flood management, housing, local economy, transport and developer contributions.
- 2.3 No sites are proposed for residential or employment allocations.

3 Proposed Response to the Regulation 16 Neighbourhood Plan

- 3.1 The following suggested comments are recommended;
- 3.2 The submitted material meets the submission requirements as set out in The Neighbourhood Planning (General) Regulations 2012 (As amended) as it contains the following documents;
 - A map or statement which identifies the area to which the proposed neighbourhood plan relates (Contained within Rural Place Profile).
 - A consultation statement (Consultation v2).
 - The proposed neighbourhood plan (BPNP Reg 15 Draftv4)
 - A basic conditions statement - (Basic Conditions Statement BPNP July 2018).
 - A SEA Screening Opinion (Bradwell & Pattiswick Parish NP SEA Screening Report July 2018 and Bradwell with Pattiswick Parish NP HRA Screening Report August 2018).

Comments on Policies

- 3.3 For Policy 10 – Design – criteria a) x deals with boundary treatment fronting highways. Currently boundaries which front and are within 2 meters of a highway are restricted in height to 1 metre. The policy as currently worded would mean that boundary treatments would have to be soft landscaped and no higher than 3ft. It may be more appropriate for Essex County Council to comment on the appropriateness of this restriction.
- 3.4 For criteria a) xi which states that rear garden space should be of sufficient size to allow for home food production. This is vague, as there is no specific size as to what would be appropriate to enable home food production, which would vary depending on what type of food (Vegetables, fruit, meat or a combination) was being produced as they would all require different sizes of space.
- 3.5 For the section on developer contributions, it is suggested that foot note 33 may be better included within the context section of Policy 11, with the text from the second paragraph included as a footnote.
- 3.6 Table 2 – Potential developer contributions (Cross referenced to Policy 3 – Protecting and Enhancing Community Facilities and Public open Space, and policy 9 - Transport) included within the BPNP, the requirements for additional enhancements need to be more specific, it is suggested that they are included within the Open Spaces Action plan produced by BDC as a way of helping to securing s106 contributions.
- 3.7 Policy 9 – Transport and table 2, lists local infrastructure requirements for the parish. The policy sets out who would be involved in improving transport infrastructure such as Essex County Council, and local bus operators. It may be worth adding references to how an actual contribution would be calculated within the policy.

4 Next Steps

- 4.1 Once this consultation is complete the Local Authority will send all responses to the appointed examiner, who will consider them in the context of the basic conditions, and issue a report as to whether or not the Plan should proceed to referendum.
- 4.2 Full Council approval will be necessary for the referendum, and following a successful outcome, the Plan has to go back to Full Council in order to be adopted as part of the development plan for the district.

Recommendation:

That the comments outlined under section 3 of this report are submitted in response to the Regulation 16 consultation.

Braintree Publication Draft Local Plan - Update		Agenda No: 8
Portfolio: Planning and Housing Corporate Outcome: Securing appropriate infrastructure and housing growth Report Presented by: Emma Goodings, Head of Planning Policy and Economic Development Report Prepared by: Emma Goodings, Head of Planning Policy and Economic Development		
Background Papers: <ul style="list-style-type: none"> • Submission Draft Local Plan 2017 • Correspondence from the Planning Inspector to the North Essex Authorities IED011, IED012, IED013 • Correspondence from the North Essex Authorities to the Planning Inspector NEA • https://www.braintree.gov.uk/info/200643/section_1/1065/section_1_examination_publication_local_plan/4 		Public Report: Yes Key Decision: No
Executive Summary: <p>The Council working with its partners Tendring District Council and Colchester Borough Council, together known as the North Essex Authorities, submitted a joint section 1 Local Plan which covers strategic growth issues including three proposed garden communities, in October 2017. Following examination sessions in January and May 2018, the authorities have been considering the next steps in response to the Inspectors letter received at the conclusion of the hearing sessions. A letter was sent to the Inspector in response on the 22nd October which set out that the authorities wish to continue with the section 1 Plan and proposes additional evidence base and Sustainability Appraisal to be prepared. At the time of writing a response from the Inspectorate had not been received.</p>		
Recommendation: To note the contents of this report.		
Purpose of Decision:		
To note the update to the timetable of the Local Plan and the next steps.		

Corporate Implications	
Financial:	The preparation of the Plans set out within the Local Development Scheme will be a significant cost which will be met through the Local Plan budget.
Legal:	To comply with Governments legislation and guidance
Equalities/Diversity	The Council's policies should take account of equalities and diversity.
Safeguarding	None
Customer Impact:	There will be further public consultation during the Local Plan process
Environment and Climate Change:	Policies within the draft Plan consider this area and are subject to a Sustainability Appraisal
Consultation/Community Engagement:	There will be public consultation during various stages of the Local Plan
Risks:	That the Inspector does not consider the Local Plan sound. That the timetable for the production of the Local Plan is delayed.
Officer Contact:	Emma Goodings
Designation:	Head of Planning Policy and Economic Development
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1 Background

- 1.1 Braintree submitted its Local Plan to the government for examination in October 2017. This included a section 1 to the plan which deals with cross boundary strategic issues and proposals for the Garden Communities and was submitted alongside our North Essex Authority partners, Colchester Borough Council and Tendring District Council.
- 1.2 The Independent Planning Inspector Mr Roger Clews was appointed to examine the section 1 Plan and undertook hearing sessions in January and June this year. Following the conclusion of these sessions the Inspector sent a letter to the authorities which can be read at the following link.
[https://www.braintree.gov.uk/downloads/file/7906/ied011 -
inspectors section 1 post-hearing letter to neas - 8 june 2018](https://www.braintree.gov.uk/downloads/file/7906/ied011_-_inspectors_section_1_post-hearing_letter_to_neas_-_8_june_2018)
The letter asks the authorities to consider the next stages of the Plan process, as the Inspector concluded that the Plan was not currently sound as submitted.

2 Latest Position

- 2.1 Over the summer the three Councils have been considering the Inspector's initial letter and subsequent letters on housing supply and clarification questions. This has resulted in a response letter sent to the Inspector on the 22nd October and published at the following link.

- 2.2 The letter sets out that the authorities wish to continue with the section 1 Plan and proposes a range of additional evidence to be collected and submitted to the Inspector, alongside a revised Sustainability Appraisal which will reconsider options which have previously been discounted to provide evidence for the appropriate option for growth within North Essex.
- 2.3 At the time of writing this report a response from the Planning Inspector is yet to be received. A verbal update will be provided at the meeting if there is a reply between the publication of this paper and the date of the meeting.

3 The Sustainability Appraisal

- 3.1 The Inspector's letter of the 8th June sets out various areas of the Sustainability Appraisal that he felt need to be revised and the proposed approach set out in the method scoping statement that accompanies our response to the letter, seeks to address those points.
- 3.2 Members should note that this report must consider reasonable alternatives for growth in North Essex and so as well as considering the currently proposed garden communities at different scales and in different combinations, it must also consider other strategic sites which have previously been considered and discounted for development within the District. This includes the proposal for a garden community at Pattiswick known as Monks Wood and developments around Braintree, Halstead, Silver End, Coggeshall and Kelvedon.
- 3.3 As well as consultation on the method scoping statement for the Sustainability Appraisal, there will be the opportunity for both Local Plan sub-committee and Council to consider the completed Sustainability Appraisal and consider any proposed changes to the Local Plan as a result of the revised evidence base.

4 Next Steps and Timetable

- 4.1 The timing for the next steps is dependent on the contents and timing of the Planning Inspectorate responses to the North Essex Authorities letter.
- 4.2 Work on the evidence documents will continue with a view to this being completed in December 2018/January 2019. This includes additional evidence on viability and on the proposed North Essex rapid transit system
- 4.3 Following comments from the Inspector, the North Essex Authorities will consult on the methodology for the sustainability appraisal. This will begin as soon as possible after the response from the Inspector has been received.
- 4.4 Once the Inspector has provided comments on the timetable then a revised Local Development Scheme (LDS) will be produced and presented to the Local Plan Sub Committee which will update the timetable for the production

of the Local Plan and other planning policy documents. However an indication of the timetable is set out in the letter and broadly proposes that revised evidence base and Sustainability Appraisal will be considered by Councils in January and February 2019 alongside any proposed changes to the Plan. These will then be published for a wider public consultation which will be completed in March, before being sent back to the Inspector. There is potential that further examination sessions could then be held in June 2019.

Recommendation: To note the contents of this report