

Minutes



Local Development Framework Panel

4th August 2010

Present:

Councillors	Present	Councillors	Present
G Butland	Yes	H J Messenger	Apologies
A V E Everard	Yes	Lady Newton	Yes
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	Apologies

Councillor J E Abbott and Councillor D Mann were also in attendance.

9 DECLARATIONS OF INTEREST

INFORMATION: The following declarations of interest were made:

Councillor J E Abbott declared a personal interest in Agenda Item 6 - Core Strategy Submission Draft and Agenda Item 7 – Regional Spatial Strategy Abolition – Effect on the Core Strategy 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 8 – Growth Area Funding - Proposals for Expenditure, and specifically the Freeport Foot/Cycle Bridge as he was a Member of Essex County Council representing the Braintree Town Division in which one side of the bridge would be located.

Councillor M C M Lager declared a personal interest in Agenda Item 8 – Growth Area Funding - Proposals for Expenditure, and specifically the Witham Station Foot Bridge Extension 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 N G McCrea declared a personal interest in Agenda Item 7 - Regional Spatial Strategy Abolition – Effect on the Core Strategy as he was a Member of Ashen Parish Council which had submitted representations on the Core Strategy regarding gypsy and traveller issues.

Councillor Mrs W D Scattergood declared a personal interest in Agenda Item 5 – Sible Hedingham Regeneration Area – Proposed Master Plan in her capacity as a Member for the Hedingham and Maplestead Ward.

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

10 MINUTES

DECISION: The Minutes of the meeting of the Local Development Framework Panel held on 23rd June 2010 were confirmed as a correct record and signed by the Chairman.

11 QUESTION TIME

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

12 SIBLE HEDINGHAM REGENERATION AREA – PROPOSED MASTER PLAN

INFORMATION: Members of the Panel received a presentation by Mr Ray Ricks of Boyer Planning Limited and Mr David Lowe of EWS Chartered Surveyors on a proposed development Master Plan for the Sible Hedingham Regeneration Area. Two Options had been prepared which would provide for the development of approximately 200 houses, a riverside walk, allotments and community facilities. The Options were broadly similar except that Option 2 included a small area of employment land and fewer social housing units.

In discussing the outline proposals Members of the Panel expressed concern about the increase in traffic which the site could generate. However, it was noted that Essex County Council had been consulted and had not raised any objection. A new mini-roundabout would be provided in Swan Street to improve traffic flows and it was possible that once developed the site would generate less traffic than when occupied for employment uses.

DECISION: Members of the Panel thanked Messrs Ricks and Lowe for their presentation and they indicated their preference for the Option 2 Master Plan.

13 CORE STRATEGY SUBMISSION DRAFT

INFORMATION: Consideration was given to a report on the Core Strategy Submission Draft.

Members of the Panel were advised that the Core Strategy Submission Draft had been published for the purpose of public consultation on 10th May 2010 with a deadline for comments of 8th July 2010. The period of consultation had been extended beyond that originally proposed to enable people to comment on the Coalition Government's proposed abolition of Regional Spatial Strategies and the implications of this for the Core Strategy.

A total of 1,129 representations had been submitted on the Core Strategy by 345 people. A large number of these representations were objections to the proposed growth location at Forest Road, Witham. The representations also included comments on the Regional Spatial Strategy, other growth locations, regeneration sites, the settlement hierarchy, core policies and infrastructure issues. The report set out a brief summary of the representations relating to the four growth locations and the proposed regeneration sites at Sible Hedingham and Silver End.

It was noted that a report summarising all representations submitted would be presented to the Panel's meeting on 22nd September 2010 when Members would be requested to approve any changes to the Core Strategy. The procedure for making changes to the Core Strategy would be dependent on whether these were to be focused changes, extensive changes, or minor post-publication changes (editing). The Council would be requested to approve the amended Core Strategy on 27th September 2010.

In discussing this item, Members were advised that the Core Strategy representations could be viewed on the Council's web site as follows:-

Access to the Braintree District Core Strategy representations on-line is via the Planning Policy Consultation Portal on the Council's website www.braintree.gov.uk following the links to Planning and Planning Policy, or via <http://www.braintree.gov.uk/Braintree/planning/Planning+Policy/> Please click on the Planning Policy Consultation Portal, then on the Submission Draft Core Strategy and then on the 'Read Document and View Comments' arrow.

The Planning Inspectorate requires persons making representations to make these against specific sections, or paragraphs of the plan and the comments that have been submitted are set out in this way.

Reference was made to the Coalition Government's Localism Bill and proposals to engage more with communities on local planning matters and it was queried how this could be achieved. It was suggested that it might be monitored by analysing the actual number of representations submitted on a particular issue compared to the number of representations which potentially could have been submitted.

DECISION: That the report summarising the representations submitted on the growth location and regeneration area proposals of the Core Strategy, and the procedure for making changes to the Strategy, be noted.

14 REGIONAL SPATIAL STRATEGY ABOLITION – EFFECT ON THE CORE STRATEGY

INFORMATION: The Panel received a report setting out Government guidance on the revocation of the Regional Spatial Strategy (RSS). The report assessed also the likely impact of the RSS abolition on the Council's Core Strategy, particularly in respect of housing and gypsy and traveller requirement.

Members were advised that confirmation had been received from the Secretary of State on 6th July 2010 that the RSS was to be revoked. In the circumstances, it had been agreed to extend the period of consultation on the Council's pre-submission Core Strategy to enable comments to be submitted on the implications of the RSS abolition. The main points submitted were summarised in an Appendix to the report.

The Government guidance stated that a Localism Bill would be introduced in the current Parliamentary session which would abolish Regional Spatial Strategies and establish new ways for local authorities to address strategic planning and infrastructure issues based on co-operation. Local planning authorities would be responsible for establishing the right level of local housing provision in their area and in identifying a long term supply of housing land. Members were advised that the Council would have to determine whether to continue with the Core Strategy, to delay

its preparation, or to abandon the Strategy and start the process again based upon a new locally determined housing requirement. In addition, the Council would be required to determine whether to retain the housing requirement specified for the District in the East of England Plan (7,700 dwellings between 2001-2021, an annual average of 385 dwellings), or to increase or decrease it with a locally determined figure.

It was reported that a review of the employment target for the District as specified in the East of England Plan was not required.

With regard to provision for gypsies and travellers, it was noted that there were three options available to the Council. These were to retain the RSS figure in the Core Strategy giving a total of 40 pitches; to use the RSS Option 1 figure put forward by the Regional Assemblies prior to intervention by the Examination Panel/ Government Office which would decrease the Core Strategy figure to an overall total of 29; or to use the more recent Essex Gypsy and Traveller Accommodation Assessment evidence giving a requirement of 32 pitches plus six short-stay pitches and one additional pitch for travelling showpeople. In discussing the Option 1 figure a Member queried whether the number of pitches required after 2011 was 15 or 16 and it had subsequently been confirmed that this figure should be 15.

A summary of the Core Strategy representations which had been submitted with respect to gypsy and traveller issues was set out in the report.

DECISION:

- (1) That preparation of the Core Strategy should continue.
- (2) That the Core Strategy housing requirement should not be increased
- (3) That a decision on whether to retain the Regional Spatial Strategy housing requirement, or to decrease it, be deferred to the next meeting of the Panel when the representations submitted with respect to the Core Strategy will be considered.
- (4) That the Core Strategy be amended by the deletion of the Regional Spatial Strategy gypsy and traveller accommodation requirement and its replacement by the more recent Essex Gypsy and Traveller Accommodation Assessment of 32 additional authorised pitches by 2021, plus six short-stay pitches and one additional pitch for travelling showpeople.

15 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 meetings on 3rd February 2010 and 23rd June 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. It was noted that some funding remained unallocated and the position on certain schemes had changed since the priorities had been agreed.

The Government had now confirmed the allocation of funding for 2010/11 which amounted to £832,502 capital and £67,238 revenue. However, this would not be released until the Growth Area Partnership had submitted a statement showing the approach being taken to secure real local and community engagement, the progress being made towards achieving this, and how existing residents would gain from the funding. This statement had now been submitted. The total confirmed funding for 2008 to 2011 was £4,037,633 capital and £231,860 revenue.

Three additional proposals for the expenditure of Growth Area funding had been identified. These were the Freeport foot/cycle bridge, Braintree; the Motts Lane foot/cycle bridge, Witham; and Phase 2 of the Water Cycle Study.

It was reported that originally the cost of the Freeport foot/cycle bridge, Braintree had been estimated at £700,000, but that due to increases in the cost of materials this had risen to £1 million leaving a shortfall in funding for the scheme of approximately £300,000. It was proposed that this shortfall should be met by allocating a further £120,000 of Growth Area funding to the scheme in addition to the £250,000 approved by the Panel on 3rd February 2010, together with £183,400 of Section 106 Agreement funding which was available for expenditure on schemes in the vicinity of Freeport.

Members were advised that Network Rail was in the process of commissioning a study into the options and cost of providing a bridge suitable for cyclists and pedestrians at Motts Lane, Witham. It was estimated that the scheme would cost £2 million. The Motts Lane bridge would remove the existing dangerous level crossing over the main railway line and provide a safe off-road route for cyclists and pedestrians between the adjacent residential areas and industrial estates. Network Rail had allocated £1.5 million to the project and had indicated that third party finance could secure further funding from Network Rail. Essex County Council had confirmed that they did not have funds available and it was proposed that £500,000 of Growth Area funding should be allocated towards the scheme.

In order to ensure that the Local Development Framework evidence base was complete, it had been necessary to commission a Phase 2 Water Cycle Study. This would examine the effects of proposed growth on water use and, in particular, sewage flows. The Study was being undertaken by Hyder Consulting at a cost of £25,000.

In discussing this item, a Member expressed concern about the increased cost of the Freeport foot/cycle bridge and it was agreed that Essex County Council should be requested to provide a report on the previous estimates which had been sought for this project. Similarly, it was anticipated that the cost of the Motts Lane foot/cycle bridge could increase also, but it was noted that more detailed figures on this should be forthcoming. With reference to the schedule, concern was expressed that the proposed scheme to the rear of Rayne Road, Braintree could be delayed as land acquisition was not being pursued actively and it was agreed that the Council's Asset Manager should be instructed.

DECISION:

(1) That it be **Recommended to Council** that expenditure of Growth Area funding be agreed, in principle, as follows:

- £120,000 additional funding for the Freeport foot/cycle bridge, Braintree

- a contribution to the Motts Lane foot/cycle bridge, Witham
- (2) That expenditure of £25,000 Growth Area revenue funding for the Phase 2 Water Cycle Study be approved.
- (3) That it be **Recommended to Cabinet** that Section 106 Agreement funding of £183,400 be allocated towards funding the Freeport foot/cycle bridge, Braintree.

Mr Paul Munson

At the close of the meeting the Chairman indicated that this would be the last meeting of the Local Development Framework Panel that Mr Paul Munson, Deputy Director – Head of District Development would attend prior to his retirement from the Council. The Chairman and Members of the Panel thanked Paul for his service to the Authority and they wished him all the best for the future. In response Paul stated that he had enjoyed working with Members and that he had always done his best to give them advice. Paul stated that whilst he would miss day to day involvement with planning matters, he was confident that he was leaving the Council in capable hands.

The meeting commenced at 6.00pm and closed at 7.28pm.

Councillor N G McCrea

(Chairman)

APPENDIX

LOCAL DEVELOPMENT FRAMEWORK PANEL

4TH AUGUST 2010

PUBLIC QUESTION TIME

Summary of Questions Asked / Statements Made During Public Question Time

Statements Relating to Agenda Item 6 – Core Strategy Submission Draft and Agenda Item 7 - Regional Spatial Strategy Abolition – Effect on the Core Strategy

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

Councillor R Wright referred to the Coalition Government's decision to scrap Regional Spatial Strategies and to introduce a new planning system which would give local people greater power. Councillor Wright questioned whether the Panel would encompass the new democratic process.

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

Councillor Abbott made the following statement:-

'Mr Chairman and Members, we now have both the results of the Consultation on the Core Strategy and clear guidance from the new Government on how Core Strategies should be progressed given the intended abolition of the Regional Spatial Strategy.

The inescapable conclusion is surely that this Council has the ability, available arguments and public backing to remove the proposed greenfield Growth Location in Rivenhall Parish and replace it with more sustainable alternatives.

It is perhaps understandable that the Council would prefer to stick to a course it has been set on, but circumstances have changed. Furthermore, there is no requirement under any statute for Witham to have 2 Growth Locations. Braintree only has one proposed.

The Council has several options available to it to meet the clearly stated views of local residents and their representatives:

If the Council decides to stick with the figure of 7,700 houses in the plan period 2001 to 2021, the required sites can be allocated without the need for the Rivenhall Growth Location as evidenced in the consultation responses from Witham Town Council and Rivenhall Parish Council.

The Conrad Road site does not have to be a Growth Location. It can be an allocation, as officers have already stated. As an allocations site, which Braintree District Council officers have stated is a viable site, it would deliver about half of the required 300 houses. A slightly higher figure for the villages, helping to ensure their vitality, would deliver the other 150. And there are other options

available, as has been set out in the representations - for example the actual figure that the Council is working to is over 100 houses higher than the 7,700. Trimming this back would still ensure the 7,700 were allocated.

Alternatively, if the Council decided to only reduce the overall housing number by 150 - just 2% of the total and well within the margin of variability given the extrapolations out to the 2020s, then Conrad Road on its own as an allocations site would suffice.

But to do nothing in the context of the new Government policy and the Consultation responses would surely demonstrate both a failure to deliver a democratically justified Core Strategy and a failure to demonstrate any flexibility.

When the Council comes to look at the Consultation responses in depth, we do hope and trust that the Local Development Framework (LDF) Panel will carefully examine the detail behind the bullet points set out in the agenda reports tonight. Contrary to the claims of the potential developers of the Rivenhall site, Conrad Road is a viable site and in our submissions we question why it has been underscored when compared to the Rivenhall site across a range of criteria, not least its highly sustainable location in respect of the local schools and its preferable location in respect of road access and distances to facilities. If the Council continues to ignore these facts and to rely on the distances supplied by the potential developer, then it will not only be acting unfairly, but contrary to the spirit of the new planning regime set out by the Government which expects local communities to be taken seriously in planning matters.

On this last point, we note that yet again, in their June 2010 document submitted to the Council, the potential developers of the Rivenhall site have claimed that it is within 100m of the main Witham employment site. I don't know how many times someone has to be told something is untrue before they will listen. That distance of 100m is only vaguely plausible, and even then for only one edge of the proposed development, if a resident was prepared to risk walking across the main railway line at an unauthorised point, hence significantly risking life and limb. The actual distance via the authorised crossing at Motts Lane is about 5 times greater and that is not a vehicular access and only gets someone to the edge of an employment area that is nearly 2km across measuring from north to south.

We welcome the proposed potential progress towards a cycleway/footbridge at Motts Lane, which has been supported by Witham Area Councillors for many years. It is encouraging that the proposed Growth Area Funding and the Network Rail contributions are close to the expected actual cost, meaning that a substantial developer contribution is not required, but even if a contribution were required the Conrad Road site would be capable of delivering a S106 contribution.

The report before you tonight indicates that about 70% of all the people responding to the Core Strategy from Braintree District were making comments about the Forest Road/Rectory Lane site in Rivenhall Parish. And of those, whilst the report for some reason does not give us any numbers, the comments were likely to be overwhelmingly objections, but also putting forward good viable

alternatives. This is not, and never has been, a NIMBY opposition as has sometimes been suggested at these meetings.

The Government has stated, clearly, and I quote, that the new planning regime offers Councils "new freedoms" that plans should "reflect local people's aspirations" and that it "puts greater power in the hands of local people" creating a "planning system that is firmly rooted in the local community".

If these pledges are to mean anything here in Braintree District, the Rivenhall Growth Location must be taken out of the Core Strategy and replaced with more sustainable options that local people have already demonstrated they support. At every stage of local consultation, contrary to the very selective version of events put forward by the potential developer, local people and their elected representatives have overwhelmingly rejected the Rivenhall greenfield site, including at all the public consultations, in the position of both Parish and Town Councils and at the Witham Local Committee which is an all party Committee of local District Councillors for the Witham Area. Even the LDF Panel itself voted to take the site out, but as we all know, a political decision was then taken at Council to reinstate it.

The report before you tonight sets out clearly that you have the option of making a Focussed Change to the Core Strategy, as set out on page 7, and that this will not throw out the work done on the rest of the LDF. A Focussed Change to remove the site in Rivenhall Parish would meet the wishes of local people and their representatives and would allow sensible and specific changes to be made in the LDF which will then attract positive support from the local community and which will maintain the level of housing required.

The Government has made it clear that you have the power to both revisit parts of the LDF and review housing numbers. Either approach offers the opportunity to meet the wishes of the local community.

Thank you.'