

Minutes

Local Plan Sub-Committee

17th October 2019

Present:

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

Councillor Schwier was also in attendance.

16 **APPOINTMENT OF CHAIRMAN FOR THE MEETING**

DECISION: That, in the absence of the Chairman and Vice-Chairman of the Local Plan Sub-Committee, Councillor G Butland be appointed as the Chairman of the Sub-Committee for the meeting.

On behalf of the Local Plan Sub-Committee, Councillor Butland expressed condolences to Councillor Mrs Spray, the Chairman of the Sub-Committee, whose husband had passed away.

17 **DECLARATIONS OF INTEREST**

INFORMATION: The following interests were declared:

Councillor K Bowers declared a non-pecuniary interest in Agenda Item 8 - Local Development Order – Horizon 120, as a Member of Braintree District Council's Planning Committee.

Councillor G Butland declared a non-pecuniary interest in Agenda Items 5, 6, 7 and 8 as Braintree District Council's representative on the Board of North Essex Garden Communities Ltd.

Councillor Butland declared a non-pecuniary interest also in Agenda Item 5 - The Salings Neighbourhood Plan - Regulation 14 Consultation Response as the Elected Member for the Three Fields with Great Notley Division of Essex County Council, which covered the area of The Salings.

Councillor Butland declared a non-pecuniary interest also in Agenda Item 8 - Local Development Order – Horizon 120, as a resident of Great Notley and an Elected Member for the Great Notley and Black Notley Ward of Braintree District Council.

Councillor T Cunningham declared a non-pecuniary interest in Agenda Item 8 - Local Development Order – Horizon 120, as a Member of Braintree District Council's Planning Committee.

Councillor P Horner declared a non-pecuniary interest in Agenda Item 8 - Local Development Order – Horizon 120, as a Member of Braintree District Council's Planning Committee.

Councillor J Wrench declared a non-pecuniary interest in Agenda Item 8 - Local Development Order – Horizon 120, as a Member of Braintree District Council's Planning Committee.

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

18 **MINUTES**

DECISION: That the Minutes of the meeting of the Local Plan Sub-Committee held on 18th July 2019 be approved as a correct record and signed by the Chairman.

19 **QUESTION TIME**

INFORMATION: There was one statement 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.

20 **THE SALINGS NEIGHBOURHOOD PLAN - REGULATION 14 CONSULTATION RESPONSE**

INFORMATION: Consideration was given to a report on The Salings Neighbourhood Plan 2019-2033. The Plan, which covered the villages of Great Saling and Bardfield Saling had been submitted to Braintree District Council as part of the consultation process in accordance with Regulation 14 of the Neighbourhood Planning (General) Regulations 2012. The consultation would conclude on 31st October 2019. The Council's proposed response was set out in section 2 of the report.

The Neighbourhood Plan contained 11 policies, which covered a range of planning issues within the Parish, including landscape protection; the provision of housing; heritage; and the rural economy. In addition, the Plan included a number of maps showing the neighbourhood area; local landscape character; a local landscape protection zone; key views; local green space proposals; a special character area; the development boundary; and a conservation area. Also, the Plan contained community actions, which indicated how the local community aimed to meet the objectives set out in the Plan. If approved, the Plan would become part of the Braintree District Local Plan and the policies contained within it would be used in the determination of planning applications.

If the Plan was to progress successfully through an examination, it was necessary for it to meet a number of Basic Conditions, which were referred to in the report. The Council's proposed amendments, as set out in section 2 of the report, would enable the Plan to meet these Basic Conditions. Once the initial consultation process had concluded, the Plan would be amended and submitted to Braintree District Council, which would be required to carry out further consultation in accordance with Regulation 16 of the Regulations. Following this, a formal examination of the Plan would be arranged and, if appropriate, the Plan would proceed to a Referendum.

DECISION: That Braintree District Council's proposed response to The Salings Neighbourhood Plan Regulation 14 consultation, as set out at section 2 of the report, be approved and submitted to The Salings Parish Council.

21 **ESSEX COAST RECREATIONAL DISTURBANCE - AVOIDANCE AND MITIGATION STRATEGY (RAMS)**

INFORMATION: Consideration was given to a report on the Essex Coast Recreational Disturbance - Avoidance and Mitigation Strategy (RAMS).

It was reported that the Conservation of Habitats and Species Regulations 2010 (Habitats Regulations) placed a legal duty on Local Planning Authorities to ensure that decisions on planning applications mitigated the impact of proposed development on protected habitats, sites and species. A new policy had been included in Section 1 of the Braintree District Publication Draft Local Plan to meet the requirements of the Regulations and Braintree District Council was working in partnership with 10 other Essex Local Planning Authorities, Essex County Council and Natural England to deliver an Essex Coast Recreational Disturbance - Avoidance and Mitigation Strategy (RAMS).

It was acknowledged that the Essex coastline, which stretched for just over 350 miles from the Thames Estuary to the Stour Estuary was a major destination for recreational uses. The coastline was extremely diverse, featuring a variety of habitats and environments and it was important for wildlife internationally.

A total of 10 Habitat Sites had been designated in Essex. These included the Blackwater Estuary Special Protection Area (SPA) and Ramsar and the Dengie Special Protection Area (SPA) and Ramsar. Ramsar sites were areas of wetland designated as being of international importance under the Ramsar Convention (1971) and Special Protection Areas were sites which supported rare, vulnerable and migratory birds. The Braintree District was located within the Zone of Influence (Zoi) for the Blackwater Estuary (SPA) and Ramsar and the Dengie (SPA) and Ramsar. It was predicted that population and housing growth across Essex would increase recreational demand on the Essex Coast. In particular, growth proposed in Sections 1 and 2 of the Braintree District Publication Draft Local Plan focussed development on the A120 and A12 corridors towards the South of the District, which had the potential to cause loss of and damage to designated habitats, or disturbance to protected bird species in the Blackwater Estuary and the Dengie Habitat Sites.

The Essex Coast RAMS, which was attached at Appendix 2 to the Agenda report, set out evidence to support the policies of the Strategy and it included a Technical Report and a Mitigation Report. The Essex Coast RAMS was also accompanied by a Supplementary Planning Document (SPD), which was attached at Appendix 3 to the Agenda report. The SPD provided information for Local Planning Authorities, developers and stakeholders about the RAMS including its scope and legal basis; the contributions (or tariff) to be sought from developers for strategic mitigation; and how and when applicants should make contributions. The SPD was an adoptable Development Plan document, which was subject to public consultation.

Measures to mitigate the cumulative effect of development and the impact of additional recreational use on protected habitat sites and species were identified in the Essex Coast RAMS. It was proposed that these measures should be funded by contributions from developers and that developers should pay a tariff for each net new dwelling. For the first few years, the contributions would fund the post of a Delivery Officer and a team of Rangers, whose objective would be to educate and to raise awareness. Subsequently, funding could be used for capital projects such as signage and invested in a perpetuity fund. It was estimated that the overall cost of mitigation to 2038 would be up to £9,000,000 and that the number of dwellings to be constructed within the Zols of the RAMS would be 72,907. This equated to a RAMS tariff of £122.30 per dwelling. It was proposed that payments should be made via a Section 106 Agreement, a Unilateral Undertaking, or by an upfront payment and each Local Authority would be responsible for implementing and administering the collection of tariffs. As an alternative, developers would be able to provide bespoke mitigation packages compliant with the Habitats Regulations, but the majority would be encouraged to make a financial contribution. Mitigation measures, visitor numbers, the extent of Zols, and new dwelling estimates would be subject to regular reviews.

Following discussions between the Essex Local Planning Authorities, it had been agreed that an accountable body should be established to support the human resources, financial and information technology needs of the Delivery Officer and the Rangers and the cost of this would be met by the Authorities.

Each partner Local Authority would be required to approve the draft SPD prior to public consultation being carried out. As such, some changes to the document might be required. At the conclusion of the consultation, Essex County Council would collate the responses and the 11 participating Councils and Natural England would be requested to approve the SPD for formal adoption. It was anticipated that the six week period of public consultation could commence from 15th January 2020 at the earliest.

DECISION:

- (1) That the Essex Coast Recreational Disturbance - Avoidance and Mitigation Strategy (Essex Coast RAMS) document (Technical Report and Mitigation Report) attached at Appendix 2 be adopted as evidence.

- (2) That the Essex Coast Recreational Disturbance - Avoidance and Mitigation Strategy (Essex Coast RAMS) draft Supplementary Planning Document attached at Appendix 3 be approved for public consultation.
- (3) That the Head of Planning and Economic Development, in agreement with the Cabinet Member for Planning, be authorised to make minor amendments to the Essex Coast RAMS draft Supplementary Planning Document, as deemed appropriate, before publication for public consultation.

22 **BRAINTREE DISTRICT COUNCIL - HOUSING DELIVERY TEST ACTION PLAN 2019**

INFORMATION: It was reported that the Housing Delivery Test (HDT) had been introduced in 2018 as a tool to monitor performance by Local Planning Authorities in supplying new homes. The housing target against which a Local Authority's performance was monitored was the target set out in its Local Plan, if that Plan was less than five years old; or nationally produced household projections; or the Government's new standard housing methodology. The results of the HDT were published by the Government each year, based on the outcome of housing delivery in the preceding three years. If a Local Authority's performance fell below specified percentages of housing delivery measured against its target, it must take action by publishing an Action Plan; or applying a greater buffer to housing land supply; or applying the presumption in favour of sustainable development.

The results of the 2018 HDT for the Braintree District showed that the target for the three years from 2015 to 2018 had been 1,416 homes and that 1,311 homes had been supplied during that time, representing 93% of the total required. As the supply of homes was below 95% of the target, the Council was required to produce an Action Plan to specify how it would ensure that housing delivery would be met in the future, and a Housing Delivery Test Action Plan for 2019 had been drafted for approval. A copy of the Action Plan was available to view on the Council's website. The Action Plan included a table of actions which the Council would be putting in place during the year. The results of the 2019 HDT were set to be released in November 2019.

In discussing this report, Members of the Sub-Committee noted that the Action Plan would be monitored by the Council as part of the Annual Monitoring Report. It was suggested also that the Council's Performance Management Board should be requested to monitor progress on the actions set out in the Action Plan.

DECISION: That the Braintree District Housing Delivery Test Action Plan 2019 be approved and the Performance Management Board requested to monitor the implementation of the Action Plan.

23 **LOCAL DEVELOPMENT ORDER – HORIZON 120**

INFORMATION: Consideration was given to a report on the proposed adoption of a Local Development Order (LDO) for Horizon 120.

It was reported, that in accordance with the Town and Country Planning Act 1990, an LDO was a mechanism through which permitted development rights could be granted for certain types of development within defined locations, subject to the development meeting conditions and criteria. The aim of an LDO was to simplify the planning process and to provide certainty for potential investors, developers and businesses and it sought to reduce the costs and potential delays sometimes associated with the planning application process.

It was reported that Braintree District Council's Core Strategy 2011 had identified a site for employment uses adjacent to Great Notley, known as land to the West of the A131 at Great Notley. Policy CS4 of the Core Strategy had allocated 18.5 ha at the site for B1, B2, B8 employment and C1 hotel uses and 7 ha for landscaping and a wildlife corridor. A Master Plan for the site had been adopted, subject to modifications and the inclusion of an allotment site.

Braintree District Council had acquired the site and an LDO, including a supporting Design Code and Statement of Reasons, had been drafted for the site under the name Horizon 120. The LDO set out the type and quantity of development which would be permitted on site and the Design Code sought to achieve high quality design in accordance with national and local policy and guidance. The Statement of Reasons for making the LDO included a description of the development which the Order would permit and a statement to which the Order would relate. It was proposed that the LDO should be adopted for a period of 10 years.

Public consultation on the proposed Horizon 120 LDO, Design Code and Statement of Reasons had commenced and this would conclude on 24th October 2019. The responses received following public consultation would be considered and changes made to the LDO, Design Code and Statement of Reasons as appropriate before the LDO was recommended to full Council for formal adoption.

DECISION: That the Local Development Order for Horizon 120 and the current period of public consultation be noted.

At the close of the meeting, Councillor Butland stated that he had written to The Rt. Hon. Robert Jenrick MP, Secretary of State for Housing, Communities and Local Government on 5th August 2019 regarding the calculation of the five year housing land supply figure, which the Council was required to meet. Councillor Butland reported that he had not received a reply to his letter and that he had written to the Secretary of State again on 16th October 2019 requesting a response.

The meeting commenced at 6.00pm and closed at 6.42pm.

Councillor G Butland
(Chairman for the Meeting)