

**Preparation of the Braintree District Core Strategy Preferred Options Document  
Agenda Item ..**

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**Background Papers:-** Planning Policy Statement 12: Local Development Frameworks and Companion Guide. Town and Country Planning (Local Development ) Regulations 2004  
**Financial Implications:-** N/A  
**Equalities Implications:-** N/A  
**Legal Implications:-** Compliance with Town and Country Planning Regulations  
**Options:**  
To approve this report.  
To amend this report.  
Not to approve this report.  
**Risks:** That the Planning Inspectorate could judge the Core Strategy to be unsound.

## **EXECUTIVE SUMMARY**

The report sets out the proposed scope, structure and content of the Braintree District Core Strategy Preferred Options document.

It assesses present good practice nationally and recommends how the latest approaches can be used to prepare a sound document.

## **DECISION**

1. To approve the proposed scope, structure and content of the Braintree Core Strategy Preferred Options development plan document as set out in Appendix 1 to this report
2. To approve the process and timetable for the preparation of the Preferred Options Document as set out in paragraph 34 of this report

# Preparation of the Braintree District Core Strategy Preferred Options Document

## Introduction –The New Development Plan System

1. Following the Adoption of the Review Local Plan in 2005, the introduction nationally of the Planning and Compulsory Purchase Act in 2004 meant that the Council had to immediately begin work on a full review of its Planning Strategies. The new Act introduced the Local Development Framework System (LDF), consisting of a range of separate documents that together form the “Development Plan” for the district. The new system is very different in its approach to planning, being much broader in scope and utilising what is known as “Spatial Planning”.
2. Spatial planning is based far more on broad strategies than before and seeks to link the land-use planning framework with the whole range of other strategies from all those organisations and bodies that serve, or have an influence on, the local community. It also lays much more stress on “outcomes” and is intended to set out clearly how the various developments and strategies will be implemented, not only by the Council as planning authority, but also by the “partner” agencies which will actually deliver the services.
3. Finally there are specific processes that must be followed in relation to consultation and community participation in general in the production of the plans. This whole consultation process is known in the terminology of the system as “frontloading”. It is designed to raise the main issues at the very start so that by the end of the process it is hoped that a high degree of public consensus is achieved on the content of the plan. Details of this “frontloading” process are set out in the Council’s Statement of Community Involvement, which was adopted in 2006.
4. The new system is therefore a far more complex process than the old Local Plan system, both in terms of process and the content of the plans themselves. More details of the processes involved are set out in the body of this report, but in essence each formal “document” has to progress through 3 distinct stages of preparation and consultation before being “examined” against 9 “tests of soundness” by an independent planning Inspector. These processes are prescribed in a series of Regulations linked to the 2004 Act.
5. The crucial points to note at this juncture are:
  - The Inspector’s decisions after the examination are binding on the council
  - The plan can be found “unsound” and therefore rejected, if the relevant processes and national advice are not followed

## The Council’s programme for preparing Development Plan Documents

6. The Council has set out a program for the preparation of a number of key LDF documents in the Local Development Scheme, which has to be agreed by the government regional office (GO East) and is subject to review annually. The first, and most important, of the main documents proposed to be produce by the Council over the next 18 months is the Core Strategy.

## The Core Strategy

9. This is the most important document because it sets out the Council’s overarching planning strategies for the next 15 years and beyond. It is meant to be a clear, concise and inclusive document, with emphasis on forging linkages with all other local strategies ( including those of the Local Strategic Partnership (LSP) and key stakeholders) so that they are seen to be moving forward together to achieve common aims.

10. It deals essentially with the use of land and the creation of development as did the old local plan, but it is far more concerned with setting out broad directions for development and other planning strategies such as conservation and the promotion of sustainable development. It is NOT concerned with the detail of development control, nor identifying individual sites for development. In essence, is it far more akin to the old County Structure plan applied at a local level.

### **Where we are now**

11. The initial round of public consultation for the Core Strategy was completed at the end of May. This initial consultation (known as "Regulation 25" from the relevant regulation of the Act under which it is required) was aimed at setting the scene for the Core Strategy process, and was essentially a wide-ranging discussion on the long term planning issues facing the district, and the wide range of options which could potentially be used to tackle them. The consultation was intentionally very broad and indeed that approach is required by the new planning system regulations, national policy advice, and the Council's own Statement Of Community Involvement.

12. The consultation initially included a series of events with different community groups and organisations in order to identify their issues and aspirations for the future of the area. In October 2006 a questionnaire was distributed to all homes and businesses in the District. The outcome of these stages of the consultation process was reported to the District Development Committee on 25th January 2007 (minute 46 refers).

13. Building on that consultation an Issues and Options Document was published in April 2007. A wide range of responses has been received to that consultation and these are summarised and discussed elsewhere on this agenda.

### **The next stage - the "Preferred Options" (Regulation 26 under the Act)**

15. The LDF system requires that planning authorities prepare and consult widely on a series of "Preferred Options". These are meant to effectively "whittle down" the wide range of options set out at the initial stage to those that the Council considers most worthy of pursuing to the final strategy.

16. There are a number of important points to bear in mind when thinking about what these "options", and what the process, which should inform them, might be. This report therefore attempts to set out a broad APPROACH and possible CONTENT for the Preferred Options Stage that will comply with as much of the emerging advice as set out below as possible.

### **National advice**

17. Unfortunately there appears to have been much confusion for councils across the country about both the nature of the new plans and the process that has to be followed to produce them. This has led to a number of Core Strategies being found "unsound" by the Planning Inspectorate and most of those that have been found "sound" are not being held up as "best practice. However this has provided an opportunity to learn from others' mistakes, and enable us to produce a document for Braintree that is far nearer to the aspiration of the LDF as conceived.

18. Both the Planning Advisory Service (PAS) and the Planning Inspectorate (PINS) have produced recent advice, which the Council is urged to both note and follow. This is summarised briefly below as it relates to the Preferred Options stage.

19. The advice from the Planning Inspectorate is especially pertinent, because the Core Strategy, and all subsequent documents, are ultimately examined by an Inspector to see whether they are "sound". Following the Inspectorate's advice must make the chances of being

found “sound” more likely. The main points to be drawn out of all the advice can, for convenience, be split into two parts: approach and content.

## Approach

20. The Companion Guide to Planning Policy Statement 12 published in 2004 sets out a list of key elements that the Preferred Options document should take into account. It should:

- stress the unique circumstances and characteristics of the area
- be consistent with national planning policy and be in general conformity with regional planning policy;
- have regard to the community strategy
- be in conformity with the core strategy (where applicable) and consistent with other local development documents
- set out a comprehensive approach
- propose deliverable options

21. The more recent advice from the Planning Advisory Service builds on this and stresses the following:

- *The core strategy needs to show how the strategies for various sectors of activity are drawn together to assist in the shaping of individual **places**. **This is the added value provided by spatial planning.***
- *Core strategies should be sufficiently locally distinctive as to do more than simply reflect national and regional guidance. They should **not** simply repeat it.*

22. Planning Inspectorate advice stresses:

- *Planning authorities should be clear that they are not presenting a “draft plan” at preferred options stage<sup>2</sup>, so the preferred option document should focus on the key choices to be made, presenting the options available in the necessary context.*
- *It should be clear to consultees at preferred options stage that it remains open for them to express a preference for any option, including those the Planning Authority suggest be rejected and that such a response may lead the authority to re-think the option pursued at submission stage. Consultees should have sufficient detail about the various options to have a reasonably clear understanding of the different outcomes of those options.*
- *The Planning Inspectorate expectation is that the Planning Authority will provide a full and comprehensive evidence base with the submitted document. Given that the options should also **be informed by evidence, we would expect the evidence base to be substantially completed at preferred options stage.***

23. For members information, a number of objective pieces of research have either been done or are underway to form this Council’s “Evidence base”. All this evidence will form a very comprehensive database for considering future planning strategies, but there may be a need for other work as the programme progresses. It is vital however that the evidence informs the plan and not the other way round. Current progress on the evidence base is reported elsewhere on this agenda.

## Summary of critical advice on Preferred Options

24. It is considered vital that the approach to the Preferred Options does the following:

- Takes full account of results of the “frontloading” process at the initial Regulation 25 consultation stage.

- Takes account of the Council's, Local Strategic Partnership and other key stakeholder strategies
- Broadly complies with national and regional policies
- Offers a range of realistic options
- Uses the "evidence base " to fully justify inclusion or non-inclusion of options
- Is locally distinctive.

## Content

25. The Companion Guide to Planning Policy Statement 12 again gives a useful checklist as a starting point for the content of the Preferred Options. This is too long to set out in full, but the main elements expected to be included are:

- A Spatial vision and objectives
- Summaries of relationships to other regional and national planning policies
- Impact of other local /regional strategies
- Details of broad locations for development
- Summary of proposed strategy with options
- Policy themes perhaps with outline/optional policy wording
- A Key Diagram, which is a very diagrammatic plan ( similar to the county structure plan ) showing the main elements of the Strategy
- Other maps to illustrate the document as required
- Consultation arrangements to comply with the Statement of Community Involvement

26. Other key messages from the Planning Inspectorate on content are:

- *Planning authorities need to ensure that the preferred options documents include details of the alternative options being considered and of any options proposed for rejection, as well as the reasons behind those choices. For Core Strategies the options should be alternative strategic spatial options – effectively alternatives for the future development of the area.*
- *There is no point in producing unrealistic options. If an authority is of the view that there are no alternative options the reasons for this view will need to be fully explained and justified. Options should not be excluded because they may be politically unpopular or controversial.*

27. The clear message here is that options must be well founded on the evidence base, frontloading and sound planning judgment. It is those key factors that will be tested by the inspector at the examination. It IS possible to promote Options that differ from the output of the evidence base and frontloading but this MUST be fully explained and justified in planning terms. Inspectors are likely NOT to accept strategies that are not so justified, and this would make the plan unsound.

## The Way Forward

28. Given the above advice, a brief outline of the recommended approach to be taken to the production of the Preferred Options document and its contents has been prepared. It is attached to this report as Appendix 1. At this stage it should be regarded as a preliminary outline, to give the opportunity for members to debate the issues and provide feedback to your officers. No attempt has been made to offer content of proposals or policy options, as this will await analysis of the frontloading exercise (see report on this agenda), a series of meetings with key stakeholders, and fuller consideration of the spatial planning options that may be available.

## **The Approach**

29. Members will note that the main objective of the process is to produce a clear, concise document that will set out clearly the main options that the Council considers should be pursued to Submission Document stage. However it is also important that Options that are NOT considered appropriate are fully explained and offered for consultation. It is not considered necessary or indeed desirable, to incorporate detailed wording in the document, but there must be enough guidance on the direction of policies and proposals for people to comment sensibly. It may be possible or appropriate to set out those areas where the Council considers that national/regional policies are sufficient, so that local policies are not required. Members may be able to suggest such areas.

30. Members will also note that it is suggested that the number of policies be kept to a minimum. A target of 20 is suggested, but it may well be possible to reduce this further. It is important to bear in mind that the Core Strategy is a very broad-brush document which sets out the overall strategy for the District so should not be overlong or detailed. All detailed policies relating to the control of development should therefore be left to the later Site Allocations and Development Control Policies Documents, or even Supplementary Planning Documents, which will follow in the LDF process over the coming years.

## **The Content**

31. The suggested content follows the guidance set out in PPS12 Companion Guide. The essential elements are:

- Being locally distinctive i.e. what makes Braintree District special or what local issues /pressures need to be tackled at a strategic level?
- Creating a sense of place i.e. having specific strategies for different areas.
- Making positive links to the Local Strategic Partnership and Council corporate strategies. Important links relating to implementation of Strategies
- Being as specific as needs be in relation to development areas. The detail of sites should be left to later documents.
- Using the whole evidence base
- Clear rationale with the Sustainability Appraisal

32. The “themes” have been chosen to give a broad overview of the future development needs of the District whilst keeping the number of policy areas to the minimum. In theory, it would be quite feasible to have one policy statement for each issue listed, or even link several of them for an even broader approach. These themes are therefore fully open for discussion and change, although they do show the areas, which the Preferred Options and ultimately the Core Strategy should cover.

## **Programming and Procedures**

33. It will be for the Local Development Framework Panel to consider the contents of the Core Strategy in detail, to consider the responses to consultation and to receive reports on the studies that make up the evidence base. The terms of reference for the Panel provide for any recommendations which affect the Policy Framework to be recommended to Council for a decision. The Cabinet will be consulted on any proposed changes to the Policy Framework prior to a decision by the Council. In order to ensure an efficient and timely process for the preparation of the Core Strategy there will be a need to prevent the duplication of reports to different Committees if possible.

34. The Local Development Scheme currently provides for the Preferred Options Document to be published in September 2007. However the responses to the Issues and Options stage have highlighted the need for further work and additional studies before preferred options can be

established. It is now more realistic to plan for publication of the Preferred Options Document in December and the following programme is suggested:

- 25<sup>th</sup> July 2007 - LDF Panel agree scope, structure and content of Preferred Options Document and process and timetable.
- 16<sup>th</sup> August 2007 – LDF Panel receives reports on the Urban Capacity Study, the Strategic Market Assessment and the Strategic Flood Risk Assessment
- 5<sup>th</sup> September 2007 – LDF Panel receives reports on the Level 2 Landscape Character Assessment, Employment Land Review and transportation study
- 24<sup>th</sup> September 2007 – LDF Panel to meet in seminar mode to consider contents of Preferred Options Document and the overall strategy for the District
- 14<sup>th</sup> November 2007 – LDF Panel agree draft of Preferred Options Document, referred to Cabinet on 3<sup>rd</sup> December 2007, and Council on 17<sup>th</sup> December 2007.
- 28<sup>th</sup> December 2007 – Preferred Options Document published for consultation for six weeks

The Panel will also want to consider how the Local Committees can be involved and at which stage.

### **Conclusions and recommendations**

35. The following are the key points:

- The creation of the Preferred Options document is critical stage in the production of the Core Strategy and the Local Development Framework as a whole.
- There is a growing body of advice available about how this should be approached, and such advice should be fully understood and followed if a “sound” plan is to be produced at the end of the process.
- It is still open to the Council however to be creative and produce a distinctive document that meets the long term needs of the district.

**Members are asked to consider and note the advice given in this report on the approach and content of the Preferred Options document.**

**In particular members are asked to provide feedback on the list of policy “themes” as set out in the Proposed Structure.**

**Local Development Framework - Core Strategy**

**Preferred Options Document Contents Framework**

**BRAINTREE DISTRICT 2025**

• **Introduction**

Spatial Planning – the new system

The Core Strategy-what its for, Structure of this PO doc

National Policy – very brief overview of Planning Policy Statements

Regional Policy – very brief overview of current Plan

Saving the existing local plan

***Evidence base***

*National Policy (PPS1, PPS12) and East of England Plan*

• **The story so far**

Issues and Options (regulation 25) consultation – main outputs

Sustainability Appraisal/Strategic Environmental Assessment –

Main outputs

Our Evidence Base-list studies/sources of information

• **A Spatial Portrait of Braintree District**

Use Issues and Options introduction as basis with updates as required/available

***Evidence base***

*Existing Issues and Options introduction*

*Draw out conclusions from the Spatial Portrait –simple SWOT analysis*

*Cambridge Econometrics Report*

• **Our Core Strategy Vision**

Quote LSP Vision

BDC Vision

***Evidence base***

*PACT Vision (latest version)*

*BDC Corporate Strategy (latest version)*

**“Braintree 2025”**



**“In 2025 Braintree will” .....Set out clearly the main elements of the CS that will need to be put into place to achieve the vision/s**

- **Our Spatial Strategy**

Alternative Spatial options –maybe 3 alternatives?

***Evidence Base***

*Outputs from Issues and Options Consultation*

*National Policy*

*East of England Plan*

- **Objectives**

–the towns, the country, outside linkages

***Evidence Base***

*Potentially all studies*

*ANYTHING ELSE?*

## **OUR SUSTAINABLE FUTURE**

- **Our future environment – to global local**

Impact of global warming-climate, energy, environment

Impact of the global economy

Impact of Europe

Flood risk

Landscape

Conservation – natural /built/archaeology

Waste

Energy

***Evidence Base***

*Essex Data Book*

*Issues and Options Outputs*

*National and Regional Policies*

*Cambridge Econometrics Report*

*Mid Essex Futures*

*Sustainable Energy Strategy*

*Landscape Assessment*

*Strategic Flood Risk Assessment*

- **Sustainable Communities**

Principles

Service centres –definition

Service centres- hierarchy

Travel /Access – dealing with the car/improving public transport /passing through/passing by/ walking /cycling /disabled/traffic management

Communities and services – protecting local services /facilities, future needs, meeting the needs, impact of e-Government

Design/construction - energy/materials /design/layout

### **Evidence Base**

*Essex Data Book*

*Local Transport Plan*

*Issues and Options outputs*

*National and Regional Policies*

*Urban Capacity Study*

*BDC/Rural Community Council Rural Services survey*

*Transport study*

*Parish and Town plans*

*Commission for Architecture and the Built Environment*

*Building Research Establishment advice*

*Building Regulations*

- **Sustainable Living**
  - Meeting our housing needs- market/affordable, where, what, how
  - Shopping –hierarchy, amount, type, village shops
  - Education- sectors future needs, Braintree College
  - Health-future needs
  - Other community facilities- halls, crèches, libraries etc
  - Crime-planning out crime, design
  - Gypsies/travellers
  - Young people
  - The elderly

### **Evidence Base**

*Essex Data Book*

*National and Regional Policies*

*PACT*

*Urban Capacity Study and Strategic Housing Land Assessment*

*Strategic housing market assessment*

*Housing trajectory*

*Mid-Essex Futures*

*Essex Schools plan*

*Community Safety Strategy*

*Retail Study*

*Updated Gypsy/Traveller study*

*Mid-Essex PCT Strategy?*

- **Sustainable Working**
  - Commuting –can we reduce it?
  - Supporting our local economy
  - Keeping and creating local jobs
  - Where the jobs will go –the rural economy /tourism

***Evidence Base***

*Essex Data Book*

*Issues and Options outputs*

*National and regional policies*

*BDC Economic Development Strategy 2005-2008*

*Mi- Essex Futures*

*Cambridge Econometrics Report*

*Employment Land Study*

- **Sustainable Playing**
  - Open spaces
  - Sporting spaces
  - Commercial leisure
  - Culture
  - Nightlife –the 24 hour town
  - Rural sports/ recreation

***Evidence Base***

*Essex Data Book*

*Issues and Options outputs*

*National and regional policies*

*BDC Open Space Assessment*

*BDC/RCC Rural services survey*

- **Ways and means**
- implementation –who, how, when
- funding