

# LOCAL PLAN SUB-COMMITTEE AGENDA

**Thursday 9th September 2021 at 6.00pm**

No formal decisions will be taken as part of this meeting of the Local Plan Sub-Committee

The meeting will be held via Zoom and the Council's YouTube channel - Braintree District Council Committees

Members of the public will be able to view and listen to this meeting via YouTube

To access the meeting please use the link below:

<http://www.braintree.gov.uk/youtube>

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**Members of the Local Plan Sub-Committee are requested to attend this meeting to transact the business set out in the Agenda.**

**Membership:-**

Councillor J Abbott

Councillor K Bowers

Councillor G Butland

Councillor J Coleridge

Councillor T Cunningham

Councillor Mrs C Dervish

Councillor T Everard

Councillor D Hume

Councillor Mrs W Scattergood (Vice Chairman)

Councillor Mrs G Spray (Chairman)

Councillor P Thorogood

Councillor J Wrench

Apologies: Members unable to attend the meeting are requested to forward their apologies for absence to the Governance and Members Team on 01376 552525 or email [governance@braintree.gov.uk](mailto:governance@braintree.gov.uk) by 3pm on the day of the meeting.

A WRIGHT  
Chief Executive

## **INFORMATION FOR MEMBERS - DECLARATIONS OF INTERESTS**

### **Declarations of Disclosable Pecuniary Interest (DPI), Other Pecuniary Interest (OPI) or Non- Pecuniary Interest (NPI)**

Any member with a DPI, OPI or NPI must declare the nature of their interest in accordance with the Code of Conduct. Members must not participate in any discussion of the matter in which they have declared a DPI or OPI or participate in any vote, or further vote, taken on the matter at the meeting. In addition, the Member must withdraw from the Chamber where the meeting considering the business is being held unless the Member has received a dispensation from the Monitoring Officer.

### **Public Question Time – Registration and Speaking on an Agenda Item**

Members of the public wishing to speak are requested to register by contacting the Governance and Members Team on 01376 552525 or email [governance@braintree.gov.uk](mailto:governance@braintree.gov.uk) by **midday on the second working day** before the day of the Committee meeting. For example, if the Committee meeting is on a Tuesday, the registration deadline is midday on Friday, (where there is a Bank Holiday Monday you will need to register by midday on the previous Thursday).

The Council reserves the right to decline any requests to register to speak if they are received after this time.

All registered speakers will have 3 minutes each to make a statement.

**Documents:** There is limited availability of printed Agendas at the meeting. Agendas, Reports and Minutes can be accessed via [www.braintree.gov.uk](http://www.braintree.gov.uk)

**WiFi:** Public Wi-Fi (called BDC Visitor) is available in the Council Chamber; users are required to register when connecting.

**Public Attendance at Meeting:** Public attendance is welcomed, but is subject to restrictions due to the Council's arrangements for keeping Causeway House COVID secure and visitors safe.

Public attendance is limited and will be on first come first served basis with priority given to public registered speakers. In order to maintain safe distances, the Council may have to refuse entry to members of the public. The public will not be able to sit in the Council Chamber, but will be permitted to observe the meeting from a public gallery through a large screen. Alternatively, the Council meetings are webcast and are available via the Council's YouTube Channel and can be viewed by the public as a live broadcast, or as a recording following the meeting.

Public speakers and public attendees are required to attend on their own, and where possible only one representative of any community group, family household or Company should attend.

Members of the public intending to come to Causeway House to observe a meeting are recommended to watch the meeting via the webcast, or to contact the Governance and Members Team to reserve a seat within the public gallery.

**Health and Safety/COVID:**

Causeway House is a Covid secure building and arrangements are in place to ensure that all visitors are kept safe. Visitors are requested to follow all instructions displayed at Causeway House or given by Officers during the course of their attendance. All visitors will be required to wear a mask or face covering, unless an exemption applies.

Anyone attending meetings are asked to make themselves aware of the nearest available fire exit. In the event of an alarm you must evacuate the building immediately and follow all instructions provided by staff. You will be directed to the nearest designated assembly point until it is safe to return to the building.

**Mobile Phones:** Please ensure that your mobile phone is switched to silent during the meeting in order to prevent disturbances.

**Webcast and Audio Recording:** Please note that this meeting will be webcast and audio recorded. You can view webcasts for up to 6 months after the meeting using this link: <http://braintree.public-i.tv/core/portal/home>. The meeting will also be broadcast via the Council's YouTube Channel.

**Comments and Suggestions:** We welcome comments to make our services as efficient and effective as possible. If you have any suggestions regarding the meeting you have attended, you can send these to [governance@braintree.gov.uk](mailto:governance@braintree.gov.uk)

## **PUBLIC SESSION**

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- 1 Apologies for Absence**
- 2 Declarations of Interest**  
To declare the existence and nature of any Disclosable Pecuniary Interest, other Pecuniary Interest, or Non-Pecuniary Interest relating to Items on the Agenda having regard to the Code of Conduct for Members and having taken appropriate advice where necessary before the meeting.
- 3 Minutes of the Previous Meeting**  
To approve as a correct record the Minutes of the meeting of the Local Plan Sub-Committee held on 13th May 2021 (copy previously circulated).
- 4 Public Question Time**  
(See paragraph above)
- 5 Braintree District Draft Local Plan Section 2 Examination – Update** **5-9**
- 6 Urgent Business - Public Session**  
To consider any matter which, in the opinion of the Chairman, should be considered in public by reason of special circumstances (to be specified) as a matter of urgency.
- 7 Exclusion of the Public and Press**  
To agree the exclusion of the public and press for the consideration of any Items for the reasons set out in Part 1 of Schedule 12(A) of the Local Government Act 1972.  
*At the time of compiling this Agenda there were none.*

## **PRIVATE SESSION**

**Page**

- 8 Urgent Business - Private Session**  
To consider any matter which, in the opinion of the Chairman, should be considered in private by reason of special circumstances (to be specified) as a matter of urgency.

<b>Report Title: Update on progress of the Section 2 Local Plan examination</b>	
<b>Report to: Local Plan Sub-Committee</b>	
<b>Date: 9 September 2021</b>	<b>For: Noting</b>
<b>Key Decision: No</b>	<b>Decision Planner Ref No: N/A</b>
<b>Report Presented by: Emma Goodings</b>	
<b>Enquiries to: Emma Goodings 01376 552525 Ext. 2511</b>	

## **1. Purpose of the Report**

1.1. Braintree District Council submitted its Local Plan to the Inspectorate in October 2017. The Plan was split into two sections. Section 1 contained strategic cross boundary issues and was shared with Colchester Borough Council and Tendring District Council. Following an examination process and main modifications, the Section 1 Local Plan was approved at Full Council in February 2021. This report provides an update on the progress of the Section 2 Local Plan for Braintree.

## **2. Recommendations**

2.1. To note the update provided on the progress of the Section 2 Local Plan.

## **3. Summary of Issues**

3.1 The Section 2 of the Braintree Local Plan provides policies which will direct development of homes, employment, infrastructure and community facilities in the District between now and 2033, including meeting the requirement for homes and employment space agreed within the section 1 Local Plan. It also sets out the Council's policies in relation to the protection of the built and natural environment and open space. The Plan includes all policies for the determination of planning applications including those relating to design, flooding, affordable housing and tree protection. The Plan includes numerous site specific policies relating to the proposed Strategic Growth Locations and other complex housing or commercial sites.

3.2 Following on from the completion of the Section 1 Local Plan examination, the Planning Inspectorate appointed Mr Jameson Bridgewater and Ms Anne Jordan to examine the Section 2 Braintree Local Plan (they were also tasked with examining the Tendring and Colchester Section 2 Local Plans).

- 3.3 On the 24<sup>th</sup> May 2021 the Council received the examination guidance note and Main Matters Issues and Questions with Draft Hearing Programme. These documents confirmed that the oral hearing sessions into the Section 2 Local Plan were to commence on the 6<sup>th</sup> July for around 2 weeks.
- 3.4 The main matters identified within the letter were as follows and broadly follow the chapter headings in the Local Plan;
- Legal requirements and overarching issues
  - The spatial Strategy
  - A strong Economy
  - Shops and Services
  - Homes
  - The Strategic Growth Locations
  - The Comprehensive Redevelopment areas and specialist housing
  - Creating Better Places
  - Transport and Infrastructure
  - The Natural Environment
  - Delivery and Implementation
  - Monitoring
- 3.5 A series of questions under each topic area were asked by the Inspectors and the Council and other examination participants were asked if they would like to respond to those questions in writing. Responses were required to be submitted to the Inspectors by the 17<sup>th</sup> June and for participants, apart from the Council, were to be no more than 3,000 words per matter. A total of 57 responses were received from 28 groups or individuals. The responses received were mainly from planning agents representing land owners in the District (19) but there were also a small number of responses from other people or groups including residents (5), a Parish Council, a Neighbourhood Plan group, Essex Bridleways Association and Historic England.
- 3.6 The Council also signed a number of Statements of Common Ground with neighbouring authorities, statutory consultees (like Highways England and Essex County Council) and landowners of the Strategic Growth Locations which aid the Inspectors in understanding what issues are agreed and what remain as disagreements.
- 3.7 The oral hearing sessions began on the 6<sup>th</sup> July and were hosted virtually on Teams due to the continuing pandemic. The sessions were available to watch live via YouTube but as per our agreement with the Planning Inspectorate they do not remain viewable.
- 3.8 The Council was represented by all officers within its Planning Policy team, a Counsel, Robert Williams, and LUC, the specialist consultants who undertook the work on the Sustainability Appraisal (SA) and the Habitats Regulation Assessment (HRA).

- 3.9 20 participants were variously involved in the hearing sessions to put their points across (although the Inspectors clearly noted that written responses received in the Local Plan consultation held equal weight). These were 16 landowners or developers, Feering Parish Council, Essex Bridleways Association, Councillor Abbott and a resident (and former Councillor).
- 3.10 The hearing sessions sat for a total of 4 and a half days, with 1 day finishing early and the 2 reserve days not being required. The discussion was led by one of the Planning Inspectors and all participants had the opportunity to be fully involved in the discussions which loosely followed the main matter questions which had been circulated in May.
- 3.11 In the first week, the Inspectors agreed to a request from the Williams Group for them to submit a Counsels view on our approach to the SA, namely their views as to the timing of revising the SA. This was received and other participants including the Council were given the opportunity to respond in writing. Four responses, including one prepared by the Councils Counsel were submitted and are available to view on the website.
- 3.12 In the course of the discussions at the hearing sessions, various proposals to amend policies or text were suggested and discussed as well as a small number of questions or queries from the Inspectors on various issues. The Council has since submitted written responses to those queries and updated its list of proposed main and other modifications. All of which is available on the Councils website.
- 3.13 The text of the hearing statements, topic papers, evidence base, and the additional information submitted is all available on the Councils dedicated Section 2 Local Plan examination pages. These will be kept updated as further information or correspondence is received.

#### **4 Next Steps**

- 4.1 The Council is now waiting for feedback from the Inspectors following the closure of the hearing sessions. The timetable for such is in the hands of the Planning Inspectors and we have no indications at present as to when that would be.
- 4.2 If the Inspectors consider that the Plan can be made sound subject to main modifications then they will propose that list of main modifications. The revised Plan will need to be subject to a revised SA and HRA by the Councils consultants. The time this will take to complete depends on the scale of changes proposed by the Inspectors and the consultant's availability. It would then be subject to a 6 week public consultation period. Once that had been completed the Inspectors would consider the responses to those modifications and the revised SA and HRA.
- 4.3 If the Inspectors consider that they have all the information that they require they would then submit their final report. If this report found the Plan sound

subject to those modifications this would allow the Council to adopt the Plan. If the Section 2 Local Plan is found sound and formally adopted it will replace all remaining parts of the Local Plan Review 2005 and the Core Strategy 2011.

4.4 Other options open to the Inspectors include; requests for further information or evidence to be produced, reopening the hearing sessions to further discuss matters and finding that the Local Plan is not sound and not capable of modification to make it so.

## **5 Options**

5.1 This report is for noting only, no alternative options have been considered

## **6 Financial Implications**

6.1 The costs of the examination of the Section 2 Local Plan is being met from existing budgets. As well as officer time this includes costs relating to the Inspectorate, the preparation for and attendance at the hearing sessions by Counsel and for specialist consultants to attend or update work in advance of or following discussions held at the hearing sessions.

## **7 Legal Implications**

7.1 There are no specific legal implications relating to the noting of the progress in this report.

7.2 However the Council and the Inspectorate must follow all necessary legislation and guidance in the production, examination and adoption of the Local Plan.

7.3 There remains a risk that one or more interested parties could seek a legal challenge to the decision of the Planning Inspectorate in relation to this Plan.

## **8 Other Implications**

8.1 There are no other implications arising from the noting of this report.

## **9 Equality and Diversity Implications**

9.1 Section 149 of the Equality Act 2010 creates the public sector equality duty which requires that when the Council makes decisions it must have regard to the need to:

- a) Eliminate unlawful discrimination, harassment and victimisation and other behaviour prohibited by the Act
- b) Advance equality of opportunity between people who share a protected characteristic and those who do not
- c) Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting understanding.

9.2 The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, gender and sexual orientation. The Act states that 'marriage and civil partnership' is not a relevant protected characteristic for (b) or (c) although it is relevant for (a).

9.3 An Equality Impact Assessment was undertaken on the Draft Local Plan in 2017 which indicates that the Plan will not have a disproportionately adverse impact on any people with a particular characteristic. A further Equality Impact Assessment will be undertaken prior to the Plans adoption.

## **10 Background Papers**

Local Plan 2017