

Minutes



Local Plan Sub-Committee 16th July 2020

This meeting was held in accordance with the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020 via Microsoft Teams and YouTube.

Present:

Councillors	Present	Councillors	Present
D Bebb	Yes	P Horner	Yes
K Bowers	Yes	D Hume	Yes
G Butland	Yes	Mrs G Spray (Chairman)	Yes
T Cunningham	Yes	T Walsh	Yes (until 7.45pm)
A Everard	Yes	J Wrench	Yes

Councillors Abbott, Thorogood and Unsworth were also invited to attend the meeting as observers.

1 **DECLARATIONS OF INTEREST**

INFORMATION: The following interests were declared:

Councillor G Butland declared a non-pecuniary interest in Agenda Item 5 – ‘Braintree District Publication Draft Local Plan 2017 – Section 1 Next Steps’ as a non-remunerated Director of North Essex Garden Communities Ltd.

Councillor Mrs G Spray declared a non-pecuniary interest in Agenda Items 5 – ‘Braintree District Publication Draft Local Plan 2017 – Section 1 Next Steps’ as a non-remunerated Director (without voting rights) of North Essex Garden Communities Ltd.

Councillor T Walsh declared a substantive non-pecuniary interest in Agenda Item 8 – ‘Coggeshall Neighbourhood Plan - Regulation 16 Consultation Response’ as a member of Coggeshall Neighbourhood Plan Group and a member of Coggeshall Parish Council.

Councillor Walsh did not take part in the meeting when this Item was considered and determined. Councillor Walsh was also not present at the meeting when Item 9 - ‘Tiptree Neighbourhood Plan - Regulation 16 Consultation Response’ was considered and determined.

In accordance with the Code of Conduct, Councillors remained in the meeting, unless stated otherwise, and took part in the discussion when the Items were considered.

2 **MINUTES**

DECISION: That the Minutes of the meeting of the Local Plan Sub-Committee held on 11th February 2020 be approved as a correct record.

3 **QUESTION TIME**

INFORMATION: There were five statements / questions made about Agenda Item 5 – ‘Braintree District Publication Draft Local Plan 2017 – Section 1 Next Steps’. Those people who had registered to participate during Question Time had submitted written statements / questions in advance of the meeting and these were read to the Committee by the Council’s Governance and Member Services Officer immediately prior to the consideration of the Item. The Chairman of the Local Plan Sub-Committee responded verbally to the questions which had been raised.

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

4 **BRAINTREE DISTRICT PUBLICATION DRAFT LOCAL PLAN 2017 – SECTION 1 NEXT STEPS**

INFORMATION: Consideration was given to a report on the Braintree District Publication Draft Local Plan 2017 and, in particular, the next steps in respect of Section I of the Plan.

Prior to discussion of this item, the Chairman of the Local Plan Sub-Committee made a statement regarding a letter issued by the Local Plan Inspector on 2nd July 2020. The letter referred to the implications of the 2018-based household projections issued by the Office for National Statistics (ONS) on 29th June 2020.

In his letter, the Inspector referred to the 2014-based and 2016-based household projections submitted as evidence by the North Essex Authorities’ (NEAs) at the examination of Section 1 of the draft Plan to support the housing requirement figures in the Plan and which he had concluded were soundly based. However, in order to determine whether or not the Plan’s housing requirements remained soundly based, the Inspector needed to consider whether the 2018-based household projections represented a meaningful change in the housing situation. The Inspector had asked the NEAs to submit their views on this to him by 24th July 2020. The Inspector had indicated that he was also likely to seek the views of other examination participants.

In her statement the Chairman reported that the Council was awaiting the advice of its expert consultants on the latest housing projections. However, if the updated figures proved to be credible and robust it was anticipated that the Council would request that the revised 2018 figure should be adopted by the Inspector as this

would reduce the number of homes required in Section 2 of the draft Plan. It was for the Inspector to conclude whether the housing number in the Local Plan was correct, or to recommend an alternative number.

Section 1 of the submitted Local Plan set out an overarching strategy for future growth across Braintree, Colchester and Tendring. As well as including policies setting the overall housing and employment requirements for North Essex up to 2033, the Section 1 Plan proposed three new cross-boundary 'Garden Communities' along the A120 corridor with the potential for longer-term and comprehensively-planned growth. In contrast, 'the Section 2 Plans' for each of the three Authorities contained more specific local policies and proposals relevant to their individual areas.

Examination hearings for the Section 1 Plan had taken place in 2018 and 2020. Following the most recent hearing, the Planning Inspector had issued a letter dated 15th May 2020 (attached at Appendix 1 to the report) in which he had concluded that two of the three proposed Garden Communities (the Colchester Braintree Borders Garden Community and West of Braintree Garden Community) were not viable or deliverable and that therefore the Section 1 Local Plan, in its current form, was not sound. However, the Inspector had agreed that the Tendring Colchester Borders Garden Community was viable and deliverable; and that the housing and revised employment targets in the Local Plan were also sound, including the requirement of 716 homes a year in the Braintree District.

In the event that a Local Plan was found not to be sound, the Inspector was required to recommend modifications to the Local Plan that would make it sound. In his letter, the Inspector had given the NEAs two options for how to proceed. These were to consult on the main modifications to remove the Colchester Braintree Borders and West of Braintree Garden Communities from the Local Plan and other necessary 'modifications' as set out at Appendix 2 to the report; or to withdraw the plan. The advantages and disadvantages of each option were set out in the report.

In order to continue with the draft Local Plan, the first option of consulting on the main modifications had to be undertaken, otherwise the alternative position was to withdraw the Plan from examination. All three of the NEAs would be required to make the same decision. If neither of the options outlined by the Inspector were considered acceptable, the NEAs could ask the Inspector to consider further evidence on one or both of the Garden Communities which were proposed to be removed; or to lobby the Secretary of State to direct that the Plan was submitted for him to consider. However, both options would involve further cost and delay to the Local Plan process and it was recommended that the Councils should endorse the Inspector's first option to continue with the Plan process and to consult on the proposed modifications. It was reported that both Colchester Borough Council and Tendring District Council had endorsed this approach.

With the consensus of all three Authorities, the Planning Inspector would be advised of the NEAs agreement to the removal of the Colchester Braintree Borders and West of Braintree Garden Communities from the Section 1 Plan; and to proceeding with the examination of the Local Plan by undertaking public consultation on the proposed modifications. The Inspector would be asked to formally issue his

finalised schedule of main modifications and to advise the NEAs on the programme and timescales for the remainder of the examination.

The Councils would publish the main modifications on behalf of the Planning Inspector for a six-week period. In addition, consultants LUC would be preparing an update to both the Sustainability Appraisal (SA) and the Habitats Regulation Assessment (HRA) to assess the socio-economic and environmental impacts on the Section 1 Local Plan of the Inspector's recommended modifications and these documents would also be published for consultation. It was proposed that consultation would take place in August and September 2020. Any comments received would be submitted to the Inspector for his consideration.

In the meantime, work would continue on preparing Section 2 of the draft Local Plan for examination. This would be in accordance with a timetable to be issued by the Planning Inspectorate.

In discussing this report, Members of the Sub Committee refuted the criticism of Council Officers which had been made in some statements and questions read out during Question Time. Members of the Sub-Committee wished to record their utmost support for the integrity and professionalism of the Officers, who provided advice and guidance to enable Councillors to make decisions on the Local Plan.

DECISION: That it be Recommended to Council that:-

- a) The findings of the Planning Inspector's letter dated 15th May 2020 (attached as Appendix 1 to the report) and his recommended modifications (attached as Appendix 2 to the report) be noted;
- b) The Inspector's suggested main modifications to remove both the Colchester Braintree Garden Community and the West of Braintree Garden Community from the Section 1 Local Plan for the purpose of soundness be accepted and;
- c) Subject to the views of the other North Essex Authorities (Colchester Borough Council and Tendring District Council), to notify the Planning Inspector of the intention to continue with the present Local Plan process, formally request his finalised schedule of recommended main modifications for soundness and establish the timescales for the consultation exercise and subsequent stages in the process;
- d) It be noted that public consultation will be undertaken on all 'main modifications' recommended by the Planning Inspector to make the Local Plan sound (as set out in draft in Appendix 2); and
- e) It be noted that an update to the Sustainability Appraisal (SA) and the Habitat Regulations Assessment (HRA) for the Modified Section 1 Local Plan will need to be produced and published for consultation alongside the Inspector's main modifications and that consultants LUC are already instructed to undertake this work;

- f) That should a reduced OAN figure be considered to be an accurate position of the housing need in the District, Braintree District Council will, during the consultation, make representations and encourage residents to make representations, that an updated figure be adopted for the District of Braintree.

5 **STATEMENT OF COMMUNITY INVOLVEMENT - UPDATE**

INFORMATION: Consideration was given to a report on a review of the Statement of Community Involvement, which had been required in response to the Covid-19 pandemic. The Statement set out how the Council would consult residents and stakeholders on planning matters, including public consultation on planning applications, the Local Plan, Neighbourhood Plans and Supplementary Planning Documents; and how the Council would assist Neighbourhood Planning areas or forums.

The Statement had last been updated in February 2020 and it would normally be reviewed at least once every five years in order to comply with the Town and Country Planning Regulations 2017. However, an update was required to reflect new Government guidance on how public consultation could be carried under the restrictions imposed by the current Covid-19 pandemic. It was proposed that the Statement of Community Involvement should be updated to take account of the revised National Planning Practice Guidance which enabled public consultations and meetings to be available on-line, and for alternative arrangements to be provided for the physical inspection of documents if possible.

The majority of changes to the Statement of Community Involvement related to Local Plans and Neighbourhood Plans and, as the current situation was likely to be temporary, it was proposed that these amendments should expire on 31st December 2020 when the previous version of the Statement would be re-instated. However, amendments to Section 7 of the Statement (Development Management) and, in particular, Table 7.5 (publicity requirements for all planning applications) were required to ensure compliance with relevant Regulations and these changes would be permanent.

A copy of the revised Statement of Community Involvement was attached at Appendix A to the Agenda report.

DECISION: That the Statement of Community Involvement (2020) be updated to reflect changes in Government guidance and publicity requirements for all planning applications.

6 **ESSEX COAST RECREATIONAL DISTURBANCE AVOIDANCE AND MITIGATION STRATEGY (RAMS)**

INFORMATION: Consideration was given to a report on the Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy (RAMS) and its accompanying Supplementary Planning Document (SPD).

It was acknowledged that the Essex coast was a major destination for recreational use by residents of the county including the Braintree District and that planned

population and housing growth across Essex would increase demand on the coast. The purpose of the Essex RAMS was to provide a co-ordinated approach to the protection of important wildlife habitats from the impact of population growth arising from new housing development and, where necessary, to secure or implement measures to mitigate this impact. A total of 12 Essex Authorities, together with Essex Place Services, had been working on the RAMS project.

In addition, a RAMS SPD had been prepared. This focused on mitigation that would be required to protect the wildlife of the Essex coast from an increase in visitors arising from new development and how such mitigation would be funded. The SPD set out guidance regarding the determination of planning applications and it formalised arrangements for securing contributions of £125.58 per dwelling from developers. The draft SPD had been subject to public consultation, which had been carried out by Essex Place Services. In response, Essex Place Services had published a document setting out details of the comments submitted and recommending revisions to the SPD. This document was attached at Appendix 2 to the Agenda report. A revised SPD had also been published and this was attached at Appendix 1 to the Agenda report.

It was proposed that the Council should collect the requisite tariff for applications which met the criteria set out in the SPD with effect from 1st September 2020. Procedures would be put in place to ensure that the necessary information and relevant fees were provided by an applicant when submitting a planning application.

It was proposed that Chelmsford City Council should administer the RAMS project on behalf of all partners in accordance with a Partnership Agreement which was currently being finalised. The main issues to be included in the Agreement were set out in the Agenda report. In an update to the report, Members of the Local Plan Sub-Committee were advised that the Corporate Director was authorised to sign the Partnership Agreement on the Council's behalf, subject to the Head of Governance confirming its acceptability.

DECISION:

- (1) That the Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy (RAMS) Supplementary Planning Document, as attached at Appendix 1 to the report, be adopted.
- (2) That collection of the tariff, as set out in the Supplementary Planning Document, be implemented with effect from 1st September 2020.

7 COGGESHALL NEIGHBOURHOOD PLAN - REGULATION 16 CONSULTATION RESPONSE

INFORMATION: Consideration was given to a report on the Coggeshall Neighbourhood Plan and Design Guide and the Council's proposed response following consultation in accordance with Regulation 16 of the Neighbourhood Planning (General) Regulations 2012. The Council's proposed response was set out in Tables 1 and 2 of the report.

It was reported that Coggeshall Parish Council had prepared a Neighbourhood Plan and supporting documentation, which was currently subject to a period of public consultation running from 22nd June 2020 to 3rd August 2020. Following consultation, an Inspector would be appointed to examine the Plan and its accompanying documents, and all responses. Once approved, the Neighbourhood Plan could be used in the determination of planning applications within the Coggeshall Neighbourhood Plan Area.

The Plan had a strong emphasis on the environment, but it also referred to the allocation of housing, the protection of the historic environment and the needs of business, transport and other infrastructure. The Plan made reference to four housing sites at Colchester Road; Cook Field, East Street; Tey Road; and The Dutch Nursery, West Street; all of which had either been allocated for development in the Braintree District Publication Draft Local Plan, or had been subject to a planning application.

It was reported that many of the comments made by the District Council about earlier versions of the Plan had resulted in changes to it, although there were a few matters which had not been taken forward to the current version. The Council's proposed comments on the Regulation 16 version of the Plan were set out in Table 1 of the Agenda report.

In addition, the Coggeshall Design Guide had been prepared to support the objectives of the Neighbourhood Plan and it provided design guidance in respect of the heritage and distinctiveness of Coggeshall. The Council's proposed comments on the Design Guide were set out in Table 2 of the Agenda report.

DECISION: That the comments set out in Tables 1 and 2 of the report be submitted to Coggeshall Parish Council as the District Council's response to the Regulation 16 consultation on the Coggeshall Neighbourhood Plan and Design Guide.

8 **TIPTREE NEIGHBOURHOOD PLAN - REGULATION 16 CONSULTATION RESPONSE**

INFORMATION: Consideration was given to a report on the Tiptree Neighbourhood Plan and the Council's proposed response following consultation in accordance with Regulation 16 of the Neighbourhood Planning (General) Regulations 2012. The Council's proposed response was set out at Appendix 1 of the report.

It was reported that a Neighbourhood Plan for Tiptree had been prepared, which was currently subject to a period of public consultation running from 22nd June 2020 to 10th August 2020. Following consultation, an Inspector would be appointed to examine the Plan.

Tiptree was a 'large village' within the Colchester Borough, which had a strong inter-relationship with the villages of Feering and Kelvedon in the Braintree District. Residents of Tiptree were able to access the A12 and Kelvedon railway station via the Gore Pit junction and Kelvedon High Street.

The Neighbourhood Plan included policies relating to good quality design; residential car parking; housing; employment; Tiptree village centre; sustainable transport; traffic; the historic environment; the countryside and green spaces. The Plan made reference to two allocations for housing development, which would provide 625 dwellings and to other sites where permission had been granted for a further 429 dwellings. In addition, the Plan made reference to appropriate improvements to junctions within Tiptree village; the safeguarding of a route for a new primary street across North and North-West Tiptree to link Kelvedon Road to new development sites; and improved bus services to Kelvedon and Witham, including the railway stations.

However, concern had been expressed that the Plan required additional parking spaces to be provided for residential dwellings, which was in excess of Essex Parking Standards. Furthermore, the text relating to public transport to/from Kelvedon and Witham contained within Table 11.1 of the Plan did not feature as a matter of policy and no detail had been provided about when, or how improvements to public transport could be implemented.

The Council's proposed response to the Plan following consultation under Regulation 16 was set out in Appendix 1 of the Agenda report. This related to the impact which traffic from new development would have on the Gore Pit junction; the improvement of public transport service provision between Tiptree and Kelvedon railway station; and the requirement for additional residential parking.

DECISION: That the District Council's response to the Regulation 16 consultation on the Tiptree Neighbourhood Plan, as set out in Appendix 1 of the report, be approved.

The meeting commenced at 6.00pm and closed at 8.05pm.

Councillor Mrs G Spray
(Chairman)