

Minutes

Council Special Meeting 5th June 2017



These minutes principally record decisions taken and, where appropriate, the reasons for the decisions. A webcast of the meeting is available at www.braintree.gov.uk.

Present:

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

In accordance with the Code of Conduct, Councillors J O'Reilly-Cicconi and P Schwier were not in attendance as they were the owners, or were related to the owners, of sites which had been submitted for consideration as part of the draft Braintree District Local Plan 'call for sites'. On the basis of their individual Disclosable Pecuniary Interests, the Councillors were precluded from taking part in the discussion and decision on the draft Local Plan as a whole.

In accordance with the Code of Conduct, Councillors R Mitchell and Mrs W Scattergood were not in attendance as Councillor Mitchell was the owner of property in proximity to sites which had been included as part of the draft Braintree District Local Plan 'call for sites', and Councillor Mrs Scattergood was impacted by the proposal for a garden community on the 'Colchester/Braintree borders'. On the basis of their individual Substantive Non-Pecuniary Interests, the Councillors were precluded from taking part in the discussion and decision on the draft Local Plan as a whole.

Terrorist Attacks at Manchester Arena and in London

At the start of the meeting, the Chairman asked everyone present to observe a minute's silence in memory of the people who had lost their lives and had been injured in a bomb attack at Manchester Arena on Monday, 22nd May 2017 and an attack on London Bridge and at Borough Market, London on Saturday, 3rd June 2017.

17 **DECLARATIONS OF INTEREST**

INFORMATION: The following interests were declared:-

Councillor J Abbott declared a non-pecuniary interest in Agenda Item 5 – Braintree District Publication Draft Local Plan as an elected member of Rivenhall Parish Council, which had submitted representations about the Plan.

Councillor M Banthorpe declared a non-pecuniary interest in Agenda Item 5 – Braintree District Publication Draft Local Plan as Mr T Dixon, who was speaking at the meeting during Question Time, was known to him.

Councillor Mrs L Bowers-Flint declared a non-pecuniary interest in Agenda Item 5 – Braintree District Publication Draft Local Plan (Section One - Strategic Plan for North Essex (North Essex Garden Communities) as a non-remunerated Alternate Director of North Essex Garden Communities Ltd.

Councillor G Butland declared a non-pecuniary interest in Agenda Item 5 – Braintree District Publication Draft Local Plan (Section One - Strategic Plan for North Essex (North Essex Garden Communities) as a non-remunerated Director of North Essex Garden Communities Ltd.

Councillor T Cunningham declared a non-pecuniary interest in Agenda Item 5 – Braintree District Publication Draft Local Plan (Section One - Strategic Plan for North Essex (North Essex Garden Communities) as, in his capacity as the Cabinet Member for Economic Development, he had met with Mr R Bucknell of Andrewsfield New Settlement Consortium (land West of Braintree), and he had met with representatives of CAUSE (Campaign Against Urban Sprawl in Essex).

Councillor J Elliott declared a non-pecuniary interest in Agenda Item 5 – Braintree District Publication Draft Local Plan (Amendment No. 14 - Inset 38 Kelvedon, sites KELV337 - London Road, Kelvedon and KELV335 - Monks Farm, Kelvedon) as his father was the owner of a property and a small-holding in London Road, Kelvedon, but which did not border any part of site KELV337. In addition, Councillor Elliott declared a non-pecuniary interest in the same Agenda Item as, together with his

wife, he was a family member of Kelvedon and Feering Heritage Society, whose representative was speaking at the meeting during Question Time.

In accordance with the Code of Conduct, Councillors remained in the meeting, unless stated otherwise, and took part in the debate and decision when the Item was considered.

18 **MINUTES**

DECISION: That the Minutes of the meeting of the Council held on 24th April 2017 be approved as a correct record and signed by the Chairman.

19 **QUESTION TIME**

INFORMATION: Prior to the consideration of this Item, Mrs E Goodings, Head of Planning Policy and Economic Development, gave a presentation on the draft Braintree District Local Plan.

There were 12 statements made. Details of the people who spoke at the meeting are contained in the Appendix to these Minutes.

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

20 **BRAINTREE DISTRICT PUBLICATION DRAFT LOCAL PLAN**

INFORMATION: Councillor Mrs L Bowers-Flint, Cabinet Member for Planning and Housing and Chairman of the Local Plan Sub-Committee, introduced this Item.

The Council had been working on a new Local Plan to guide development in the District up to 2033. The document would include strategic and non-strategic policies and allocations and, once adopted, it would replace the Braintree District Local Plan Review 2005 and the Core Strategy of 2011.

The Braintree District Publication Draft Local Plan was in two parts. Section One was a Strategic Plan for North Essex, which was shared with both Colchester Borough Council and Tendring District Council and it had been prepared with the support of Essex County Council. Section One included broad areas of search for three garden communities, two of which affected the Braintree District. These were 'West of Braintree' and 'Colchester/Braintree borders'. Section Two of the Plan contained specific policies to guide development in the Braintree District, an overall Proposals Map, and an Inset Map for each area of the District which had a development boundary.

The Local Plan was required to allocate a minimum of 14,320 new homes to be provided during the period 2013 – 2033 in order to meet the requirements of the Council's Objectively Assessed Housing Need. In addition to the proposed garden communities, six strategic sites had been identified for development. These were 'land East of Great Notley (in Black Notley Parish)'; 'land East of Broad Road, Braintree'; the 'former Towerlands Park site, Braintree'; 'land at Feering'; 'Wood End Farm, Witham (Hatfield Peverel Parish)'; and 'North-West Braintree – Panfield Lane'.

Sustainability Appraisals/Strategic Environmental Assessments had been prepared to consider the environmental impact of all policies and allocations within Section One and Section Two of the Plan. The Publication Draft Local Plan had to be supported by a robust and credible evidence base of documents in order to provide technical and specialist advice on the main strategic issues within the Plan. Some of the key reports included the Objectively Assessed Housing Need Study 2016 Update; the Employment Land Needs Assessment 2015; a Landscape Character Assessment; and a Landscape Capacity Analysis.

It was considered that the Publication Draft Local Plan had been prepared in line with legal and statutory requirements, that it provided a sound, justified and effective approach to development in the Braintree District and that it was accompanied by a robust and proportionate evidence base covering key strategic issues. It was proposed that the Council should approve the Publication Draft Local Plan and that the Plan should be subject to public consultation for a six week period starting from 16th June 2017. In addition, it was proposed that the Sustainability Appraisals and Strategic Environmental Assessments of both Section One and Section Two of the Plan should be made available to inform the consultation process. At the end of the consultation period, the Publication Draft Local Plan, evidence base documents and consultation responses would be submitted to the Secretary of State who would ask the Planning Inspectorate to hold an examination of the Local Plan. Section One of the Local Plan would be examined jointly with Colchester and Tendring Councils. This would be followed by a separate examination of Section Two of the Braintree Local Plan.

It was reported that fifteen proposed amendments to the Publication Draft Local Plan had been submitted by Councillors and these had been published in an Amendment Pack prior to the meeting. The amendments were numbered 1 to 15. In accordance with the agreed process for this Special Meeting of Full Council, Councillor Mrs Bowers-Flint had agreed to accept the amendments numbered 1, 2, 3, 4, 5, 6, 7 and 8, as set out in Part 1 of the Amendment Pack and to move these as part of the substantive motion. No Councillors had requested a debate on these amendments. The amendments are set out below:-

Amendment No. 1 (Proposed by Councillor J Abbott)

'Section Two' – '6. A Prosperous District', 'Homes', 'Housing Allocations', 'Policy LPP 18 – Strategic Growth Location - Land East of Great Notley, South of Braintree'

Amendment

In the first bullet point delete '2000' and insert '1750'

Amended Wording

The first bullet point to read (change underlined):-

'1750 new homes of a mixed size and type appropriate to the area'

Amendment No. 2 (Proposed by Councillor R Mitchell)

'Section Two' - '6. A Prosperous District', 'Homes', 'Housing Allocations', 'Policy LPP 22 – Strategic Growth Location - Land at Feering'

Amendment

Add the word 'current' to the ninth bullet point'

Amended Wording

The ninth bullet point to read (change underlined):-

'Public open space, and informal and formal recreation including a new country park to the South of the current A12'

Amendment No. 3 (Proposed by Councillor Mrs Scattergood)

'Section Two' - '7. Creating Better Places' 'A Healthy and Active District', 'Policy LPP 54 - Equestrian Facilities'

Amendment

Add a new bullet point to the supporting text to read:-

'External lighting must meet the criteria of the External Lighting Policy LPP 81'

Amended Wording

The supporting text to Policy LPP 54 - Equestrian Facilities to include the following new bullet point (change underlined):-

'External lighting must meet the criteria of the External Lighting Policy LPP 81'

Amendment No. 4 (Proposed by Councillor J Abbott)

'Section Two' - '7. Creating Better Places' 'A Healthy and Active District', 'Policy LPP 54 - Equestrian Facilities'

Amendment

The first part (bullet point 1) should stand alone and not be numbered. Renumber the rest as bullet points.

Amended Wording

The paragraphs of the Policy to be re-numbered (changes underlined):-

'New riding schools, stable buildings or other equestrian facilities, or extensions to such facilities, will be permitted where they meet all the following criteria;

- 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, byways 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

Proposals for new or extended residential accommodation will only be permitted if a submitted business plan demonstrates that there is a convincing case for residential accommodation, and provided that they accord with the criteria above. The accommodation permitted will only be the minimum required to meet the needs of the relevant business.'

Amendment No. 5 (Proposed by Councillor J Abbott)

'Section Two' - '8. The District's Natural Environment', 'Biodiversity, Landscape Character and Agriculture', 'Policy LPP 68 - Protected Species, Priority Spaces and Priority Habitat'

Amendment

Amend the Policy title and all text, where appropriate, to refer to "Protected Species, Priority Species and Priority Habitat".

Amend the fourth paragraph of the Policy to read:-

'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 in place to ensure no harm to protected species and no net loss of priority species.'

Amended Wording

The Policy to read (changes underlined):-

‘Protected Species, Priority Species and Priority Habitat

National and International Designations

Sites designated for their international, European and national importance to nature conservation; including Ramsar sites, Special Protection Areas, Special Areas of Conservation, should be protected from development likely to have an adverse effect on their integrity whether they are inside or outside the district. Proposals likely to have an adverse effect will require a full assessment in line with European legislation.

Planning permission for major development will be refused in these areas except in exceptional circumstances where overriding public interest can be demonstrated.

Protected Species, Priority Species and Priority Habitat

Proposals that result in a net gain in priority habitat will in principle be supported, subject to other policies in this plan. Where priority habitats are likely to be adversely impacted by the proposal, the developer must demonstrate that adverse impacts will be avoided, and impacts that cannot be avoided are mitigated on-site. Where residual impacts remain, off-site compensation will be required so that there is no net loss in quantity and quality of priority habitat in Braintree District.

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 in place to ensure no harm to protected species and no net loss of priority species.

Sites of Special Scientific Interest and Irreplaceable Habitat

Development proposals should be controlled through avoidance, on-site management and on-site mitigation. Where this cannot be achieved, development proposals will not be permitted. Proposals resulting in the loss, deterioration or fragmentation of irreplaceable habitats such as ancient woodland or veteran trees will not normally be acceptable unless the need for, and benefits of the development in that location clearly outweigh the loss.

Local sites

Proposals likely to have an adverse effect on a Local Wildlife Site, Local Nature Reserve and Special Roadside Verge will not be permitted unless the benefits of the development clearly outweigh the harm to the nature conservation value of the site. If such benefits exist, the developer will be required to demonstrate that impacts will be avoided, and impacts that cannot be avoided will be mitigated on-site.

In all cases precautionary approach will be taken where insufficient information is provided about avoidance, management, mitigation and compensation measures. Management, mitigation and compensation measures will be secured through planning conditions/obligations where necessary.'

Amendment No. 6 (Proposed by Councillor Mrs W Schmitt)

'Section Two' - '8. The District's Natural Environment', 'Biodiversity, Landscape Character and Agriculture', 'Policy LPP 70 – Protection, Enhancement, Management and Monitoring of Biodiversity'

Amendment

Add the words 'as integral parts of buildings in partnership with organisations such as The Swift Conservation Group and Essex Wildlife Trust' to the end of the first paragraph of the Policy.

Amended Wording

The first paragraph of Policy 70 to read (changes underlined):-

'Development proposals shall provide for the protection of biodiversity and the mitigation or compensation of any adverse impacts. Additionally enhancement of biodiversity should be included in all proposals, commensurate with the scale of the development. For example, such enhancement could include watercourse improvements to benefit biodiversity and improve water quality, habitat creation, wildlife links (including as part of green or blue infrastructure) and building design which creates wildlife habitat (e.g. green roofs, bird or bat boxes) as integral parts of buildings in partnership with organisations such as The Swift Conservation Group and Essex Wildlife Trust.'

Amendment No. 7 (Proposed by Councillor J Abbott)

'Section Two' - '8. The District's Natural Environment', 'Climate Change and Energy', 'Policy LPP 76 – Renewable Energy Schemes'

Amendment

Delete 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' from the Policy.

Amended Wording

The seventh paragraph of Policy 76 to be deleted (change indicated by strike-through):-

~~‘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 No. 8 (Proposed by Councillor P Tattersley)

‘Section Two’ - ‘Proposals Maps’, ‘Inset 65 Wethersfield’

Amendment (proposed)

To reinstate the development boundary on Hudson’s Hill, Wethersfield to that shown in the 2005 Local Plan Review.

Amendment

That the development boundary on Hudson’s Hill, Wethersfield be reinstated to that shown in the 2005 Local Plan Review.

The amendments numbered 9, 10, 11, 12, 13, 14 and 15, as set out in Part 2 of the Amendment Pack, had not been accepted by Councillor Mrs Bowers-Flint and these were taken forward to the Council meeting. These amendments were subsequently considered as set out below:-

Amendment No. 9

Councillor J Abbott moved the following amendment which was seconded by Councillor J Elliott:-

‘Section One’ - ‘8. Cross Boundary Garden Communities’, ‘Policy SP 7 – Development and Delivery of New Garden Communities in North Essex’ and ‘Policy SP 9 – Colchester/Braintree Borders Garden Community’

Amendment

Delete ‘15,000 – 24,000’ in sections on Colchester/Braintree Borders Garden Community and insert ‘7,000 – 10,000’.

Amended Wording

Policy SP 7 – Development and Delivery of New Garden Communities in North Essex

The third paragraph to read (change underlined):-

Colchester/Braintree Borders, a new garden community will deliver 2,500 within the Plan period (as part of an overall total of between 7,000 – 10,000 homes to be delivered beyond 2033)

Policy SP 9 – Colchester/Braintree Boarders Garden Community

The first paragraph to read (change underlined):-

The adopted policies map identifies a strategic area for development of a new garden community of which the details and final number of homes will be set out in a Strategic Growth Development Plan Document to be prepared jointly between Colchester BC and Braintree DC and which will incorporate provision of around 2,500 dwellings within the Plan period (as part of an overall total of between 7,000 – 10,000 homes) and provision for Gypsies and Travellers.

There was a general debate on this amendment and at its conclusion a recorded vote was requested. The result of the recorded vote was as follows:

For the Motion

Councillors: Abbott and Elliott (2)

Against the Motion

Councillors: Mrs Allen, Banthorpe, Barlow, Baugh, Mrs Beavis, Bebb, Bowers, Mrs Bowers-Flint, Butland, Canning, J Cunningham, Mrs M Cunningham, T Cunningham, Mrs Garrod, Hensman, Horner, Hufton-Rees, Hume, Johnson, Kirby, Maclure, Mann, McKee, Mrs Money, Lady Newton, Mrs Pell, Ramage, Ricci, Miss Santomauro, Mrs Schmitt, Mrs Spray, Tattersley, Miss Thorogood, Mrs Walters and Mrs Wilson (35)

Abstained

Councillors: Mrs Kilmartin and Siddall (2)

Absent

Councillors: Dunn, Goodman, Mitchell, O'Reilly-Cicconi, Mrs Parker, Mrs Paul, Rose, Mrs Scattergood, Schwier and van Dulken (10)

On being put to the vote, the motion was declared **LOST**.

Amendment No. 10

Councillor J Abbott moved the following amendment which was seconded by Councillor Elliott:-

'Section One' - '10. Appendices and Maps', '10.1 Key Diagram and '10.2 Maps (10.2 A - West of Braintree and 10.3 B - East of Braintree (Inset B))'

Amendment (proposed)

To include a map in the Plan that shows, at the same detail as Map 10.3 B - East of Braintree (Inset B), the expectation of the area of the proposed Colchester/Braintree Borders Garden Community as a whole, including the part of the proposed Garden Community which lies within Colchester Borough.

Amendment

To include a map in the Plan, at the same detail as Map 10.3 B - East of Braintree (Inset B), to show the whole of the area of the proposed Colchester/Braintree Borders Garden Community including those parts of the proposed Garden Community which lie within Braintree District and Colchester Borough.

On being put to the vote, the amendment was **LOST**.

Amendment No. 11

Councillor J Abbott moved the following amendment which was seconded by Councillor Mrs J Pell:-

'Section Two' – '6. A Prosperous District', 'Homes', 'Housing Allocations', 'Policy LPP 18 – Strategic Growth Location - Land East of Great Notley, South of Braintree'

Amendment

Reword the penultimate paragraph of Policy LPP 18 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.'

Amended Wording

The penultimate paragraph of Policy LPP 18 to read (changes underlined):-

'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.'

On being put to the vote, the amendment was **LOST**.

Amendment No. 12

Councillor J Abbott withdrew the following amendment on the basis that Councillor Mrs Bowers-Flint had agreed to accept Amendment No. 3 as set out in Part 1 of the Amendment Pack and to move this as part of the substantive motion.

'Section Two' - '7. Creating Better Places' 'A Healthy and Active District', 'Policy LPP 54 - Equestrian Facilities'

Amendment

Add a new bullet point to Policy LPP 54 to read:-

'Floodlighting will not be permitted in association with such facilities'.

Amended Wording

Not applicable. Amendment withdrawn.

The amendment was **WITHDRAWN**.

Amendment No. 13

Councillor J Abbott moved the following amendment which was seconded by Councillor Mrs J Pell:-

'Section Two' - 'Proposals Maps', 'Inset 2A Witham North'

Amendment (proposed)

To 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 RIVE360.

Amendment

That the area of the Green Buffer, as shown between Witham and Rivenhall/Rivenhall End, is extended 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 RIVE360.

On being put to the vote, the amendment was **LOST**.

Amendment No. 14

Councillor J Elliott moved the following amendment which was seconded by Councillor Mrs L Walters:-

'Section Two' - 'Proposals Maps', 'Inset 38 Kelvedon'

Amendment (proposed)

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).

To re-instate site allocation KELV335 (Monks Farm) and remove site allocation KELV337 (London Road) from the Local Plan Publication Draft.

Amendment

That the residential site allocation KELV337 - London Road, Kelvedon be removed from the Publication Draft Local Plan and that the residential site allocation at KELV335 - Monks Farm, Kelvedon be reinstated and included in the Publication Draft Local Plan.

On being put to the vote, the amendment was **CARRIED**.

Amendment No. 15

Councillor P Tattersley moved the following amendment which was seconded by Councillor G Butland:-

'Section Two' - 'Proposals Maps', 'Inset 65 Wethersfield'

Amendment (proposed)

To delete WETH624 – (West Drive, Wethersfield) from the Publication Draft Local Plan.

Amendment

That the residential site allocation WETH624 – West Drive, Wethersfield be removed from the Publication Draft Local Plan.

On being put to the vote, the amendment was **CARRIED**.

DECISION:

- (1) That the content of the Braintree District Publication Draft Local Plan and the Sustainability Appraisals/Strategic Environmental Assessments of the Publication Draft Local Plan be approved, subject to the following amendments:-

Amendment No. 1

'Section Two' – '6. A Prosperous District', 'Homes', 'Housing Allocations', 'Policy LPP 18 – Strategic Growth Location - Land East of Great Notley, South of Braintree'

The first bullet point to read (change underlined):-

'1750 new homes of a mixed size and type appropriate to the area'

Amendment No. 2

'Section Two' - '6. A Prosperous District', 'Homes', 'Housing Allocations', 'Policy LPP 22 – Strategic Growth Location - Land at Feering'

The ninth bullet point to read (change underlined):-

'Public open space, and informal and formal recreation including a new country park to the South of the current A12'

Amendment No. 3

'Section Two' - '7. Creating Better Places' 'A Healthy and Active District', 'Policy LPP 54 - Equestrian Facilities'

The supporting text to Policy LPP 54 - Equestrian Facilities to include the following new bullet point (change underlined):-

'External lighting must meet the criteria of the External Lighting Policy LPP 81'

Amendment No. 4

'Section Two' - '7. Creating Better Places' 'A Healthy and Active District', 'Policy LPP 54 - Equestrian Facilities'

The paragraphs of the Policy to be re-numbered (changes underlined):-

'New riding schools, stable buildings or other equestrian facilities, or extensions to such facilities, will be permitted where they meet all the following criteria;

- 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, byways 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

Proposals for new or extended residential accommodation will only be permitted if a submitted business plan demonstrates that there is a convincing case for residential accommodation, and provided that they accord with the criteria above. The accommodation permitted will only be the minimum required to meet the needs of the relevant business.'

Amendment No. 5

'Section Two' - '8. The District's Natural Environment', 'Biodiversity, Landscape Character and Agriculture', 'Policy LPP 68 - Protected Species, Priority Spaces and Priority Habitat'

The Policy to read (changes underlined):-

'Protected Species, Priority Species and Priority Habitat

National and International Designations

Sites designated for their international, European and national importance to nature conservation; including Ramsar sites, Special Protection Areas, Special Areas of Conservation, should be protected from development likely to have an adverse effect on their integrity whether they are inside or outside the district. Proposals likely to have an adverse effect will require a full assessment in line with European legislation.

Planning permission for major development will be refused in these areas except in exceptional circumstances where overriding public interest can be demonstrated.

Protected Species, Priority Species and Priority Habitat

Proposals that result in a net gain in priority habitat will in principle be supported, subject to other policies in this plan. Where priority habitats are likely to be adversely impacted by the proposal, the developer must demonstrate that adverse impacts will be avoided, and impacts that cannot be avoided are mitigated on-site. Where residual impacts remain, off-site compensation will be required so that there is no net loss in quantity and quality of priority habitat in Braintree District.

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 in place to ensure no harm to protected species and no net loss of priority species.

Sites of Special Scientific Interest and Irreplaceable Habitat

Development proposals should be controlled through avoidance, on-site management and on-site mitigation. Where this cannot be achieved, development proposals will not be permitted. Proposals resulting in the loss, deterioration or fragmentation of irreplaceable habitats such as ancient woodland or veteran trees will not normally be acceptable unless the need for, and benefits of the development in that location clearly outweigh the loss.

Local sites

Proposals likely to have an adverse effect on a Local Wildlife Site, Local Nature Reserve and Special Roadside Verge will not be permitted unless the benefits of the development clearly outweigh the harm to the nature conservation value of the site. If such benefits exist, the developer will be required to demonstrate that impacts will be avoided, and impacts that cannot be avoided will be mitigated on-site.

In all cases precautionary approach will be taken where insufficient information is provided about avoidance, management, mitigation and compensation measures. Management, mitigation and compensation measures will be secured through planning conditions/obligations where necessary.'

Amendment No. 6

'Section Two' - '8. The District's Natural Environment', 'Biodiversity, Landscape Character and Agriculture', 'Policy LPP 70 – Protection, Enhancement, Management and Monitoring of Biodiversity'

The first paragraph of Policy 70 to read (changes underlined):-

'Development proposals shall provide for the protection of biodiversity and the mitigation or compensation of any adverse impacts. Additionally enhancement of biodiversity should be included in all proposals, commensurate with the scale of the development. For example, such enhancement could include watercourse improvements to benefit biodiversity and improve water quality, habitat creation, wildlife links (including as part of green or blue infrastructure) and building design which creates wildlife habitat (e.g. green roofs, bird or bat boxes) as integral parts of buildings in partnership with organisations such as The Swift Conservation Group and Essex Wildlife Trust.'

Amendment No. 7

'Section Two' - '8. The District's Natural Environment', 'Climate Change and Energy', 'Policy LPP 76 – Renewable Energy Schemes'

The seventh paragraph of Policy 76 to be deleted (change indicated by strike-through):-

~~'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 No. 8

'Section Two' - 'Proposals Maps', 'Inset 65 Wethersfield'

That the development boundary on Hudson's Hill, Wethersfield be reinstated to that shown in the 2005 Local Plan Review.

Amendment No. 14

'Section Two' - 'Proposals Maps', 'Inset 38 Kelvedon'

That the residential site allocation KELV337 - London Road, Kelvedon be removed from the Publication Draft Local Plan and that the residential site allocation at KELV335 - Monks Farm, Kelvedon be reinstated and included in the Publication Draft Local Plan.

Amendment No. 15

'Section Two' - 'Proposals Maps', 'Inset 65 Wethersfield'

That the residential site allocation WETH624 – West Drive, Wethersfield be removed from the Publication Draft Local Plan

- (2) That the carrying out of a six week period of public consultation on the Publication Draft Local Plan be approved.
- (3) That the publishing and making available of the Sustainability Appraisals to inform consultation and engagement on the Publication Draft Local Plan and the Sustainability Appraisal be approved.
- (4) That the submission of the Publication Draft Local Plan to the Government Secretary of State for examination be approved.

Following the general debate on this Item, a recorded vote was requested on the substantive motion. The result of the recorded vote was as follows:

For the Motion

Councillors: Mrs Allen, Banthorpe, Barlow, Baugh, Mrs Beavis, Bebb, Bowers, Mrs Bowers-Flint, Butland, Canning, J Cunningham, Mrs M Cunningham, T Cunningham, Elliott, Mrs Garrod, Hensman, Horner, Hufton-Rees, Hume, Johnson, Mrs Kilmartin, Kirby, Maclure, Mann, McKee, Mrs Money, Lady Newton, Mrs Pell, Ramage, Ricci, Miss Santomauro, Mrs Schmitt, Mrs Spray, Tattersley, Miss Thorogood, Mrs Walters and Mrs Wilson (37)

Against the Motion

Councillor: Siddall (1)

Abstained

Councillor: Abbott (1)

Absent

Councillors: Dunn, Goodman, Mitchell, O'Reilly-Cicconi, Mrs Parker, Mrs Paul, Rose, Mrs Scattergood, Schwier and van Dulken (10)

On being put to the vote, the motion was declared **CARRIED**.

REASON FOR DECISION: To approve the Braintree District Publication Draft Local Plan for public consultation and subsequent submission for examination.

During the consideration of this Item, Councillor Mrs L Bowers-Flint, Cabinet Member for Planning and Housing and Chairman of the Local Plan Sub-Committee, wished to record her thanks to the members of the Council's Planning Policy Team – Kathy Carpenter, Emma Goodings, Carolyn Johnson, Alan Massow, Julie O'Hara, Louise Raine, Gary Sung and Sean Tofts for their excellent work on the Local Plan and their individual contributions to it. Councillor Mrs Bowers-Flint thanked also staff within the Council's 'Communications', 'Printing and Reprographics' and 'Governance and Members' Teams for their support, and Members of the Local

Plan Sub-Committee for their work. In response, Members congratulated Councillor Mrs Bowers-Flint on the efficient way in which she had handled the draft Local Plan process, which had been a major part of the Council's work.

21 **HEAD OF PAID SERVICE – INTERIM ARRANGEMENTS**

INFORMATION: Consideration was given to a report on proposed interim arrangements for the Council's Head of Paid Service. The appointment of a Head of Paid Service and the introduction of interim arrangements were matters which the full Council was required to approve.

It was reported that the Chief Executive and Head of Paid Service, Nicola Beach had resigned and that her last day of employment by the Council would be 30th June 2017. Interim arrangements were therefore required to designate a Head of Paid Service and an Electoral Registration and Local Government Returning Officer until a new permanent appointment had been made. It was proposed that Andy Wright, Corporate Director, should take on the roles of Acting Chief Executive and Electoral Registration and Local Government Returning Officer from 1st July 2017. It was anticipated that this interim arrangement would be in place until the end of the current calendar year.

The recruitment process for the permanent appointment of the Head of Paid Service had not been determined and a report on this would be submitted to a future meeting of the Council.

DECISION:

- (1) That Andy Wright be appointed as Head of Paid Service, Electoral Registration and Local Government Returning Officer from 1st July 2017.
- (2) That Andy Wright be appointed to fulfil the role of Chief Executive, (where mentioned) within the Constitution, from 1st July 2017.

REASON FOR DECISION: To make interim arrangements for the statutory functions of the Chief Executive.

Following a request from Councillor Butland after the vote on this Item, Standing Orders were suspended to permit Members to express their thanks to Nicola Beach for her time as Chief Executive. Councillors Abbott, Barlow, Bowers, Mrs Bowers-Flint, Butland, Canning, Hensman, Kirby, Mann, Mrs Pell, Mrs Schmitt and Siddall thanked Nicola for the exceptional leadership and direction which she had provided and her excellent support and advice to all Members and all staff. Members wished Nicola every success for the future. Nicola responded by saying that she was overwhelmed and she thanked Members for their comments. Nicola said that it had been an honour and a privilege to be the Chief Executive of Braintree District Council.

During the course of their discussions, Members moved, seconded and agreed, as required by the Constitution, that the meeting be extended beyond the three hour duration of 10.15pm to enable all business on the Agenda to be transacted.

At the close of the meeting, the Chairman thanked Members of the Council and Officers in the Council's Planning Policy and Governance and Members Teams for their work on and input to the draft Local Plan.

The meeting commenced at 7.15pm and closed at 10.43pm.

Councillor S Kirby
(Chairman)

APPENDIX

COUNCIL SPECIAL MEETING

5TH JUNE 2017

PUBLIC QUESTION TIME

Details of Questions Asked / Statements Made During Public Question Time

1 Statements Relating to Agenda Item 5 – Braintree District Publication Draft Local Plan

Statement by Mr John Pearce, Memories, High Street, Wethersfield (Regarding Sites WETH624 - West Drive, Wethersfield and WETH636 - Hudson's Hill, Wethersfield) (Objector)

Statement by Mr Matt Williams, 1 Hereward Way, Wethersfield (Regarding Site WETH636 - Hudson's Hill, Wethersfield) (Objector)

Statement by Mr Nick Campbell, 4 West Drive, Wethersfield (Regarding Site WETH624 - West Drive, Wethersfield) (Objector)

Statement by Councillor Richard Burdge, for Wethersfield Parish Council, c/o Mrs A Lucas, Clerk to Wethersfield Parish Council, Russells Farmhouse, Braintree Road, Wethersfield, Braintree (Regarding Sites WETH624 - West Drive, Wethersfield and WETH636 - Hudson's Hill, Wethersfield) (Objector)

Statement by Mr Edward Gittins, Edward Gittins and Associates, Unit 5, Patches Yard, Cavendish Lane, Glemsford, Sudbury (Regarding Sites WETH624 - West Drive, Wethersfield and WETH636 - Hudson's Hill, Wethersfield and KELV337 and KELV338 – Land at London Road, Kelvedon) (for promoters of sites)

Statement by Mr Terry Dixon, 18 London Road, Kelvedon (Regarding Site KELV337 – Land at London Road, Kelvedon) (Objector)

Statement by Mr Alan Stones, for Kelvedon Church Street Residents, Fullerthorne, Church Street, Kelvedon (Regarding Sites KELV337 and KELV338 – Land at London Road, Kelvedon) (Objector)

Statement by Mr Tim Pailthorpe, for Kelvedon and Feering Heritage Society, Windrush, Coggeshall Road, Feering (Regarding Sites at Feering and Kelvedon and infrastructure) (Objector)

Statement by Ms Louise Cook, Smart Planning, The Old School House, Rettendon Turnpike, Battlesbridge, Essex (Regarding Sites KELV337 - Land at London Road, Kelvedon (North site) and KELV616 - Land North of Crabbs Barn, Crabbs Lane, London Road, Kelvedon (for promoters of sites)

Statement by Mrs Jackie Smith, Badgers, Bakers Lane, Black Notley (Regarding Site BLAN114 - Land East of Great Notley, South of Braintree) (Objector)

Statement by Councillor Mrs Susan Pedder, for Black Notley Parish Council, 135B Witham Road, Black Notley (Regarding Site BLAN114 - Land East of Great Notley, South of Braintree) (Objector)

Statement by Councillor Mrs Katherine Evans, for Feering Parish Council and Feering Neighbourhood Plan, c/o Mr Kevin Money, Clerk to Feering Parish Council, Feering Community Centre, Coggeshall Road, Feering (Regarding Policy LPP22 Strategic Growth Location - Land at Feering and Policy SP 9 Colchester/Braintree borders Garden Community) (Objector)