

Special Meeting of Full Council

5th June 2017

Item 5 – Braintree District Publication Draft Local Plan Amendment Pack

NOTE:

This pack sets out all the amendments which have been received by the Chief Executive from Braintree District Council Members in accordance with the agreed process for the administration of the Special Meeting of Full Council.

This pack also sets out the amendments which are minded to be accepted by the Chairman of the Local Plan Sub-Committee. The amendments which the Chairman of the Local Plan Sub-Committee is minded to accept will be not be debated (unless a request is made) and will be presented as part of the Chairman’s recommendation to Full Council under Agenda Item 5.

Any amendments which the Chairman of the Local Plan Sub-Committee is minded to not accept have not failed. These amendments will be put forward for debate, subject to them being “seconded”, at the meeting of Full Council.

Requests for debate:

Members may request for any of the amendments which have been indicated as “accepted” by the Chairman of the Local-Plan Sub-Committee to be debated. Requests must be submitted to the Chief Executive by 9am on Monday 5th June 2017 by emailing governance@braintree.gov.uk

Amendments:

Any Member who wishes to submit an amendment to any of the amendments within this pack must do so giving notice to the Chief Executive by 9am on Monday 5th June 2017 by emailing the proposed amendment to governance@braintree.gov.uk

Amendment 1

Name of Councillor Proposing Amendment:	Cllr James Abbott
Name of Councillor seconding the proposed Amendment:	Cllr John Elliot
Part 1 or 2 of the Local Plan:	Part 1
Page Number:	43 and 50
Map Number/Site Reference:	N/A
Policy Number (if applicable):	SP7 and SP9
Policy Heading (if applicable):	Garden Communities
Section Number/Bullet Point (if applicable):	N/A
Wording of Proposed Amendment: Delete "15,000 – 24,000" in section on Colchester/Braintree Borders garden community and insert "7,000 – 10,000".	

Amendment 2

Name of Councillor Proposing Amendment:	Cllr James Abbott
Name of Councillor seconding the proposed Amendment:	Cllr John Elliot
Part 1 or 2 of the Local Plan:	Part 1
Page Number:	64, 65, 66
Map Number/Site Reference:	10.1, 10.2 inset B
Policy Number (if applicable):	N/A
Policy Heading (if applicable):	Garden Communities
Section Number/Bullet Point (if applicable):	N/A
Wording of Proposed Amendment:	
<p>A map needs to be included in the Plan that shows at the same detail as 10.2 inset B the expectation of the area of the proposed Colchester/Braintree Borders Garden Community as a whole.</p> <p>Reason: There are no maps in the Plan that meaningfully define the extent of the proposed Colchester/Braintree Borders Garden Community as a whole. Given the Duty to Co-operate and the Strategic Planning working with Colchester Borough (and Tendring) as set out in Section 1 of the Plan, and the need to consult properly with partners and residents ahead of the Examination, a map needs to be produced showing the whole of the broad area of the settlement. This should reflect the agreed size of the proposed development which would be at the amended size of 7,000 – 10,000 houses if previous amendments are successful.</p> <p>Whilst the Plan at SP9 refers to a future Strategic Growth DPD that would define extent, the current Plan includes at 10.2 inset B a defined area of a part of the proposed Garden Community in Braintree District, but omits the rest of the area that lies in Colchester. This is inconsistent with both the statement that a defined boundary will be published at a later date and with the Strategic cross-boundary working that is fundamental to Section 1.</p>	

Amendment 3

Name of Councillor Proposing Amendment:	Cllr James Abbott
Name of Councillor seconding the proposed Amendment:	Requires a Secunder
Part 1 or 2 of the Local Plan:	Part 1
Page Number:	59
Map Number/Site Reference:	N/A
Policy Number (if applicable):	LPP 18
Policy Heading (if applicable):	Land East of Great Notley, south of Braintree
Section Number/Bullet Point (if applicable):	First bullet point and penultimate paragraph
Wording of Proposed Amendments: In first bullet point delete "2000" and insert "1750". Reword whole of penultimate paragraph to read as follows: "The development will be expected to integrate with existing development and the wider area. This will include safety and pedestrian access enhancements to Bakers Lane and the provision of public footpaths, cycleways and, where opportunities exist, links to bridleways. This could include the enhancement of existing and the creation of new sections of footways and public rights of way."	

Amendment 4

Name of Councillor Proposing Amendment:	Cllr Robert Mitchell
Name of Councillor seconding the proposed Amendment:	Cllr Mrs Wendy Schmitt
Part 1 or 2 of the Local Plan:	Part 2
Page Number:	64
Map Number/Site Reference:	N/A
Policy Number (if applicable):	LPP 22
Policy Heading (if applicable):	Strategic Growth Location – Land at Feering
Section Number/Bullet Point (if applicable):	N/A
Wording of Proposed Amendments:	
<p>Bullet point - "Public open space....country park to the South of the A12". Should read "South of the <u>current</u> A12"</p> <p>As the new A12 may well go through the proposed area and this avoids potential confusion.</p>	

Amendment 5

Name of Councillor Proposing Amendment:	Cllr Mrs Wendy Scattergood
Name of Councillor seconding the proposed Amendment:	Cllr Patrick Horner
Part 1 or 2 of the Local Plan:	Part 2
Page Number:	109
Map Number/Site Reference:	N/A
Policy Number (if applicable):	LPP54
Policy Heading (if applicable):	N/A
Section Number/Bullet Point (if applicable):	New bullet Point 7.23
Wording of Proposed Amendment: No change to the Policy New bullet point in text required it should read: External Lighting must meet the criteria of the External Lighting Policy LPP81. My reasoning is that Policy No. LPP54 makes no mention that planning permission is required for external lighting thus we could end up with uncontrolled lighting and additional costs for enforcement action	

Amendment 6

Name of Councillor Proposing Amendment:	Cllr James Abbott
Name of Councillor seconding the proposed Amendment:	Requires a Seconder
Part 1 or 2 of the Local Plan:	Part 2
Page Number:	109
Map Number/Site Reference:	N/A
Policy Number (if applicable):	LPP 54
Policy Heading (if applicable):	Equestrian Facilities
Section Number/Bullet Point (if applicable):	Amend bullet point numbering and add new bullet point
Wording of Proposed Amendments: The first part (bullet point 1) should stand alone and not be numbered. Renumber the rest as bullet points and add new bullet point 6 to read “Floodlighting will not be permitted in association with such facilities”.	

Amendment 7

Name of Councillor Proposing Amendment:	Cllr James Abbott
Name of Councillor seconding the proposed Amendment:	Requires a Seconder
Part 1 or 2 of the Local Plan:	Part 2
Page Number:	129
Map Number/Site Reference:	N/A
Policy Number (if applicable):	LPP 68
Policy Heading (if applicable):	Protected Species, Priority Species and Priority Habitat
Section Number/Bullet Point (if applicable):	N/A
Wording of Proposed Amendments:	
<p>Amend policy title and all text where appropriate to refer to “Protected Species, Priority Species and Priority Habitat”.</p> <p>To reflect the text of para 8.13, reword 4th para to read</p> <p>”Where there is a confirmed presence or reasonable likelihood of protected species or priority species being present on or immediately adjacent to a development site, the developer will be required to undertake an ecological survey and will be required to demonstrate that an adequate mitigation plan is place to ensure no harm to protected species and no net loss of priority species.”</p>	

Amendment 8

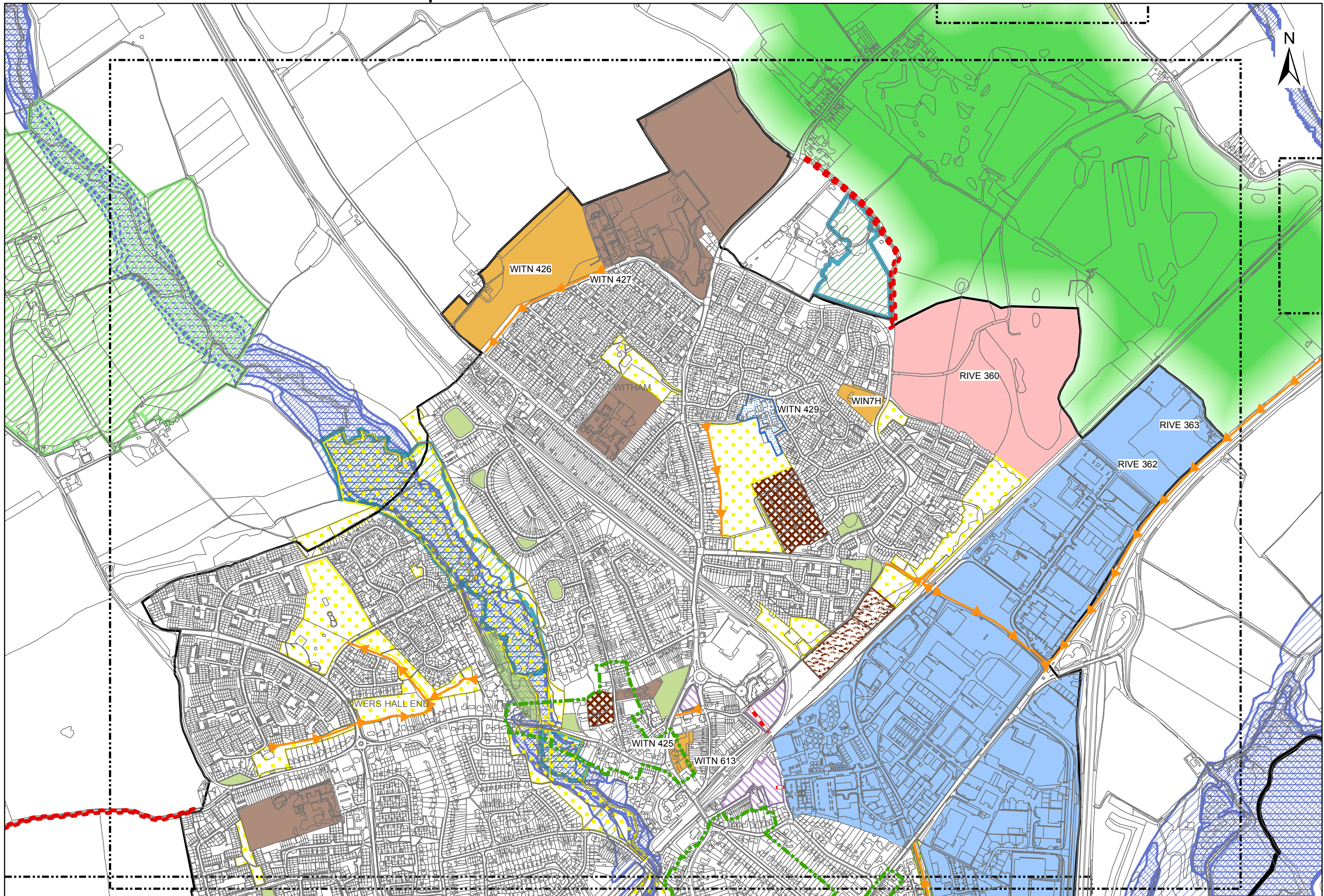
Name of Councillor Proposing Amendment:	Cllr Mrs Wendy Schmitt
Name of Councillor seconding the proposed Amendment:	Cllr Peter Tattersley
Part 1 or 2 of the Local Plan:	Part 2
Page Number:	131
Map Number/Site Reference:	N/A
Policy Number (if applicable):	LPP70, Protection, Enhancement, Management and Monitoring of Biodiversity
Policy Heading (if applicable):	N/A
Section Number/Bullet Point (if applicable):	End of paragraph one
Wording of Proposed Amendment:	
<p>'and building design which creates wildlife habitat (e.g. green roofs, bird and bat boxes <u>as integral parts of buildings in partnership with organisations such as The Swift Conservation Group and Essex Wildlife Trust</u></p>	

Amendment 9

Name of Councillor Proposing Amendment:	Cllr James Abbott
Name of Councillor seconding the proposed Amendment:	Requires a Seconder
Part 1 or 2 of the Local Plan:	Part 2
Page Number:	143
Map Number/Site Reference:	N/A
Policy Number (if applicable):	LPP 76
Policy Heading (if applicable):	Renewable Energy Schemes
Section Number/Bullet Point (if applicable):	N/A
Wording of Proposed Amendments: Delete whole of the sentence “Proposals for wind turbines will only be permitted provided that the development site is in an area identified as suitable for wind energy development in a Neighbourhood Plan”.	

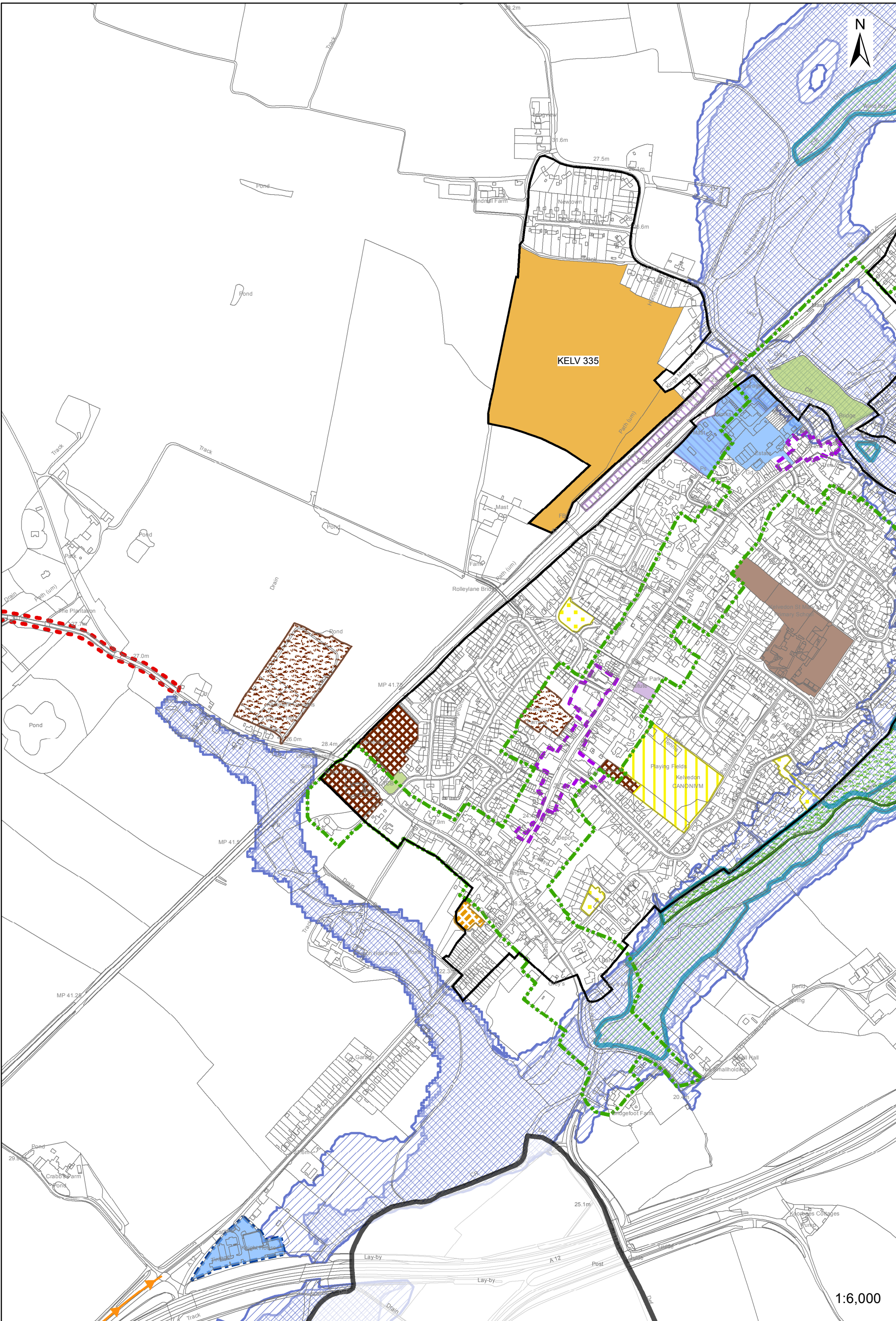
Amendment 10

Name of Councillor Proposing Amendment:	Cllr James Abbott
Name of Councillor seconding the proposed Amendment:	Requires a Seconder
Part 1 or 2 of the Local Plan:	Part 2
Page Number:	N/A
Map Number/Site Reference:	Inset 2A
Policy Number (if applicable):	(Relating to LPP 72)
Policy Heading (if applicable):	(Relating to Green Buffers)
Section Number/Bullet Point (if applicable):	N/A
Wording of Proposed Amendments:	
Extend the area of the Green Buffer as shown between Witham and Rivenhall/Rivenhall End such that the revised boundary comes up to the edge of the Educational land north of Rickstones Road; up to Rectory Lane and up to the boundary of development site RIVE 360.	



Amendment 11

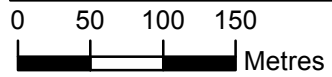
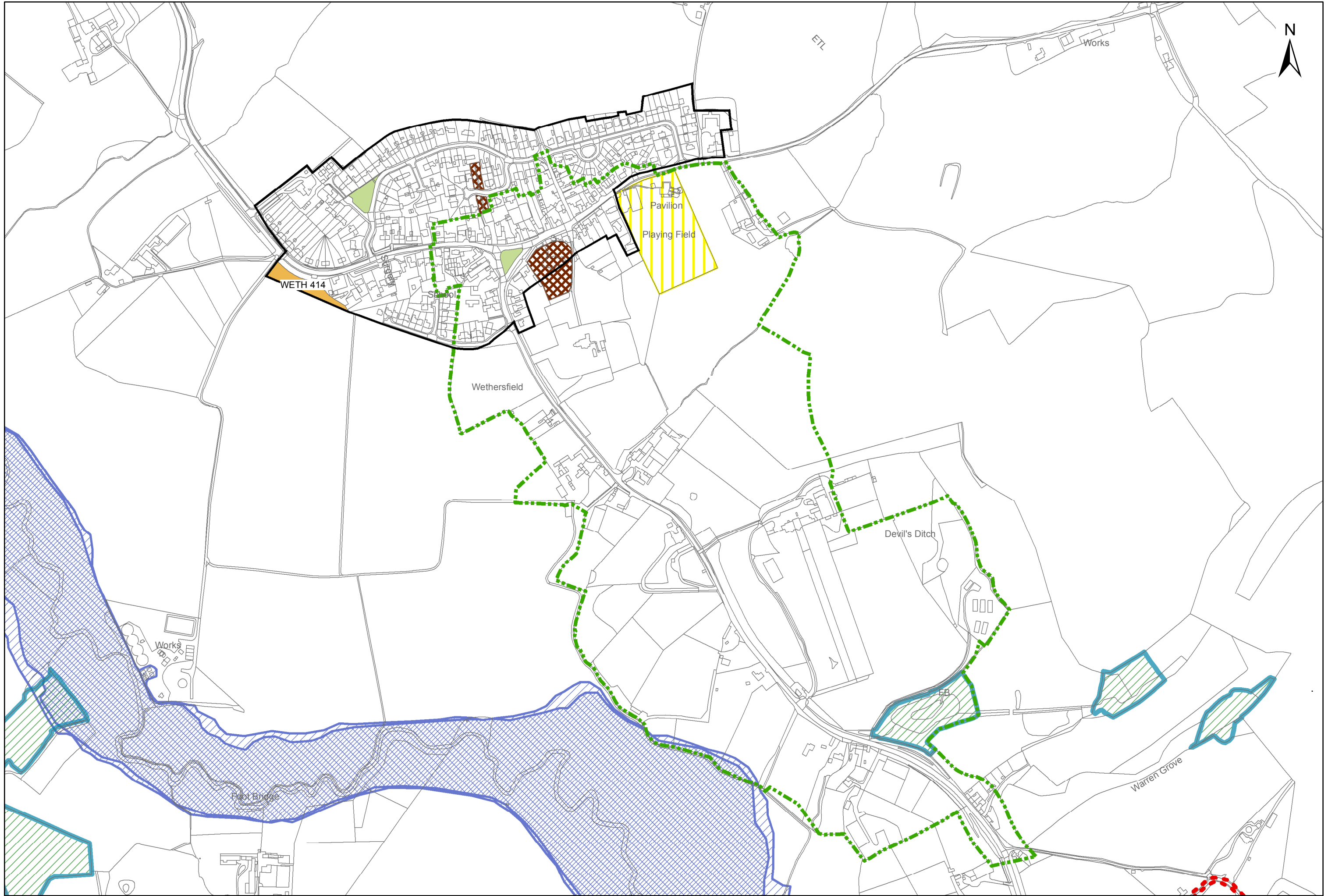
Name of Councillor Proposing Amendment:	Cllr John Elliott
Name of Councillor seconding the proposed Amendment:	Cllr Mrs Lyn Walters
Part 1 or 2 of the Local Plan:	Part 2
Page Number:	INSET 38
Map Number/Site Reference:	KELV 337 (INSET 38)
Policy Number (if applicable):	N/A
Policy Heading (if applicable):	N/A
Section Number/Bullet Point (if applicable):	N/A
Wording of Proposed Amendment:	
<p>To remove the residential site allocation of KELV337, London Road, Kelvedon from the Publication Draft Local Plan and replace with the residential site allocation at KELV335 Monks Farm, Kelvedon which was in the Draft Local Plan (June 2016).</p> <p>To re-instate site allocation KELV 335 (MONKS FARM) & remove site allocation KELV 337 (LONDON ROAD) from the Local Plan Publication Draft.</p>	



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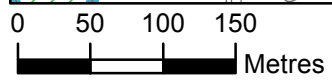
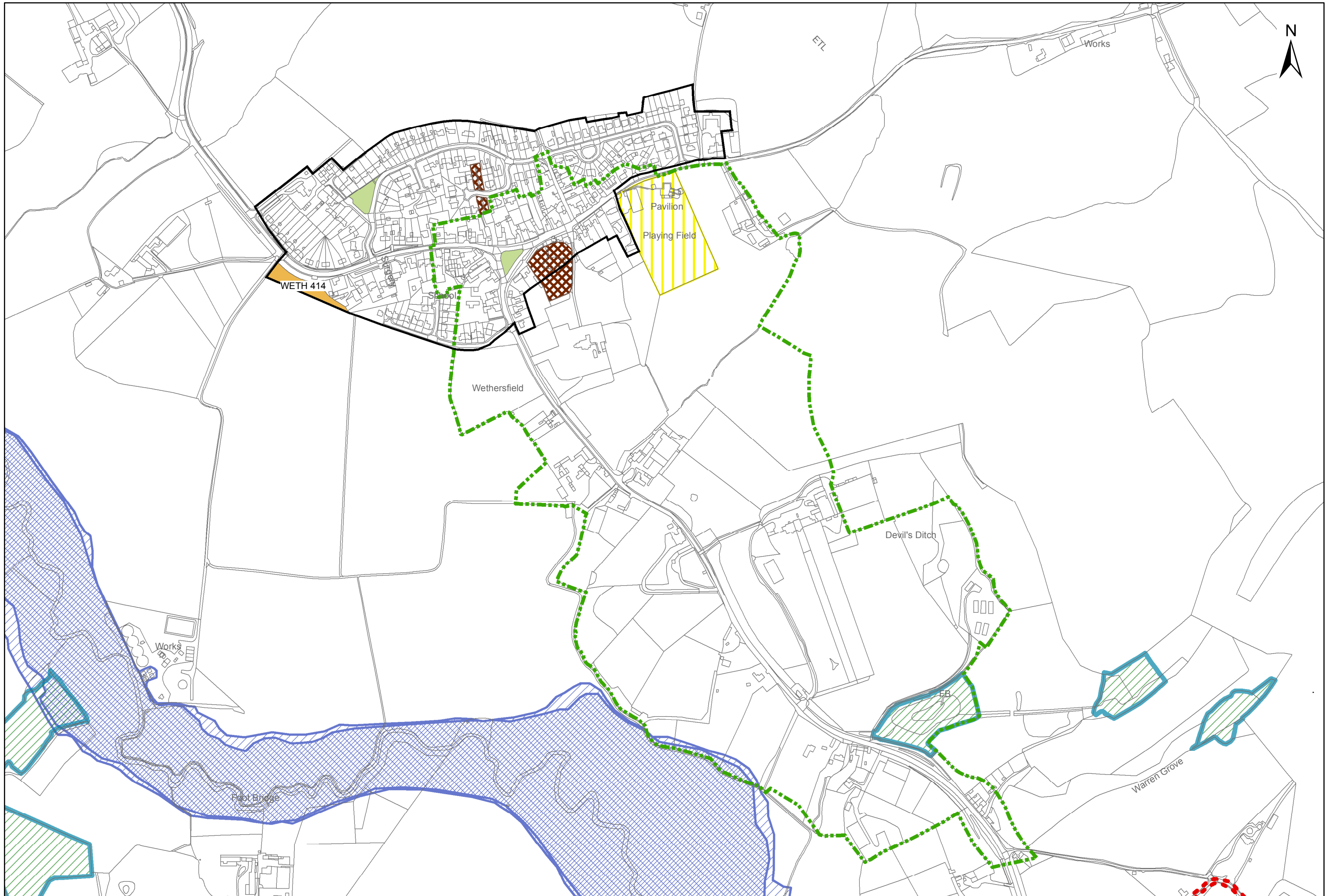
Amendment 12

Name of Councillor Proposing Amendment:	Cllr Peter Tattersley
Name of Councillor seconding the proposed Amendment:	Cllr Graham Butland
Part 1 or 2 of the Local Plan:	Part 2
Page Number:	INSET MAP 65
Map Number/Site Reference:	WETH 624
Policy Number (if applicable):	N/A
Policy Heading (if applicable):	N/A
Section Number/Bullet Point (if applicable):	N/A
Wording of Proposed Amendment: Delete WETH [Wethersfield] 624 from the Publication Draft Local Plan.	



Amendment 13

Name of Councillor Proposing Amendment:	Cllr Peter Tattersley
Name of Councillor seconding the proposed Amendment:	Cllr Graham Butland
Part 1 or 2 of the Local Plan:	Part 2
Page Number:	INSET MAP 65
Map Number/Site Reference:	N/A
Policy Number (if applicable):	N/A
Policy Heading (if applicable):	N/A
Section Number/Bullet Point (if applicable):	N/A
Wording of Proposed Amendment:	
To reinstate development boundary on Hudson Hill, Wethersfield to that shown in the 2005 Local Plan Review.	



Special Meeting of Full Council- 5th June 2017
Item 5 – Braintree District Publication Draft Local Plan

Schedule of Amendments – Minded to be accepted or rejected by Chairman of the Local Plan Sub-Committee

No.	Councillor	Proposed Amendment	Part	Page	Revised wording with amendment accepted by Chairman at this stage.	Minded to accept or reject amendment	Reasons:
1	J Abbott	Delete “15,000 – 24,000” in section on Colchester/Braintree Borders garden community and insert “7,000 – 10,000”.	Part 1	43 & 50	Not applicable.	Minded to reject	The reduction in numbers as proposed will not deliver the necessary size and scale of development in the location to meet the requirements for infrastructure services. The range of the development proposed is 15,000 to 24,000 and a final figure within that range will be determined through a later Strategic Growth Development Plan Document.

No.	Councillor	Proposed Amendment	Part	Page	Revised wording with amendment accepted by Chairman at this stage.	Minded to accept or reject amendment	Reasons:
2	J Abbott	A map needs to be included in the Plan that shows at the same detail as 10.2 inset B the expectation of the area of the proposed Colchester/Braintree Borders Garden Community as a whole.	Part 1	64, 65, 66	Not applicable.	Minded to reject	<p>These are broad areas of search rather than allocations hence the less detailed map.</p> <p>Each Authority agreed to only show the land within their districts in their Local Plan.</p> <p>Officers have been requested to check what has been published by the other Authorities and can provide Members with a copy of the other Authorities' plans to show the extent of the area of search within their respective areas.</p>
3a*	J Abbott	In first bullet point delete "2000" and insert "1750".	Part 1	59	"1750 new homes of a mixed size and type appropriate to the area."	Minded to accept	<p>*Please note amendment 3 has been separated in to two parts. The amendments are now recorded as 3a and 3b.</p> <p>Accept the amendment to the bullet point "delete "2000" and insert "1750". This reflects an earlier policy</p>

No.	Councillor	Proposed Amendment	Part	Page	Revised wording with amendment accepted by Chairman at this stage.	Minded to accept or reject amendment	Reasons:
3b*	J Abbott	<p>Reword whole of penultimate paragraph to read as follows:</p> <p>“The development will be expected to integrate with existing development and the wider area. This will include safety and pedestrian access enhancements to Bakers Lane and the provision of public footpaths, cycleways and, where opportunities exist, links to bridleways. This could include the enhancement of existing and the creation of new sections of footways and public rights of way.”</p>	Part 1	59	Not applicable.	Minded to reject	<p>*Please note amendment 3 has been separated in to two parts. The amendments are now recorded as 3a and 3b.</p> <p>Reject the proposal to reword the paragraph. The existing wording provides sufficient flexibility for a scheme to be developed with the Highway Authority and the Landowners, without being unduly prescriptive at this time.</p>
4	R Mitchell	Bullet point - "Public open space....country park to the South of the A12". Should read "South of the <u>current</u> A12"	Part 2	64	- "Public open space....country park to the South of the current A12".	Minded to accept	Addition of a single word "current" reflects the A12 current location.
5	W Scattergood	<p>No change to the Policy</p> <p>New bullet point in text required it should read:</p> <p>External Lighting must meet the criteria of the External Lighting Policy LPP81.</p>	Part 2	109	External Lighting must meet the criteria of the External Lighting Policy LPP81.	Minded to accept	This is a new paragraph number after 7.26 of the supporting text rather than a bullet point.

No.	Councillor	Proposed Amendment	Part	Page	Revised wording with amendment accepted by Chairman at this stage.	Minded to accept or reject amendment	Reasons:
6a*	J Abbott	The first part (bullet point 1) should stand alone and not be numbered. Renumber the rest as bullet points	Part 2	109	<p>New riding schools, stable buildings or other equestrian facilities, or extensions to such facilities ,will be permitted where they meet all the following criteria;</p> <ol style="list-style-type: none"> 1. There is no significant effect on important landscape or nature conservation interests or any adjacent residential area 2. No alterations to vehicular highways in the area are required 3. Bridleways, by ways or other usable off-road in the vicinity are designed to accommodate horse riders 4. Sufficient land is available for grazing and exercise where necessary 5. There is no significant effect on the setting of designated or non-designated heritage assets 	Minded to accept	<p>*Please note amendment 6 has been separated in to two parts. The amendments are now recorded as 6a and 6b.</p> <p>Accept the amendment to the first part of bullet point</p>

No.	Councillor	Proposed Amendment	Part	Page	Revised wording with amendment accepted by Chairman at this stage.	Minded to accept or reject amendment	Reasons:
6b*	J Abbott	<p>Add new bullet point 6 to read</p> <p>“Floodlighting will not be permitted in association with such facilities”.</p>	Part 2	109	Not applicable	Minded to reject	<p>*Please note amendment 6 has been separated in to two parts. The amendments are now recorded as 6a and 6b.</p> <p>Reject the proposed amendment to include an additional bullet point with the text ““Floodlighting will not be permitted in association with such facilities”. Chairman considers that the proposed amendment targets equestrian facilities unnecessarily when other users in the Countryside have the possibility to have external lighting in line with the policy.</p>

No.	Councillor	Proposed Amendment	Part	Page	Revised wording with amendment accepted by Chairman at this stage.	Minded to accept or reject amendment	Reasons:
7	J Abbott	<p>Amend policy title and all text where appropriate to refer to "Protected Species, Priority Species and Priority Habitat".</p> <p>To reflect the text of para 8.13, reword 4th para to read</p> <p>"Where there is a confirmed presence or reasonable likelihood of protected species or priority species being present on or immediately adjacent to a development site, the developer will be required to undertake an ecological survey and will be required to demonstrate that an adequate mitigation plan is place to ensure no harm to protected species and no net loss of priority species."</p>	Part 2	129	"Where there is a confirmed presence or reasonable likelihood of protected species or priority species being present on or immediately adjacent to a development site, the developer will be required to undertake an ecological survey and will be required to demonstrate that an adequate mitigation plan is place to ensure no harm to protected species and no net loss of priority species."	Minded to accept	The first part of the amendments corrects an error in the title and subsequent text. The rewording of the later paragraph does not materially alter the meaning of this section.
8	W Schmitt	'and building design which creates wildlife habitat (e.g. green roofs, bird and bat boxes <u>as integral parts of buildings in partnership with organisations such as The Swift Conservation Group and Essex Wildlife Trust</u> '	Part 2	131	'and building design which creates wildlife habitat (e.g. green roofs, bird and bat boxes <u>as integral parts of buildings in partnership with organisations such as The Swift Conservation Group and Essex Wildlife Trust</u> '	Minded to accept	Enables the Council to engage with organizations with specialist knowledge.

No.	Councillor	Proposed Amendment	Part	Page	Revised wording with amendment accepted by Chairman at this stage.	Minded to accept or reject amendment	Reasons:
9	J Abbott	<p>Delete whole of the sentence</p> <p>“Proposals for wind turbines will only be permitted provided that the development site is in an area identified as suitable for wind energy development in a Neighbourhood Plan”.</p>	Part 2	143	<p>A condition will be attached to planning permissions for energy development schemes to require the site to be decommissioned and restored when energy generation use ceases or becomes non-functioning for a period of 6 months or more. Such a scheme shall include, if appropriate, measures to restore and protect soil quality.</p> <p>Where any application for wind turbine(s) is submitted, it must include a consultation exercise which demonstrates that the planning impacts identified by affected local communities have been fully addressed and therefore the proposal has their backing.</p>	Minded to accept	As currently set out the wording could be deemed to be too restrictive as there is only limited coverage of neighbourhood plans in the District. The policy as amended continues to set a high standard for community involvement and buy in to proposals for wind turbines and this is considered a sufficient safeguard to consider wind turbines on a case by case basis.

No.	Councillor	Proposed Amendment	Part	Page	Revised wording with amendment accepted by Chairman at this stage.	Minded to accept or reject amendment	Reasons:
10	J Abbott	Extend the area of the Green Buffer as shown between Witham and Rivenhall/Rivenhall End such that the revised boundary comes up to the edge of the Educational land north of Rickstones Road; up to Rectory Lane and up to the boundary of development site RIVE 360.	Part 2	Inset 2A	Not applicable	Minded to reject	The main area of the green buffer is low/medium landscape capacity. It doesn't include the Golf Course, which itself acts as a green buffer. It is important to note that Green Buffers are intended to prevent coalescence between villages, not to stifle development and in officers view the green buffer proposed has the potential to do this.
11	J Elliott	<p>To remove the residential site allocation of KELV337, London Road, Kelvedon from the Publication Draft Local Plan and replace with the residential site allocation at KELV335 Monks Farm, Kelvedon which was in the Draft Local Plan (June 2016).</p> <p>To re-instate site allocation KELV 335 (MONKS FARM) & remove site allocation KELV 337 (LONDON ROAD) from the Local Plan Publication Draft.</p>	Part 2	Inset 38	Not applicable	Minded to reject	Chairman considers that this is a matter that Members should have the opportunity to debate.

No.	Councillor	Proposed Amendment	Part	Page	Revised wording with amendment accepted by Chairman at this stage.	Minded to accept or reject amendment	Reasons:
12	P Tattersley	Delete WETH [Wethersfield] 624 from the Publication Draft Local Plan.	Part 2	Inset 65	Not applicable	Minded to reject	The site was added into the Publication Draft Local Plan by the Local Plan sub-committee in November 2016. It has not yet been tested at public consultation or through a planning application, although a number of members of the public have submitted informal views. Given this, it is considered appropriate for the inclusion or exclusion of the site to be debated by Members.
13	P Tattersley	To reinstate development boundary on Hudson Hill, Wethersfield to that shown in the 2005 Local Plan Review.	Part 2	Inset 65	See Map Insert 65 Wethersfield above	Minded to accept	Since the development boundary amendment was proposed, a planning application for the site has been submitted and subsequently refused for housing development on the site. The information gathered as part of that planning application suggests that the site is not suitable for development and therefore the previous development boundary should be amended.