

# Minutes



## Local Development Framework Panel

16<sup>th</sup> February 2011

Present:

Councillors	Present	Councillors	Present
G Butland	Yes	H J Messenger	Yes
A V E Everard	Yes	Lady Newton	Apologies
N R H O Harley	Yes	Mrs W D Scattergood	Yes
M C M Lager	Yes	Miss M Thorogood	Yes (until 6.50pm)
N G McCrea	Yes	R G Walters	Yes

Councillors D Mann and R Ramage were also in attendance.

### 32 DECLARATIONS OF INTEREST

**INFORMATION:** The following declarations of interest were made:

Councillor G Butland declared a personal interest in Agenda Item 5 – Essex County Council Minerals Development Plan as he was a Member of Essex County Council.

Councillor M C M Lager declared a personal interest in Agenda Item 5 – Essex County Council Minerals Development Plan as he was a Member of both Essex County Council which was promoting the Plan and Witham Town Council which had submitted representations on the Plan.

Councillor H Messenger declared a personal interest in Agenda Item 8 – Water Cycle Study Stage 2 as he was employed by Anglian Water.

Councillor R G Walters declared a personal interest in Agenda Item 5 – Essex County Council Minerals Development Plan as he was a Member of Essex County Council.

In accordance with the Code of Conduct the Councillors remained in the meeting.

### 33 MINUTES

**DECISION:** The Minutes of the meeting of the Local Development Framework Panel held on 1<sup>st</sup> December 2010 were confirmed as a correct record and signed by the Chairman.

### 34 QUESTION TIME

**INFORMATION:** There were no questions asked or statements made.

**INFORMATION:** It was reported that Essex County Council had published its 'Minerals Development Document: Preferred Approach' for consultation. The Document set out the County Council's choice of preferred mineral extraction sites. These included seven sites for sand and gravel extraction in the Braintree District, six of which were extensions to Bradwell Quarry, Rivenhall Airfield and the other related to Broadfield Farm, Rayne. A small extension to Bulmer Brickworks was also proposed. Braintree and Witham Local Committees had considered the Document and their comments were attached to the Agenda.

Essex County Council was required to produce a Development Plan Document for Minerals setting out how the County would meet the demand for minerals during the plan period 1<sup>st</sup> January 2009 to 31<sup>st</sup> December 2028. The Preferred Approach document aimed to identify 42.225 megatons of sand and gravel reserves. This was based on the figures produced for the East of England Plan which had been approved in March 2010. The site selection strategy had been based on extending existing sites in order to utilise existing infrastructure and to make delivery more certain, and the dispersal of sites in order to address gaps in supply and to source aggregates as close as possible to their point of use.

Members of the Panel considered that the level of mineral extraction proposed at Bradwell Quarry and Broadfield Farm, Rayne was unacceptable for the Braintree District and, in particular, the residents living in the vicinity of the sites. Whilst it was recognised that aggregates could only be dug where sand and gravel existed, it was felt that the proposed extraction level for the Braintree District, which amounted to 20.28 megatons, was disproportionate.

It was considered that the sites identified in the Preferred Approach document had not been selected in accordance with the strategy and that the selection process had been flawed as sites put forward by landowners had been assessed individually, rather than cumulatively to take account of the combined impact on the District.

**DECISION:** That Braintree District Council's response to Essex County Council's 'Minerals Development Document: Preferred Approach' be:-

1. To object to the concentration of preferred sites in and around the South of the Braintree District.  
The Essex preferred approach spatial strategy is for a mix of dispersed sites and extensions. However, the proposal that 38% of the County's total supply of sand and gravel should come from Bradwell Quarry and 48% from the Southern half of the Braintree District is clearly not a dispersed pattern. The identification of a new site in the central zone is not in line with the spatial strategy laid out on page 26 of the Preferred Approach document.
2. To object to the inclusion of sites A5, A6 and A7 - extensions to Bradwell Quarry, Rivenhall Airfield.  
The development of these sites, together with the already permitted strategic waste management facility at Rivenhall Airfield, would have a severe detrimental effect on the environmental and residential amenity of the area and place undue pressure on the local infrastructure. The sites border on Local Wildlife Sites of protected woodland and also, in some cases, surround local buildings, or features of historic interest, which should be protected. In addition, selection of

the sites would require the diversion of several well used Public Rights of Way and would impact upon a Protected Lane.

3. To object to the inclusion of site A9 Broadfield Farm, Rayne.  
The site is located at a rural gateway to Braintree, in an area of open and flat land where views of the workings will be extensive. There are two local wildlife sites (woodlands) in close proximity to the area and the likelihood of there being important and protected species and archaeological deposits.
4. To raise no objection to sites A2, A3 and A4 - extensions to Bradwell Quarry, Rivenhall, which represent sensible and short-term extensions to the existing Quarry providing a four megatons contribution to the total County-wide requirement of 42.225 megatons.
5. To raise no objection to site C2 - Bulmer Brickworks for the extraction of brick clay.  
This is the only site in the County for the extraction of brick clay and extraction would only take place a few days each year.

## 36 CORE STRATEGY – PROGRESS REPORT

**INFORMATION:** Consideration was given to a report on the progress being made on the preparation and adoption of the Core Strategy.

It was noted that the Core Strategy and Focused Changes had been submitted to the Secretary of State on 17<sup>th</sup> January 2011 and that The Planning Inspectorate had appointed Inspector Mike Moore to conduct an Examination to determine whether the Strategy was sound. The Council had appointed Andrea Copsey as the Programme Officer who would work for the Planning Inspector making arrangements for the Examination and liaising with the Council and people who had made representations.

The Inspector would determine the dates for the formal Examination Hearing and it was anticipated that this would take place between 18<sup>th</sup> May 2011 and 9<sup>th</sup> June 2011. It was likely that the pre-Examination procedural meeting would be held on 29<sup>th</sup> March 2011. Based on this timetable, it was anticipated that the Inspector's report would be received in September 2011 and that the Council would be recommended to adopt the Core Strategy in October/November 2011.

It was reported that in the period leading up to and during the Hearing, further changes to the wording of the Core Strategy might be put forward. These would be relatively minor changes which would not require any alteration to the main proposals of the Strategy. As it would not be possible to refer such changes to the Local Development Framework Panel for approval in the time available, it was proposed that the Head of Planning should be authorised to approve these in consultation with the Chairman of the Panel.

### **DECISION:**

- (1) That the progress report on the preparation and adoption of the Core Strategy be noted.

- (2) That, in the period leading up to and during the Hearing, the Head of Planning, in consultation with the Chairman of the Local Development Framework Panel, be authorised to approve minor changes to the wording of the Core Strategy.

## 37 LOCALISM BILL

**INFORMATION:** Members considered a report summarising the main planning related proposals set out in the Localism Bill. These sought to give new rights and powers to communities and to reform the planning system. The report included Officers' comments on the proposals. The Bill had been published on 13<sup>th</sup> December 2010 and was likely to receive Royal Assent later in 2011. It was the Government's intention to enable power to be exercised at the lowest practicable level; close to the people who would be affected by decisions. Regulations would be published to provide further clarification on the proposals set out in the Bill.

The Bill proposed to remove the Rules of Pre-determination, to enable Councillors to express views on local issues without being liable to legal challenge. Councillors would be able to make clear their view and voting intention on a matter. However, Councillors would be required to listen to arguments and evidence put forward before making a decision.

The Bill proposed to introduce a new right for Parish Councils or Neighbourhood Forums to produce a 'Neighbourhood Development Plan' to state where houses, businesses and shops should be located. A Neighbourhood Development Plan would be required to be in line with national planning policy; with the strategic vision for the wider area set by the Development Plan; and with other legal requirements. Subject to a Neighbourhood Development Plan passing an independent examination, local people would be able to vote on it in a Referendum and, if it was approved by a majority, the local authority would be required to bring it into force.

With respect to the 'Community Right to Build', it was proposed to give groups of local people the ability to bring forward small developments, including houses, businesses and shops, with the intention that the benefits of the development, eg. profits from letting houses, would stay within the community. The Bill proposed to reward communities that delivered development with a new homes bonus and Community Infrastructure Levy money.

Regarding Social Housing Tenure, it was proposed that Social Landlords would be able to grant tenancies for varying lengths of time. The minimum length of tenancy would be two years, with no upper limit. This would enable Social Landlords to manage their housing stock more effectively and ensure that occupancy better reflected tenants' needs. Lifetime tenancies could still be offered if desired.

**DECISION:** That the summary of the Localism Bill and the Officers' comments relating to planning matters set out in the Bill, be noted.

## 38 WATER CYCLE STUDY - STAGE 2

**INFORMATION:** Consideration was given to a report summarising the findings of the final Water Cycle Study - Stage 2. Members were reminded that the Study had been requested by the Environment Agency. In particular, the Study had investigated whether the proposed growth locations and spatial strategy set out in the Core Strategy submission document could be accommodated in terms of water and waste water

infrastructure and it had assessed their impact on the wider water environment. The draft executive summary of the Study had been considered at the last meeting of the Local Development Framework Panel when it had been agreed to note the findings and to delegate approval of the document. It was reported that the final conclusions differed little from those set out in the draft executive summary. Details of these were set out in the report.

Members made specific reference to the sewerage capacity of the proposed growth locations at Forest Road, Witham and Lodge Farm, Witham and they considered that the constraints of these sites should be highlighted. With respect to the Forest Road site, Anglian Water had estimated that the existing sewerage network did not have adequate capacity to accommodate flows from this site and it was likely that a significant network upgrade would be needed, either by upgrading the existing sewer, or by providing a new sewer bypassing the urban area. It was noted that whilst the planned phasing of the site would allow adequate time for these solutions to be assessed, designed and constructed, the work required might prove to be expensive compared to the scale of growth proposed.

Regarding the Lodge Farm site, Anglian Water had estimated that the existing sewerage network would need to be upgraded to provide the capacity required to accommodate the new development. Three potential options had been identified which required further investigation. These were to upgrade the existing sewer; to construct a new sewer to Hatfield Peverel; or to construct a new pumped sewer around Witham. It was noted that Anglian Water was unlikely to investigate this issue as part of its agreed programme for 2010 to 2015 and that, subject to funding by the developer, the required network upgrade would not be completed until 2020. Liaison between Anglian Water, the developer and the Council would be required in order to accelerate the provision of the required sewerage network.

The Council had contacted the developers associated with the proposed growth locations to advise them about the findings of the Water Cycle Study and to suggest that they liaise closely with Anglian Water. No major issues in terms of the cost of phasing had been identified.

The Stage 2 Study had recommended a number of changes to policy CS8 of the submission Draft Core Strategy, which were supported by the Environment Agency. Negotiation would be required between the Environment Agency, Anglian Water and the Council in order to agree any changes to the policy, or any other part of the Core Strategy and it was anticipated that this would be achieved via a Statement of Common Ground.

**DECISION:** That the content of the Water Cycle Study - Stage 2 be noted.

### **EXCLUSION OF PUBLIC AND PRESS**

**DECISION:** That under Section 100 (A) (4) of the Local Government Act 1972, the public and press be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in Paragraph 3 of Part 1 of Schedule 12 (A) of the Act.

*Although the following items were taken in Private Session the Minutes do not contain any confidential information and are therefore admissible in the public domain.*

39 REGIONAL GROWTH FUND – UPDATE

**INFORMATION:** Members were reminded that the Regional Growth Fund had replaced Growth Area Funding. The purpose of the Fund was to encourage enterprise, growth and jobs in the private sector and to support regions that were dependent on the public sector.

It was reported that Braintree District Council had been working with the Haven Gateway Partnership to prepare a bid to the Regional Growth Fund for a Business Enterprise Support Package. The bid comprised six projects to provide Enterprise Hubs and to develop business support services across the sub-region. The Braintree part of the proposal sought to provide additional start-up units and to develop business support services across the District which would be supported by private sector investment. The bid had been submitted to the Regional Growth Fund on 21<sup>st</sup> January 2011 and a decision was expected in April 2011.

**DECISION:** That the report on the bid to the Regional Growth Fund be noted.

40 GROWTH AREA FUNDING – UPDATE

**INFORMATION:** Members of the Panel were reminded of the amount of capital and revenue funding which had been awarded to Braintree District Council from the Growth Area Fund to support the delivery of new housing and employment and associated infrastructure. Priorities for the expenditure and allocation of the funding had been agreed by the Panel at previous meetings and an update report on the programme was attached as an Appendix to the report.

**DECISION:** That the progress report on the Growth Area Fund programme be noted and the changes to the allocation of funding, as set out in the report, be approved.

The meeting commenced at 6.00pm and closed at 6.56pm.

Councillor N G McCrea

(Chairman)