

EXTRACT FROM THE MINUTES OF THE MEETING OF THE PLANNING POLICY & LOCAL PLAN COMMITTEE HELD ON MONDAY 11TH JANUARY 2021

41. REPORT OF CORPORATE DIRECTOR (PLACE & ECONOMY) - A.1 - SECTION 1 LOCAL PLAN: PLANNING INSPECTOR'S FINAL REPORT AND PROCESS FOR ADOPTION

The Committee had before it a comprehensive report (and appendices) of the Corporate Director (Place & Economy) (A.1) which:-

- a) reported the Local Plan Inspector's final conclusions on the legal compliance and 'soundness' of the Section 1 Local Plan for North Essex following consultation on his recommended 'Main Modifications' and the subsequent receipt of his final report on 10th December 2020;
- b) reported that, by incorporating the Inspector's recommended Main Modifications, the Section 1 Local Plan met the tests for legal compliance and soundness - as required for a plan to proceed to formal adoption; and
- c) sought the Committee's agreement that the modified Section 1 Local Plan be recommended to Full Council for formal adoption.

Key Points

It was reported that Planning Inspector Roger Clews had issued his final report in December 2020 on the soundness and legal compliance of Section 1 of the Local Plan for North Essex, having considered the consultation responses on his recommended Main Modifications and the latest Government household projections.

Officers were pleased to report that, with the incorporation of the Inspector's final, slightly adjusted, set of recommended Main Modifications (which included the removal of the Colchester Braintree Borders and West of Braintree Garden Communities), the Section 1 Local Plan was sound and legally compliant. The modified version of the Section 1 Local Plan therefore met the requirements to proceed to formal adoption and the Committee was requested to recommend this to Full Council.

The Committee was aware that for the District of Tendring, the formal adoption of the Section 1 Local Plan would mark a significant milestone in the plan-making process as it would:-

- 1) formalise the housing requirement of 550 dwellings per annum and thus confirm this Council's ability to demonstrate a five-year supply of housing sites thereby strengthening the Council's defence against unwanted and speculative housing development proposals;

- 2) set the policy framework for progressing work in partnership with Colchester Borough Council, on a more detailed 'Development Plan Document' for the Tendring Colchester Borders Garden Community; and
- 3) provide a strong foundation for the Council to proceed to the Examination-in-Public of Section 2 of the Local Plan in the knowledge that sufficient sites could be identified to meet both the District's housing and employment land requirements up to 2033 without the need for additional sites.

Background

Members were reminded that Section 1 of the submitted Local Plan ('the Section 1 Plan') set out an overarching strategy for future growth across Braintree, Colchester and Tendring – the 'North Essex Authorities' ('NEAs'). As well as including policies setting the overall housing and employment requirements for North Essex up to 2033, the Section 1 Plan had originally proposed three new cross-boundary 'Garden Communities' along the A120 corridor with the potential for longer-term and comprehensively-planned growth. In contrast, 'the Section 2 Plan' for each of the three authorities contained more specific local policies and proposals relevant only to their individual area. Before a Local Plan could be formally adopted by a Council, it had to be examined by a Government-appointed Inspector whose job it was to check that: 1) the plan had been prepared in line with various legal requirements; and 2) that the policies and proposals in the plan complied with the 'tests of soundness' contained within the National Planning Policy Framework (NPPF).

Following examination hearings in 2018 and 2020 the Inspector had concluded that, in its original form, the Section 1 Local Plan did not meet the Government's tests of soundness. In particular, two of the three proposed Garden Communities had not been demonstrated to be economically viable or deliverable – thus making the overall plan unsound. Whilst the Inspector had found the plan to be unsound in its original form, he had advised that it had the potential to be 'made sound' and that it could still progress to adoption if the three Councils agreed to remove the Colchester Braintree Borders and West of Braintree Garden Communities and to consult the public and other interested parties on this and other 'Main Modifications'. The alternative would have been to withdraw the Local Plan from the examination – which would have effectively required all three Council's to start their plans again from scratch.

The Committee recalled that the three NEAs had subsequently agreed to proceed with a consultation on the Main Modifications. This had taken place between 28th August and 9th October 2020 and had resulted in 382 responses from 117 individuals or groups. The Inspector had also invited participants in the examination to comment on the very latest 2018-based household projections that had been published by the Office for National Statistics in 2020 in order to help determine whether they represented a meaningful change that might justify alterations to the housing targets in Policy SP3 of the Local Plan (including the Tendring figure of 550 dwellings per annum). 59 responses had been received on this aspect.

Inspector's final report

The Committee was informed that, having considered the comments received both in relation to the Main Modifications and the latest household projections, the Inspector had issued his report to the three Councils which contained his final assessment and conclusions on the legal compliance and soundness of the Section 1 Plan. Officers were delighted to report that the Inspector had concluded that, subject to the incorporation of his final set of Main Modifications, the Section 1 Plan would meet the required tests which would enable it to proceed to formal adoption. The Inspector's report was attached in full as Appendix 1 to item A.1 of the Report of the Corporate Director (Place & Economy).

Members were made aware that the final Main Modifications were mostly unchanged from those published for consultation with just a small number of fairly minor 'adjustments' that responded to certain comments that had been received and also to recent changes to Government policy and legislation (namely changes in the Use Classes Order) which affected policies on employment land. The final set of Main Modifications was attached as Appendix 2 to the Corporate Director's report.

Next steps

It was reported that now that the three Councils had received a final report on the legal compliance and soundness of the Section 1 Plan, Officers were requesting that the Planning Policy and Local Plan Committee endorsed the Inspector's final Main Modifications and their incorporation into the Section 1 Local Plan, and that the modified version of the plan be forwarded to Full Council and recommended for formal adoption.

Members were advised that the document contained within Appendix 3 to the Corporate Director's report was a 'tracked change' version of the modified Section 1 Local Plan which highlighted the various modifications. A 'clean' version of the modified Section 1 Local Plan (showing how the final adopted plan would appear on publication) had been forwarded on to the Committee prior to the commencement of the meeting.

The Assistant Director (Strategic Planning & Place) made the Committee aware of the way forward for the Tendring Colchester Borders Garden Community in the light of the Planning Inspector's final report. He also reported that Colchester Borough Council intended to submit the Shared Strategic Section 1 Plan to a Full Council meeting on 1st February 2021 and that Braintree District Council intended to do likewise towards the end of that month.

During the consideration of this item Councillors Allen, Chapman and I J Henderson indicated that they would be voting in favour of the recommendations contained in the Officer report.

Having duly considered and discussed the contents of the report and its appendices:-

It was moved by Councillor Turner, seconded by Councillor Fairley and:-

RESOLVED that the Planning Policy and Local Plan 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 item A.1 of the Report of the Corporate Director (Place & Economy) and his final 'Schedule of Recommended Main Modifications' (attached as Appendix 2 to the aforementioned report); and
- (b) authorises the Assistant Director (Strategic Planning & Place) to correct any minor administrative/typographical errors remaining within the 'clean version' of Appendix 3 prior to its submission to Full Council.

RECOMMENDED TO COUNCIL that the 'Modified North Essex Authorities' Shared Strategic Section 1 Plan' (attached as Appendix 3 to item A.1 of the Report of the Corporate Director (Place & Economy) as a 'tracked change' version but to be followed by a 'clean version' that will be submitted to Full Council) that is the new Section 1 Local Plan incorporating the Inspector's recommended main modifications be formally adopted by Tendring District Council in accordance with Section 23(3) of the Planning and Compulsory Purchase Act 2004.