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Planning Policy and Local Plan Committee

27 February 2024

**MINUTES OF THE MEETING OF THE PLANNING POLICY AND LOCAL PLAN
COMMITTEE,
HELD ON TUESDAY, 27TH FEBRUARY, 2024 AT 6.00 PM
IN THE COMMITTEE ROOM, TOWN HALL, STATION ROAD, CLACTON-ON-SEA,
CO15 1SE**

Present:	Councillors Guglielmi (Chairman), Chapman BEM, M Cossens, Fairley, Newton and Skeels Jnr.
Also Present:	Councillor Baker (Portfolio Holder for Housing & Planning)
In Attendance:	Gary Guiver (Director (Planning)), Ian Ford (Committee Services Manager), Paul Woods (Planning Policy Team Leader), Will Fuller (Senior Planning Policy Officer)(except item 32), Keith Durran (Committee Services Officer) and Eleanor Storey (Planning Policy Officer)

25. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Apologies for absence were submitted on behalf of Councillors Bush, Fowler and Scott (with no substitutions).

26. MINUTES OF THE LAST MEETING

It was **RESOLVED** that the Minutes of the last meeting of the Committee, held on Wednesday 20 December 2023, be approved as a correct record and be signed by the Chairman.

27. DECLARATIONS OF INTEREST

In relation to agenda item 6 (report A.1 – Neighbourhood Plans Update), Councillor Fairley declared for the public record that she was the Ward Member for Ardleigh.

28. QUESTIONS ON NOTICE PURSUANT TO COUNCIL PROCEDURE RULE 38

No questions on notice pursuant to Council Procedure Rule 38 had been submitted on this occasion.

29. 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 to make a statement regarding the matters contained in the reports of the Director (Planning).

30. REPORT OF THE DIRECTOR (PLANNING) - A.1 - NEIGHBOURHOOD PLANS UPDATE

Earlier on in the meeting, as recorded under Minute 27 above, Councillor Fairley had declared for the public record that she was the Ward Member for Ardleigh.

The Committee considered a report of the Director (Planning) (A.1) which reported the progress of the emerging Neighbourhood Plans.

Members recalled that the Council currently had two Neighbourhood Plans and one Neighbourhood Development Order that were currently the subject of examination by Independent Examiners. Both Neighbourhood Plans and the Neighbourhood Development Order had been considered by the Committee and by the Cabinet and the decision had been made for each to be the subject of a six-week public consultation, which had taken place in May 2023 (for Ardleigh) and September 2023 (for Elmstead). Since that time, Independent Examiners had been appointed for each of the Plans and the Examination of each Plan had been formally opened. The two Plans were at slightly different stages within the examination process that is:-

Ardleigh Neighbourhood Plan was slightly ahead, and a six-week 'focused consultation' was now underway; and

Elmstead's Neighbourhood Plan and Neighbourhood Development Order were progressing through the examination process with a Public Hearing undertaken in early February 2024.

Ardleigh Neighbourhood Plan

Members were reminded that the 'Regulation 16 consultation' for the Ardleigh Neighbourhood Plan had run from 15th May to 26th June 2023.

It was reported that, on the 14th June 2023, Mrs Ann Skippers MRTPI had been appointed as the Examiner for the Ardleigh Neighbourhood Plan. The Examination for the Plan had formally opened on Wednesday 12th July 2023.

On 18th August 2023, the Examiner had sent the Council an 'Interim Note of Findings' which had detailed a number of questions and matters of clarification. On 18th September 2023 the Council, in collaboration with the Parish Council, had submitted its response to the Examiner's Interim Note. The Examiner had then responded to the Councils on 6th November 2023, indicating that the Councils needed to do further work in regard to the Habitats Regulation Assessment. A Habitats Regulation Assessment and Strategic Environmental Assessment) Screening Report had been prepared by Essex County Council Place Services, on behalf of the District Council in support of the Neighbourhood Plan. The three statutory consultation bodies (Natural England, Historic England and the Environment Agency) however had not been formally consulted on the Screening Report and no formal decision by the District Council had been made on the Screening Report.

A consultation had subsequently been held between 16th November and 18th December 2023 when comments from Natural England and Historic England had been received. The District Council had therefore been able to publish a formal decision, as the Competent Authority, stating that the Screening Report now met the requirements of the Regulations.

Members were informed that the Examiner's significant modifications document and details of the Habitat Regulations Assessment decision were available as background documents.

The Committee was made aware that this decision, as well as the Examiner's proposed significant modifications to the Plan and the implications of the newly published NPPF all had to be the subject of their own public consultation.

A 'Focused Consultation' on those three issues had therefore been undertaken, which would run from 22nd January 2024 until 4th March 2024.

The Committee was advised that, once the current consultation had closed, the Parish Council would have a further two weeks to make comments on any representations received. The Examiner would then submit her final report to the District Council at which point this Council would organise a referendum in the Parish for residents to vote on the Plan.

Elmstead's Neighbourhood Plan and Neighbourhood Development Order

It was reported that Elmstead's Neighbourhood Plan was supported by four key objectives, those were:

- 1. To manage incremental growth of the village through sensitive infill and to protect the surrounding countryside from harmful development.*
- 2. To conserve the special heritage character of the village and its landscape setting*
- 3. To protect and improve the ecological value and connectivity of the green infrastructure assets of the village and wider parish.*
- 4. To sustain community facilities and services that are essential to community life.*

Members were aware that the Elmstead Neighbourhood Plan contained eighteen Planning Policies, those were:

- Policy ELM1: Settlement Development Boundaries
- Policy ELM2: Protecting The Setting Of Elmstead Market
- Policy ELM3: Gaps Between Settlements
- Policy ELM4: The Former Elmstead Community Centre
- Policy ELM5: Affordable Housing
- Policy ELM6: First Homes.
- Policy ELM7: Housing Mix
- Policy ELM8: Zero Carbon Buildings
- Policy ELM9: Design Codes
- Policy ELM10: Important Views
- Policy ELM11: The Village Core
- Policy ELM12: Movement And Connectivity
- Policy ELM13: Managing Traffic
- Policy ELM14: Local Green Spaces
- Policy ELM15: Green Ring
- Policy ELM16: Nature Recovery
- Policy ELM17: Health And Wellbeing Service Provision
- Policy ELM18: Local Community Uses

The Committee was reminded that the Elmstead Neighbourhood Plan and Neighbourhood Development Order (NDO) had also been the subject of a six-week public consultation. This consultation had run from 18th September 2023 to 30th November 2023.

Members were informed that an Independent Examiner: Mr John Slater BA (Hons) DMS MRTPI FRGS had been appointed by Tendring District Council on 22nd September 2023 to examine both the Neighbourhood Plan and NDO. The Independent Examination of the Neighbourhood Plan and NDO had started on 9th November 2023 and the Examiner had visited the Parish on 23rd November 2023. The Examiner had submitted his initial comments on the Neighbourhood Plan and NDO to the District and Parish Councils on 27th November 2023. Those comments had comprised fact finding and procedural matters, and the Councils had been given until 15th December 2023 to respond.

On 2nd January 2024, the Examiner had made the decision that a public hearing was required to address those matters raised by the Parish and District Councils in their response to the Examiner's Initial Comments. A public hearing had therefore been arranged for 10.00am on Thursday 8th February 2024 at The Community Centre, School Road, Elmstead Market.

The hearing had been open to the public to attend, however, the conduct of a Neighbourhood Plan hearing was set out in Schedule 4B to the Town and Country Planning Act 1990 which specified which parties could participate. The legislation specifically provided for oral representations at the hearing to be made by the Qualifying Body, namely Elmstead Parish Council and the Local Planning Authority, Tendring District Council. Further details, including who was invited to attend the hearing, and the draft agenda could be found within the Examiner's 'Notice of Public Hearing' background document. Once the Public Hearing had taken place, it was anticipated that the Examiner would either propose modifications to the Plan and NDO or submit his final report.

The Committee had before it the Planning Officers' Update Sheet, which had been circulated prior to the commencement of the meeting. That Update Sheet stated:-

"A Public Hearing was held on Thursday the 8th February 2024 at the Community Centre in Elmstead Market, to discuss the Elmstead Neighbourhood Plan and Neighbourhood Development Order (NDO). The Examiner invited discussion around a number of specific subject areas.

- As with the Ardleigh Neighbourhood Plan, the Examiner requested that we consult all those who commented on the Plan asking for their views on the implications of the recently updated National Planning Policy Framework. We were also asked to formally ask if the statutory bodies (Natural England, Historic England and the Environment Agency) whether they agree with the findings of the Habitat Regulations Assessment (HRA) and Strategic Environmental Assessment (SEA) Screening Report. TDC will undertake these consultations accordingly.*
- The Parish Council were asked to defend their reasoning as to why two areas of land were not included within the draft Settlement Development Boundary. The landowners, who objected to their land not being included, were also given an opportunity to put their case across. The examiner requested that the Parish Council submit their methodology for defining the Settlement Development Boundary to him.*
- The Parish Council had proposed draft policy wording concerning controlling development in the green space to the west of the village, and all parties were asked to consider this new wording and explain how it might be used in decision-making.*
- The Parish Council were asked to explain the amount of development proposed for the community centre site (the land subject to the NDO). The Examiner had concerns*

that the site was too small to accommodate the proposed building, parking and amenity facilities, and the Parish Council have been asked to reconsider the proposed development (in coordination with TDC) to satisfy these concerns.

- *The Examiner questioned all parties on the choice of planning conditions proposed for the NDO.*

Once the actions requested by the Examiner have been completed and appropriate documentation submitted to him, the Examination of the Neighbourhood Plan and NDO can proceed. The Examiner will determine whether any further modifications to the Plan are necessary (these will be subject to their own consultation, as is the case with Ardleigh), and then whether the Plan and NDO meet the 'basic conditions' set out in Town and Country Planning Act, and can proceed to referendum."

At the invitation of the Chairman, the Housing & Planning Portfolio Holder (Councillor Baker) commented on the contents of the report A.1.

Having duly taken all of the above information into account and having discussed the matter:-

It was moved by Councillor M Cossens, seconded by Councillor Fairley and unanimously:-

RESOLVED that the Planning Policy and Local Plan Committee notes –

- a) the progress of the Ardleigh Neighbourhood Plan; and of
- b) the Elmstead Neighbourhood Plan and Neighbourhood Development Order.

31. REPORT OF THE DIRECTOR (PLANNING) - A.2 - LOCAL DEVELOPMENT SCHEME 2024 - 2027

The Committee considered a report of the Director (Planning) (A.2) which sought its agreement to publish a new 'Local Development Scheme' thereby updating the proposed timetable for preparing planning documents, including the Local Plan Review and the Development Plan Document (DPD) for the Tendring Colchester Borders Garden Community (TCBGC).

The Committee was reminded that every Local Planning Authority had to prepare and maintain a Local Development Scheme (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 which set out a timetable for their delivery.

Members were made aware that the LDS was designed to set out the process for preparing key planning documents. It included the anticipated timetable of consultation periods, examinations and expected dates of adoption for the Local Plan Review and the TCBGC's DPD. Publishing the LDS ensured that stakeholders, including members of the public, Town and Parish Councils, landowners and developers, partner organisations and the Planning Inspectorate were kept aware of the timetable the Council was working to and could organise their time and resources accordingly. The LDS was usually updated to cover three-year cycles of Plan preparation.

It was reported that, in his Written Ministerial Statement made on 19th December 2023, the Secretary of State for Levelling Up, Housing and Communities had instructed Local Planning Authorities to make sure they had an up-to-date plan timetable in place within 12 weeks of the publication of the new NPPF, and to provide a copy of same to his department. The timetable referred to was included within the LDS, and it was therefore proposed to submit this document to the Department for Levelling Up, Housing and Communities at the same time as it was published on the Council's website.

Members were advised that following the adoption of Section 1 of the Local Plan in January 2021 and Section 2 in January 2022, the main focus of the LDS was now the mandatory five-year review of the Local Plan as well as the TCBGC's DPD.

It was reported that the review of the Local Plan would follow the same statutory process as the preparation of the Local Plan itself. A provisional timetable which covered the period 2024-2026 was proposed, which would enable the updated Local Plan to be submitted to the Secretary of State by June 2025, and examined by a Planning Inspector and adopted before January 2026.

The Committee was informed that the timetable for the TCBGC's DPD had also been updated, reflecting the stages that had now been completed to date and the revised timescale for the next steps, which included the Examination of the DPD in May 2024. Adoption of the DPD was anticipated in the winter of 2024.

Members noted that the LDS included broad timescales for the following Supplementary Planning Documents, Neighbourhood Plans and other guidance:-

- Hartley Gardens SPD
- Elmstead Neighbourhood Plan and Neighbourhood Development Order
- Ardleigh Neighbourhood Plan
- Brightlingsea Neighbourhood Plan
- Community Infrastructure Levy (CIL) Charging Schedule

In response to questions raised by Members, the Planning Policy Team Leader (Paul Woods) undertook discuss with the Council's Communications Team the suggestion that a press release be issued to the publication of the new LDS. Mr. Woods also undertook to explore whether to include the proposed large scale off-shore wind farm projects as part of the associated risk assessment for the LDS.

Having duly discussed this matter:-

It was moved by Councillor Fairley, seconded by Councillor Chapman BEM and unanimously:-

RESOLVED that the updated Local Development Scheme 2024-2027 (attached as Appendix 1 to item A.2 of the Report of the Director (Planning)) be approved for publication on the Council's website and for submission to the Secretary of State for Levelling Up, Housing and Communities in accordance with his Written Ministerial Statement published on 19th December 2023.

32. REPORT OF THE DIRECTOR (PLANNING) - A.3 - LOCAL PLAN REVIEW: VISION AND OBJECTIVES REVISITED

The Committee considered a report of the Director (Planning) (A.3) which sought its comments on, and approval for, an updated version of the Local Plan's overarching Vision and Objectives for the purpose of the Local Plan review and associated public consultation.

Members were reminded that Chapter 2 of the Council's adopted Local Plan (Section 2) set out an overarching vision and associated set of objectives to guide the planning of the District up to 2033. The vision and objectives underpinned many of the policies and proposals in the Local Plan that the Council, working with partners, were seeking to implement over the Plan's time-frame.

Members were advised that, in reviewing the Local Plan and extending its timeframe to 2041, it would be appropriate to revisit the vision and objectives – albeit in line with the overarching principles agreed by the Committee at its last meeting on 20 December 2023 which had included: *"The vision and objectives within Section 2 of the current Local Plan adopted in 2022 will be carried forward, broadly unchanged, into the adopted Local Plan to apply to the extended period to 2041. They will however be amended selectively and as necessary to reflect changes in national policy, updated evidence and the potential opportunities arising from Freeport status, particularly in relation to Harwich, Bathside Bay and the A120 corridor."*

It was felt that because the vision and objectives in the current Local Plan were already designed to cover the period to 2033 (some nine years away from now) and were only adopted by the Council as recently as 2022, it would be reasonable not to expect the update to bring about any fundamental change in the overall approach and direction – assuming that a positive vision for the District in 2033 could sensibly form the basis of a positive vision for the extended period to 2041. However, the Local Plan review naturally provided an opportunity to check that the vision and objectives were accurate and reflected the most up-to-date position – including, as suggested above, the opportunities arising from Freeport East; but also on the priorities in Council's latest Corporate Plan (Our Vision) and progress on the Levelling-Up projects in the District and the Jaywick Sands Place Plan.

It was reported that another overarching principle agreed by the Committee in December 2023 was that: *"The general format, chapter headings and policy subject order in the updated Local Plan will broadly follow that of the current Section 2 Local Plan – accepting that some policies may be added and others deleted, as necessary. This will ensure a sensible level of continuity and understanding and to minimise confusion for residents, Parish and Town Councils and other interested bodies - particularly given how recently the current Local Plan was put in place."* Officers therefore recommended that the way in which the vision and objectives were currently presented in the Local Plan be carried forward, broadly unchanged.

Local Plan Review Process

The Committee was informed that the process for reviewing the Local Plan would follow key stages that involved public consultation – the first of which would be the 'Issues and Options' stage whereby the Council would invite public comments on the broad direction of the Local Plan. Comments received at this Issues and Options stage would then be

taken into account when producing the first detailed draft of the updated Plan. Officers suggested that given the high-level and strategic nature of the Local Plan's overarching vision and objectives, it would be useful to consult the public on an updated version of those at the initial 'Issues and Options' stage – accepting that those might need to be amended further when it came to the later 'Preferred Options' and 'Submission' stages, once the Council had had the opportunity to consider the public's comments, and as the detail of the Local Plan (including the longer-term need and associated strategy for growth) became clearer.

Vision

Members noted that Appendix 1 of the Director (Planning)'s report contained an updated version of the Local Plan's overarching vision presented in the form of 'tracked changes' to highlight, for ease of reference, changes from the current Local Plan – as suggested by Officers. Those suggested changes to the vision notably sought:-

- *To give stronger and clearer commentary around Harwich and the A120 corridor – particularly in terms of economic and housing growth likely to be generated in response to Freeport status and progress of development at Bathside Bay; as well as the Levelling-Up scheme for Dovercourt Town Centre. Implied within this is the likelihood that when it comes to generating options for the long-term housing and employment growth over the extended period to 2041, Officers will be looking closely at land in and around Harwich and the A120 corridor, alongside other reasonable options.*
- *To comment more positively on the potential for economic growth in the Clacton area reflecting the significant private investment in seaside attractions, the Levelling Up schemes for the library and civic area of the town centre and greater reference to the role of the business sector and the modernisation of business premises. The vision for the Clacton area might be the subject of ongoing refinement to reflect work on a long-term strategic plan for the area, as required by government as part of the Levelling-Up Partnership.*
- *To comment specifically on the Sunspot Workspace scheme and Jaywick Sands Place Plan, which have progressed significantly since the Local Plan was adopted in 2022.*
- *To update the section on the Tendring Colchester Borders Garden Community to reflect elements of the vision within Section 1 of the Local Plan which would otherwise be lost once Section 1 and Section 2 are both superseded by a single Local Plan; to emphasise the economic opportunities around the Garden Community; and to reflect the progress on the planning of the Garden Community – particularly the advancement of the Development Plan Document, the link road and rapid transit system and positive collaborative work with partner Councils and the Lead Developer.*
- *To reflect, where necessary, priorities in the Council's new Corporate Plan 2024-2028 (Our Vision) and to give greater reference to health and energy efficiency as themes where the vision statement could better reflect the priority given to these within the Local Plan itself.*

- *To better reflect the new requirements around biodiversity net gain and habitat creation.*
- *To make grammatical and other consequential wording improvements as necessary.*

As it stood, Officers were recommending only subtle amendments to the section of the vision that talked about Tendring's rural heartland in the interest of accuracy – acknowledging that a significant amount of new housing development had taken place, or was still under-construction or had planning permission in and around Manningtree, Lawford and Mistley; and certain rural villages including (but not limited to) Alresford, Elmstead Market, Great Bentley and Thorpe le Soken – with many of those developments having been granted planning permission on appeal and against local residents' wishes. The Council may or may not need to review the wording of this section again following consultation on Issues and Options if, having determined how much new housing was required to meet any residual requirement for long-term growth, there needed to be a particular focus for any further growth, of a strategic nature, in the District's rural areas. This could only be determined once the growth requirements had been clarified and reasonable options had been assessed.

Objectives

It was reported that Appendix 2 to the Director (Planning)'s report contained a related tracked-changes version of the Local Plan's objectives that related to the following topics:

- Objective 1: Housing Delivery;
- Objective 2: Employment/Commercial;
- Objective 3: Retail Development;
- Objective 4: Infrastructure Provision;
- Objective 5: Education and Health;
- Objective 6: Sustainability;
- Objective 7: The Historic Environment;
- Objective 8: Biodiversity;
- Objective 9: Water and Climate Change; and
- Objective 10: Tourism Promotion.

At this point in time, Officers considered that those ten objectives, as currently written in the adopted Local Plan, remained appropriate and could reasonably be carried forward into an updated Local Plan with an extended time-frame to 2041, with only limited necessary changes. An additional objective specifically around Climate Change was also proposed. Through public consultation at the Issues and Options stage and subsequent stages, the Council could invite suggestions for any changes that could be considered as the Plan emerged in more detail; but as it stood, Officers were not suggesting any significant revisions.

At the invitation of the Chairman, the Housing & Planning Portfolio Holder (Councillor Baker) commented on the contents of the report A.3.

Having duly taken all of the above information into account and having discussed the matter:-

It was moved by Councillor Chapman BEM, seconded by Councillor M Cossens and unanimously:-

RESOLVED that the Planning Policy and Local Plan Committee –

- a) notes the content of the Director (Planning)'s report (A.3);
- b) endorses the Local Plan Vision and Objectives and Officers' suggested updates shown, with tracked changes, in Appendices 1 and 2 to report A.3;
- c) authorises the Director (Planning) to circulate to the members of the Committee for their further comments the proposed additions/alterations to the Vision and Objectives;
- d) authorises the Director (Planning), in consultation with the Chairman of the Committee, to approve the proposed additions/alterations to the Vision and Objectives having considered any comments submitted in accordance with resolution c) above;
- e) agrees for the updated Vision and Objectives, including any additional amendments/alterations approved in accordance with resolution d) above, to be included for public consultation in due course as part of the 'Issues and Options' stage of the Local Plan review process; and
- f) invites the Cabinet to comment on and amend, as necessary, the Vision and Objectives as agreed under resolution e) above before they are published as part of the aforementioned Issues and Options consultation in order to ensure and confirm their alignment with the Council's corporate vision.

The meeting was declared closed at 7.34 pm

Chairman