

14 December 2020

Report of	Assistant Director of Place and Client Services	Author	Karen Syrett
Title	Adoption of Section 1 of the emerging Local Plan.		☎ 506477
Wards affected	All		

1. Executive Summary

- 1.1 Planning Inspector Roger Clews has issued his final report on the soundness and legal compliance of Section 1 of the Local Plan for North Essex, having considered the consultation responses on his recommended Main Modifications and the latest government household projections.
- 1.2 With the incorporation of the Inspector's final set of recommended Main Modifications (which include the removal of the Colchester Braintree Borders Garden Community), the Section 1 Local Plan is sound and legally compliant.

2. Recommended Decision

- 2.1 To recommend to full council that it adopts the modified Section 1 Local Plan in accordance with section 23(2)(b) of the Planning and Compulsory Purchase Act 2004.

3. Reason for Recommended Decision

- 3.1 Adoption of Section 1 of the Local Plan will allow the Council to proceed to examination of Section 2 and will ensure the Council has an up to date plan which will provide a framework for planning decisions.

4. Alternative Options

- 4.1 The Committee could decide to defer making a decision which would impact on the timing of the Full Council meeting. The Council has a statutory duty to produce and maintain an up-to-date plan to guide development.

5. Background Information

- 5.1 Section 1 of the submitted Local Plan ('the Section 1 Plan') set out an overarching strategy for future growth across Braintree, Colchester and Tendring – the 'North Essex Authorities' ('NEAs'). As well as including policies setting the overall housing and employment requirements for North Essex up to 2033, the Section 1 Plan originally proposed three new cross-boundary 'Garden Communities' along the A120 corridor. In contrast, 'the Section 2 Plan' for each of the three authorities contains more specific local policies and proposals relevant only to their individual area. Before a Local Plan can be formally adopted by a Council, it must be examined by a government-appointed Inspector whose job it is to check that 1) the plan has been

prepared in line with various legal requirements and 2) that the policies and proposals in the plan comply with the 'tests of soundness' contained within the National Planning Policy Framework (NPPF).

- 5.2 Following examination hearings in 2018 and 2020 the Inspector concluded that, in its original form, the Section 1 Local Plan did not meet the government's tests of soundness. In particular, two of the three proposed Garden Communities had not been demonstrated to be economically viable or deliverable – thus making the overall plan unsound. Whilst the Inspector had found the plan to be unsound in its original form, he advised that it had the potential to be 'made sound' and that it could still progress to adoption if the Councils agreed to remove the Colchester Braintree Borders and West of Braintree Garden Communities and consult the public and other interested parties on this and other 'Main Modifications'. The alternative would have been to withdraw the Local Plan from the examination – effectively requiring all three Councils to start their plans again from scratch.
- 5.3 The three NEAs subsequently agreed to proceed with consultation on Main Modifications which took place between 28th August and 9th October 2020, resulting in 382 responses from 117 individuals or groups. The inspector also invited participants in the examination to comment on the very latest 2018-based household projections that had been published by the Office for National Statistics in 2020 to help determine whether or not they represented a meaningful change that might justify alterations to the housing targets in Policy SP3 of the Local Plan. 59 responses were received.
- 5.4 Having considered the comments received both in relation to the Main Modifications and the latest household projections, the Inspector has issued his report which contains his final conclusions on the legal compliance and soundness of the Section 1 Local Plan. The Inspector has concluded that, subject to the incorporation of his final set of Main Modifications, the Section 1 Local Plan will meet the required tests which enable it to proceed to formal adoption.
- 5.5 The final Main Modifications are mostly unchanged from those published for consultation with just a small number of fairly minor 'adjustments' that respond to certain comments that were received and recent changes to government policy and legislation – namely changes in the Use Classes Order which affect policies on employment land.
- 5.6 Now that the Councils have received a final report on the legal compliance and soundness of the Section 1 Local Plan, Officers recommend that the Local Plan Committee endorse the Inspector's final Main Modifications and their incorporation into the Section 1 Local Plan. If agreed, the modified version of the plan (tracked changes version attached as Appendix 1 to this report) will be forwarded to Full Council and recommended for formal adoption. Officers of all three of the North Essex Authorities will be making similar recommendation to their respective elected Members in January.

6. Equality, Diversity and Human Rights implications

- 6.1 An Equality Impact Assessment has been prepared for the Local Plan, and is available to view by clicking on this link:

<https://cbccrmdata.blob.core.windows.net/noteattachment/Equality%20Impact%20Assessment%20June%202017.pdf>

7. Strategic Plan References

- 7.1 The Strategic Plan is relevant in particular contributing to priorities under the themes:

- Delivering homes for people who need them; and
- Growing a fair economy so everyone benefits.

8. Consultation

- 8.1 The Local Plan has been through a comprehensive consultation programme as set out in the Council's Statement of Community Involvement (SCI).

9. Publicity Considerations

- 9.1 The Council has coordinated press releases on the Inspector's report and Section 1 of the Local Plan given its high level of importance for guiding the future of the Borough and consequential high level of press attention.

10. Financial implications

- 10.1 Adoption of the Local Plan has no direct financial implications.

11. Health, Wellbeing and Community Safety Implications

- 11.1 Local Plan policies provide a policy basis for future development that is intended to support the health, wellbeing or community safety implications of Borough residents.

12. Health and Safety Implications

- 12.1 There are no direct health and safety implications.

13. Risk Management Implications

- 13.1 Local Plan policies are intended to ensure their effectiveness is intended to reduce the risk of inappropriate development. It will provide consistent advice to landowners, developers, officers, Councillors and members of the public.

14. Environmental and Sustainability Implications

- 14.1 The Council has declared a Climate Emergency and has committed to being carbon neutral by 2030. The purpose of the planning system is to contribute to the achievement of sustainable development as defined in the National Planning Policy Framework. Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways. These are economic, social and environmental objectives.

Appendices

Appendix 1 – Tracked changes version of Section 1