

Minutes



Local Plan Sub-Committee 25th November 2021

Present:

Councillors	Present	Councillors	Present
J Abbott	Yes	A Everard	Yes
K Bowers	Yes	D Hume	Apologies
G Butland	Apologies	Mrs W Scattergood	Yes
J Coleridge	Apologies	Mrs G Spray (Chairman)	Yes
T Cunningham	Yes	P Thorogood	Yes
Mrs C Dervish	Apologies	J Wrench	Yes

16 **DECLARATIONS OF INTEREST**

INFORMATION: The following interests were declared:

Councillor J Abbott declared a Non-Pecuniary Interest in Agenda Item 5 – ‘Braintree District Draft Local Plan Section 2 – Main Modifications’ as, in his capacity as a Braintree District Councillor for Silver End and Cressing Ward, he had taken part in the consultation process on the Draft Local Plan. Councillor Abbott stated also that he was a Member of Rivenhall Parish Council, which had submitted representations on the Draft Local Plan.

Councillor T Cunningham declared a Non-Pecuniary Interest in Agenda Item 5 – ‘Braintree District Draft Local Plan Section 2 – Main Modifications’ and Agenda Item 6 – ‘Bures Hamlet and Bures St Mary - Neighbourhood Area Application’ as an Elected Member of Essex County Council.

Councillor Mrs W Scattergood declared a Non-Pecuniary Interest in Agenda Item 6 – ‘Bures Hamlet and Bures St Mary - Neighbourhood Area Application’ as Braintree District Councillor for Stour Valley South Ward, which incorporates Bures Hamlet.

Councillor Mrs G Spray declared a Non-Pecuniary Interest in Agenda Item 5 – ‘Braintree District Draft Local Plan Section 2 – Main Modifications’ as Braintree District Council’s Cabinet Member for Planning and Infrastructure.

Councillor P Thorogood declared a Non-Pecuniary Interest in Agenda Item 5 – ‘Braintree District Draft Local Plan Section 2 – Main Modifications’ and Agenda Item 6 – ‘Bures Hamlet and Bures St Mary - Neighbourhood Area Application’ as an Elected Member of Essex County Council and also as Chairman of the residents’ group ‘Kelvedon Against Urban Sprawl’ (KAUS).

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.

17 **MINUTES**

DECISION: That the Minutes of the meeting of the Local Plan Sub-Committee held on 9th September 2021 be approved as a correct record and signed by the Chairman.

18 **QUESTION TIME**

INFORMATION: There were no questions asked or statements made.

Councillor Mrs G Spray, the Chairman of the Local Plan Sub-Committee, referred to a written statement which had been received from Mrs E Penn on behalf of Halstead 21st Century Group. Mrs Penn had been unable to attend the meeting, but a copy of her statement had been circulated to Members of the Sub-Committee in advance. The statement supported one of the proposed modifications to the Draft Local Plan Section 2. Councillor Mrs Spray thanked Mrs Penn for her comments.

Members of the public would be encouraged to submit representations to the Council as part of the formal consultation process on the main modifications to the Draft Local Plan.

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

19 **BRAINTREE DISTRICT DRAFT LOCAL PLAN SECTION 2 – MAIN MODIFICATIONS**

INFORMATION: Consideration was given to a progress report on Section 2 of the Braintree District Draft Local Plan and on the proposed main modifications to Section 2. In discussing the report, Members of the Local Plan Sub-Committee had regard to updated versions of Appendix 2 (Sustainability Appraisal) and Appendix 3 (Habitat Regulations Assessment) of the report, which had been circulated prior to the meeting. The Chairman of the Sub-Committee apologised for the late circulation of these updated documents.

Section 2 of the Draft Local Plan contained policies which would direct the development of homes, employment, infrastructure and community facilities in the Braintree District up to 2033, including meeting the requirements for homes and employment as agreed within Section 1 of the Plan.

The Planning Inspectorate had appointed Mr J Bridgewater and Ms A Jordan to examine Section 2 of the Draft Plan and oral Hearings had been held in July 2021. The Council had published a document prior to the Hearings which had proposed main modifications to Section 2. Further changes had also been proposed and discussed during the course of the Hearings. At the request of the Inspectors, the Council had subsequently published a document containing a schedule of all of the proposed main modifications, which would be subject to public consultation. The main modifications related predominately to the text of policies within the Draft Plan and they also addressed its soundness and legal compliance. The full schedule of main modifications was attached at Appendix 1 to the Agenda report. The Council had also published a schedule of minor modifications to the Draft Plan and had made changes to the Inset Maps which together formed the Proposals Map of the Plan. The minor modifications and other changes were also attached at Appendix 1 and these too would be subject to public consultation. However, it was reported that the Inset Maps did not form part of the Draft Local Plan examination process and that they had not been included in Appendix 1. It was agreed that copies of the maps, as amended, should be sent to Members of the Sub-Committee for information.

As part of the Local Plan process, the Council was required to produce a Sustainability Appraisal (SA) to consider the impact of Section 2 of the Draft Plan on the environment. The current SA had been reviewed to take account of the proposed main modifications and the updated version of the SA was attached at Appendix 2 to the Agenda report. The revised SA had not raised any significant issues or concerns. The SA would also be subject to public consultation.

The Council was also required by law to undertake a Habitat Regulations Assessment (HRA) of the potential effects of Section 2 of the Draft Plan on designated European habitat sites including Special Protection Areas and Special Areas of Conservation. The HRA had been updated to take account of new case law since 2017 and to consider the implications of the main modifications proposed to Section 2 of the Draft Plan. The updated version of the HRA was attached at Appendix 3 to the Agenda report. The revised HRA had concluded that the proposed main modifications would not have an adverse effect. The HRA would also be subject to public consultation.

Public consultation on the proposed main modifications to Section 2 of the Draft Plan and on the revised SA and HRA would take place over a period of seven weeks between December 2021 and January 2022. The exact dates were currently

subject to change. At the end of the consultation period the Council would send the responses received to the Inspectors for consideration. Once the Inspectors were satisfied that they had all relevant information they would submit their final report, including a schedule of the main modifications required to make Section 2 of the Draft Plan sound. On receipt of this final report, the Council would be able to formally adopt Section 2 of the Plan which would replace all remaining parts of the Local Plan Review 2005 and the Core Strategy 2011.

In discussing this Item, reference was made to the proposed main modification no. 27 (policy LLP19) 'Strategic Growth Location – Land East of Broad Road, Braintree' and, in particular, the references to education and childcare use. It was noted that the third and fourth bullet points of the modification were duplicates and that the fourth bullet point should be deleted. It was also noted that the proposed main modifications nos. 38, 63 and 90 contained grammatical errors and that these would be corrected. A query was raised regarding the amendment of Inset Map 2a Witham North (no. MP20) and the proposed removal of a local wildlife site at The Old Rectory Meadows, Rivenhall (Bra175). Officers agreed to check if this site had been re-designated, or removed in error.

The Members of the Local Plan Sub-Committee thanked Ms E Goodings, Head of Planning and Economic Growth and Officers in the Planning Policy Team for their work on the Draft Local Plan.

DECISION:

- (1) That a seven week period of public consultation on the main modifications to the Braintree District Draft Local Plan Section 2, the updated Sustainability Appraisal and the updated Habitat Regulations Assessment be approved.
- (2) That the Director of Growth be authorised to make minor changes to the draft revised Sustainability Appraisal to accompany Section 2 the Local Plan.
- (3) That the Director of Growth be authorised to make minor changes to the revised Habitat Regulations Assessment to accompany Section 2 of the Local Plan.

20 BURES HAMLET AND BURES ST MARY - NEIGHBOURHOOD PLAN AREA APPLICATION

INFORMATION: Consideration was given to a report on a joint application submitted to Babergh District Council and Braintree District Council by Bures Hamlet Parish Council and Bures St Mary Parish Council to designate both Parishes as a single Neighbourhood Plan Area. A map of the proposed area was attached at Appendix 1 to the report.

As the Parishes of Bures Hamlet and Bures St Mary straddled District Council and County Council boundaries, the Neighbourhood Planning (General) Regulations 2012 (as amended) required that the application for designation should be subject to public consultation. Braintree District Council had carried out the requisite public consultation between 1st September 2021 and 15th October 2021 and had invited comments from statutory consultees and people who live, work and run businesses in the area. The responses submitted were set out in the Agenda report. None of the responses had raised any significant, or material objections to the proposal. It was considered that the application met legislative requirements and provided an appropriate basis on which to make a Neighbourhood Plan. It was noted that Babergh District Council had also carried out similar public consultation which had not raised any fundamental issues and that the Council had subsequently approved the application for designation on 11th November 2021. Once approval had been given by both District Councils the local Neighbourhood Plan Group would be able to commence work on the Plan which would be subject to public consultation and examination prior to a referendum being held and adoption of the Plan. Babergh District Council and Braintree District Council would be jointly responsible for overseeing this process.

DECISION: That, in accordance with Regulation 7 of the Neighbourhood Planning (General) Regulations 2012 (as amended), Braintree District Council designates the Parish of Bures Hamlet which falls within the Braintree District as part of a combined Neighbourhood Plan area for Bures Hamlet and Bures St Mary, in accordance with an identical application which has been made to and approved by Babergh District Council relating to the Parish of Bures St Mary.

The meeting commenced at 5.30pm and closed at 6.17pm.

Councillor Mrs G Spray
(Chairman)