

**MINUTES OF THE MEETING OF THE LOCAL PLAN COMMITTEE,  
HELD ON MONDAY 12 JUNE 2017 AT 6.00 PM  
IN THE PRINCES THEATRE, TOWN HALL, STATION ROAD,  
CLACTON-ON-SEA, CO15 1SE**

<b>Present:</b>	Councillors Stock (Chairman), Turner (Vice-Chairman), Bray, Broderick, G V Guglielmi (except items 1 - 2), I J Henderson, Land, Newton, Platt, M J D Skeels, Stephenson, Watson and Yallop
<b>Also Present:</b>	Councillors Bucke, Bush, Chapman, Everett, Ferguson, Raby, Steady and White
<b>In Attendance:</b>	Ian Davidson (Chief Executive), Martyn Knappett (Corporate Director - Corporate Services), Cath Bicknell (Head of Planning), Simon Meecham (Planning and Regulation Manager), Gary Guiver (Planning Manager), Ian Ford (Committee Services Manager), Nigel Brown (Communications and Public Relations Manager), Mary Foster (Senior Development Technician) and Will Fuller (Planning Officer)

**1. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS**

Apologies for absence were submitted on behalf of Councillors Nicholls and Porter. There were no substitutions.

**2. MINUTES OF THE LAST MEETING**

It was **RESOLVED** that the minutes of the last meeting of the Committee, held on 20 April 2017, be approved as a correct record and signed by the Chairman.

**3. DECLARATIONS OF INTEREST**

The Corporate Director (Corporate Services), on behalf of the Council's Monitoring Officer, read out the following advice to Members:

*"I believe it would be useful to provide members with guidance on declarations of interest in consideration of the Publication Draft Local Plan document, which is being considered by this Committee tonight, Cabinet on 13<sup>th</sup> June and will be presented to full Council on 15<sup>th</sup> June.*

*The decision being sought at these meetings includes recommending, endorsing and approval of a Publication Draft Local Plan and Sustainability Appraisals for public consultation and submission to the Government for Examination in Public.*

*The majority of Members could be regarded as having, as a matter of law, Disclosable Pecuniary Interests (DPI) due to land ownership within the red line settlement boundaries simply because you are residents of the District. Government has previously issued guidance that the legislation was not intended to cover such District wide decisions, however, for the avoidance of doubt and Members' protection, acting as the Council's Monitoring Officer it is entirely reasonable that the criteria set out in Section 33 (a) to (e) of the Localism Act 2011 applies and for land ownership simply*

*within the red line settlement boundaries, a dispensation is granted to all Members to debate and vote on the item.*

*However, if you or your spouse/partner have land ownership (still a DPI) in any of the specific areas to be allocated, shown in various colours on the plans within the document, the above blanket dispensation does not apply. For specific land allocation, an individual dispensation would be required to remain in the room, take part in the debate and vote on the item, although it is unlikely that I would grant a grant a dispensation in the circumstances. If you are unclear or require further advice please contact me or Martyn Knappett, Deputy Monitoring Officer. Failure to declare a DPI and take part in a decision is a criminal offence.*

*Land within specific allocations, which is owned by an external body or organisation, may also fall within the definition of Non-Pecuniary Interests, if you were appointed or nominated to an outside body or organisation by the Council or are a member of an outside body which owns or controls land. A number of these organisations could meet the "likely to affect" test. The impact of having a Non-Pecuniary Interest on participation at meetings is set out in the Code of Conduct. The test is whether the Councillor could reasonably be regarded as having an interest so significant that it was likely to prejudice their judgement. As the decision is to approve a Publication Draft Local Plan, my advice to Councillors is that it is reasonable to conclude that this test would be met and therefore, Councillors would not be able to remain and take part in the debate and vote (after declaring the interest) without a dispensation. By making the declaration of a Non-Pecuniary Interest, for land ownership, it will be assumed that the interest does prejudice your judgement and therefore, you should not take part in the decision.*

*Members may have declared interests at earlier meetings in the local plan process including previous Council meetings and at the Local Plan Committee, it is important to be seen to be consistent in the approach, if Members have ceased to hold an interest they may wish to explain this. A declaration made previously cannot be assumed to be carried forward and Members must make all relevant declarations at the meetings they attend.*

*For openness and transparency this advice will be included within the minutes."*

Councillor Stock declared a non-pecuniary interest in respect of item A.3 of the Report of the Head of Planning insofar as he was a Director of the North Essex Garden Communities Ltd.

Councillor G V Guglielmi declared a non-pecuniary interest in respect of item A.3 of the Report of the Head of Planning insofar as:

- (1) he was a Director of the North Essex Garden Communities Ltd;
- (2) he was Chairman of the Development and Regulation Committee at Essex County Council; and
- (3) he was a Director of Lawford Housing Enterprise Trust.

Councillor I J Henderson declared a non-pecuniary interest in respect of item A.3 of the Report of the Head of Planning insofar as he was a member of the Development and Regulation Committee at Essex County Council.

#### 4. **PUBLIC SPEAKING**

The Chairman invited the following persons to address the Committee:

Angela Barnes, representing Weeley Residents Association, asked the following question in relation to item A.3 of the Report of the Head of Planning – Publication draft Local Plan:

*“Why is Horsley Cross still missing from localities listed for future development on the Plan? If it was considered suitable to put forward for Industrial use, and then for the site of a future prison – why isn’t it considered suitable for larger development - for instance a Garden Village site? Please acknowledge that Weeley is, and always has been, the bottle-neck of the Tendring Peninsula, and for goodness sake start taking a sensible approach to road infrastructure and put any future large development onto the A120.”*

The Chairman replied as follows:

*“Thank you for your question. Local Plans are created balancing social, economic and environmental considerations. Horsley Cross is remote from services and from people. Horsley Cross has not formed part of this Local Plan because it is an unsustainable location for growth. As I am sure you will be aware, the Local Plan follows the established settlement hierarchy. Horsley Cross is too small to feature within the settlement hierarchy and placing large scale growth there would be unviable and unsound.”*

Carol Bannister made short statements relating to items A.1, A.2 and A.3 of the Report of the Head of Planning. In respect of item A.1 Ms Bannister raised her concerns and objections that the last paragraph of the Resources and Risk section stated that there may be a need to reconsider the option of major strategic development around Weeley if the Council was unable to demonstrate that the sites proposed for the Local Plan could reasonably deliver objectively assessed housing requirements in full, with the necessary buffers. In respect of item A.2 Ms Bannister stated her opposition to the allocation for mixed use development of land south of Thorpe Road, Weeley. In respect of item A.3 Ms Bannister objected to Policy SAMU5 and particularly the wording of “at least 280 new homes”.

Sue Jiggins made a statement relating to item A.3 of the Report of the Head of Planning in which she opposed the proposed allocations for housing at Weeley.

#### 5. **REPORT OF THE HEAD OF PLANNING SERVICES - A.1 – HOUSING SUPPLY POSITION AND HOUSING TRAJECTORY**

The Committee had before it a report of the Head of Planning Services (A.1), which reported - .

- the number of new homes built in the Tendring District during the 2016/17 financial year;
- the current housing land supply position (the ‘five-year’ supply); and
- the year-by-year trajectory for building new homes over the full period of the new Local Plan up to 2033.

Housing Completions

It was reported that In the period 1 April 2016 to 31 March 2017, 658 new homes had been completed in the Tendring District.

#### Five Year Supply

It was reported that the Council could now demonstrate a five-year supply of deliverable housing sites, plus a 20% buffer, as was required by national planning policy. This placed the Council in a much stronger position to resist planning applications for housing that were contrary to the saved policies in the 2007 Local Plan and the emerging Local Plan.

#### Housing Trajectory

It was reported that the Council could also demonstrate, if site allocations were approved by Council at its meeting to be held on 15 June 2017 that the Publication Draft Local Plan, before the Committee under a later agenda item, could achieve the requirement of 11,000 homes between 2013 and 2033. This was through a combination of homes already completed since April 2013, development on large sites with planning permission, sites allocated for development in the plan, small 'windfall' sites, the new 'garden community' planned for the Tendring/Colchester border and a buffer of sites to accommodate any non-delivery.

Having considered all of the information provided, it was moved by Councillor Turner and seconded by Councillor Bray and:

**RESOLVED** that the Committee –

1. notes the net dwelling stock increase of 658 for the Tendring District recorded for the period 1 April 2016 to 31 March 2017 and achievement of a five-year housing supply at 31 March 2017; and
2. endorses the contents of this report as evidence:
  - a) to demonstrate the housing supply trajectory and aid the examination in public of the Publication Draft Local Plan; and
  - b) to demonstrate an up-to-date 5.1 year housing supply, at the end of May 2017, for the purposes of determining planning applications; which will be kept under review and updated as necessary to reflect the latest information and intelligence.

#### **6. REPORT OF THE HEAD OF PLANNING SERVICES - A.2 - LOCAL PLAN EVIDENCE UPDATE**

The Committee had before it a detailed report of the Head of Planning Services (A.2), which provided an update on the progress of the evidence that was necessary to underpin the content of the new Local Plan.

The report provided an update on Ongoing Evidence Requirements including:

- (i) Employment and Demography for the Garden Communities including non 'B' class uses (Braintree, Colchester and Tendring);

- (ii) Viability Appraisal;
- (iii) Habitats Regulation Assessment (Section One);
- (iv) Strategic Flood Risk Assessment and flood risk sequential tests;
- (v) Transport Modelling – Phase 3;
- (vi) Infrastructure Delivery Plan (Braintree, Colchester, Chelmsford and Tendring);
- (vii) Habitats Regulation Assessment (Section Two);
- (viii) Local Plan Viability;
- (ix) Sustainability Appraisal and Strategic Environmental Assessment for the Submission Local Plan;
- (x) Open Space, Sport and Recreation;
- (xi) Gypsy Traveller Accommodation Assessment;
- (xii) North Essex Garden Communities Transport and Movement Study; and
- (xiii) Concept Frameworks for the Garden Communities..

The Committee had before it an update sheet which informed it of alterations and/or additions in respect of the Evidence Update Table.

Having discussed the information provided, it was moved by Councillor Turner and seconded by Councillor G V Guglielmi and:

**RESOLVED** that the latest progress on the evidence base, to justify the content of the Local Plan, be noted.

**7. REPORT OF THE HEAD OF PLANNING SERVICES - A.3 – PUBLICATION DRAFT LOCAL PLAN**

Councillor Stock had earlier in the meeting declared a non-pecuniary interest in respect of item A.3 of the Report of the Head of Planning insofar as he was a Director of the North Essex Garden Communities Ltd.

Councillor G V Guglielmi had earlier in the meeting declared a non-pecuniary interest in respect of item A.3 of the Report of the Head of Planning insofar as:

- (1) he was a Director of the North Essex Garden Communities Ltd;
- (2) he was Chairman of the Development and Regulation Committee at Essex County Council; and
- (3) he was a Director of Lawford Housing Enterprise Trust.

Councillor I J Henderson had earlier in the meeting declared a non-pecuniary interest in respect of item A.3 of the Report of the Head of Planning insofar as he was a member of the Development and Regulation Committee at Essex County Council.

The Committee had before it a comprehensive report of the Head of Planning Services (A.3), which enabled it to review those parts of the Publication Draft of the Local Plan that had not been considered at its meeting held on 20 April 2017 as well as to consider the Plan as a whole. Revisions had been made to take account of the consultation representations and to address and reduce the extent to which there were outstanding objections to the Preferred Options Draft Local Plan.

Members were aware that the Local Plan comprised two sections. Section 1 had been jointly prepared with Braintree District Council and Colchester Borough Council and

dealt with strategic issues including the proposals for garden communities. Section 2 of the Plan related just to the Tendring District. Some chapters in Section 2 had been considered by the Local Plan Committee on 20 April 2017. The report before Members covered Section 1 of the Local Plan, and the remaining chapters for Section 2 of the Local Plan.

It was reported that the remaining Section Two chapters in the report were: Introduction; Living Places; Prosperous Places; Delivering Places; Monitoring and Review; Policies Maps; Local Inset Maps and appendices.

Sustainability Appraisals, which assessed the likely significant environmental implications of the policies and site allocations and considers reasonable alternatives had been carried out for of both sections of the Publication Draft Local Plan.

The Committee had before it an update sheet which informed it of alterations and/or additions in respect of the following:

- (i) Local Maps;
- (ii) Living Places;
- (iii) Sustainable Places;
- (iv) Protected Places; and
- (v) Healthy Places

The Committee was requested to recommend to Council that the complete revised version of the Local Plan, the Publication Draft Local Plan, be approved for public consultation and submission to Government and that the Sustainability Appraisals for Sections 1 and 2 be also approved for public consultation and submission to Government.

Having considered all of the information provided, it was moved by Councillor Stock and seconded by Councillor Turner and unanimously:

**RESOLVED** that the Committee -

1. (a) endorses the content of Section 1 of the Council's Publication Draft Local Plan;
  - (b) endorses the remaining chapters of Section 2 of the Council's Publication Draft Local Plan, as set out in Appendix A and as amended by the Update Sheet which was circulated to Members on Friday 9 June 2017 and tabled at this meeting and including a full set of the Local Maps;
  - (c) endorses the amendments to those Chapters of Section 2 of the Council's Publication Draft Local Plan already endorsed by Members at their meeting held on 20 April 2017 and as set out in the Update Sheet which was circulated to Members on Friday 9 June 2017 and tabled at this meeting;
2. endorses the Sustainability Appraisals prepared by Place Services, as attached (and summarised) in Appendix C;
  3. refers Section 1 and the remaining chapters of the Tendring District Council Publication Draft Local Plan, together with its decision on 20 April 2017, as amended by the Update Sheet which was circulated to Members on Friday 9 June 2017 and tabled at this meeting, to Cabinet as a complete document for consultation;

4. delegates authority to the Head of Planning Services, in consultation with the Chairman of the Local Plan Committee, to make minor administrative corrections and changes to the Publication Draft Local Plan; and

**RECOMMENDS TO COUNCIL that:**

5. the content of the Tendring District Council Publication Draft Local Plan and Sustainability Appraisals be approved;
6. a six-week public consultation and engagement process on the Tendring District Council Publication Draft Local Plan and its Sustainability Appraisals be undertaken;
7. following said consultation and engagement, the Publication Draft Local Plan and Sustainability Appraisals, along with the representations received during the public consultation, be submitted to the Government's Secretary of State to appoint a Planning Inspector to hold an Examination in Public; and
8. Tendring District Council requests the Planning Inspector to recommend any changes to the Publication Draft Local Plan to make it sound.

The meeting was declared closed at 7.13 p.m..

**Chairman**