

Minutes



Local Plan Sub-Committee 4th February 2021

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 Zoom and YouTube.

Present:

Councillors	Present	Councillors	Present
J Abbott	Yes	A Everard	Yes
D Bebb	Yes	P Horner	Yes
K Bowers	Yes	D Hume	Yes
G Butland	Yes	Mrs J Sandum	Yes
J Coleridge	Yes	Mrs G Spray (Chairman)	Yes
T Cunningham	Yes	J Wrench	Yes

19 **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 2017 – Section 1 Local Plan: Planning Inspector’s Final Report and Process for Adoption’ as he had responded to public consultation on the draft Local Plan; and as an elected Member of Essex County Council.

Councillor G Butland declared a non-pecuniary interest in Agenda Item 5 – ‘Braintree District Publication Draft Local Plan 2017 – Section 1 Local Plan: Planning Inspector’s Final Report and Process for Adoption’ as a non-remunerated Director of North Essex Garden Communities Ltd. Councillor Butland stated that this company was in the process of being wound-up.

Councillor Mrs G Spray declared a non-pecuniary interest in Agenda Items 5 – ‘Braintree District Publication Draft Local Plan 2017 – Section 1 Local Plan: Planning Inspector’s Final Report and Process for Adoption’ as she had in the past attended Board meetings of North Essex Garden Communities Ltd as a non-remunerated Director (without voting rights).

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

20 **MINUTES**

DECISION: That the Minutes of the meeting of the Local Plan Sub-Committee held on 14th December 2020 be approved as a correct record.

21 **QUESTION TIME**

INFORMATION: There were no questions asked or statements made.

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

22 **BRAINTREE DISTRICT PUBLICATION DRAFT LOCAL PLAN 2017 – SECTION 1 LOCAL PLAN: PLANNING INSPECTOR’S FINAL REPORT AND PROCESS FOR ADOPTION**

INFORMATION: Consideration was given to a report on Section 1 of the Braintree District Publication Draft Local Plan 2017 and, in particular, the receipt of the Planning Inspector’s final report and the process for the adoption of Section 1.

Section 1 of the emerging Local Plan had sought to provide an overarching strategy for future growth across Braintree, Colchester and Tendring – the ‘North Essex Authorities’ (‘NEAs’). As well as including policies setting out the overall housing and employment requirements for North Essex up to 2033, the Plan had included proposals for three new cross-boundary ‘Garden Communities’ along the A120 corridor. Section 2 of the Plan contained more specific local policies and proposals relevant only to the area of each of the three Authorities.

The Secretary of State had appointed a Planning Inspector to undertake the examination of Section 1 of the Plan and, following a series of Hearings, the submission of further evidence and public consultation the Inspector had issued a letter on 15th May 2020 setting out his view on Section 1. The Inspector’s main conclusion had been that two of the three proposed Garden Communities, namely land West of Braintree and land on the Braintree/Colchester border were neither viable nor deliverable and, as a consequence, the Section 1 Local Plan did not meet the tests of soundness set out in the National Planning Policy Framework.

The ‘NEAs’ had subsequently agreed to pursue Section 1 of the draft Plan, subject to the removal of the proposed Garden Community sites to the West of Braintree and on the Braintree/Colchester border. Following this decision, the Inspector had

issued his proposed main modifications to Section 1 of the draft Plan and these modifications had been subject to a period of public consultation. As part of the consultation the Inspector had also invited comments on the 2018-based household growth projections issued by the Office for National Statistics ('ONS') in 2020 and whether or not these justified an amendment to the housing supply targets set out in the draft Plan. The housing target for the Braintree District was 716 dwellings per annum.

Following the Inspector's consideration of all the comments submitted in response to public consultation, the 'NEAs' had received his final report on 10th December 2020. The report, entitled 'Report on the Examination of the North Essex Authorities' Shared Strategic Section 1 Plan', was attached to the Agenda report at Appendix 1. The Inspector had concluded that, subject to the incorporation of his final set of Main Modifications, which were attached at Appendix 2 to the Agenda report, Section 1 of the draft Local Plan would meet the required tests and could be found to be sound enabling it to proceed to formal adoption. The recommended Main Modifications were mostly unchanged from those published previously, with the exception of a number of minor adjustments. The Inspector had confirmed that the housing target for the Braintree District should remain at 716 dwellings per annum and he had recommended some adjustments in respect of employment land in order to reflect recent changes to the Use Classes Order. Furthermore, the Inspector had concluded that the timeframe of the Plan should not be extended beyond 2033 to cover a full 15-year period post adoption as this would unnecessarily delay the progress of the Plan.

A 'modified' version of the Section 1 draft Plan had been prepared and this was attached at Appendix 3 to the Agenda report. This incorporated the Inspector's final Main Modifications and other minor consequential modifications. The Section 1 Plan could now proceed to formal adoption and it was for the 'NEAs' to decide whether or not to do this in advance of the adoption of their individual Section 2 Plans. Legal advice had been sought, which indicated that without a good reason for not adopting Section 1 the Council could be at risk of a High Court challenge and intervention by the Secretary of State requiring it to do so. It was noted that both Colchester Borough Council and Tendring District Council had already agreed to adopt Section 1.

On adoption of the Plan, the Council would be required to publish an Adoption Statement on its website. In addition, the adopted Plan, the Sustainability Appraisal and details of where the Plan could be inspected would be published and a copy of the Adoption Statement would be sent to the Secretary of State and to everyone who had asked to be notified of adoption.

In an update to the Agenda report, it was stated that the Planning Inspectorate had provided a provisional date of early July 2021 for the start of the Examination of Section 2 of the Council's draft Local Plan. This could mean that the Plan might be

adopted by the end of the current calendar year. Members of the Local Plan Sub-Committee expressed concern about the delay in taking forward the Examination of Section 2 and it was proposed that representations should be made to the Planning Inspectorate requesting that the date be brought forward.

DECISION: That it be Recommended to Full Council:-

That the Local Plan Sub-Committee:

- a) notes the findings of the Planning Inspector's 'Report on the Examination of the North Essex Authorities Shared Strategic Section 1 Plan' received on 10th December 2020 (attached as Appendix 1 to the Agenda report) and his final 'Schedule of Recommended Main Modifications' (attached as Appendix 2 to the Agenda report);
- b) recommends to Full Council the formal adoption of the 'Modified North Essex Authorities' Shared Strategic Section 1 Plan' (attached as Appendix 3 to the Agenda report) ie. the new Section 1 Local Plan incorporating the Inspector's recommended main modifications in accordance with Section 23(3) of the Planning and Compulsory Purchase Act 2004.
- c) recommends to Full Council that it expresses its huge disappointment that the Examination of Section 2 has been delayed by the Planning Inspectorate and instructs the Portfolio Holder for Planning to write to the Inspectorate urging it to see if there is any way in which the Examination can be brought forward.

23 **STATEMENT OF COMMUNITY INVOLVEMENT - UPDATE**

INFORMATION: Consideration was given to a report on a review of the Statement of Community Involvement. 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 July 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 Government guidance relating to the revised public consultation arrangements which had been introduced in response to the Covid-19 pandemic. The arrangements had enabled public consultation and meetings to be available on-line, and for alternative means to be provided for the inspection of documents. The Government guidance had extended the temporary period for use of the revised

public consultation arrangements from 31st December 2020 to 31st December 2021.

The Statement had also been updated to reflect revised consultation and publicity arrangements for applications as required by the General Permitted Development Order (2015) as amended, the Planning (Listed Building and Conservation Areas) Act 1990 and the Town and Country Planning Act 1990. These revised arrangements for development management processes were set out in Tables 7.1 to 7.11 of section 8 of the Statement and they would be permanent changes. Details of all of the proposed changes to the Statement were set out in the report.

A copy of the revised Statement of Community Involvement was attached at Appendix 1 to the Agenda report.

In discussing the consultation process required for a Local Plan, Members of the Sub-Committee agreed that the list of general consultation bodies set out in section (2) of paragraph 7.2 of the Statement should include 'homeless' people and 'hidden homeless' people. It was noted also that an update was required to the Glossary of the Statement regarding the explanation of Major Planning Applications.

DECISION:

- (1) That the Statement of Community Involvement 2021 as set out at Appendix 1 to the Agenda report be approved, subject to the list of general consultation bodies set out in section (2) of paragraph 7.2 of the Statement being amended to include references to 'homeless' people and 'hidden homeless' people; and to the explanation of Major Planning Applications in the Glossary of the Statement being updated to 'For housing, development where 10 or more homes will be provided, or the site has an area of 0.5 hectares or more. For non-residential development it means additional floorspace of 1,000m² or more, or a site of 1 hectare or more, or as otherwise provided in the Town and Country Planning (Development Management Procedure) (England) Order 2015'.
- (2) That it be noted that changes within the Statement of Community Involvement introduced in response to the Covid-19 pandemic will expire on 31st December 2021.
- (3) That the Director for Growth, in consultation with the Cabinet Portfolio Holder for Planning, be authorised to amend Tables 7.1 to 7.11 of section 8 of the Statement of Community Involvement 'Development Management' in response to updated Government legislation.

24 **NEIGHBOURHOOD PLAN - UPDATE**

INFORMATION: Consideration was given to a progress report on Neighbourhood Plans in the Braintree District.

Neighbourhood Plans had been introduced by the Localism Act 2011 and set out planning policies for a neighbourhood, usually a Parish Council area. Once adopted, a Neighbourhood Plan became part of the Development Plan for the District and its policies had to be considered in the determination of planning applications.

Details of the process and estimated time scale for creating a Neighbourhood Plan were set out in the report. In particular, Neighbourhood Plans were subject to two stages of public consultation. The first stage, Regulation 14, was carried out by a Neighbourhood Plan Group, which could decide to modify the Plan in response to any comments submitted. The Plan was then submitted to the Local Planning Authority which undertook the second stage of consultation in accordance with Regulation 16. The responses submitted at this stage were passed to an Independent Examiner, who determined if the Plan met requisite Basic Conditions. The details of these Basic Conditions were set out in the report. If a Neighbourhood Plan did not meet the Basic Conditions it could not be adopted. If the Examination by the Independent Examiner was successful, the Local Authority was required to hold a Referendum in the local area for residents to determine if the Plan should be adopted. If supported, the Local Planning Authority had eight weeks to 'make' the Plan.

It was reported that within the Braintree District, Neighbourhood Plans had been adopted for the Parishes of Bradwell with Pattiswick; Cressing; and Hatfield Peverel. Furthermore, Neighbourhood Plans for Coggeshall; Feering; Great Bardfield; Great Yeldham; Kelvedon; Stisted; The Salings; and Toppesfield were currently being progressed.

DECISION: That the progress report on Neighbourhood Plans in the District be noted.

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

Councillor Mrs G Spray
(Chairman)