

Minutes



Local Development Framework Panel

23rd June 2010

PUBLIC

Present:

Councillors	Present	Councillors	Present
G Butland	Apologies	H J Messenger	Apologies
A V E Everard	Apologies	Lady Newton	Apologies
N R H O Harley	Yes	Mrs W D Scattergood	Yes
M C M Lager	Yes	Miss M Thorogood	Yes
N G McCrea	Yes	R G Walters	Yes

Councillor J E Abbott and Councillor Mrs J M Money were also in attendance.

3 DECLARATIONS OF INTEREST

INFORMATION: The following declarations of interest were made:

Councillor J E Abbott declared a personal interest in Agenda Item 5 – Local Development Framework Progress Report as he was the Chairman of Rivenhall Parish Council which had submitted representations on the Core Strategy.

Councillor M C M Lager declared a personal interest in Agenda Item 6 – Growth Area Funding - Proposals for Expenditure as he was a Member of Essex County Council and had been involved in promoting the adoption of Station Road, Witham by the Highways Authority.

Councillor Mrs W D Scattergood declared a personal interest in Agenda Item 6 – Growth Area Funding - Proposals for Expenditure and Agenda Item 9 – Proposed Purchase of Land in her capacity as a Member for the Hedingham and Maplestead Ward.

Councillor R G Walters declared a personal interest in Agenda Item 6 – Growth Area Funding - Proposals for Expenditure as he was a Member of Essex County Council and had been involved in promoting the adoption of Station Road, Witham by the Highways Authority.

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

4 MINUTES

DECISION: The Minutes of the meetings of the Local Development Framework Panel held on 14th April 2010 and 10th May 2010 were confirmed as a correct record and signed by the Chairman.

5 QUESTION TIME

INFORMATION: There were three statements made a summary of which is contained in Appendix A to these Minutes.

6 LOCAL DEVELOPMENT FRAMEWORK PROGRESS REPORT

INFORMATION: Consideration was given to a progress report on the preparation of the Local Development Framework Core Strategy, evidence base and Allocations Document.

It was reported that the Council had published its Submission Draft Core Strategy on 10th May 2010 for public consultation. Representations submitted would be considered by the Local Development Framework Panel and subsequently referred to the Secretary of State with a summary of the main issues raised.

Members of the Panel were advised that on 27th May 2010, the Secretary of State had written to all Chief Planning Officers to notify them of the Government's intention to rapidly abolish Regional Strategies and to return decision making powers relating to housing and planning to local Councils without the framework of regional numbers and plans. The notification made it clear that Local Planning Authorities and the Planning Inspectorate should regard the Secretary of State's letter as a material planning consideration in any decisions that they were currently taking. (A copy of the advice forwarded with the letter is attached as Appendix B to these Minutes.)

A statement referring to the Secretary of State's letter had been sent to all Core Strategy consultees inviting them to comment on its implications. These comments would be taken into account with other representations submitted. However, in order to give people time to respond to this issue, the period of consultation on the Core Strategy had been extended by two weeks to 8th July 2010. In the circumstances, it was proposed that the next meeting of the Panel should be postponed from 21st July 2010 to enable those representations sent in at the end of the consultation period to be analysed.

It was noted that the means by which Regional Strategy abolition would occur had not been set out in detail and, until this time and the introduction of any transitional arrangements, Inspectors handling appeals, call-ins and Development Plan documents had been requested to continue treating Regional Strategies as part of the Development Plan. As the Council's Development Plan was at the 'pre-Hearing meeting' stage, the Planning Inspectorate's advice was that any Hearing sessions relating to housing and Regional Strategy policy should not be scheduled until further clarity had been provided by a formal Ministerial statement.

Members were advised that, as part of the evidence base, the contract for the Stage Two Water Cycle Study had now been awarded and it was hoped that the consultants would start work on this soon.

It was noted that work was in progress on the preparation of the Allocations Document and that meetings would be arranged with Parish Councils for September and October 2010 to discuss what, if any, changes they would wish to see to village envelope boundaries and other designations within their villages. Ward Councillors would be invited to attend these meetings, which would be held locally.

DECISION: That the progress report on the preparation of Local Development Framework documents be noted and that the next meeting of the Local Development Framework Panel be postponed from 21st July 2010 to 4th August 2010 to enable Core Strategy representations submitted at the end of the extended public consultation period to be analysed.

7 GROWTH AREA FUNDING - PROPOSALS FOR EXPENDITURE

INFORMATION: Consideration was given to a report on Growth Area funding.

Members were reminded that the priorities for the expenditure of Growth Area funding had been determined at the Local Development Framework Panel meeting on 3rd February 2010, when it had also been agreed that any remaining Growth Area funding should be used to support the delivery of growth and regeneration areas identified in the draft Core Strategy, and affordable housing. Details of the agreed priorities for expenditure and their current status were set out in a schedule attached to the report.

Braintree District Council had been awarded Growth Area funding of approximately £4.3m for the period 2008 to 2011, to be paid in annual instalments. Total funding for 2008 to 2010 had been confirmed as £3,205,131 capital and £164,621 revenue. However, following the emergency budget on 22nd June 2010 the new coalition Government had confirmed that funding of £832,502 capital and £67,238 revenue in 2010/11 would not be available.

It was noted that some funding remained unallocated since the priorities had been agreed and it was now possible to consider other options. In particular, an opportunity had arisen for the Council to purchase land which would help to secure the regeneration for housing and employment of one of the key sites identified in the Core Strategy. This matter would be considered in the private session of the meeting. In addition, the Council and Essex County Council were investigating the creation of an alternative, second exit from Witham Station Car Park in connection with proposals to extend the footbridge at the Station. This would require the improvement of part of Station Road to adoption standard at a cost of approximately £40,000. It was proposed that this work should be funded from Growth Area Fund capital. Both of these proposals could be met from the funding already received for 2008/2010.

DECISION: That expenditure of £40,000 from the Growth Area Fund allocation for 2008/2010 for the improvement to adoption standard of part of Station Road, Witham be approved.

EXCLUSION OF PUBLIC AND PRESS

DECISION: That under Section 100 (A) (4) of the Local Government Act 1972, the public and press be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in Paragraph 3 of Part 1 of Schedule 12 (A) of the Act.

Although this item was taken in Private Session the following Minute summary does not contain any confidential information and it is therefore admissible in the public domain.

8 GROWTH AREA FUNDING – PROPOSED PURCHASE OF LAND

INFORMATION: Members of the Panel were reminded that the priorities for the expenditure of Growth Area funding had been agreed at the Local Development Framework Panel meeting on 3rd February 2010 and it had also been agreed that any remaining funding should be used to support the delivery of growth and regeneration areas identified in the Draft Core Strategy, and the delivery of affordable housing.

Members were advised that an opportunity had arisen for the Council to purchase a site which formed part of a Regeneration Area. This would enable a comprehensive Master Plan, Section 106 Agreement and planned development of the area to take place.

DECISION: That the proposed expenditure of Growth Area funding for the purchase of the site be not supported and that other opportunities for expenditure of the funding be identified.

At the close of the meeting, the Chairman confirmed that in view of the extension to the Core Strategy public consultation period the meeting of the Local Development Framework Panel scheduled for 21st July 2010 had been postponed to 4th August 2010.

The meeting commenced at 6.00pm and closed at 6.55pm.

Councillor N G McCrea

(Chairman)

APPENDIX A

LOCAL DEVELOPMENT FRAMEWORK PANEL

23RD JUNE 2010

PUBLIC QUESTION TIME

Summary of Questions Asked / Statements Made During Public Question Time

Statements Relating to Agenda Item 5 – Local Development Framework Progress Report

(i) Statement by Councillor R Wright, 303 Rickstones Road, Rivenhall

Councillor R Wright referred to the proposed growth location at Forest Road, Witham which Braintree District Council had agreed to include within its Core Strategy in accordance with the Regional Spatial Strategy requirements stipulated by the previous Labour Government. Councillor Wright asked if the new coalition Government's indication that it would scrap Regional Spatial Strategies would mean that the Council would drop its plans for growth locations.

Response by Mrs E Dash, Planning Policy Manager

Mrs E Dash responded to Councillor Wright's query when presenting Agenda Item 5 and a copy of this response is attached as Appendix C to these Minutes.

(ii) Statement by Mr Mark Austin, 45 Holly Walk, Witham

Mr Austin asked why there was a need to build 3,500 new houses when there were empty properties in Witham, for example at the Bridge Hospital site?

Response by Mrs E Dash, Planning Policy Manager

Mrs E Dash responded by stating that the number of empty properties in the District was not sufficient to meet the future housing requirements of the District. It was agreed that the actual number of empty properties in the District should be published in the Minutes of the meeting. The information is as follows:-

Total number of dwellings in the Braintree District for 2009 – 65,939

Total number of vacant dwellings in the Braintree District for 2009 – 1,847

Link to Braintree District Empty Homes Strategy

<http://www.braintree.gov.uk/Braintree/housing/Research++Strategies/Strategies/Empty+Homes+Strategy.htm>

(iii) Statement by Councillor J E Abbott, 1 Waterfall Cottages, Park Road, Rivenhall

Councillor Abbott reported that approximately 80 people had last week attended a public meeting arranged by Witham Town Council and had unanimously opposed the proposed growth location at Forest Road/Rectory Road, Witham.

Councillor Abbott considered that this demonstrated the extent of public feeling about the site.

Councillor Abbott asked if the Local Development Framework Panel was aware of new guidance issued by the Planning Inspectorate for Inspectors conducting Hearings into Core Strategies, which stated that without further Ministerial guidance Core Strategies based on Regional Strategies should not be heard. Councillor Abbott queried the implications of this guidance for the Council's Core Strategy.

Response by Mrs E Dash, Planning Policy Manager

Mrs E Dash responded to Councillor Abbott's point when presenting Agenda Item 5.

Advice produced by The Planning Inspectorate for use by its Inspectors

REGIONAL STRATEGIES - FORTHCOMING ABOLITION

1. On 27 May 2010 the Rt Hon Eric Pickles MP, Secretary of State for Communities and Local Government, wrote to Council leaders highlighting the Coalition Government's commitment to rapidly abolish Regional Strategies (RS) and return decision making powers on housing and planning to local councils. The letter is available [here](#). That commitment is also in the '[The Coalition: our Programme for Government](#)' (which highlights a number of policy initiatives that will have an increasing impact on our work over the next five years). The commitment does not apply to London where the London Plan will continue to provide the planning framework for the London boroughs.'
2. The letter goes on to say that 'decisions on housing supply (including the provision of travellers' sites) will rest with LPAs without the framework of regional numbers and plans'. It also makes clear that a formal announcement on abolition will be made soon and that in the meantime 'LPAs and PINS [are] to have regard to the letter as a material planning consideration in any decisions they are currently taking'.
3. The means by which RS abolition will occur have yet to be set out in detail. However, if the Secretary of State thinks it necessary or expedient to do so the Secretary of State may at any time revoke all or any part of a regional strategy under section [79\(6\)](#) of the [Local Democracy, Economic Development and Construction Act 2009](#).
4. As the intention to abolish RS has been announced, decision-makers should take it into account as a material consideration where relevant to their casework. The weight to be given to it is a matter for the decision-maker and will depend on the circumstances of each case. However, as revocation has yet to occur, to that extent the current RS is still part of the development plan.
5. It is clear from the Programme for Government that planning reforms will be based on the principles set out in the Conservative Party publication '[Open Source Planning](#)'. It should be noted that whilst this document highlights the abolition of national and regional housing targets, it also highlights the general acceptance that a five-year land supply provides a good base line from which to work. [PPS3](#) has been amended as at June 2010 but remains in force.
6. Until a formal announcement is made and/or legislation implemented, there is no change to what constitutes the development plan (or the need for an up-to-date five year supply of deliverable sites as indicated in [PPS3](#)). The starting point in considering any appeal or call-in remains s38(6) of the Planning and Compulsory Purchase Act 2004.
7. The proposed abolition of RS is a Government commitment that Inspectors and other decision-makers should take into account as a material consideration where relevant to their casework. Until RSs are abolished and any transitional arrangements put in place, Inspectors handling appeals, call-ins and DPDs should continue to treat the RS as part of the development plan.

8. Advice on handling casework involving housing supply (including the provision of travellers' sites) and other affected policy areas covered by RS is in Annex A for appeals and call-ins, and in Annex B for DPDs.
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ANNEX A

APPEALS, CALL-INS, RS - HOUSING SUPPLY AND OTHER AFFECTED POLICY AREAS

1. The key test for an Inspector considering the potential relevance of the Government's emerging policy position on RS to a piece of casework will be to identify whether the case turns on or refers to RS policy, and if it does what action to take in the interests of fairness to the parties.
2. Housing supply (including the issue of whether or not there is a five-year land supply) is a matter that arises frequently in casework. Other RS policies can also be directly relevant in casework. Measures are in place to identify casework with RS relevance that has not yet been dispatched to Inspectors and to inform our approach to its management. There will inevitably already be cases with RS relevance with Inspectors, and we particularly ask for your vigilance in identifying and considering those cases where RS policies are relevant and the effects of the emerging policy position in such cases.
3. The following approach has been developed to assist in determining which cases may merit reopening, which may be dealt with by a reference back to parties for comment and which cases may not need any additional action:
 - (a) where RS policy has no material relevance, the cases put by the parties make no reference to it and the decision therefore can rely on local statutory development plan policy alone, no further action is required;
 - (b) where a decision relies on both local policy and RS policy on the same issue it is possible that the local statutory development plan policy can be relied upon if by applying less weight to the RS policy the outcome does not change;
 - (c) where both local policy and RS policy are relied upon on the same issue, but the RS is relied on to a greater extent and if as a result of applying reduced weight to the RS the outcome is less certain or could change, then the parties' views should be canvassed (Chart should then be advised);
 - (d) where the parties' cases rely primarily on the RS, then the parties should be canvassed; or if the inquiry or hearing has closed, it may need to be reopened (Chart should then be advised); and
 - (e) where there is a reference to the parties or a re-opening, the Inspector should consider whether the case can be completed following consideration of issues raised by the parties or whether a postponement, adjournment or abeyance is warranted.

ANNEX B

DPDs, RS POLICY AND HOUSING SUPPLY AND OTHER AFFECTED POLICY AREAS

1. The first guiding principle in development plan work is where possible to ensure that housing and other sessions that respond directly to RS policy do not proceed immediately, or that space is provided for relevant issues to be revisited before the examination is closed. PINS will monitor this advice and amend it as soon as a Ministerial statement providing greater clarity on the status of RS policy is issued.
2. **Preparation before the pre-hearing meeting (PHM)** – At the PHM, make it clear that housing and other sessions that respond to RS policy will not be scheduled until further clarity is provided by a formal Ministerial statement.
3. **Preparation after the pre-hearing meeting (PHM) and housing session scheduled** – Defer discussion of housing and other policy topics driven by RS policy if possible until further clarity is provided by a Ministerial statement (if not possible go to step 5).
4. **Examination hearings in progress** - Defer discussion of housing and other policy topics driven by RS policy if possible until further clarity is provided by a Ministerial statement (if not possible go to step 5).
5. **Examination hearings in progress and housing and/or other RS policy-driven issues are the current topic** - Continue on the basis of existing national policy and RS policies and figures but indicate that Government has announced its intention to rapidly abolish the RS and the matter may need to be re-visited when further clarity is obtained.
6. **Examination hearings in progress but housing and/or other RS policy-driven issues are already dealt with** - Inform examination parties that it may be necessary to re-open the issue if further clarity is provided before the examination is completed.
7. **Report is being prepared** - Continue on the basis of the discussion held at the hearings (i.e. existing RS figures) but seek the views of the parties on the implications of the Government policy announcement. Be aware that the hearing may have to be re-opened if further clarity is provided before the report is due or if parties take a strong view that they need to address you on the implications of the policy change.
8. **Report completed but not yet sent** – On the basis that one of steps 1 to 7 has already been implemented, proceed to send it.

If none of the steps before 8 have been completed, return to step 7.

Officer reply to the question by Bob Wright, Rivenhall Parish Council, that was included in his statement to the Panel.**Question**

As the labour party is no longer in power and the conservative party have made it clear that they intend to scrap the Regional Spatial Strategy, will the Council scrap the LDF proposals?

Background

The Secretary of State for Communities and Local Government, Eric Pickles, published a statement to all Chief Planners on 27th May notifying them of the Government's intention to rapidly abolish Regional Strategies and to return decision making powers on housing and planning to local councils.

This stated that consequently, decisions on housing supply will rest with Local Planning Authorities without the framework of regional plans and numbers.

The letter stated that Local Planning Authorities and the Planning Inspectorate should have regard to it as a material planning consideration.

The Planning Inspectorate have advised Planning Inspectors to ensure that where possible Development Plan Document sessions (of Core Strategy Hearings) that respond directly to Regional Strategy policy do not proceed immediately. The Planning Inspectorate intend to amend this advice as soon as a Ministerial statement providing greater clarity on the status of Regional Spatial policy is issued.

The Inspectorate also advise Inspectors to make it clear, at (Core Strategy) pre-hearing meetings that housing and other hearing sessions that respond to Regional Strategy policy will not be scheduled until further clarity is provided by a formal Ministerial statement.

Answer

The Council are continuing to consult the public on the pre- submission Core Strategy proposals and have extended the consultation until 8.7.10 to allow the public to also comment upon the implications of the letter from the Secretary of State for Communities and Local Government.

Representations on the Core Strategy will be reported to the Local Development Framework Panel on 4.8.10, together with any further Ministerial statements or advice on development plan documents that have been received by then.

The Council will need to await guidance on the calculation of local housing need in Core Strategies, to see how this will impact upon the Braintree Core Strategy housing requirement. However, the need to await guidance will not prevent officers from analysing representations and reporting these to the LDF Panel. Work is also continuing on the preparation of the evidence base, including the Water Cycle Stage 2 Study. The LDF Panel will be able to assess any further work required to the Core Strategy arising out of the representations received on issues other than those relating to the housing numbers.