

Minutes



Local Development Framework Panel

1st December 2010

Present:

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

Councillor J E Abbott was also in attendance until 7.25pm and he left after the consideration of Agenda Item 8 – Addendum of Focused and Minor Changes to the Braintree District Core Strategy Submission Draft – Consultation October 2010.

21 DECLARATIONS OF INTEREST

INFORMATION: The following declarations of interest were made:

Councillor J E Abbott declared a personal interest in Agenda Item 8 – Addendum of Focused and Minor Changes to the Braintree District Core Strategy Submission Draft – Consultation October 2010 as he was the Chairman of Rivenhall Parish Council which had submitted representations on the Core Strategy.

Councillor G Butland declared a personal interest in Agenda Item 14 – Proposed Purchase of Land as he was a Member of Essex County Council and the land was within his Electoral Division.

Councillor M C M Lager declared a personal interest in Agenda Item 14 – Proposed Purchase of Land as he was a Member of Essex County Council.

Councillor R G Walters declared a personal interest in Agenda Item 14 – Proposed Purchase of Land as he was a Member of Essex County Council.

In accordance with the Code of Conduct the Councillors remained in the meeting. Councillor Abbott spoke during Question Time.

22 MINUTES

DECISION: The Minutes of the meeting of the Local Development Framework Panel held on 22nd September 2010 were confirmed as a correct record and signed by the Chairman.

23 QUESTION TIME

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

24 PLANNING LEGISLATION – IMPACT ON THE CORE STRATEGY

INFORMATION: Members were reminded that the East of England Plan - Regional Spatial Strategy set out planning policies for housing and gypsy and traveller accommodation requirements and employment targets for the eastern region and that the Braintree District Core Strategy had to comply with this.

However, the new Secretary of State for Communities and Local Government had announced that Regional Strategies were to be revoked and that their legal status would be abolished through the Localism Bill due to be published in November 2010. Subsequently, Cala Homes (South) Ltd had successfully challenged this decision in the High Court which meant that Regional Strategies remained in being.

Members were reminded that the Council had not amended its Core Strategy housing and employment requirements following the abolition announcement and both targets therefore remained in compliance with the Regional Strategy. However, the Council had reduced provision for gypsies and travellers from 67 to 59 pitches by 2021. This amendment had been published as a Focused Change to the Core Strategy. Whilst no objections had been submitted following consultation, the figure was no longer in compliance with the Regional Spatial Strategy.

Members were advised that two options were available. These were either to publish a further change to the Core Strategy to re-instate the original figure for gypsy and traveller accommodation, or to make no change in view of the Government's continued intention to abolish Regional Strategies through the Localism Bill.

DECISION: That it be **Recommended to Council** that no changes be made to the Core Strategy Submission Draft despite the recent High Court decision that Regional Spatial Strategies have not been abolished.

25 PREPARATION OF THE CORE STRATEGY – PROGRESS REPORT

INFORMATION: Consideration was given to a report setting out the current programme for the submission and adoption of the Core Strategy.

Members were reminded that the Core Strategy Submission Draft had been published in May 2010 and had been subject to public consultation between 10th May 2010 and 8th July 2010. The Council had considered the representations submitted following consultation and on 27th September 2010 had agreed a number of Focused and Minor Changes which were the subject of public consultation between 8th October 2010 and 19th November 2010. The representations submitted in respect of these changes were reported separately on the Agenda.

The programme for the adoption of the Core Strategy proposed that it should be submitted to the Secretary of State during the week beginning 3rd January 2011; that a Pre Hearing meeting should be held during the week beginning 14th February 2011; that the Hearing should commence from the week beginning 14th April 2011 lasting

approximately two weeks; that the Inspector's report should be received by Mid July 2011; and that adoption of the Strategy should be achieved by September 2011.

Prior to submission, the Regional Planning Body would again be requested to confirm that the Core Strategy was in conformity with the Regional Spatial Strategy. This confirmation had not been received to date due to changes in the status of the Regional Spatial Strategy.

DECISION: That the programme for the submission and adoption of the Core Strategy be approved, subject to confirmation by the Planning Inspector.

26 SUSTAINABILITY APPRAISAL/STRATEGIC ENVIRONMENTAL ASSESSMENT OF THE ADDENDUM OF FOCUSED CHANGES TO THE BRAINTREE DISTRICT CORE STRATEGY

INFORMATION: Members were reminded that in 2005 Essex County Council had been commissioned to undertake the Sustainability Appraisal/Strategic Environmental Assessment (SA/SEA) of Braintree District Council's Core Strategy. A combined SA/SEA report had been prepared to assess and predict the economic, social and environmental effects that were likely to arise from implementation of the draft Core Strategy. Subsequently, an SA/SEA of the Addendum of Focused Changes to the Strategy had been undertaken.

It was reported that the latest SA/SEA had been published for public consultation along with the Addendum of Focused Changes to the Core Strategy. However, no comments had been submitted with respect to the SA/SEA.

The SA/SEA had concluded that the Focused Changes would, in the main, have a positive impact. However, it had identified that the provision of up to 40% B8 development (warehousing) at Great Notley Enterprise Park growth location would have a negative impact on economic growth, landscapes and cultural heritage. Members wished to record that they disagreed with this analysis as the decision to incorporate an element of warehousing at Great Notley had been taken on the basis that it would stimulate growth.

The Council would be required to prepare an SEA Statement to demonstrate how environmental and sustainability considerations were reflected in the Core Strategy and how implementation of the Strategy would be monitored in the future.

DECISION: That the Sustainability Appraisal and Strategic Environmental Assessment of the Addendum of Focused Changes to the Braintree District Core Strategy Submission Draft be approved, subject to it being noted that the Council does not support the assessment that the provision of up to 40% B8 development (warehousing) at Great Notley Enterprise Park growth location may have a negative impact on economic growth, landscapes and cultural heritage.

27 ADDENDUM OF FOCUSED AND MINOR CHANGES TO THE BRAINTREE DISTRICT CORE STRATEGY SUBMISSION DRAFT – CONSULTATION OCTOBER 2010

INFORMATION: Consideration was given to a report summarising the representations submitted on the Addendum of Focused and Minor Changes to the

Core Strategy Submission Draft. The representations and the Officers' comments on each were attached as an Appendix to the report.

The Addendum of Focused and Minor Changes to the Core Strategy Submission Draft had been approved by the Council on 27th September 2010 and published on 7th October 2010 for a six week consultation period.

It was proposed that no further changes should be made in response to the representations received and that the Core Strategy Submission Draft, plus the Focused and Minor Changes, should be submitted to the Secretary of State. However, Members requested that some changes should be made to the Officers' comments. In particular, it was proposed that the response to the representation submitted by Rivenhall Parish Council on the 'Executive Summary' (page 32 of the Agenda) should be amended to indicate that the Council had reviewed the local housing need but, based on evidence, it had been decided not to change the original growth figure set out in the Regional Spatial Strategy. With regard to the representation submitted by Steve Price, Countryside Properties on 'Additional SEA/SA' (page 42 of the Agenda), it was proposed that this should be amended to indicate that Great Notley Country Park is managed jointly by Essex County Council and Braintree District Council.

In discussing this report, Members were advised that 'The Friends of Braintree' had submitted a petition signed by 101 people objecting to the proposed Panfield Lane growth location. Whilst this was not a representation on the Focused Changes, it would be submitted to the Inspector for consideration.

DECISION: That it be **Recommended to Council** that the comments submitted following public consultation on the Addendum of Focused and Minor Changes be noted and Officers authorised to submit the Core Strategy Submission Draft, plus the Focused and Minor Changes, to the Secretary of State.

28 WATER CYCLE STUDY - STAGE 2

INFORMATION: Members of the Panel were advised that in 2008 an Outline (Stage 1) Water Cycle Study of the District had been undertaken by Entec. The Study had investigated the environmental constraints affecting Braintree, had assessed the capacity of the environment and the existing water/waste water infrastructure to accommodate proposed growth, and had identified improvements to ensure that development was both sustainable and sensitive to constraints. The Study had highlighted areas where investment would be required to increase the capacity of the existing water infrastructure so that development could take place.

The Environment Agency had expressed concern that a detailed Stage 2 Water Cycle Study had not been carried out and that there was no information on the specific requirements of the proposed strategic growth locations. Subsequently, Hyder had been appointed to carry out the Stage 2 Study and a draft document had been issued on 5th November 2010. Whilst the Study was currently confidential, an executive summary of it was attached to the Agenda report. The Study had concluded that the Braintree District Core Strategy was sound in terms of its impact on water resources and the wider water environment. The Study identified also a range of infrastructure improvements likely to be required to deliver the growth set out in the Strategy.

It was reported that, as the investment plans of water companies had been set for the next five year period, additional infrastructure requirements would have to be subject to negotiation and to developers providing advance funding.

It was anticipated that the Stage 2 Water Cycle Study would be published prior to Christmas 2010. In the circumstances, it was proposed that authority to approve the Study should be delegated so that it may be submitted to the Planning Inspectorate with the draft Core Strategy in January 2011.

DECISION: That the summary of conclusions of the Braintree District Stage 2 Water Cycle Study be noted and Councillors Harley and McCrea authorised to approve the Study as part of the evidence base of the Local Development Framework for submission to the Planning Inspectorate.

29 STRATEGIC HOUSING LAND AVAILABILITY ASSESSMENT - DECEMBER 2010 UPDATE

INFORMATION: Members of the Panel considered a report providing details on the number of dwelling completions for the District in 2009/10, and information on the updated Strategic Housing Land Availability Assessment (SHLAA).

The Council's dwelling requirement for the period 2009 to 2026 was a minimum of 4637 and, following a net dwelling stock change of 428 dwellings in 2009/10, there remained a requirement for 4209 dwellings to be provided in the District between 2010 and 2026, an average of 263 dwellings per year.

The updated SHLAA indicated that there was a total District dwelling supply of 4,381 dwellings to 2026 which demonstrated that the Council had identified sufficient housing sites to meet the Core Strategy requirement and that the Council had identified a five year supply of housing land.

DECISION: That the Strategic Housing Land Availability Assessment as at December 2010 be approved as part of the evidence base of the Core Strategy.

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 items of business on the grounds that they involve the likely disclosure of exempt information as defined in Paragraph 3 of Part 1 of Schedule 12 (A) of the Act.

Although the following items were taken in Private Session the Minutes do not contain any confidential information and are therefore admissible in the public domain.

30 GROWTH AREA FUNDING – PROGRESS REPORT

INFORMATION: Members of the Panel were reminded that in December 2007, Chelmsford Borough Council and Braintree District Council had been jointly awarded Growth Area Funding to support the delivery of new housing and employment and associated infrastructure. Priorities for the expenditure of Growth Area Funding had been agreed by the Panel at previous meetings and an update report on the programme was attached at Appendix 1 to the report. Whilst there was no deadline, there was a need to commit funds to meet the priorities of the Council and the original

criteria of the Growth Area Fund. Other projects had subsequently been identified and Members were requested to indicate which of these should be given priority. Further information on these projects was set out in Appendix 2 to the report.

The Panel was advised that the Government had identified Local Enterprise Partnerships (LEPs) as successors to Regional Development Agencies which would drive forward business growth and economic development in local areas, and on 28th October 2010 the Government had approved the Kent-Greater Essex-East Sussex LEP. In addition, the Growth Area Fund would be discontinued and instead LEPs would bid for funding from the Regional Growth Fund (RGF) which would provide finance nationally over a three year period. The RGF would have different objectives and criteria and Round One funding bids were to be submitted by 21st January 2011. It was noted that the Council was working with the Heart of Essex Sub Region and the Haven Gateway Sub Region to identify suitable bidding opportunities. Possible schemes were set out in the report.

DECISION:

- (1) That the updated Growth Area Fund programme and possible additional projects be approved.
- (2) That the introduction of Local Enterprise Partnerships, Regional Growth Funding and the new format for submitting bids be noted.

31 PROPOSED PURCHASE OF LAND

INFORMATION: Members of the Panel were advised that an opportunity had arisen for the Council to purchase a property in Braintree. Essex County Council Highways had advised that ownership of this property would enable a junction to be widened allowing HGV turning movements, two way traffic, and the removal of traffic lights. This would result in significantly improved traffic flows, which would reduce congestion and delay, and improve the local environment. The junction improvement scheme was included in the County Council's Local Transport Plan.

DECISION: That it be **Recommended to Council** that Growth Area Funding be used for the purchase, demolition and associated costs of a property in Braintree.

The meeting commenced at 6.45pm and closed at 8.03pm.

Councillor N G McCrea

(Chairman)

APPENDIX

LOCAL DEVELOPMENT FRAMEWORK PANEL

1ST DECEMBER 2010

PUBLIC QUESTION TIME

Summary of Questions Asked / Statements Made During Public Question Time

Statements Relating to Agenda Item 8 – Addendum of Focused and Minor Changes to the Braintree District Core Strategy Submission Draft – Consultation October 2010

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

Councillor Wright referred to a recent Press article about the Council's proposals for making savings which indicated that Local Committees could be disbanded and local people given more say. Councillor Wright queried why, if it was the Council's intention to give people more say, the views of residents living in Forest Road, Witham and North Witham had been ignored over the past two years.

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

Councillor Abbott indicated that the draft Core Strategy had included a proposal to establish a Museum within the former power-house building on the Silver End regeneration site. However, Councillor Abbott stated that this proposal had been deleted from the schedule of Focused Changes and that he and Silver End Parish Council had requested its re-instatement.

Response by Mrs E Dash, Planning Policy and Land Charges Manager

Mrs Dash answered this point in her presentation of Agenda Item 8. Mrs Dash stated that it was not appropriate to include details such as this in the Core Strategy. However, this did not mean that the proposal would not be pursued. It was more appropriate that it should be dealt with as part of the Master Plan which would be prepared for the site and negotiated via a Section 106 Agreement.