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Planning Policy and Local Plan Committee

29 June 2021

**MINUTES OF THE MEETING OF THE PLANNING POLICY AND LOCAL PLAN  
COMMITTEE,  
HELD ON TUESDAY, 29TH JUNE, 2021 AT 6.00 PM  
IN THE PRINCES THEATRE, TOWN HALL, STATION ROAD, CLACTON-ON-SEA,  
CO15 1SE**

<b>Present:</b>	Councillors Turner (Chairman), Fairley (Vice-Chairman), Chapman, C Guglielmi, S Honeywood, Newton, Scott and Winfield
<b>Also Present:</b>	Councillors P Honeywood and White
<b>In Attendance:</b>	Lisa Hastings (Deputy Chief Executive & Assistant Director (Governance) and Monitoring Officer), Gary Guiver (Assistant Director (Strategic Planning and Place)), Ian Ford (Committee Services Manager), Paul Woods (Planning Officer) and Matt Cattermole (Communications Assistant)

**1. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS**

Apologies for absence were submitted on behalf of Councillors Allen (with no substitute), Bush (with no substitute) and I J Henderson (with no substitute).

**2. CHAIRMAN'S OPENING, INTRODUCTORY & CLOSING REMARKS**

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

*“Good Evening Fellow Members, Officers, Members of the Public and the Press.*

*It is nearly six months since we last met and agreed that that Part 1 of our Local Plan can go forward to our Full Council for consideration. I am pleased to report that it was adopted unanimously. A great accolade to this Committee for all the work it has put in.*

*I have once again invited the Planning Committee to join us and in line with previous meets I will invite Councillor White to bring to our attention any comments that he and his colleagues might like to make prior to us going to the vote.*

*Tonight's Agenda is another 300 page document and has 2 items for us to decide.”*

At the appropriate juncture in the meeting, the Chairman made the following introductory remarks in relation to report item A.1:-

*“A.1 on pages 13 -278 is made up of the main modifications that the Inspector has made to Part 2 of our Local Plan 2013-2033 and beyond Publication Draft first submitted for Public Consultation 4 years and 2 weeks ago.*

*Main modifications are amendments that the Inspector, in conjunction with the Council and other interested Parties, agreed would make our Plan Sound and Legally Compliant. If we agree this part of our Agenda it will then go out for a final Public Consultation for six weeks. We will then await the Inspector's final letter. That will come before this Committee sometime in early Autumn.*

*Any member of the public including our good selves can submit comments to the Inspector for changes, observations, clarity etc. during the final six week Consultation period.”*

At the appropriate juncture in the meeting, the Chairman made the following introductory remarks in relation to report item A.2:-

*“A.2 - There I was thinking that this would likely be the penultimate meet of this Committee. Wrong. Before us we have The Local Development Scheme. In plain English a forward work plan is being presented for our comments and agreement. We will be gainfully employed - in the sense of to use - until the end of this Council.”*

At the end of the proceedings the Chairman made the following closing remarks:-

*“As always I want to thank Mr Guiver now Acting Director of Planning and his excellent team for all their support and work and you the members of this Committee for your considerations, interest and insights.”*

### **3. MINUTES OF THE LAST MEETING**

It was moved by Councillor Fairley, seconded by Councillor S A Honeywood and:-

**RESOLVED** that the Minutes of the last meeting of the Committee held on 11 January 2021 be approved as a correct record and be signed by the Chairman.

### **4. DECLARATIONS OF INTEREST**

There were no Declarations of Interest made at this time though later on in the meeting during the consideration of report item A.1 (Section 2 Local Plan: Modifications Stage), Councillor G V Guglielmi declared a personal interest insofar as he was Chairman of Essex County Council's Development and Regulation Committee and also insofar as he was a Tendring District Council representative on the Tendring / Colchester Borders Garden Community Steering Group.

### **5. QUESTIONS ON NOTICE PURSUANT TO COUNCIL PROCEDURE RULE 38**

On this occasion no Councillor had submitted notice of a question pursuant to Council Procedure Rule 38.

### **6. PUBLIC SPEAKING**

Pursuant to the provisions of the Council's public speaking scheme for the Planning Policy & Local Plan Committee, no member of the public had registered to ask at this meeting a question or make a statement regarding the items contained in the report of the Assistant Director (Strategic Planning & Place).

### **7. REPORT OF ASSISTANT DIRECTOR (STRATEGIC PLANNING & PLACE) - A.1 - SECTION 2 LOCAL PLAN: MODIFICATIONS STAGE**

During the consideration of this item, Councillor G V Guglielmi declared a personal interest insofar as he was Chairman of Essex County Council's Development and Regulation Committee and also insofar as he was a Tendring District Council

representative on the Tendring / Colchester Borders Garden Community Steering Group.

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

- a) reported the recommendations of the Planning Inspectors as to the 'modifications' required for Section 2 of the Council's new Local Plan in order to meet the requirement for legal compliance and 'soundness'; and
- b) sought the Committee's agreement to proceed to the next stage of the plan-making process which would be to publish the modifications for a six weeks public consultation.

### Key Points

It was reported that, following virtual examination hearings in February and March 2021, the Government-appointed Planning Inspectors for Section 2 of the Council's Local Plan had issued a letter confirming the recommended 'main modifications' required to make the plan both legally compliant and sound.

Members were informed that the majority of those modifications reflected, broadly, those already put forward by the Council itself in the run up to the examination hearings and those discussed during the hearing sessions themselves. All were aimed at improving the soundness of the plan, responding to representations received during the previous consultation and ensuring that the plan was kept up to date, reflecting the latest evidence.

The Committee was advised that there were no radical or unexpected changes of approach being introduced through the proposed modifications and, importantly, the Inspectors were not asking for any additional land to be allocated in the plan for housing.

Members were made aware that the 'main modifications' recommended by the Inspectors must be published for consultation before the Inspectors could write their final report and the Plan could be adopted. It was proposed that consequential changes to the Local Plan maps and 'additional modifications' of a minor/factual nature were also published for consultation. Progression to this next stage of the process would make it possible that the Council could be in a position to formally adopt the new Local Plan, in full, by the end of 2021.

### Background

Members recalled that, in January 2021, the Council had formally adopted Section 1 of Local Plan which set out the overarching strategy for North Essex including policies setting the overall housing and employment requirements and the policies relating to the Tendring / Colchester Borders Garden Community.

The Committee was aware that Section 2 of the Local Plan contained more specific local policies and proposals relevant and applicable only to the District of Tendring. Like Section 1, before Section 2 of the Local Plan could be formally adopted, it must first 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).

Examination hearings for the Section 2 Plan had taken place in February and March 2021, 'virtually' via Microsoft Teams and the two appointed Inspectors had now written to the Council recommending a series of 'main modifications' that that were considered necessary to ensure Section 2 of the Plan was made 'sound' and for it to thereafter proceed towards formal adoption. Some of the notable modifications being proposed included a full update of the housing figures and protected employment sites, consequential adjustments to the settlement development boundaries to reflect grants of planning permission, the deletion of any unnecessary or redundant policies and the simplification of certain policies.

The Committee was advised that, as part of the statutory process, the 'main modifications' (which the Inspectors considered necessary to make the Local Plan sound) had to be published for six weeks consultation alongside an updated 'Sustainability Appraisal' and 'Habitats Regulation Assessment' for the Section 2 Local Plan. Modifications to the Local Plan Maps (most of which came as a consequence of main modifications or were otherwise consequential changes resulting from the grant of planning permission or physical changes on the ground) and a series of 'additional modifications' which were minor and factual in nature were also recommended, by Officers, for consultation alongside the Main Modifications, in the interest of transparency and completeness.

#### Next steps

It was suggested by Officers that the public consultation ran from mid-July 2021, which would allow the Inspectors time to see, and if necessary comment, on the updated Sustainability Appraisal and Habitats Regulation Assessment that had been prepared.

Members were informed that, following the consultation, all the responses would be sent to the Inspectors who would then consider the need for any further changes before producing a final report confirming whether the Council could proceed to adopt Section 2 of the Local Plan. It was hoped that the Council could be in a position to adopt the Section 2 Plan by the end of 2021, possibly as early as the autumn.

The Committee also had before it an Update Sheet which had been circulated to Members prior to the commencement of the meeting. The Update Sheet contained a proposed sentence to be added into Main Modification MM33.1 in respect of paragraph 7.4.3. The wording of that proposed sentence had been agreed by Officers with the Inspectors.

At the invitation of the Chairman, Councillor White, present at the meeting in his capacity as Chairman of the Planning Committee, addressed Members and asked a question to which the Assistant Director (Strategic Planning & Place) responded.

Having duly considered and discussed the contents of the report and its appendices, together with the Update Sheet:-

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

**RESOLVED** unanimously that the Planning Policy and Local Plan Committee –

- a) notes the Planning Inspectors' letter dated 19 May 2021 (attached as Appendix 1 to item A.1 of the Report of the Assistant Director (Strategic Planning & Place)); the recommended 'Main Modifications' (Appendix 2 to the aforesaid report); the 'Additional Modifications' (Appendix 3 to the aforementioned report); and the associated 'Modifications to the Local Plan Maps' (Appendix 4 to the above report), together with the Update Sheet;
- b) following agreement with the Leader of the Council, agrees that Officers can proceed to publish the Main Modifications (including the additional wording to Main Modification MM33.1 contained in the Update Sheet), Additional Modifications and Modifications to the Local Plan Maps for six weeks public consultation, alongside an updated Sustainability Appraisal and Habitats Regulation Assessment, in accordance with Section 20 of the Planning and Compulsory Purchase Act 2004 (as amended) and for any responses to be forwarded to the Planning Inspectors to enable them to reach final conclusions on the legal compliance and soundness of Section 2 of the Local Plan; and
- c) authorises the Assistant Director (Strategic Planning and Place), in consultation with the Chairman of the Planning Policy and Local Plan Committee and the Planning Inspectors, to decide the dates of the aforementioned public consultation period.

**8. REPORT OF ASSISTANT DIRECTOR (STRATEGIC PLANNING & PLACE) - A.2 - LOCAL DEVELOPMENT SCHEME 2021 - 2024**

The Committee had before it a detailed report (and appendix) of the Assistant Director (Strategic Planning & Place) (A.2) which sought its agreement to publish a new 'Local Development Scheme' (LDS) in order to update the proposed timetable for preparing planning documents including the Local Plan and the Development Plan Document (DPD) for the Tendring / Colchester Borders Garden Community.

Members were reminded that every Local Planning Authority must prepare and maintain a LDS in accordance with section 15 of Planning and Compulsory Purchase Act 2004 (as amended). The LDS was the Council's rolling project plan (often covering a period of three years) for producing its Local Development Documents and set out a timetable for their delivery. The LDS must also identify:

- which of their Local Development Documents were local plans or supplementary planning documents;
- the subject matter and geographical area to which any local plan related;
- which local plans (if any) were to be prepared jointly with another Council or Councils; and
- the timetable for the preparation and revision of the local plans.

Local Planning Authorities were expected to revise their LDS at such time as they considered appropriate and make available to the public the up-to-date text and a copy of any amendments made and published on the Council's website, together with up-to-date information showing compliance (or non-compliance) with the timetable.

In relation to Tendring District Council's LDS it was reported to the Committee that the update to the Local Plan timetable had a provisional adoption date of Autumn/Winter 2021 for Section 2, this reflected current progress with the Main Modifications and projected timeline for Consultation, as had been reported to Members earlier in the meeting.

The Committee was informed that the revised timeframe for the Tendring / Colchester Borders Garden Community DPD was outlined in the LDS with a draft DPD scheduled for Members' approval in Winter 2021/22 with the Draft DPD consultation to follow shortly thereafter.

Members were made aware that the LDS also set out the broad timescales for the following Supplementary Planning Documents (SPDs):

- Hartley Gardens SPD;
- Jaywick Sands Design SPD;
- Open Space SPD; and
- Climate Change SPD.

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

It was moved by Councillor G V Guglielmi, seconded by Councillor Scott and:-

**RESOLVED** unanimously that the Planning Policy and Local Plan Committee approves the updated Local Development Scheme 2021-2024, as attached as Appendix 1 to item A.2 of the Report of the Assistant Director (Strategic Planning & Place), for publication on the Council's website.

The meeting was declared closed at 7.08 pm

**Chairman**