

Special Meeting of Full Council

AGENDA

Monday, 5 June 2017 at 7:15 PM

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

THIS MEETING IS OPEN TO THE PUBLIC
(Please note this meeting will be webcast and audio recorded)

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Members of the Council are requested to attend this meeting to transact the business set out in the Agenda.

Membership:-

Councillor J Abbott	Councillor J Goodman	Councillor Mrs J Pell
Councillor Mrs J Allen	Councillor A Hensman	Councillor R Ramage
Councillor M Banthorpe	Councillor P Horner	Councillor F Ricci
Councillor P Barlow	Councillor D Hufton-Rees	Councillor B Rose
Councillor J Baugh	Councillor D Hume	Councillor Miss V Santomauro
Councillor Mrs J Beavis	Councillor H Johnson	Councillor Mrs W Scattergood
Councillor D Bebb	Councillor Mrs A Kilmartin	Councillor Mrs W Schmitt
Councillor K Bowers	Councillor S Kirby	Councillor P Schwier
Councillor Mrs L Bowers-Flint	Councillor G Maclure	Councillor C Siddall
Councillor G Butland	Councillor D Mann	Councillor Mrs G Spray
Councillor S Canning	Councillor J McKee	Councillor P Tattersley
Councillor J Cunningham	Councillor R Mitchell	Councillor Miss M Thorogood
Councillor Mrs M Cunningham	Councillor Mrs J Money	Councillor R van Dulken
Councillor T Cunningham	Councillor Lady Newton	Councillor Mrs L Walters
Councillor M Dunn	Councillor J O'Reilly-Cicconi	Councillor Mrs S Wilson
Councillor J Elliott	Councillor Mrs I Parker	
Councillor Mrs D Garrod	Councillor Mrs S Paul	

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.

N BEACH
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.

Please note that there is public Wi-Fi in the Council Chamber, users are required to register in order to access this. There is limited availability of printed agendas.

Health and Safety

Any persons attending meetings in the Council offices 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 an alarm you must evacuate the building immediately and follow all instructions provided by officers. 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 switched to silent during the meeting in order to prevent disturbances.

Webcast and Audio Recording

Please note that this meeting will be webcast and audio recorded. You can view webcasts for up to 6 months using this link: <http://braintree.public-i.tv/core/portal/home>

Documents

Agendas, reports and minutes for all the Council's public meetings can be accessed via www.braintree.gov.uk

We welcome comments from members of the public to make our services as efficient and effective as possible. If you have any suggestions regarding the meeting you have attended, you can send these via governance@braintree.gov.uk

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 Annual General Meeting of Full Council held on 24th April 2017 (copy previously circulated).

4 Public Question Time

Only confirmed registered speakers will be permitted to speak at this meeting.

To register to speak, members of the public should contact the Governance and Members Team on 01376 552525 or email governance@braintree.gov.uk by **5.30pm on Wednesday 31st May 2017**. Any requests received after this time and date will be declined. Confirmation will be emailed to the registered speakers.

In order to exercise fairness to all those wishing to speak and to manage this Special Meeting of Full Council, it may be necessary to restrict the number of speakers. Only one speaker's slot will be given to a Parish Council including any specialist groups formed by that Parish Council. Where there are two or more people wishing to speak on the same specific site, the Council reserves the right to request that the speakers collaborate and address the Council in a single speaker's slot.

In the event of large public attendance at this meeting, priority will be given to the registered speakers being seated in the Council Chamber. For those members of the public who cannot be accommodated in the Council Chamber, seating and facilities to view the webcast of the meeting will be available in the reception area of Causeway House.

Notice to Members:

This meeting will be conducted in accordance with the procedures as agreed by Full Council.

5 Braintree District Publication Draft Local Plan**4 - 10****6 Interim Arrangements – Head of Paid Service****11 - 12**

Braintree District Publication Draft Local Plan		Agenda No: 5
Portfolio	Planning and Housing	
Corporate Outcome:	A well connected and growing district with high quality homes and infrastructure	
Report presented by:	Councillor Mrs L Bowers-Flint, Cabinet Member for Planning and Housing	
Report prepared by:	Emma Goodings Head of Planning Policy and Economic Development	
Background Papers:	Public Report	
<ul style="list-style-type: none"> • National Planning Policy Framework (NPPF) • National Planning Practise Guidance (NPPG) • Draft Local Plan June 2016 • Local Plan Sub-Committee Agendas and Minutes • Evidence base for the Local Plan www.braintree.gov.uk/lpevidencebase 	Key Decision: No	
Executive Summary:		
<p>The latest version of the Local Plan, the Publication Draft Local Plan, has been drafted following comments made during the Draft Local Plan consultation in Summer 2016. The Local Plan includes a strategic section one which is shared with Colchester Borough Council and Tendring District Council. This section contains ten strategic policies and broad areas of search for three garden communities across the North Essex area. Section two of the Plan contains the allocations and policies specifically related to Braintree District.</p> <p>Officers are recommending that the Publication Draft Local Plan is approved for consultation and subsequent submission for examination. The Publication Draft Local Plan is Appendix 1 to this report.</p> <p>A Sustainability Appraisal incorporating a Strategic Environmental Assessment has been prepared to consider the environmental impact of all policies and allocations within the Publication Draft Local Plan. Officers are also recommending that the Sustainability Appraisal is approved for consultation. The Sustainability Appraisal is made up of numerous reports and is an electronic Appendix 2 to this report.</p>		

Recommended Decision:

Recommendation 1: To approve the content of the Braintree District Publication Draft Local Plan and the Sustainability Appraisal/Strategic Environmental Assessment of the Publication Draft Local Plan.

Recommendation 2: To approve the carrying out of a six week period of public consultation on the Publication Draft Local Plan.

Recommendation 3: To approve the publishing and making available of the Sustainability Appraisal to inform consultation and engagement on the Publication Draft Local Plan and the Sustainability Appraisal.

Recommendation 4: To approve the submission of the Publication Draft Local Plan to the Government Secretary of State for examination.

Purpose of Decision:

For Members to approve the publication of the Publication Draft Local Plan for public consultation and its subsequent submission for examination.

Any Corporate implications in relation to the following should be explained in detail.	
Financial:	The cost of the production of the Local Plan and its evidence base has been met from the Local Plan budget. The costs of the consultation and examination process will be met from the Local Plan budget.
Legal:	The Local Plan must meet the requirements for soundness set out in the NPPF and other regulatory requirements. The Publication Draft Local Plan is considered to be sound and the relevant legal requirements have been met.
Safeguarding:	N/A
Equalities/Diversity:	The Publication Draft Local Plan is accompanied by a Equalities Impact Assessment.
Customer Impact:	The Local Plan, once adopted, will impact all those living, working and travelling in the District.
Environment and Climate Change:	Policies in the Publication Draft Local Plan include those in relation to mitigating the impact of growth on the environment and climate change.
Consultation/Community Engagement:	The Publication Draft Local Plan is subject to a period of public consultation for six weeks from the 16 th June 2017.
Risks:	That the Publication Draft Local Plan will be found unsound at examination.
Officer Contact: Emma Goodings	
Designation: Head of Planning Policy and Economic Development	
Ext. No: 2511	
E-mail: emma.goodings@braintree.gov.uk	

1 Background

- 1.1 The District is required to have a Local Plan in place which guides development in the District over a 15 year period. Braintree District Council has been working on a new Local Plan since 2014 to replace the 2005 Local Plan Review and 2011 Core Strategy. In 2015 a public consultation was held on an Issues and Scoping document and in June 2016 a public consultation on the Preferred Options Local Plan took place. Taken together these consultations have resulted in over 4,500 comments made to the proposals for growth.
- 1.2 The Publication Draft Local Plan must be supported by a robust and credible evidence base of documents which provide technical and specialist advice on the main strategic issues which the Local Plan will be dealing with. Currently the evidence base to support the Publication Draft Local Plan is made up of more than sixty documents and can be found at www.braintree.gov.uk/lpevidencebase. Some of the key reports include the Objectively Assessed Housing Need Study 2016 Update which sets out how the housing need in the Local Plan has been calculated, the Employment Land Needs Assessment 2015 which sets out how our need for employment land has been calculated and a number of studies which set out a Landscape Character Assessment for the District and Landscape Capacity Analysis for areas on the edges of the main settlements.
- 1.3 Council approved the Draft Local Plan for consultation in June 2016. Following that consultation, the Local Plan Sub-Committee has considered every individual policy and town and village inset map again, to make changes to the Plan as a result of the responses which were received during the consultation and as further evidence has emerged.

2 The Publication Draft Braintree District Local Plan

- 2.1 The Local Plan comes in two parts. The first section is the Strategic Plan for North Essex and is shared with both Colchester Borough Council and Tendring District Council. There are ten strategic policies for the development of North Essex and these include overall policies on housing and employment needs, place shaping principles and strategic infrastructure. This section of the Plan is replicated in all three Local Authorities' Local Plans and has been prepared with the support of Essex County Council.
- 2.2 The section one of the Local Plan also includes broad areas of search for three garden communities which are supported by four policies which set out a framework for how these garden communities will be delivered. Two of the garden communities affect Braintree District, West of Braintree which is located to the west of Braintree and Rayne, north of the A120, and Colchester/Braintree borders which is centred in the Marks Tey area, but also covers parts of Feering Parish along the A12 and Coggeshall Parish along the A120. The third garden community is located at Tendring/Colchester borders to the east of Colchester. Together these three garden communities could deliver between 29,000 and 41,000 homes over the longer term, and 7,500 new homes within the Plan period (by 2033).

- 2.3 Section two of the Local Plan contains policies and allocations which are specifically related to the Braintree District. There are a total of eighty two policies in this section which include strategic and non-strategic policies to guide development in the District. This also includes a number of site specific policies which provide additional detail on sites which are very large, or which by virtue of their location or uses, have more complicated requirements for development.
- 2.4 The Local Plan also contains seventy maps, one for each area of the District which has a development boundary and the overall Proposals Map for the District. These maps show spatially the policies of the Local Plan and show where allocations are made for new homes, or employment uses, or where land is protected as visually important open space, or for education, for example. This version of the Local Plan does not contain 'alternative' maps of sites which have been put forward for development as this is considered to be the final Plan.
- 2.5 The Local Plan is required to allocate a minimum of 14,320 homes in the Plan period 2013 – 2033 to meet the requirements of our Objectively Assessed Need. The spatial strategy for the Braintree District guides where those homes are proposed and states;

“That the broad spatial strategy for the Braintree District should concentrate development on the town of Braintree, planned new garden communities, Witham and the A12/Great Eastern Mainline corridor and Halstead”

- 2.6 With the exception of the new garden communities, five new strategic allocations are made and one is rolled forward from the 2011 Core Strategy. These are;
- Land East of Great Notley (in Black Notley Parish)
 - Land East of Broad Road, Braintree
 - Former Towerlands Park site, Braintree
 - Land at Feering
 - Wood End Farm, Witham (Hatfield Peverel Parish)
 - North West Braintree – Panfield Lane
- 2.7 The Local Plan contains a policy for each of these sites and includes details of the community facilities and employment that will be delivered from the site, as well as the number of new homes.

3 Sustainability Appraisal

- 3.1 The preparation of the Publication Draft Local Plan has been informed by the production of Sustainability Appraisals which have incorporated Strategic Environment Assessments. This is a legal requirement. The purpose of a Sustainability Appraisal is to assess the likely environmental and sustainability impacts of the allocations and policies in the Draft Local Plan and the impacts of reasonable alternatives.
- 3.2 As the Publication Draft Local Plan is in two parts there are two Sustainability Appraisals to support it. The reports together with their appendices are an

electronic only **Appendix 2** to this report. The first, on section one, has been prepared jointly with Colchester Borough Council and Tendring District Council, and the second is on the Braintree District specific part of the Local Plan. Both have been prepared by specialist consultants. The Sustainability Appraisal suggests mitigation measures, which have been incorporated into policies.

- 3.3 It is our intention that the Sustainability Appraisals are published at the same time as the Publication Draft Local Plan and are subject to public consultation.

4 Conclusion

- 4.1 Officers consider that the Publication Draft Local Plan has been prepared in line with our legal and statutory requirements and provides a sound, justified and effective approach to development in Braintree District. It is accompanied by a robust and proportionate evidence base dealing with key strategic issues. As such officers are recommending to the Council that the Publication Draft Local Plan is published for consultation and subsequently submitted to the Secretary of State for examination. In addition, officers recommend publishing and making the Sustainability Appraisal available alongside the Publication Draft Local Plan to inform the consultation.

5 Next Steps

- 5.1 The Publication Draft Local Plan will be subject to a six week public consultation period starting from the 16th June and in line with the consultation strategy that was presented to the Local Plan Sub-Committee on the 12th April 2017. Colchester Borough Council and Tendring District Council will consult on their own Publication Draft Local Plans on the same dates.
- 5.2 Following the closure of the consultation, responses will be processed by the Councils. The full evidence base, the Publication Draft Local Plan and all the consultation responses will then be submitted to the Secretary of State who will ask the Planning Inspectorate to hold an examination of the Local Plan. There will be two examinations in public involved in plan adoption. The strategic element of the Local Plan (Section one) common to Braintree, Colchester and Tendring Local Plans will be examined jointly. Assuming that the examiner is able to confirm that, in principle, Section one is sound, then that will be followed by separate examinations of each Local Plan's unique policies (as contained in Section two of each draft Local Plan).
- 5.3 It is anticipated that the submission of the Publication Draft Plan will take place in the Autumn 2017.

Recommendation 1: To approve the content of the Braintree District Publication Draft Local Plan and the Sustainability Appraisal/Strategic Environmental Assessment of the Publication Draft Local Plan.

Recommendation 2: To approve the carrying out of a six week period of public consultation on the Publication Draft Local Plan.

Recommendation 3: To approve the publishing and making available of the Sustainability Appraisal to inform consultation and engagement on the Publication Draft Local Plan and the Sustainability Appraisal.

Recommendation 4: To approve the submission of the Publication Draft Local Plan to the Government Secretary of State for examination.

Interim Arrangements – Head of Paid Service		Agenda No: 6
Portfolio	Overall Corporate Strategy and Direction	
Corporate Outcome:	A high performing organisation that delivers excellent and value for money services	
Report presented by:	Councillor Graham Butland, Leader of the Council	
Report prepared by:	Ian Hunt, Head of Governance	
Background Papers:	Public Report	
Constitution	Key Decision: No	
Executive Summary:		
<p>Following the resignation of the Chief Executive, Nicola Beach, it is confirmed that her last day of employment will be 30th June 2017.</p> <p>In respect of the substantive appointment, the full mechanism for the recruitment process has yet to be determined and a further paper will be presented to Council following the receipt of professional advice and discussions with Group Leaders.</p> <p>The appointment of a Head of Paid Service is reserved to Full Council as is the appointment of interim arrangements.</p> <p>In respect of the interim position, it is recommended that Andy Wright, Corporate Director, will become Acting Chief Executive from 1st July 2017 until such time as a permanent appointment is made. An exact time period for this arrangement cannot be given, but it is envisaged that this may run until the end of this calendar year.</p> <p>Nicola Beach is also the Council's appointed Electoral Registration and Local Government Returning Officer. It is therefore proposed that the same interim arrangements are used for these posts.</p>		
Recommended Decision:		
<ol style="list-style-type: none">1. To appoint Andy Wright as Head of Paid Service, Electoral Registration Officer and Local Government Returning Officer from 1st July 2017.2. To appoint Andy Wright to fulfil the role of Chief Executive (where mentioned) within the Constitution from 1st July 2017.		

Purpose of Decision:

To make interim arrangements for the statutory functions of the Chief Executive.

Any Corporate implications in relation to the following should be explained in detail.

Financial:	The appointment can be met from within existing budgets.
Legal:	The statutory officer appointments are reserved to Full Council in accordance with Article 4 of the Constitution . The appointment of a permanent post holder must be undertaken in accordance with the Constitution and the Local Authorities (Standing Orders) (England) Regulations 2001.
Safeguarding:	There are no direct implications from this report.
Equalities/Diversity:	Any appointment process for a substantive post will consider all relevant equality and diversity matters.
Customer Impact:	The appointment will enable continued governance and management of the organisation.
Environment and Climate Change:	There are no direct implications from this report.
Consultation/Community Engagement:	Members will be engaged within the process for the statutory appointment of the substantive post.
Risks:	Failure to make interim arrangements would leave the Council exposed to not being able to make effective and timely decisions, or having the management structure in place to deliver services.
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