

Local Development Framework Sub- Committee AGENDA



THE PUBLIC MAY ATTEND THIS MEETING

Please note this meeting will be webcast and audio recorded.

Date: Tuesday, 08 April 2014

Time: 17:00

Venue: Council Chamber , Braintree District Council, Causeway House, Bocking End, Braintree, Essex, CM7 9HB

Membership:

Councillor D L Bebb

Councillor G Butland

Councillor A V E Everard

Councillor M C M Lager

Councillor J M Money

Councillor Lady P Newton

Councillor W D Scattergood

Councillor C Siddall

Councillor M Thorogood

Councillor R G Walters (Chairman)

Members are requested to attend this meeting, to transact the following business:-

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PUBLIC SESSION

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 Development Framework Sub-Committee held on 6th March 2014 (copy previously circulated).

4 Public Question Time

(See paragraph below)

**5 Pre-Submission Draft Site Allocations and Development
Management Plan - Representations**

Report enclosed separately.

6 Habitats Regulation Assessment Screening Appraisal

5 - 8

7 Urgent Business - Public Session

To consider any matter which, in the opinion of the Chairman should be considered in public by reason of special circumstances (to be specified) as a matter of urgency.

8 Exclusion of the Public and Press

To agree the exclusion of the public and press for the consideration of any items for the reasons set out in Part 1 of Schedule 12(A) of the Local Government Act 1972.

At the time of compiling this agenda there were none.

PRIVATE SESSION

9 Urgent Business - Private Session

To consider any matter which, in the opinion of the Chairman, should be considered in private by reason of special circumstances (to be specified) as a matter of urgency.

A PEACE
Member Services Manager

Contact Details

If you require any further information please contact Alison Webb on 01376 552525 extension 2614 or e-mail alison.webb@braintree.gov.uk

Question Time

Immediately after the Minutes of the previous meeting have been approved there will be a period of up to 30 minutes when members of the public can speak.

Members of the public wishing to speak should contact the Council's Member Services Section on 01376 552525 or email chloe.glock@braintree.gov.uk at least 2 working days prior to the meeting.

Members of the public can remain to observe the whole of the public part of the meeting.

Health and Safety

Any persons attending meetings at Causeway House are requested to take a few moments to familiarise themselves with the nearest available fire exit, indicated by the fire evacuation signs. In the event of a continuous alarm sounding during the meeting, you must evacuate the building immediately and follow all instructions provided by a Council officer who will identify him/herself should the alarm sound. You will be assisted to the nearest designated assembly point until it is safe to return to the building.

Mobile Phones

Please ensure that your mobile phone is either switched to silent or switched off during the meeting.

Comments

Braintree District Council welcomes comments from members of the public in order to make its services as efficient and effective as possible. We would appreciate any suggestions regarding the usefulness of the paperwork for this meeting, or the conduct of the meeting you have attended.

Please let us have your comments setting out the following information

Meeting Attended..... Date of Meeting.....

Comment

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Contact Details:

Habitats Regulation Assessment (HRA) Screening Appraisal

Agenda No: 6

Corporate Priority: **Securing appropriate infrastructure and housing growth**
Portfolio: **Planning and Property**
Report presented by: **Emma Goodings**
Report prepared by: **Emma Goodings**

Background Papers:

HRA Screening Appraisal Lepus Consulting (2014)
Pre-Submission Draft Site Allocations and Development Management Plan – ADMP (Feb 2014);
Core Strategy (2011)
HRA Appropriate Assessment of BDC Core Strategy (2009)

Public Report: Yes

Options:

To approve or not approve the HRA Screening Appraisal for inclusion within the Local Development Framework (LDF) evidence base.

Key Decision: No

Executive Summary:

In order to comply with European Regulations, a Habitat Regulations Screening Report has been commissioned to look at the impact of the Pre Submission Site Allocations and Development Management Plan on the sites of European Importance. The report concludes that there are no additional impacts to be mitigated which were not considered as part of the Appropriate Assessment carried out in 2009 on the Core Strategy.
It is therefore proposed to add the Habitat Regulation Screening Report to the evidence base for the LDF which will be submitted alongside the ADMP for examination.

Decision

That the Habitats Regulation Assessment Screening Appraisal for the Braintree District Council Allocations and Development Management Plan, to be included as part of the evidence base for the Local Development Framework, be approved.

Purpose of Decision:

To ensure that European Regulations have been followed in the production of the LDF and its evidence base.

Any Corporate implications in relation to the following should be explained in detail	
Financial:	The document has been prepared by external consultants and any additional work may require additional fees.
Legal:	The Site Allocations and Development Management Plan cannot be adopted unless it is found to be sound by the Planning Inspectorate and complies with all European Regulations.
Safeguarding	None.
Equalities/Diversity	The Council's policies should take account of equalities and diversity and has been subject to an equalities impact assessment.
Customer Impact:	The report looks at impacts of growth including through increased tourism to protected sites.
Environment and Climate Change:	The report assesses the impact of the District's proposed growth on European protected sites of environmental importance.
Consultation/Community Engagement:	This will be a public document examined as part of the Site Allocations and Development Management Plan
Risks:	The Draft Site Allocations and Development Management Plan may not be found sound when it is examined by the Planning Inspector.
Officer Contact:	Emma Goodings
Designation:	Interim Planning Policy Manager
Ext. No.	2511
E-mail:	Emma.goodings@braintree.gov.uk

1. Background

1.1 In June 2009 a HRA Appropriate Assessment was prepared to accompany the BDC Local Development Framework (LDF) draft Core Strategy. This was part of the evidence base for the Core Strategy. Although there are no international sites within the boundary of the Braintree District, there are several sites in neighbouring authorities which have been identified as being potentially vulnerable to impacts. A proactive, precautionary approach was taken to ensure that international sites which occur nearby, on the Essex Coast, are not adversely affected by the Braintree District Core Strategy policies.

1.2 The following European sites were identified using a 20km area of search around Braintree as well as including sites which are potentially connected (e.g. hydrologically) beyond this distance:

- Abberton Reservoir SPA
- Blackwater Estuary SPA
- Colne Estuary SPA
- Crouch and Roach Estuaries SPA
- Hamford Water SPA

- Stour and Orwell Estuaries SPA
- Essex Estuaries Marine SAC
- Abberton Reservoir Ramsar
- Blackwater Estuary Ramsar
- Colne Estuary Ramsar
- Crouch and Roach Estuary Ramsar
- Hamford Water Ramsar
- Stour and Orwell Estuary Ramsar

1.3 The 2009 HRA Appropriate Assessment report concluded that *‘accepting that the overall allocation for Braintree must be implemented, and given the District’s distance from international sites, the specific locations of housing is of little significance to those sites. Mitigating any diffuse recreational impacts can be done in three principle ways:*

- *Ensuring that housing has an appropriate allocation of SANG (Sustainable Accessible Natural Greenspace);*
- *Monitoring levels of recreational use of sites, and provenance of users; and*
- *Ensuring that appropriate site management measures are in place on the international sites.*

1.4 The report recommended that the monitoring and site management measures need to be implemented as a collective exercise with adjoining authorities where the international sites occur and can be managed. Monitoring the provenance of recreational users will also further the understanding of the spatial distribution of visitors, thereby further assisting quantification in future assessment of this type and helping identify where SANG can be most effectively placed and this has taken place over the last three years.

2. Screening Report of the ADMP

2.1 Whilst an Appropriate Assessment was carried out on the draft Core Strategy, which included the general scale and location of housing in the District. Taking the proactive, precautionary approach it was considered necessary to carry out a HRA Screening Appraisal of the Pre Submission ADMP now that the exact locations of growth and more detailed policies are set out. Consequently Lepus Consulting were commissioned to carry out this work and their draft report is available on the website to view.

2.2 The HRA Screening Appraisal looked at the potential significant effects which could be identified and were explored for the sites which were considered in the 2009 Appropriate Assessment. These included impacts on air quality, disturbance and recreation pressures, water resources, water quality and wastewater.

2.3 Subject to a minor amendment to the text of the Plan as set out in the recommended changes report to this committee, the HRA Screening Appraisal concludes that:

“This HRA report has carefully considered the effects that might be associated with development as part of the Pre-Submission Version of the BDC SADMP. There are no European sites within the Braintree District. Of those that have been identified from a 20km area of search and others that have been included through hydrological pathways that lie beyond this search zone, none are expected to experience adverse effects from proposals in the SADMP.

Issues of visual and noise disturbance from recreation and physical disturbance have been considered and mitigations suggested in the 2009 Appropriate Assessment of the BDC Core Strategy. Issues of water resources have been sufficiently considered in the 2011 Water Cycle Study and by the ESW Abberton Scheme. The Pre-Submission Version of the SADMP is not likely to lead to adverse effects on any European sites alone or in-combination with other plans providing that mitigation measures outlined in the Core Strategy AA are implemented. There is no requirement to prepare an appropriate assessment”.

2.4 The report must be sent to Natural England for their approval as a statutory consultee on all HRA's. Any changes requested by Natural England will need to be made to the Screening Appraisal and if necessary will be reported to the LDF Sub Committee

Recommendation

To approve the Habitats Regulation Assessment Screening Appraisal for the Braintree District Council Allocations and Development Management Plan to be included within the evidence base.