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Planning Policy and Local Plan Committee

11 January 2021

**MINUTES OF THE MEETING OF THE PLANNING POLICY AND LOCAL PLAN  
COMMITTEE,  
HELD ON MONDAY, 11TH JANUARY, 2021 AT 6.00 PM  
THE MEETING WAS HELD IN ACCORDANCE WITH STATUTORY INSTRUMENT  
2020/392.**

<b>Present:</b>	Councillors Turner (Chairman), Fairley (Vice-Chairman), Allen, Bush, Chapman (except item 42), Codling, I Henderson, S Honeywood, Newton, Scott and Winfield
<b>Also Present:</b>	Councillors Bray (items 41 (part) and 42 only), Harris, Placey and White
<b>In Attendance:</b>	Paul Price (Deputy Chief Executive & Corporate Director (Place and Economy)), Lisa Hastings (Assistant Director (Governance) & Monitoring Officer), Gary Guiver (Assistant Director (Strategic Planning and Place)), Ian Ford (Committee Services Manager), Will Fuller (Planning Officer), Karen Hardes (IT Training Officer), Matt Cattermole (Communications Assistant), Paul Woods (Development Technician) and Hattie Dawson-Dragisic (Apprentice (Democratic Services & Elections))

**35. CHAIRMAN'S OPENING REMARKS**

The Chairman of the Committee (Councillor Turner) made the following opening remarks:-

*"Good Evening Fellow Members, Officers and the Public. May I wish you and yours a Healthy, Happy and Prosperous New Year?"*

*It is a good New Year for this Committee. I have pleasure in offering for our 7th meet since being Chairman, the last Agenda for Part 1 of our Local Plan. In this we agree or not agree the Garden Community for west of Elmstead Market, a joint venture with CBC and ECC. More importantly if we agree this agenda and the recommendations as written on page 11 we will have set in stone, subject to the agreement of Full Council on the 26th of January our housing numbers at 550 dpa and our 5 year land supply figure at 6.5 years. That means that we can refuse applications outside of the development locations as suggested in Part 2.*

*More good news we have been given provisional dates for the Public Examination of Part 2. That will be over a 2 week period starting on the week beginning the 22<sup>nd</sup> February.*

*We will be first of the three North Essex Authorities at the trough, out of the trap, first in line for Public Examination of Section 2. Meaning, I hope we will be able to offer Part 2 to Full Council, after due consideration by this Committee, any further Public Consultation as required and more recommendations from the Inspector, in the latter part of 2021.*

*This can only have been achieved by us. We have had to read and inwardly digest some 2250 pages of reports over 7 meetings in 17 months. We represent a cross section of our Council that is made up of 8 differing political Groups and Parties. We have been unanimous. We have been given and shown a successful path forward by*

*our Officers, lead at every step by Gary Guiver the Assistant Director for Strategic Planning and Place. He and his team have been only one word for it, wonderful. A pleasure to work with and an inspiration to all of us and his cross border colleagues.*

*I have invited the Chairman of the Planning Committee Cllr. John White, his Deputy Cllr. Jeff Bray and any members of that Committee to join us. After our deliberations and before we go to the vote I will invite Cllr White to raise any questions he and his Committee would like to ask. If the Planning Committee Members have any questions please inform Cllr. White to ask them. I will only take comments from Cllr. White and only before we go to the vote.*

*Finally on a very sad note I would like to offer our condolences to Joy Broderick's Family on their sad loss. Whilst she could she was a stalwart of this Committee from its inception in 2015. Joy brought Holland-on-Sea's views to our attention. I miss her. Joy has been replaced by Cllr. Colin Winfield, who ably substituted for her. Now on with the business of the Committee."*

**36. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS**

There were no apologies for absence or substitutions on this occasion.

**37. MINUTES OF THE LAST MEETING**

It was **RESOLVED** that the Minutes of the last meeting of the Committee held on 14 October 2020 be approved as a correct record.

**38. DECLARATIONS OF INTEREST**

There were no Declarations of Interest made at this time.

**39. QUESTIONS ON NOTICE PURSUANT TO COUNCIL PROCEDURE RULE 38**

On this occasion no Councillor had submitted notice of a question.

**40. PUBLIC SPEAKING**

Pursuant to the provisions of the Council's public speaking scheme for the Planning Policy & Local Plan Committee, Bill Marshall, a resident of the District, asked the Chairman of the Committee (Councillor Turner) in relation to item A.1 of the Report of the Corporate Director (Place & Economy) the following question:-

*"What facilities are in place in the new development plan to take into account any new developments that may arise from the COVID and Brexit outcomes?"*

Councillor Turner replied as follows:-

*"The facilities available to the Council or any other Local Planning Authority to respond to any changes in economic or other circumstances, Brexit, Covid or otherwise are:*

- 1) the ability to review the policies and proposals in the Local Plan; and*
- 2) the ability to depart from policies in the Local Plan when determining planning applications - if and when other material considerations require it.*

*In other words, if the plan turns out to be wrong, we fix it through a future review; or if there are good reasons to do so, we can make planning decisions that depart from its policies. It is however very important that these choices are within the Council's control and adopting this Local Plan will ensure it is us in the driving seat.*

*Whilst no Local Plan is perfect and no Local Plan can possibly cover every possible scenario, eventuality or permutation of circumstances, it is nonetheless essential to have a plan to provide a direction for future growth and protection against unwanted, unplanned and potentially harmful development.*

*Both Section 1 and Section 2 of our Local Plan strike the right balance in being detailed enough to give direction and certainty and flexible enough to be able to respond to future 'unknowns'."*

**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 10<sup>th</sup> 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 28<sup>th</sup> August and 9<sup>th</sup> 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 1<sup>st</sup> 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 10<sup>th</sup>

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.

#### **42. UPDATE - SECTION 2 OF THE LOCAL PLAN - PUBLIC INQUIRY**

The Committee received from the Assistant Director (Strategic Planning & Place) an oral update on the progress made on the preparations for the Public Inquiry due to be held in relation to Section 2 of the Local Plan.

He informed Members that Tendring District Council (TDC) would be the first of the three North Essex Authorities (NEAs) to have their Section 2 Local Plan examined in public. The Inquiry would commence on 22 February 2021 with the first evidence hearing session taking place the next day. All of the evidence sessions would be undertaken virtually via Microsoft Teams and would be live streamed to the public.

Anne Jordan would be the Examining Inspector for all three NEAs, assisted by James Bridgwater. There were five days allocated for evidence hearing with an additional two days held in reserve. On each day there would be three 1.5 hour sessions to debate the key issues identified by the Examining Inspector which would include:-

- (i) the Housing Supply Land identified by TDC; and
- (ii) TDC's already identified proposed changes to Section 2 Policies.

The Committee was advised that the Programme Officer had notified all interested parties who had previously made representations to ascertain if they would wish to speak at the hearings.

Members were made aware that there was a special section on TDC's website for the Inquiry which contained:-

- (1) the timetable for the Inquiry;
- (2) TDC's topic papers and evidence based documents; and
- (3) all previously submitted public representations together with the TDC Officer responses thereto.

The Committee noted the foregoing.

The meeting was declared closed at 7.32 pm

**Chairman**

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