

Minutes



Local Plan Sub-Committee 7th March 2024

Present:

Councillors	Present	Councillors	Present
J Abbott	Yes	J Martin	Apologies
K Bowers	Apologies	A Munday	Yes
L Bowers-Flint	Apologies	I Parker	Yes
G Butland	Apologies	F Ricci	Yes
J Coleridge	Yes	G Spray (Chairman)	Yes
T Cunningham	Apologies	T Walsh	Yes
M Fincken	Apologies		

Substitutes

Councillor R van Dulken attended the meeting as a substitute for Councillor K Bowers.
Councillor P Schwier attended the meeting as a substitute for Councillor G Butland.
Councillor M Cunningham attended the meeting as a substitute for Councillor T Cunningham.

In Attendance

Councillor A Hooks, Councillor P Thorogood and Councillor R Wright attended the meeting for the consideration of Agenda Item 5 – ‘Essex Minerals Local Plan Review 2024’ and they left the meeting at 8.45pm.

18 **DECLARATIONS OF INTEREST**

INFORMATION: The following interests were declared:

Councillor P Schwier declared a Non-Pecuniary Interest in Agenda Item 5 – ‘Essex Minerals Local Plan Review 2024’ as an Elected Member of Essex County Council.

Councillor T Walsh declared a Non-Pecuniary Interest in Agenda Item 5 – ‘Essex Minerals Local Plan Review 2024’ as he lived close to site A48 – Bradwell (Grange Farm) and he had been invited by Essex County Council to submit comments.

Councillor Walsh stated that he would also be submitting comments on the Minerals Plan as a Braintree District Council Ward Councillor for Coggeshall.

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.

19 **MINUTES**

DECISION: That the Minutes of the meeting of the Local Plan Sub-Committee held on 16th November 2023 be approved as a correct record and signed by the Chairman.

20 **QUESTION TIME**

INFORMATION: There were six statements made about Agenda Item 5 – ‘Essex Minerals Local Plan Review 2024’. The statements were made immediately prior to the Committee’s consideration of the Item.

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

21 **ESSEX MINERALS LOCAL PLAN REVIEW 2024**

INFORMATION: Consideration was given to a report on the ‘Essex Minerals Local Plan Review 2024’, which Essex County Council had published for public consultation. Members of the Local Plan Sub-Committee were requested to approve Braintree District Council’s response to the consultation, which would end on 19th March 2024.

It was reported that Essex County Council had adopted the current Essex Minerals Local Plan in 2014. This Plan included policies for mineral development up to 2029 and it identified future sites for the extraction of minerals. The Plan formed part of the Development Plan for Essex and for the Braintree District.

Essex County Council was required to review the Plan every five years to ensure that it remained up-to-date. Following previous consultations and two ‘calls for sites’, 52 potential sites for mineral extraction had been identified across Essex of which 15 were in the Braintree District. A new Minerals Plan had been drafted and the Plan period had been extended to 2040. Sites A6 - Bradwell Quarry; A47 - Bradwell (Monk’s Farm); A48 - Bradwell (Grange Farm); A50 - Colemans Farm (Appleford Farm Eastern extension); A52 - Colemans Farm (Southern extension); A54 - Whiteheads (Witham); A83 - Colemans Farm (Hole Farm); A84 - Colemans Farm (Appleford Farm North Extension); A89 - Covenbrooke Hall Farm; A90 - Rayne Quarry (northern extension); A92 - Land at Pattiswick Hall Farm (Small Site);

A93 - Land at Pattiswick Hall Farm (Full Site); A94 - Land at Highfields Farm; A96 - Rayne Quarry (Southern extension); and D7 - Land at Pond Farm (transshipment site) had been listed as being within the Braintree District. It was noted that site A96 was partially outside the District boundary and that sites A49, A51 and A82 near Rivenhall and Witham were not in the District but close to it, and therefore contributed to cumulative impact.

Essex County Council would assess the comments submitted in response to consultation and make any necessary amendments to the Plan. Following this, a more detailed technical assessment of the proposed sites would be undertaken and the preferred site allocations would be selected, which would be subject to consultation. It was anticipated that this consultation could take place in late 2024, or early 2025.

It was reported that a seven year supply of available mineral sites within Essex should be maintained at any one time and that the sites proposed for consideration would provide capacity for approximately 117 million tonnes of mineral extraction across the County. The draft Plan set a target for 64.56 million tonnes of mineral extraction and, of this, approximately 58% (up to 37.63 million tonnes) was within the Braintree District.

The draft Plan incorporated a strategy and 17 policies. The District Council's proposed response to each of these was set out in the report, including comments on each of the sites within the Braintree District which had been identified in the Plan.

Other comments were set out in the report. These expressed concern about the introduction of new sites for sand and gravel extraction in areas which had not been subject to this type of use; and concern about sites which would require a new access onto the A12 or A120, and which could impact on the delivery of improvements to these roads. It was suggested that Essex County Council should be encouraged to maintain an on-going dialogue with the District Council and Town and Parish Councils during the Plan making process. In particular, the County Council was requested to engage with Town and Parish Councils which were preparing Neighbourhood Plans in order to maximise the potential benefits which could derive from an allocated site in accordance with policy S12 (Mineral Site Restoration and After Use).

In an update to the report, Members were advised that Braintree District Council's Health and Well-being Team had noted that the 'Health Impact Screening Report' submitted as part of the consultation process included out-of-date information. A reference would be made to this in the District Council's response to Essex County Council.

DECISION: That the comments set out in the report, as amended below, be submitted to Essex County Council in response to its consultation on the ‘Essex Minerals Local Plan Review 2024’ (‘Replacement Essex Minerals Local Plan – 2025 to 2040’).

Policies and Other Comments

‘Health Impact Screening Report’ - Reference to be made to out-of-date information contained in this report.

Policy S2 – Strategic Priorities for Minerals Development – Amend the response to state that the Council ‘strongly’*supports measures to reduce the need for fresh mineral extraction*’. (Paragraph 4.11 of the Agenda report).

Policy S10 – Protecting and Enhancing the Environment and Local Amenity – Amend the response to state that the Council ‘strongly’*supports this policy*’. Reference is also to be made to the loss of agricultural land and the need for more clarity. (Paragraph 4.20 of the Agenda report).

Policy DM3 – Primary and Secondary Processing Plants – Amend the response to query what is meant by processing plants being limited ‘to within site boundaries’. A concise definition of the term ‘site boundaries’ is required.

Cumulative Impact and Concentration of Sites in the South of the District, Heritage Assets and Mitigation – Amend the response to strengthen Braintree District Council’s concern about the cumulative impact of the proposed sites, their location being mainly in the South of the District, and their effect on heritage assets. Essex County Council is to be requested to provide further information about mitigation measures and how sites from which material has been extracted will be returned for use by local communities.

That Mr Richard Greaves, Chief Planning Officer, Essex County Council be invited to attend a future meeting of the Local Plan Sub-Committee.

Sites

A47 – If this site is identified as a preferred site it should be reduced in size and confined, at least, to land West of Monk’s Farm.

A48 – That a very strong objection be lodged against this site.

A50 – That a strong objection be lodged against this site. The proposed access from Braxted Road is to be queried as this road is considered to be unsuitable for the proposed use.

A83 – Clarification is sought regarding the impact of this site on the widening of the A12.

A90 – That a strong objection be lodged against this site.

A96 – That a strong objection be lodged against this site.

D7 – That reference be made to the adverse impact of this proposed site on Rivenhall End and the need to avoid coalescence between Witham and Rivenhall End, and that no mention has been made of consultation with Network Rail.

22 **HOUSING DELIVERY TEST AND FIVE YEAR SUPPLY OF HOUSING**

INFORMATION: Consideration was given to a report on the outcome of the Housing Delivery Test (HDT) 2022 for the Braintree District and the updated position on the five year supply of housing land in the District.

It was reported that the Government's HDT measured the number of new homes which had been supplied in the District during the most recent three year period against the target. The target was set either by the Government's Standard Methodology Target or, when an Authority's Adopted Local Plan was less than five years old, the target set out in that Plan. The Government had adjusted the target for the HDT 2022 to take account of the Covid-19 national lockdown which had caused temporary disruption to planning services and the construction industry.

The HDT result for 2022 had been published on 20th December 2023 and it related to the delivery of housing over the three year period from 2019-2022. Braintree District Council had achieved a delivery rate of 152% against the target. Furthermore, of all the Local Planning Authorities in Greater Essex, Braintree District Council had achieved the highest number of homes completed in 2021-22; the highest number of homes completed over the three year period 2019-2022; and the fourth highest HDT result in respect of delivery against target. With regard to the net supply of housing, the Government had indicated that Braintree District Council had delivered the highest number of new homes in Greater Essex, both for the year 2022-23 and for the three year period 2020-2023. This would be reflected in the HDT 2023 and it was anticipated that the Council would achieve a delivery rate of 158% against the target.

In accordance with the National Planning Policy Framework (NPPF), the Council was required to monitor and review the supply of housing land in the District. A revised version of the NPPF had been published on 19th December 2023, which stipulated that if a Local Planning Authority's adopted Local Plan was less than five years old and could demonstrate a five year supply of housing land, it would not be required to provide evidence of this when determining a planning application

provided that the application had been submitted after the publication of the revised NPPF. Under a transitional arrangement, planning applications submitted before 19th December 2023 had to be determined in accordance with the five year supply test. It was reported that the Council had completed a review of housing land supply within the District for the five year period 2023-2028. This had concluded that there was a housing land supply of 5.8 years.

It was reported that as Braintree District Council had an up-to-date Local Plan, its five year housing land supply target was based on the provision of 716 dwellings per annum for the period 2013-2033 as set out in the Plan, plus a shortfall of 787 in the supply of dwellings for the period 2013-2023. The five year supply target calculation for the District for 2023-2028 was 4,367 dwellings, which amounted to an average of 873 dwellings per annum.

Information regarding anticipated sources for the supply of housing in the District during the five year period 2023-2028 was set out in the report, which indicated that a total of 5070 dwellings could be provided. This equated to a projected surplus of 703 dwellings over the five year period.

DECISION: That the content of the report be noted.

23 **BRAINTREE DISTRICT LOCAL PLAN - REFRESH**

INFORMATION: Consideration was given to a report on the proposed timetable and process for a refresh of the Braintree District Local Plan. Members of the Local Plan Sub-Committee were reminded that the Council had adopted Section 1 of the Braintree District Local Plan on 22nd February 2021 and that Section 2 of the Plan had been adopted on 25th July 2022.

It was reported that the National Planning Policy Framework (NPPF) required Local Plans to be updated at least every five years. Furthermore, changes to the NPPF in December 2023 stipulated that if a Local Planning Authority's Local Plan was kept up-to-date and was less than five years old, the Authority would not be required by the Government to maintain a five year supply of land for new housing.

In December 2022, the Government had carried out a consultation exercise on major changes to the planning system. This had included a proposal to introduce a streamlined process for the production of Local Plans which would enable community engagement, consultation and adoption to take place over a period of 30 months. It was anticipated that this new system would be in place by 'late' 2024 and that any Local Authority, such as Braintree District Council, which had an in date Local Plan would not need to prepare a new Plan until its existing Plan was five years old. This meant that Braintree District Council should commence production of a new style Local Plan no later than 21st February 2026. It was noted that if the new Local Plan system was not introduced, the Council would need to have a

revised Local Plan in place by 21st February 2026, which would mean that the Plan would have to be submitted for examination in or around June 2025.

Three options were available to the Council. These were to await the Government's changes to the planning system and to commence work in 2026 on the production of a new style Local Plan for the period up to 2044, which would be adopted 30 months later; to commence work immediately on a revised Local Plan for the period up to 2041 and to submit this for examination by 30th June 2025; or to commence work immediately on a revised Local Plan for the period up to 2041 with a view to submitting this for examination by 30th June 2025, but to review this approach if/when a new Local Plan system is introduced. The advantages and disadvantages of each option were set out in the report.

It was proposed that work should begin immediately on a review of the Local Plan to be rolled forward to 2041, with a view to this being submitted for examination by June 2025, subject to this position being reviewed if/when a new Local Plan system, guidance and transitional arrangements are released by the Government. Whilst it was acknowledged that a review of the Local Plan and its submission for examination by the end of June 2025 would be a very tight timescale, this was considered to be the most prudent approach in order to ensure that the Council maintained an up-to-date Local Plan.

The early stages of the work would include engagement with Parish Councils, Town Councils and statutory consultees and work would also take place with respect to housing numbers, employment land, retail space, open space and sports facilities to be allocated in the new Plan. The Council would also issue a 'Call for Sites' to enable developers and landowners to identify sites which might be suitable for development. A Local Development Scheme would also be produced setting out the timetable for the work and information about the proposed evidence base.

DECISION:

- (1) That work commences immediately on a refresh and roll forward of the Braintree District Local Plan to 2041, to be submitted for examination by the end of June 2025.
- (2) That the best option for a refresh of the Braintree District Local Plan be considered if/when information is released by the Government on the new Local Plan system.

24 **LOCAL DEVELOPMENT SCHEME 2024-2026 – UPDATE MARCH 2024**

INFORMATION: Consideration was given to a report on an updated version of the Local Development Scheme.

The Local Development Scheme was a project management document containing details of planning documents, which the Council would be producing and the timetable for their production. The revised, draft Local Development Scheme for 2024-2026 (March 2024) was attached as an Appendix to the report. The document would replace the previous Local Development Scheme for the period 2023–2025, which had been approved in November 2023.

The Council was required to publish a Local Development Scheme setting out a rolling programme and identifying the key stages and timescales for the preparation of planning documents, which would form Braintree District Council's Development Plan. The Council was also required to keep the Local Development Scheme up-to-date.

The main changes to the Local Development Scheme included a timetable for the production of a new Local Plan; an update on Neighbourhood Development Plans, including Shalford Neighbourhood Plan, and the examination of Hatfield Peverel Neighbourhood Plan; and an update on Supplementary Planning Documents and the timetable for these.

DECISION: That the revised Local Development Scheme 2024–2026 (March 2024) be approved.

25 **AFFORDABLE HOUSING – DRAFT SUPPLEMENTARY PLANNING DOCUMENT**

INFORMATION: Members of the Local Plan Sub-Committee were requested to consider a report on the Council's Draft Affordable Housing Supplementary Planning Document (SPD) and to agree whether the document should be published for consultation. The Draft SPD contained detailed guidance regarding the implementation of the affordable housing policies set out in the Braintree District Local Plan.

It was reported that the Council's current Affordable Housing SPD had been adopted in May 2006. However, since then the Council had adopted a new Local Plan containing new affordable housing policies and national policy and guidance had also changed significantly.

The SPD defined the meaning of affordable housing in the context of the Braintree District Local Plan and national policy. It also outlined the need for affordable housing in the District and where up-to-date information regarding this need could be found. The purpose of the SPD was to facilitate the delivery and implementation of affordable housing within the Braintree District in accordance with policy, in particular policy LPP31 – Affordable Housing and policy LPP32 – Affordable Housing in Rural Areas.

A Strategic Environmental Assessment of the SPD would be completed and this would be subject to a six week period of consultation with Natural England, the Environment Agency, and Historic England. Following this, the SPD would be subject to a six week public consultation period. Once the consultation had concluded, the SPD, including any amendments, would be presented to the Local Plan Sub-Committee which would be requested to recommend that the SPD should be adopted by Full Council.

DECISION:

- (1) That the Draft Affordable Housing Supplementary Planning Document be approved and published for the purpose of consultation, subject to minor amendments to its format.
- (2) That the Cabinet Member for Planning and Infrastructure be authorised to approve the Strategic Environmental Assessment of the Draft Affordable Housing Supplementary Planning Document.
- (3) That the Cabinet Member for Planning and Infrastructure be authorised to approve any minor changes, or changes resulting from the Strategic Environmental Assessment, to the Draft Affordable Housing Supplementary Planning Document before its publication.

Emma Goodings

At the close of the meeting, Councillor G Spray, the Chairman of the Local Plan Sub-Committee stated that Emma Goodings, Head of Planning and Economic Growth, would be leaving the Council on 8th March 2024 to take up a new appointment as the Director Place for Brentwood Borough Council and Rochford District Council. Councillor Spray thanked Emma for the support which she had given to her and to the Local Plan Sub-Committee and she wished Emma well in her new role.

The meeting commenced at 7.15pm and closed at 9.52pm.

Councillor G Spray
(Chairman)