

Minutes

Council Meeting



1st August 2019

These Minutes principally record decisions taken and, where appropriate, the reasons for the decisions. A webcast of the meeting is available for six months at www.braintree.gov.uk.

Present:

Councillors	Present	Councillors	Present
Councillor J Abbott	Yes	Councillor Mrs J Pell	Yes
Councillor J Baugh	Apologies	Councillor I Pritchard	Yes
Councillor Mrs J Beavis	Yes	Councillor M Radley	Yes
Councillor D Bebb	Yes	Councillor R Ramage	Yes
Councillor K Bowers	Apologies	Councillor S Rehman	Yes
Councillor G Butland	Yes	Councillor F Ricci	Yes
Councillor J Coleridge	Yes	Councillor B Rose	Yes
Councillor G Courtauld	Yes	Councillor Mrs J Sandum	Apologies
Councillor Mrs M Cunningham	Yes	Councillor Miss V Santomauro	Yes
Councillor T Cunningham	Yes	Councillor Mrs W Scattergood	Apologies
Councillor Mrs C Dervish	Yes	Councillor Mrs W Schmitt	Yes
Councillor P Euesden	Yes	Councillor P Schwier	Yes
Councillor T Everard	Yes	Councillor Mrs G Spray	Yes
Councillor Mrs D Garrod	Yes	Councillor P Tattersley	Yes
Councillor A Hensman	Yes	Councillor P Thorogood	Apologies
Councillor S Hicks	Yes	Councillor N Unsworth	Yes
Councillor P Horner	Yes	Councillor R van Dulken	Yes
Councillor D Hume	Yes	Councillor D Wallace	Yes
Councillor H Johnson	Yes	Councillor T Walsh	Yes
Councillor Mrs A Kilmartin (Chairman)	Yes	Councillor Mrs L Walters	Yes
Councillor D Mann	Yes	Councillor Miss M Weeks	Yes
Councillor T McArdle	Yes (from 7.18pm)	Councillor Mrs S Wilson (Vice-Chairman)	Yes
Councillor J McKee	Yes	Councillor J Wrench	Apologies
Councillor A Munday	Yes	Councillor B Wright	Yes
Councillor Mrs I Parker	Yes		

In accordance with the Code of Conduct, Councillor Mrs W Scattergood was not in attendance as she was impacted by the proposed Garden Community on the 'Colchester/Braintree borders'. As such, Councillor Mrs Scattergood had a Substantive Non-Pecuniary Interest and she was precluded from taking part in the discussion and decision on the draft Local Plan as a whole.

32 **MINUTES**

DECISION: That the Minutes of the meeting of full Council held on 22nd July 2019 be approved as a correct record and signed by the Chairman.

33 **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) - Section 1 Local Plan Examination: Additional Sustainability Appraisal, Evidence and Proposed Amendments as an ordinary member of the Campaign for the Protection of Rural Essex, which had submitted a representation about the meeting; as an elected member of Rivenhall Parish Council, which had submitted representations about the Local Plan; and as an Elected Member of Essex County Council.

Councillor Mrs J Beavis declared a Non-Pecuniary Interest in Agenda Item 5 – (Braintree District Publication Draft Local Plan) - Section 1 Local Plan Examination: Additional Sustainability Appraisal, Evidence and Proposed Amendments as a member of the public, who was speaking at the meeting during Question Time, was known to her in a personal capacity; as an elected member of Gosfield Parish Council, which made a financial contribution to the Braintree Association of Local Councils, which was being represented during Question Time; 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) - Section 1 Local Plan Examination: Additional Sustainability Appraisal, Evidence and Proposed Amendments as a non-remunerated Director of North Essex Garden Communities Ltd.

Councillor P Euesden declared a non-pecuniary interest in Agenda Item 5 – (Braintree District Publication Draft Local Plan) - Section 1 Local Plan Examination: Additional Sustainability Appraisal, Evidence and Proposed Amendments as a member of the public, who was speaking at the meeting during Question Time, was known to him.

Councillor Mrs I Parker declared a non-pecuniary interest in Agenda Item 5 – (Braintree District Publication Draft Local Plan) - Section 1 Local Plan Examination: Additional Sustainability Appraisal, Evidence and Proposed Amendments as a member of the Colne Stour Countryside Association.

Councillor P Schwier declared a non-pecuniary interest in Agenda Item 5 – (Braintree District Publication Draft Local Plan) - Section 1 Local Plan Examination: Additional Sustainability Appraisal, Evidence and Proposed Amendments as he had submitted a

proposal in the past for a site to be included in the draft Local Plan, but the site had not been allocated for development.

Councillor Mrs G Spray declared a non-pecuniary interest in Agenda Item 5 – (Braintree District Publication Draft Local Plan) - Section 1 Local Plan Examination: Additional Sustainability Appraisal, Evidence and Proposed Amendments as a non-remunerated Director of North Essex Garden Communities Ltd.

Councillor N Unsworth declared a non-pecuniary interest in Agenda Item 5 – (Braintree District Publication Draft Local Plan) - Section 1 Local Plan Examination: Additional Sustainability Appraisal, Evidence and Proposed Amendments as an ordinary member of the Campaign for the Protection of Rural Essex; and as an elected member of Coggeshall Parish Council, a representative of which was speaking at the meeting during Question Time.

Councillor T Walsh declared a non-pecuniary interest in Agenda Item 5 – (Braintree District Publication Draft Local Plan) - Section 1 Local Plan Examination: Additional Sustainability Appraisal, Evidence and Proposed Amendments as an elected member of Coggeshall Parish Council and its Neighbourhood Plan Sub-Committee and as some members of the public, who may be speaking at the meeting during Question Time, were known to him.

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

34 **QUESTION TIME**

INFORMATION: There were ten statements made regarding Sections 1 and 2 of the Publication Draft Braintree District Local Plan and issues associated with the proposed new Garden Communities.

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

35 **BRAINTREE DISTRICT PUBLICATION DRAFT LOCAL PLAN - SECTION 1 LOCAL PLAN EXAMINATION: ADDITIONAL SUSTAINABILITY APPRAISAL, EVIDENCE AND PROPOSED AMENDMENTS**

Prior to the consideration of this Item, Ms E Goodings, Head of Planning and Economic Development, gave a presentation on the Publication Draft Braintree District Local Plan.

Procedural Motion

Councillor Butland moved the following Procedural Motion, which was seconded:-

‘In accordance with Paragraph 7.1 of the Council Procedure Rules, Council resolves to suspend Standing Orders for the sole purpose of allowing the original Motion on the Local Plan, tabled by Councillor James Abbott for consideration at the Council meeting held on 22nd July 2019, to be debated and voted upon at this meeting before proceeding to Item 5 on the Agenda.’

On being out to the vote, the Procedural Motion was passed unanimously.

The original Motion was proposed by Councillor Abbott as:-

'This Council agrees to revert to the Local Plan Inspector's Independent expert recommendation of 'Option 1' as set out in his June 2018 letter, which is to secure acceptance of Part 2 of the Local Plan as soon as possible and that work on Part 1 (Garden Communities) be halted for the time being.

Council recognises the significant financial and planning risks should the revised material on Part 1 be found still unsatisfactory, resulting in the Inspector again not being able to agree to the Plan being Sound.

Council recognises that as of 31st March 2019 the housing sites allocated in Part 2 already amount to some 13,993 () dwellings which is 98% of the total minimum requirement of 14,320 in the Local Plan to the year 2033.*

Council also recognises that updated development management policies are vital to ensuring the delivery of sustainable development and that these are contained within Part 2.

Council agrees that by securing an Adopted Plan which has up to date policies and the required housing numbers, it has the best defence against the on-going speculative development proposals being submitted on greenfield sites around towns and villages in the district.

() Estimated 5,938 in submitted Part 2 plus actual 8,055 with planning permission and/or built.'*

Following a general debate on the Motion, a recorded vote was requested. The result of the recorded vote was as follows:

For the Motion:

Councillors: Abbott, Mrs Beavis, Hicks, Unsworth, Walsh, Miss Weeks, Wright (7).

Against the Motion:

Councillors: Bebb, Butland, Coleridge, Courtauld, Mrs M Cunningham, T Cunningham, Mrs Dervish, Euesden, Everard, Mrs Garrod, Hensman, Horner, Hume, Johnson, Mann, McArdle, McKee, Munday, Mrs Pell, Pritchard, Radley, Ramage, Rehman, Ricci, Rose, Miss Santomauro, Mrs Schmitt, Schwier, Mrs Spray, Tattersley, van Dulken, Wallace, Mrs Walters, Mrs Wilson (34).

Abstained:

Councillors: Mrs Kilmartin, Mrs Parker (2).

Absent:

Councillors: Baugh, Bowers, Mrs Sandum, Mrs Scattergood, Thorogood, Wrench (6).

On being out to the vote, the Motion was declared **LOST**.

INFORMATION: Councillor Mrs G Spray, Cabinet Member for Planning and Chairman of the Local Plan Sub-Committee, introduced this Item.

Section 1 of the emerging Local Plan ('the Section 1 Plan') set out an overarching strategy for future growth across the Braintree, Colchester and Tendring Local Authorities, known as the 'North Essex Authorities' ('NEAs'). The Section 1 Plan included policies regarding the overall housing and employment requirements for North Essex up to 2033 and it proposed three new cross-boundary 'Garden Communities' along the A120 corridor. Section 2 of the Local Plan contained specific local policies for each of the three Authorities, which were relevant to their individual areas only.

In October 2017, the NEAs had submitted their Local Plans to the Secretary of State for Communities and Local Government to begin the formal process of examination and an Inspector had been appointed to undertake the examination of Section 1 of the Plan. Following the examination hearing, the Inspector had written to the NEAs setting out interim feedback on the soundness and legal compliance of the Section 1 Plan including the Garden Communities proposals. Whilst supporting many elements of the Plan, the Inspector had identified a number of key issues about the viability and deliverability of the Garden Communities and he had been unable to endorse the Section 1 Plan as sound. Instead, the Inspector had provided the Authorities with three options for progressing the Section 1 Plan to adoption.

The NEAs had subsequently advised the Inspector that they remained committed to using Garden Communities principles to secure future housing requirements in North Essex and they agreed to provide further evidence to address each of the Inspector's concerns in respect of Housing Infrastructure Fund (HIF) Bids, viability, phasing and delivery, delivery mechanisms, infrastructure, A120 dualling, Rapid Transit System, modal shift, Marks Tey railway station, housing delivery, employment land and Habitats Regulation Assessment (HRA). The NEAs had committed also to reviewing the 'Sustainability Appraisal' (SA) of the Local Plan to ensure that it considered a full range of realistic alternatives to the Garden Communities.

One of the Inspector's main concerns had been with regard to the Sustainability Appraisal. This was a legal requirement of the Plan making process and a key piece of evidence in determining the most appropriate 'spatial' strategy for growth. The Inspector had concluded that some of the assumptions made in the SA were either not properly justified, or were biased in favour of the NEAs preferred spatial strategy for three Garden Communities and did not represent an objective, or reliable assessment. The Inspector had stated that further work would be required to rectify this and he had recommended that different consultants should be appointed to carry out the work.

An Additional SA had been carried out by consultants LUC, who had followed a revised methodology. The first stage of the Additional SA had tested a range of alternative development site proposals against a series of tried and tested 'sustainability criteria'. The second stage of the SA had tested different combinations of site proposals against sustainability criteria representing a reasonable range of alternative spatial strategies. The findings of the Additional SA indicated that many of the site proposals and alternative spatial strategy options were closely matched when assessed against the sustainability objectives. However, none of the alternative spatial strategies stood out as performing notably stronger than the current strategy in the submitted Section 1 Plan. In the circumstances, it was proposed that the NEAs should

continue to promote the current spatial strategy involving the creation of three new Garden Communities in the locations currently proposed.

In addition, further evidence had been produced on other areas of concern raised by the Inspector. Based on this evidence, it was considered that the current proposals in the Section 1 Plan were sound and that the Inspector's concerns would be addressed.

The NEAs had also compiled a table of proposed amendments to the Section 1 Plan. These would address matters which had been identified during the Plan process to date and ensure that the Plan would meet the test of soundness.

If each of the NEAs approved the Additional Sustainability Appraisal, all of the additional new evidence base documents and the table of proposed amendments, the Plan would be published for public consultation for six weeks between 19th August and 30th September 2019. Following this, the documents together with any representations submitted would be forwarded to the Inspector to enable him to resume the examination process. It was expected that further examination hearings would take place in late 2019, or early 2020.

It was reported that three proposed amendments had been submitted by Councillor Abbott and these had been published prior to the meeting in an Amendment Pack. The amendments were numbered 1 to 3. Amendment 1 related to the recommendation contained within the Agenda report and Amendments 2 and 3 related to suggested amendments to the Publication Draft Braintree, Colchester and Tendring Local Plan. In accordance with the agreed process for this Special Meeting of Full Council, Councillor Mrs Spray had agreed to accept the amendments numbered 2 and 3 as set out in the Amendment Pack and to move these as part of the substantive motion. The amendments are set out below:-

Amendment No. 1 (Proposed by Councillor J Abbott) (relating to report recommendation)

Amendment

In recommendation a) after 'accepted' add 'except for the Rapid Transit System study,'

New recommendation b) (and re-order to follow as a consequence)

'The Rapid Transit System study is not accepted due to the recent confirmation from Highways England that neither the proposed new A120 from Braintree to the A12 nor the proposed widening of the A12 or the junctions of these roads will include dedicated lanes for Rapid Transit which the study describes as 'crucial' to minimise interaction with road traffic and to achieve the ambitious modal share targets.'

In recommendation b) (re-ordering depending on the above) delete 'expect' and insert instead 'require'
and after 'Bids' add 'and the funding decision on the A120'

In recommendation f) (re-ordering depending on the above) delete all words after 'base' and insert instead 'will be considered once a revised and acceptable Rapid Transit System study is produced.'

Amended Wording

That the Council recommends that:

- a) The additional evidence base summarised within this report are accepted except for the Rapid Transit System study, as part of the evidence base for Section 1 of the submitted Local Plan which contains strategic planning policies and proposals common to the North Essex Authorities of Braintree, Colchester and Tendring;
- b) The Rapid Transit System study is not accepted due to the recent confirmation from Highways England that neither the proposed new A120 from Braintree to the A12 nor the proposed widening of the A12 or the junctions of these roads will include dedicated lanes for Rapid Transit which the study describes as 'crucial' to minimise interaction with road traffic and to achieve the ambitious modal share targets;
- c) To note that the evidence base confirms the need for the infrastructure contained in the current HIF Bids submitted by Essex County Council with regard to the North Essex Garden Communities and as currently being considered by Government and that the Council's would require a decision on those Bids and the funding decision on the A120 before submitting further evidence to the Secretary of State under recommendation (h) below;
- d) It approves the findings of the Additional Sustainability Appraisal work which appraises the submitted Local Plan strategy for three cross-border Garden Communities and the reasonable alternatives to such strategy;
- e) It agrees that the Additional Sustainability Appraisal work and evidence base (including the additional evidence) supports the existing spatial strategy for growth in the submitted Local Plan proposing three cross-border Garden Communities and that it is justified as being the most appropriate strategy;
- f) It approves the schedule of proposed amendments to the submitted Local Plan;
- g) A six-week public consultation on the schedule of proposed amendments, the Additional Sustainability Appraisal work and the additional evidence base will be considered once a revised and acceptable Rapid Transit System study is produced;
- h) Following the period of consultation, the above documents along with any duly-made representations received during the consultation period, be submitted to the Secretary of State to enable the Local Plan Inspector to resume and complete the examination of the Section 1 Local Plan;
- i) The Council requests the Local Plan Inspector to recommend any further modifications to the Publication Draft Local Plan as necessary to make it sound.

There was a general debate on this amendment and at its conclusion a vote was taken. On being put to the vote, the amendment was declared **LOST**.

Amendment No. 2 (Proposed by Councillor J Abbott) (relating to the suggested amendments to the Draft Local Plan Section 1, Ref. 58 (Policy SP5: 'Infrastructure and Connectivity'))

Second bullet point, in the first line after 'network', add the words 'comprising all 4 routes described in the Rapid Transit System study' and add the words at the end of that bullet point 'will need to be secured in advance of the start of the Garden Communities'

Amended Wording

Policy SP5: 'Infrastructure and Connectivity' to include the following new paragraph:-

A. Garden Communities

Infrastructure provision will be secured in a timely manner and programmed to keep pace with growth of new communities.

- Funding and route commitments for the following strategic transport infrastructure projects will need to be secured in advance of the start of the Garden Communities as follows:
 - Colchester/ Braintree Borders –
 - A12 widening and junction improvements
 - A dualled A120 from Braintree to the A12
 - Tendring /Colchester Borders –
 - A120-A133 Link road
- A scheme and specification for a phased rapid transit network comprising all 4 routes described in the Rapid Transit System study and programme for the integration of the three Garden Communities into the rapid transit network will need to be secured in advance of the start of the Garden Communities.
- Provision of appropriate sustainable travel options will be required to encourage and facilitate sustainable travel behaviour from the outset and to provide viable alternatives to single-occupancy private car use, and will be informed by master planning.
- Requirements for other strategic Garden Community infrastructure are outlined in sections D, E and F of Policies SP8, 9, and 10 and will be further set out in the Development Plan Documents for each Garden Community

Amendment No. 3 (Proposed by Councillor J Abbott) (relating to the suggested amendments to the Draft Local Plan Section 1, Ref. 59 (Policy SP5: 'Infrastructure and Connectivity'))

In the bullet point about rail, after 'Increased rail capacity' add the words 'particularly on the London - Norwich mainline and the Braintree branch line'

Amended Wording

Policy SP5: 'Infrastructure and Connectivity' to include the following revised paragraph:-

B. Transportation and travel

The authorities will work with government departments, Highways England, Essex County Council, Network Rail, rail and bus operators, developers and other partners to deliver the following:

- Changes in travel behaviour by applying the modal hierarchy and increasing opportunities for sustainable modes of transport that can compete effectively with private vehicles.
- A comprehensive network of segregated walking and cycling routes linking key centres of activity planned to prioritise safe, attractive and convenient routes for walking and cycling
- Substantially improved connectivity by promoting and enabling more sustainable travel patterns, introducing urban transport packages increasing modal choice, providing better public transport infrastructure and services, and enhancing inter-urban transport corridors
- Prioritise improved urban and inter-urban public transport, including new and innovative ways of public transport provision including;
 - high quality rapid transit networks and connections, in and around urban areas with links to the new Garden Communities as required by policy SP5 (A) and policies SP8, 9, and 10
 - maximising the use of the local rail network to serve existing communities and locations for large-scale growth
 - a bus network providing a high frequency, reliable and efficient service, integrated with other transport modes serving areas of new demand
 - promoting wider use of community transport schemes
- Increased rail capacity, particularly on the London - Norwich mainline and the Braintree branch line, reliability and punctuality; and reduced overall journey times by rail
- New and improved road infrastructure to help reduce congestion and improve journey time reliability along the A12, A120 and A133 that will also link new development and provide strategic highway connections specifically
- Improved access to and capacity of junctions on the A12 and other main roads to reduce congestion, improve journey time reliability and address safety
- A dualled A120 between the A12 and Braintree
- Innovative strategies for the management of private car use and parking including the promotion of car clubs and car sharing, and provision of electric car charging points.

Following a general debate on this Item a recorded vote was requested on the substantive motion incorporating Amendment Nos. 2 and 3, which had been moved and seconded. The result of the recorded vote was as follows:

For the Motion:

Councillors: Bebb, Butland, Coleridge, Courtauld, Mrs M Cunningham, T Cunningham, Mrs Dervish, Euesden, Everard, Mrs Garrod, Hensman, Horner, Hume, Johnson, Mann, McArdle, McKee, Munday, Mrs Pell, Pritchard, Radley, Ramage, Rehman, Ricci, Rose, Miss Santomauro, Mrs Schmitt, Schwier, Mrs Spray, Tattersley, van Dulken, Wallace, Mrs Walters, Mrs Wilson (34).

Against the Motion:

Councillors: Abbott, Mrs Beavis, Hicks, Unsworth, Walsh, Miss Weeks, Wright (7).

Abstained:

Councillor: Mrs Kilmartin, Mrs Parker (2).

Absent:

Councillors: Baugh, Bowers, Mrs Sandum, Mrs Scattergood, Thorogood, Wrench (6).

The substantive motion was declared **CARRIED**. The substantive motion, as amended, was approved in the following form:

DECISION:

- a) That the additional evidence base documents summarised within the report be accepted as part of the evidence base for Section 1 of the submitted Local Plan, which contains strategic planning policies and proposals common to the North Essex Authorities of Braintree, Colchester and Tendring.
- b) That it be noted that the evidence base confirms the need for the infrastructure contained in the current Housing Infrastructure Fund (HIF) Bids submitted by Essex County Council with regard to the North Essex Garden Communities and as currently being considered by Government, and that the Councils would expect a decision on those Bids before submitting further evidence to the Secretary of State under recommendation (g) below
- c) That the findings of the Additional Sustainability Appraisal work, which appraises the submitted Local Plan strategy for three cross-border Garden Communities and the reasonable alternatives to such strategy, be approved.
- d) That it be agreed that the Additional Sustainability Appraisal work and evidence base (including the additional evidence) supports the existing spatial strategy for growth in the submitted Local Plan proposing three cross-border Garden Communities and that it is justified as being the most appropriate strategy.
- e) That the schedule of proposed amendments to the submitted Local Plan, as amended, be approved.
- f) That a six week period of public consultation on the schedule of proposed amendments, the Additional Sustainability Appraisal work and the additional evidence base documents be undertaken, starting on 19th August 2019 and ending on 30th September 2019.

- g) That, following the period of public consultation, the schedule of proposed amendments, the Additional Sustainability Appraisal work and the additional evidence base documents along with any duly-made representations received during the consultation period, be submitted to the Secretary of State to enable the Local Plan Inspector to resume and complete the examination of the Section 1 Local Plan.
- h) That the Local Plan Inspector be requested to recommend any further modifications to the Publication Draft Local Plan, as necessary, in order to make it sound.

REASON FOR DECISION:

- a) To approve of the Additional Sustainability Appraisal and to report to the Council the findings of the additional evidence base having been prepared in response to the Planning Inspector's concerns about the new Garden Communities proposed as part of the Section 1 Local Plan for North Essex.
- b) For Council to seek that a series of proposed amendments to the Local Plan be submitted to the Inspector for consideration as minor and major modifications.
- c) To seek the Council's recommendation that six weeks' public consultation is undertaken on the Additional Sustainability Appraisal, additional evidence base and proposed amendments before they are submitted to the Secretary of State to then enable the Local Plan Inspector to resume and conclude his examination.

During the course of their discussions, Members moved, seconded and agreed, as required by the Constitution, that the meeting be extended beyond 10.15pm to enable all business on the Agenda to be transacted.

At the close of the meeting, the Chairman thanked Officers in the Council's Planning Policy and Governance and Members Teams for their work on and input to the draft Local Plan.

The meeting commenced at 7.15pm and closed at 10.50pm.

Councillor Mrs A Kilmartin
(Chairman)