

# Minutes

## Local Plan Sub-Committee

11th July 2019

Present:

Councillors	Present	Councillors	Present
D Bebb	Yes	P Horner	Yes
K Bowers	Apologies	D Hume	Yes
G Butland	Yes	Mrs G Spray (Chairman)	Yes
T Cunningham	Yes	T Walsh	Apologies
A Everard	Yes	J Wrench	Yes

Councillors Abbott, Baugh, Mrs Beavis, Mrs Cunningham, Euesden, Mrs Garrod, Hicks, Johnson, McKee, Pritchard, Ricci, Rose, Mrs Sandum, Schwier, Tattersley, Thorogood, Mrs Walters, Mrs Wilson and Wright were also in attendance.

### 1 **DECLARATIONS OF INTEREST**

**INFORMATION:** The following interests were declared:

On behalf of Members of the Local Plan Sub-Committee, Councillor Mrs G Spray declared a non-pecuniary interest in Agenda Items 5, 6, 7 and 8 relating to Garden Communities, as Mr T Foster who was speaking at the meeting during Question Time was a former Elected Member of Braintree District Council and he was known to some of them.

Councillor G Butland declared a non-pecuniary interest in Agenda Items 5, 6, 7 and 8 relating to Garden Communities, as a non-remunerated Director of North Essex Garden Communities Ltd.

Councillor Mrs G Spray declared a non-pecuniary interest in Agenda Items 5, 6, 7 and 8 relating to Garden Communities, as a non-remunerated Director of North Essex Garden Communities Ltd.

In accordance with the Code of Conduct, Councillors remained in the meeting and took part in the discussion when the Items were considered.

### 2 **MINUTES**

**DECISION:** That the Minutes of the meeting of the Local Plan Sub-Committee held on 10th January 2019 be approved as a correct record and signed by the Chairman.

### 3 **QUESTION TIME**

**INFORMATION:** There were nine statements made regarding Garden Communities and Braintree District Publication Draft Local Plan 2017.

Principally, these Minutes record decisions taken only and, where appropriate, the reasons for the decisions.

### 4 **NORTH ESSEX GARDEN COMMUNITIES - BUILD OUT RATES**

**INFORMATION:** Section 1 of the emerging Local Plan ('the Section 1 Plan') set out an overarching strategy for future growth across the Braintree, Colchester and Tendring Local Authorities, known as the 'North Essex Authorities' ('NEAs'). The Section 1 Plan included policies regarding the overall housing and employment requirements for North Essex up to 2033 and it proposed three new cross-boundary 'Garden Communities' along the A120 corridor.

In October 2017, the North Essex Authorities had submitted their Local Plans to the Secretary of State for Communities and Local Government to begin the formal process of examination and a Planning Inspector had been appointed to undertake the examination of Section 1 of the Plan. Following the examination hearings, the Inspector had written to the NEAs setting out interim feedback on the soundness and legal compliance of the Section 1 Plan including the Garden Communities proposals. Whilst supporting many elements of the Plan, the Inspector had identified a number of key issues about the viability and deliverability of the Garden Communities and he had been unable to endorse the Section 1 Plan as sound. Instead, the Inspector had provided the Authorities with three options for progressing the Section 1 Plan to adoption.

The NEAs had subsequently advised the Inspector that they remained committed to using Garden Communities principles to secure future housing requirements in North Essex and they agreed to provide further evidence about the availability of funding for strategic infrastructure; the financial viability of the proposed Communities; the environmental effects, including transport issues; employment provision within the Communities; and continuing engagement with the local communities. The NEAs had committed also to reviewing the 'Sustainability Appraisal' of the Local Plan to ensure that it considered a full range of realistic alternatives to the Garden Communities.

With reference to Build Out Rates, it was reported that the Garden Communities were expected to deliver 7,500 (2,500 in each of the three locations) new homes up to 2033. To achieve this, it was anticipated that rates of development in each location would have to increase over time to between 250 and 350 homes a year in North Essex, including growth in the Uttlesford area.

The Inspector had concluded that whilst it was not impossible that one or more of the Garden Communities could deliver homes at a rate of around 300 a year, he felt that it would be more prudent to plan on the basis of an annual average of 250 homes a year. If the NEAs were to adopt this approach, the total number of homes that the Garden Communities could be expected to contribute towards housing

supply in the period up to 2033 would reduce and the overall construction period for the Garden Communities would be extremely long making them less viable.

In response to the Inspector's comments, the NEAs had carried out further research into achievable rates of house building and a topic paper entitled 'Build Out Rates in the Garden Communities' had been produced. The topic paper included a review of the evidence submitted to the Inspector at the examination hearings. It reviewed also recent publications which explored how to boost house building, including the Oliver Letwin Review and evidence of high build-out rates that had been achieved, or were expected to be achieved on sites in other parts of the country. The topic paper concluded that the Inspector's advice to plan for an average of 250 completions a year within the Garden Communities was overly cautious and that rates of more than 300 homes a year were achievable.

In response to the findings of the topic paper, modifications would be required to the Local Plan in relation to housing trajectory and the overall quantum of housing development within the Plan period.

**DECISION:** That the topic paper 'Build Out Rates in the Garden Communities' be approved as evidence to support the Local Plan.

## 5 **NORTH ESSEX GARDEN COMMUNITIES – DELIVERY MECHANISMS**

**INFORMATION:** Section 1 of the emerging Local Plan ('the Section 1 Plan') set out an overarching strategy for future growth across the Braintree, Colchester and Tendring Local Authorities, known as the 'North Essex Authorities' ('NEAs'). The Section 1 Plan included policies regarding the overall housing and employment requirements for North Essex up to 2033 and it proposed three new cross-boundary 'Garden Communities' along the A120 corridor.

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The NEAs had subsequently advised the Inspector that they remained committed to using Garden Communities principles to secure future housing requirements in North Essex and they agreed to provide further evidence about the availability of funding for strategic infrastructure; the financial viability of the proposed Communities; the environmental effects, including transport issues; employment provision within the Communities; and continuing engagement with the local communities. The NEAs had committed also to reviewing the 'Sustainability

Appraisal' of the Local Plan to ensure that it considered a full range of realistic alternatives to the Garden Communities.

The Section 1 Plan explained that the NEAs were committed to ensuring that the new Garden Communities were as sustainable and high quality as possible and that the infrastructure needed to support them would be delivered at the right time. This would require the Councils to work very closely with relevant landowners using a robust delivery mechanism. It was envisaged that 'Local Delivery Vehicles' (LDVs), with both private and public sector representation would be used to oversee the Garden Communities.

The Inspector had acknowledged that this approach was generally compatible with national planning policy, but he had questioned if other delivery mechanisms could be adopted to deliver the Garden Communities in the way envisaged.

In response, the NEAs' legal advisors Dentons had produced a paper entitled 'North Essex Authorities Position Statement on Delivery Mechanisms', which explained that the Government had now placed greater emphasis on Local Authorities taking a more pro-active role in the delivery of new homes and Garden Communities. It explained also that new statutory provisions promoted 'Locally Led New Town Development Corporations' (LLNTDCs) as a mechanism by which new development could be delivered. It was proposed that modifications should be made to the Local Plan to reflect the potential for Garden Communities to be delivered via LLNTDCs. It would be for the NEAs to decide whether this was the most appropriate means by which to proceed. The paper explained that if LLNTDCs were not used as a vehicle to deliver the Garden Communities, landowners and developers would be expected to meet all costs associated with the delivery of the developments. If landowners were unwilling to release land at a reasonable price, the NEAs would be willing to use 'Compulsory Purchase Order' powers to acquire the land. Whilst an LDV or a LLNTDC were the preferred means by which to deliver the Garden Communities, other delivery mechanisms were available.

**DECISION:** That the Delivery Mechanisms paper be approved as part of the evidence base of the Local Plan.

## **6 NORTH ESSEX GARDEN COMMUNITIES – ADDITIONAL EMPLOYMENT LAND EVIDENCE**

**INFORMATION:** Section 1 of the emerging Local Plan ('the Section 1 Plan') set out an overarching strategy for future growth across the Braintree, Colchester and Tendring Local Authorities, known as the 'North Essex Authorities' ('NEAs'). The Section 1 Plan included policies regarding the overall housing and employment requirements for North Essex up to 2033 and it proposed three new cross-boundary 'Garden Communities' along the A120 corridor.

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and legal compliance of the Section 1 Plan including the Garden Communities proposals. Whilst supporting many elements of the Plan, the Inspector had identified a number of key issues about the viability and deliverability of the Garden Communities and he had been unable to endorse the Section 1 Plan as sound. Instead, the Inspector had provided the Authorities with three options for progressing the Section 1 Plan to adoption.

The NEAs had subsequently advised the Inspector that they remained committed to using Garden Communities principles to secure future housing requirements in North Essex and they agreed to provide further evidence about the availability of funding for strategic infrastructure; the financial viability of the proposed Communities; the environmental effects, including transport issues; employment provision within the Communities; and continuing engagement with the local communities. The NEAs had committed also to reviewing the 'Sustainability Appraisal' of the Local Plan to ensure that it considered a full range of realistic alternatives to the Garden Communities.

It was reported that the Section 1 Plan aimed to deliver sufficient employment within the Garden Communities in accordance with the 'one job per household' ambition set out in the NEGC Charter. Section 1 of the Plan did not specify how much land should be allocated for employment uses within each Garden Community, but it sought to define this through the Strategic Growth Development Plan Documents.

The Inspector had accepted the difficulty of forecasting employment requirements, but he considered it appropriate for the Section 1 Plan to provide an indicative employment land requirement. The Inspector recommended that the NEAs should modify Section 1 of the Plan to include employment land figures for each Garden Community.

To address this issue, the NEAs had appointed Cebr (Centre for Business and Economic Research) to prepare an evidence base document which defined the amount of employment land required within each Garden Community. Cebr had analysed the existing sectors within the North Essex economy and had forecast the growth of these sectors using a variety of assumptions. From this analysis, Cebr had applied industry standard employee to floorspace ratios, which provided a volume of employment floorspace for each sector. This floorspace information had then been converted into a gross employment land figure for each Garden Community. Using Cebr's analysis, the NEAs proposed to modify Section 1 of the Plan to include employment land requirements for three Garden Communities. These were –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); and West of Braintree – 9ha within the Plan period (as part of a total of 44ha).

**DECISION:** That the additional employment land study be approved as part of the evidence base for the Local Plan.

## **NORTH ESSEX GARDEN COMMUNITIES – ADDITIONAL HIGHWAY INFORMATION**

**INFORMATION:** Section 1 of the emerging Local Plan ('the Section 1 Plan') set out an overarching strategy for future growth across the Braintree, Colchester and Tendring Local Authorities, known as the 'North Essex Authorities' ('NEAs'). The Section 1 Plan included policies regarding the overall housing and employment requirements for North Essex up to 2033 and it proposed three new cross-boundary 'Garden Communities' along the A120 corridor.

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The Section 1 Local Plan identified strategic infrastructure requirements and improvements to support the major growth proposed for North Essex. These included improved road infrastructure and strategic highway connections to reduce congestion and to provide more reliable journey times along the A12, A120 and A133.

For the Colchester/Braintree Garden Community, it was proposed that the A12 should be widened. Also, both the Colchester/Braintree Garden Community and the West of Braintree Garden Community relied on additional road capacity being created through the dualling of the A120 between Marks Tey and Braintree. The Inspector had stated that greater certainty would be required over the funding and alignment of the A120 dualling scheme and the feasibility of realigning the widened A12 at Marks Tey in order to demonstrate that the Garden Communities were deliverable in full.

In response, the NEAs had been able to provide information on two bids submitted by Essex County Council to the Government's Housing Infrastructure Fund (HIF).

The second of these bids was for £299 million to enable the realignment of the A12 to a more southerly route, which could achieve a larger scale development of approximately 21,000 homes within the Colchester/Braintree Garden Community. In addition, Essex County Council had agreed a preferred route for the dualling of the A120, which provided for the delivery of an off-line dual carriageway between Braintree and Kelvedon in 2026. This would free up significant capacity on the existing A120 between Marks Tey and Braintree to accommodate the growth proposed at the Colchester/Braintree Garden Community.

The Section 1 Local Plan stated that consideration would be given to relocating Marks Tey railway station and the Inspector had commented that the current peripheral location of the station would integrate poorly with the structure of the proposed Colchester/Braintree Garden Community. However, following discussions with Network Rail, it had been determined that moving the station was not feasible.

The Section 1 Local Plan proposed that walking, cycling and rapid public transit networks and connections should be at the heart of growth in North Essex encouraging more sustainable active travel patterns. It was proposed that each Garden Community should be served by a 'rapid transit system' (RTS) to enable fast public transport connections into Colchester, Braintree and Stansted. A Movement and Access Study which had been produced in support of the Plan set a target of 30% of all journeys to and from the Garden Communities, being made by rapid transit. The Inspector had raised concern that such a target could only be achieved if an RTS was available at an early stage. In response, Essex Highways had produced a document entitled 'Rapid Transit System for North Essex – from Vision to Plan' which explained how a high quality, frequent and rapid public transport system could be created. The document considered different modes of rapid transport and concluded that bus technology was the best option for the North Essex Garden Communities. The document set out different route options for the RTS and explained how it would be economically viable and could be developed incrementally alongside the growth of the Garden Communities. In addition to the document on the RTS, a paper entitled 'Mode Share Strategy for the North Essex Garden Communities' had been produced by consultants ITP. This set out a variety of measures that could be put in place to influence the way in which people travelled. These, together with the RTS would enable the 30% target to be achieved.

## **DECISION:**

- (1) That the 'Rapid Transit System for North Essex – from Vision to Plan' be approved as part of the Local Plan evidence base.
- (2) That the 'Mode Share Strategy for the North Essex Garden Communities' be approved as part of the Local Plan evidence base.
- (3) That the updates to the A12, A120 and Marks Tey railway station schemes be noted.
- (4) That it be noted 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.

## 8 **CRESSING NEIGHBOURHOOD PLAN – REGULATION 16 CONSULTATION**

**INFORMATION:** It was reported that the Cressing Neighbourhood Plan (NP) had reached the stage of Regulation 16 public consultation. This was the penultimate stage before independent examination. The period of public consultation would conclude on 15th July 2019

The Local Planning Authority, in consultation with Cressing Parish Council, was in the process of appointing an independent Neighbourhood Plan examiner who would test if the NP was legally compliant and met the basic conditions set out in the Town and Country Planning Act 1990. These included compliance with the Habitats Regulations and general conformity with the strategic policies of the Braintree District Local Plan. The National Planning Policy Framework and National Planning Policy Guidance required all Plans to provide a clear framework for decisions with policies being concise, precise and supported by appropriate evidence. When adopted, the NP would become a statutory development plan and planning applications would be determined in accordance with it unless material considerations indicated otherwise.

Following the examination, the examiner's report would be sent to the Local Planning Authority and to the Parish Council. The Local Planning Authority could either agree the examiner's recommendations and proceed to a referendum, or consult and potentially hold an additional examination on alternative modifications. The referendum would pass on a simple majority, after which the Local Planning Authority would have eight weeks to 'make' the Plan.

Cressing NP set out the vision for the parish in 2033 and it included a series of objectives relating to specific topic areas. Whilst the content of the NP was supported in general, two policies were considered to be at risk of conflict with the strategic policies of the Braintree District Publication Draft Local Plan and did not meet the basic conditions.

In particular, the Strategic Vision, Policy 3 – 'Open Countryside Buffer Area' referred to Cressing emphasised as a 'village community' which was 'clearly separated from the town of Braintree'. The policy proposed an open countryside buffer area between the urban fringes of Braintree and the settlements of Cressing Parish and stated that development would be supported only if it could be demonstrated that a physical gap between the two could be maintained and enhanced. It was considered that this policy was unclear and could lead to inconsistent decision making.

In addition, Policy 8 – 'Design, Layout, Scale, Character and Appearance of New Development' set out the detail which applicants for residential and other developments must show in their design and access statements to ensure that the style and design of their proposals reflected existing development in the village.

Whilst Criteria A, B and C of the policy were considered to be acceptable, Criteria D was not. This stated that *'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.'*

It was reported that consultation with the Parish Council was already part of the District Council's planning application process and it was supported by the Town and Country Planning Regulations. However, additional pre-application consultation with the Parish Council was not currently legally required. Whilst it was acknowledged that the Parish Council wished to take a proactive approach to design, this should be through bespoke arrangements on a case-by-case basis with the applicant's agreement.

**DECISION:** That Cressing Parish Council be advised that Braintree District Council objects to the following two policies contained in the Cressing Neighbourhood Plan:-

Policy 3 - 'Open Countryside Buffer Area'. This should not be applied to adjacent areas, including draft Local Plan allocations for retail warehousing and the transport related policy area.

Policy 8 – 'Design, Layout, Scale, Character and Appearance of New Development'. Criteria D regarding pre-application consultation for reserved matters applications should be deleted.

The meeting commenced at 6.00pm and closed at 7.40pm.

Councillor Mrs G Spray  
(Chairman)