

# LOCAL PLAN SUB-COMMITTEE AGENDA

**Wednesday, 12 April 2017 at 06:00 PM**

**Council Chamber, Braintree District Council, Causeway House, Bocking  
End, Braintree, CM7 9HB**

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**Members of the Local Plan Sub-Committee are requested to attend this meeting to  
transact the business set out in the Agenda.**

**Membership:-**

Councillor D Bebb	Councillor Mrs J Money
Councillor Mrs L Bowers-Flint (Chairman)	Councillor Lady Newton
Councillor G Butland	Councillor J O'Reilly-Cicconi
Councillor T Cunningham	Councillor Mrs W Scattergood
Councillor D Hume	Councillor Miss M Thorogood

Members unable to attend the meeting are requested to forward their apologies for absence to the Governance and Members Team on 01376 552525 or email [governance@braintree.gov.uk](mailto:governance@braintree.gov.uk) by 3pm on the day of the meeting.

N BEACH  
Chief Executive

## **INFORMATION FOR MEMBERS - DECLARATIONS OF INTERESTS**

### **Declarations of Disclosable Pecuniary Interest, Other Pecuniary Interest or Non-Pecuniary Interest**

Any member with a Disclosable Pecuniary Interest, other Pecuniary Interest or Non-Pecuniary Interest must declare the nature of their interest in accordance with the Code of Conduct. Members must not participate in any discussion of the matter in which they have declared a Disclosable Pecuniary Interest or other Pecuniary Interest or participate in any vote, or further vote, taken on the matter at the meeting. In addition, the Member must withdraw from the chamber where the meeting considering the business is being held unless the Member has received a dispensation from the Monitoring Officer.

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## **PUBLIC SESSION**

## **Page**

- 1 Apologies for Absence**
- 2 Declarations of Interest**  
To declare the existence and nature of any Disclosable Pecuniary Interest, other Pecuniary Interest, or Non-Pecuniary Interest relating to Items on the Agenda having regard to the Code of Conduct for Members and having taken appropriate advice where necessary before the meeting.
- 3 Minutes of the Previous Meeting**  
To approve as a correct record the Minutes of the meeting of the Local Plan Sub-Committee held on 9th March 2017 (copy previously circulated).
- 4 Public Question Time**  
(See paragraph above)
- 5 Braintree Draft Local Plan - Feering, Kelvedon and Halstead - Consultation Responses** **5 - 60**
- 6 Braintree Draft Local Plan - Consultation Responses - Policies** **61 - 91**
- 7 Braintree Draft Local Plan - Consultation Responses - Natural Environment Chapter** **92 - 139**
- 8 Braintree Submission Local Plan - Proposed Consultation Strategy** **140 - 144**
- 9 Urgent Business - Public Session**  
To consider any matter which, in the opinion of the Chairman, should be considered in public by reason of special circumstances (to be specified) as a matter of urgency.
- 10 Exclusion of the Public and Press**  
To agree the exclusion of the public and press for the consideration of any Items for the reasons set out in Part 1 of Schedule 12(A) of the Local Government Act 1972.

*At the time of compiling this Agenda there were none.*

**11 Urgent Business - Private Session**

To consider any matter which, in the opinion of the Chairman, should be considered in private by reason of special circumstances (to be specified) as a matter of urgency.

Braintree Draft Local Plan – Proposed Allocations		Agenda No: 5
Portfolio:	Planning and Housing	
Corporate Outcome:	Securing appropriate infrastructure and housing growth	
Report Presented by:	Gary Sung	
Report Prepared by:	Gary Sung	
Background Papers:		Public Report: Yes
<ul style="list-style-type: none"><li>National Planning Policy Framework (NPPF)</li><li>National Planning Practise Guidance (NPPG)</li><li>Localism Act (2011)</li><li>Planning and Compulsory Purchase Act (2004)</li><li>Local Plan Review (2005)</li><li>Core Strategy (2011)</li><li>Settlement Boundary Review Methodology (2015)</li><li>New Draft Local Plan (2016)</li></ul>		Key Decision: No
Executive Summary:		
<p>This report looks at the responses which were received to the Draft Local Plan public consultation in the summer of 2016 relating to Feering and Kelvedon. The report also considers revised information for the ‘Blamsters’ site in Halstead and a further site in Halstead, the comments for which had been inadvertently missed from the previous Halstead committee report.</p> <p>The Appendix contains the proposed submission maps for Feering and Kelvedon as well as alternative maps for the two sites in Halstead.</p>		
Decision:		
Recommendation 1: Land at Feering is retained as a Strategic Growth Location and policy LPP20 and supporting text is subject to amendments as shown in this report		
Recommendation 2: That site KELV 615 is not allocated for development		
Recommendation 3: That site KELV 606 is not allocated for development		

<b>Recommendation 4: That site KELV 615 is not allocated for development</b>	
<b>Recommendation 5: That site KELV 616 is not allocated for development</b>	
<b>Recommendation 6: That site KELV 626 is not allocated for development</b>	
<b>Recommendation 7: That site KELV 627 is not allocated for development</b>	
<b>Recommendation 8: That site KELV 628 is not allocated for development</b>	
<b>Recommendation 9: That site KELV 333 is not allocated for development</b>	
<b>Recommendation 10: That the allocated site KELV 335 is retained for development</b>	
<b>Recommendation 11: That site KELV 337 and 228 is not allocated for development</b>	
<b>Recommendation 12: To approve the Kelvedon Inset Map as set out in the Appendix for inclusion in the Submission Local Plan</b>	
<b>Recommendation 13: That site HATR 308 is not allocated for development</b>	
<b>Recommendation 14: That site HATR306 is not allocated for development</b>	
<b>Purpose of Decision: To agree allocations to be included with the submission Local Plan</b>	
<b>Corporate Implications</b>	
<b>Financial:</b>	The preparation of the Plans set out within the Local Development Scheme will be a significant cost which will be met through the Local Plan budget.
<b>Legal:</b>	To comply with Governments legislation and guidance.
<b>Equalities/Diversity:</b>	The Councils policies should take account of equalities and diversity.
<b>Safeguarding:</b>	None
<b>Customer Impact:</b>	There will be public consultation during various stages of the emerging Local Plan.
<b>Environment and Climate Change:</b>	This will form part of the evidence base for the emerging Local Plan and will inform policies and allocations.
<b>Consultation/Community Engagement:</b>	There will be public consultation during various stages of the emerging Local Plan.
<b>Risks:</b>	The Local Plan examination may not take place. The Local Plan could be found unsound. Risk of High Court challenge.
<b>Officer Contact:</b>	Gary Sung
<b>Designation:</b>	Planning Policy Officer
<b>Ext. No.</b>	2567
<b>E-mail:</b>	<a href="mailto:Gary.sung@braintree.gov.uk">Gary.sung@braintree.gov.uk</a>

## 1 Background

- 1.1 Braintree District Council is working on a new Local Plan which will guide development in the District between now and 2033. Once adopted this will replace the 2011 Core Strategy and the 2005 Local Plan. As part of the Local Plan, the Council is required to boost significantly the supply of housing as set out in the National Planning Policy Framework.
- 1.2 In 2013 and 2014 the Council consulted on the Site Allocations and Development Management Plan document. This included a proposed new inset map for all defined settlements (towns and villages) within the District. During this time significant detailed revision of many of the inset maps were considered. For the new Local Plan these maps will provide a starting point for any further changes and updates required.
- 1.3 The preferred inset map for each defined settlement, together with a map showing the alternative site options that were considered and not taken forward will be contained within the draft Local Plan for public consultation in the summer.
- 1.4 At the Local Plan subcommittee on the 14<sup>th</sup> March, Members agreed a recommendation that the Local Plan should deliver 845 new homes per year to meet the objectively assessed need for new homes. This requires the Council to allocate around 10,000 new homes within the Local Plan, given the sites that are already within the pipeline.
- 1.5 Members also agreed a spatial hierarchy which is set out in the table below and the broad spatial strategy which proposes that the most suitable locations in the District for growth are therefore considered to be Braintree, Witham and the A12 corridor, planned new garden communities and Halstead.

<b>Towns</b>	Braintree, Witham, Halstead
<b>Service Villages</b>	Sible Hedingham, Hatfield Peverel, Coggeshall, Earls Colne and Kelvedon with Feering
<b>Villages</b>	All other settlements in the District enclosed by a development boundary.
<b>Countryside</b>	All areas of the District outside a development boundary

- 1.6 There is no specific housing target for each area and all sites will be assessed on their merits. If, when all towns and villages have been through Local Plan Sub-Committee, not enough sites have been chosen for development, then additional sites will need to be considered and added to the proposed list of allocations.
- 1.7 The Plan includes 68 strategic and non-strategic policies set around 3 key themes, A Prosperous District, Creating Better Places and The Districts Natural Environment. The Plan also includes a shared strategic section of the Plan and 10 policies (prefixed SP) which are replicated in Colchester and Tendring Local Plan. All comments received by each of the three authorities within their consultation periods are being co-ordinated and a single report will be produced on the responses to this section.
- 1.8 Full Council on the agreed the new Draft Local Plan for public consultation at its meeting on the 20<sup>th</sup> June 2016.
- 1.9 The Local Plan was subject to an 8 week public consultation which started on the 27<sup>th</sup> June and concluded on the 19<sup>th</sup> August.

## **2 Feering**

- 2.1 Feering along with Kelvedon are two separate villages but function as a service village together, to provide a high level of services including a primary school, doctors surgery, dentist, convenience store, employment and good transport links. A higher level of housing and employment allocations at this location are in accordance with the Spatial Strategy which seeks to focus development on the Braintree, new garden communities, Halstead, Witham and the A12 corridor.
- 2.2 Draft policy LPP20 allocates 1,000 homes to Land at Inworth Road, Feering as shown on Inset map 23. This allocation is comprised of four plots of land, separated by London Road and Inworth road, under two discrete land ownerships however one landowner controls the vast majority of this allocation.
- 2.3 As well as the 1,000 homes allocated at Feering under LPP20, Policy LPP17 identifies a site in Kelvedon for 300 dwellings which would be allocated as part of the Local Plan for early delivery. In addition to these, smaller sites are expected to come forward as windfall and brownfield developments.



- 2.4 No new sites have been submitted within the parish however part of KELV616 lies within the parish and joins west of Inworth Road. This is considered in the Kelvedon report.
- 2.5 Objections for Feering are summarised in this report but there is a significant amount of overlap on the key issues with Kelvedon. Members need also note that a private developer independently held a site specific consultation for a mixed use development at London Road in Kelvedon (KELV337) – resulting in a number of objections comparing the Inworth Road site with London Road. These issues will be dealt with in the Kelvedon report.

### **3 Policy LPP20 and sites FEER230 and FEER232 Land at Inworth Road**

- 3.1 The policy and inset received a combined total of 120 of comments. Evidently, there are a large number of responses with wide ranging and complex concerns, and officers have grouped comments together under topic headings.

#### *Overall Spatial Strategy*

- 3.2 Many respondents disagreed with the Council's strategic choice of focusing development along the A12. It was felt that this allocation was 'disproportionate' or the A12 corridor is already congested, and that it exists to 'plug holes in the District's housing land supply'. A range of alternatives were suggested including a 10%-20% increase to every village, distribution to villages and larger villages, focusing development on brownfield land, new towns at Wethersfield or Silver End, locating development north of the railway line and increasing the allocation at Witham. As Colchester was congested, particularly with developments at Stanway and Tollgate, it was felt that this area of Essex was 'already overcrowded'.
- 3.3 A diverse range of figures were suggested as an appropriate level of growth. One resident expected Feering to grow by 5%, that it should not be penalised for having a train station and being close to the A12. A couple of comments identified 200 homes at Feering would be a fairer distribution but another comment suggested 100 should be the maximum. One comment suggested the total number of houses should be kept below 1,000 and not a minimum, another said that 20 would be a reasonable size. There was objection to the reclassification of Feering from 'other village'.
- 3.4 Some responses acknowledged that new developments are needed and that Kelvedon station is attractive. Another two felt that the Neighbourhood Plan should play a bigger role. One resident also noted the proposed development at West Tey and requested a guarantee of a 'corridor of separation'. It was feared the two villages could merge.

### *Character*

- 3.5 Concern was expressed about changing the village, including comments on the village 'doubling the size', 'swamping' or experiencing a 'growth spurt'. Respondents argued that the population of Feering village (approx. 2,000) could double in a 12 year life span which is too fast to be assimilated. Many responses felt that the allocation was 'at odds with the Council's wider strategy of 'protecting' its villages'. Proportional and smaller levels of growth would be deliverable earlier in the plan period.
- 3.6 Some residents of the village stated that they are a 'small village' or a 'rural people' characterised by 'knowing everyone' and don't want to become a large town. Another said they moved from north-east London 20 years ago for serenity of the countryside and green space.

### *Highways*

- 3.7 The vast majority of comments were related to highways, roads or traffic:
- The description of traffic was that Chelmsford bound commuters from the surrounding area must travel down the high street, which is a choke point in the morning that frequently gridlocks. Reasons are stated to be due to parked cars on the high street.
  - Kelvedon High Street bottle necks at the Conservative Club where residents and commuters park their cars.
  - Tiptree's proposed housing number under Colchester Borough Council Local Plan shows an increase of 350+ houses. The through traffic from Tiptree needs to be removed before these developments take place.
  - Accidents on Kelvedon High Street can cause blockages.
  - Accidents on the A12 cause high volumes of traffic to use the village as a diversionary route - A12 will require a substantial upgrade to ensure the accident/death rate doesn't continue to escalate.
  - The A12 does not flow well during rush hours and is near breaking point.
  - Junctions to the A12, north and south, should be made two way. Multiple responses stated that south facing slip roads at Feering was imperative.
  - The A12 Villages Traffic Action Group consider that no development should be allowed before London facing slips on to the A12 are in place, otherwise the existing peak-hour congestion will intensify. The A12 is to be realigned at Feering and there is an opportunity for a new junction.
  - New junctions are need but there are no specific provisions in the Draft Plan that land allocations are contingent on such provisions.

- The Council should be engaging pro-actively with Highways England and Central Government to ensure that provision is made for a new junction at Inworth before the A12 widening scheme design progresses too far.
- London Road, Feering Hill and Inworth Road are already always congested.
- Concern for impact on Inworth Road/Gore Pit junction – this is a bottle neck where congestion is severe and it ‘can take 20 minutes to get onto main road’. One respondent objected to the proposed traffic lights solution as this would cause backlogs in peak periods and when the A12 is closed.
- Concern for impact on Coggeshall Road/London Road junction.
- Inworth Road is unable to cope with heavy lorries travelling to Tiptree – there is congestion at the Blue Anchor junction. This road is so busy (even during weekends) that it is difficult to safely exit my driveway or cross the road on.
- New junctions onto Inworth Road is ‘madness’.
- Exit onto A12 north of Feering is extremely dangerous due to poor visibility.
- Safety of local roads and speed limits is an issue - the LPA must ensure that the development is safe, not ECC. Lorries exceeding the speed limit on London Road can causes houses to shake.
- Cannot cross London Road – waiting 10 minutes sometimes.
- Difficult getting off driveway from properties on London Road.
- Lack of footpaths on parts of Inworth Road.
- Improved roads will inevitably attract more traffic.
- Rail and road corridor is overcapacity and under resourced.
- Roads must be in place before any buildings.
- Upgrade to A120 also required.
- No-one planning this has spent time to monitor traffic and traffic volumes for any given time, there is a lack of thought and practicality of realistically implementing it.
- Some objections on highways grounds were related to the London Road site in Kelvedon.

#### *Public Transport and Railways*

- 3.8 Around a dozen comments objected to the plan while citing overcrowding on the Great Eastern Mainline (GEML). Most of these responses said peak-time trains were full, rush hour trains are in ‘short supply’, no seats were available, or additional scheduled services were needed. The number of additional peak-time passengers arising from the development received a diverse range of comments, some believed the impact would be high while many others believed the station was outside of walking distance. These consultees

believed that the site is over 15 minutes walk from the station therefore vast majority of commuters would drive to the station. Local services are beyond a 5 minute walk - meaning people will drive. This distance from the station deems the development unsustainable.

- 3.9 One consultee said that 'school buses and regular bus services are always full by the time they get to Feering' – meaning more services are required which causes more congestion. Some responses stated that the development is in a rural area, there is little public transport and workers are unlikely to use public transport.

#### *Parking*

- 3.10 Over twenty responses raised a concern about parking at Kelvedon Station. The key reason is that the car park is full, particularly as some respondents did not believe that the development sites would be within walking distance or would be beyond 15 minutes' walk. Some objectors have suggested that station improvements, including 2-story car parking, should be required.

#### *Education*

- 3.11 Comments pertaining schools were submitted noting that the existing two primary schools in Kelvedon and Feering currently do not have enough capacity. A few had concerns that 400 homes would need to be built before a new primary school would be considered. Some also noted that travelling to secondary schools from the development would generate additional congestion. Another concern about education infrastructure related to the provision of nursery spaces for working families.

#### *Emergency Services*

- 3.12 Four comments were related to the provision of police, ambulance or fire services. One was concerned that the nearest police station was 10 minutes away and another commented that there were no 'local police to cover the area'. One suggested that a new police station should be provided commensurate with a small town.

#### *Health*

- 3.13 Respondents said that appointments at their GP were in 'short supply', getting an appointment was 'difficult', that they cannot cope or are 'full'. Most respondents referred to Kelvedon Surgery although one or two were concerned about Coggeshall Surgery. One respondent stated that sometimes she had to 'wait weeks to be seen' however most comments did not quantify exact waiting times. Some commenters noted that the existing surgery was well located at the centre of Kelvedon but others asked if there would be a new surgery in Feering and if so, where and when would it be built. A couple of comments stated that there is a national shortage of GPs and that the

‘village already struggles to attract a doctor’. Two comments submitted are concerned about the volume of patients at Colchester Hospital.

#### *Community*

- 3.14 There are limited cultural and social amenities in Feering. Some residents were concerned that the development would be marketed towards London, a ratio as high as 60% was suggested, and become a commuter town leading others to suggest that it should be a mixed community. They suggested that the character of the local centre would need to encompass more such as sheltered housing for the elderly, medical services, craft workshops, retail and attractive features like ponds, play areas, bridle paths and garden areas to make it a place worth visiting. Consultees are strongly opposed to development which will have the effect of destroying existing communities and reducing the facilities and amenities and quality of life which are currently enjoyed by those communities. The policy was criticised for making ‘no attempt’ to integrate with existing development.
- 3.15 One stated that Feering does not have adequate local amenities, it does not have shops, a post office, sports facilities or police facilities. Kelvedon has lost most of its shops and is predominantly hair dressers and estate agents, and they have to travel for weekly shopping. Other comments suggested that the local centre should not threaten the viability of Kelvedon as the local centre or ‘key service village’ and draw people away from the historic centre.
- 3.16 Sheltered housing provision (for elderly or extra care) and bungalows are required. New builds are built too cheaply and are lesser quality.
- 3.17 The houses should be built sympathetically to its surroundings and be affordable to our young local people

#### *Employment*

- 3.18 Three comments concerning employment which stated that there were not enough employment opportunities in the village for new residents and queried how jobs will be created. Overall there would be an imbalance between jobs and homes. One comment queried what type of employment would be created by the policy. A representation was made on behalf of a group comprising of some existing employers on Threshelfords Business Park. They are concerned about highways impact and doubt that the site could be brought forward in the early to middle stages of the plan period.

#### *Gypsies and Travellers*

- 3.19 Two respondents were concerned about the proposed traveller site. One suggested that the Council guarantees that anti-social behaviour would not result from this development. The other felt that there are other more suitable

sites in Braintree Town.

#### *Heritage*

- 3.20 One comment was received regarding potential archaeology from the Iron Age era and reported that archaeology was discovered during the development at Theshelfords. There was concern that the setting of new build housing would affect the character of Grade I and II listed buildings. The Kelvedon and Feering Heritage Society objected to the draft plan in present form as both Kelvedon and Feering would not be swamped by traffic congestion, with damaging consequences for our two Conservation Areas.

#### *Landscape*

- 3.21 The countryside was also valued for walking routes and a big proportion of walks would be lost with the proposed developments. The view from new lane and the approach to Feering along London Road is a valued landscape.

#### *Open Space*

- 3.22 Seven comments on open space were found and these were divided into two viewpoints. Half disagreed with the location of the proposed community orchard because it would be not be practical as it would be '15 minute walk from the centre of the village'. There was a preference expressed for recreation space to be integrated with the existing community. Another two comments said that there was a lack of sports and leisure facilities and in particular, facilities for young people.

#### *Agriculture*

- 3.23 Around a dozen comments received were concerned about the loss of agricultural land. The majority of land is classified as grade 2 or very good agricultural land for food production and many comments stressed that it should be retained to 'feed a growing population', particularly as there is a need to increase self-sufficiency in light of the Brexit referendum. Respondents believed that grade 2 agricultural land is rare and there should be no development on any grade 2 land.

#### *Ecology*

- 3.24 Seven responses concerned about the impact on ecology or wildlife have been received. One report of bats and barn-owls and another report of 'a type of spotted orchid' were received. Other responses suggested that additional ecological studies will be needed.

#### *Environment and Pollution*

- 3.25 Residents are concerned about the increase in noise and air pollution as a result of increased traffic resulting from the development, particularly on Kelvedon High Street. Congestion, nuisance and pollution from HGVs

transporting materials to the site were a concern. Some have said that traffic noise from the A12 would reduce the quality of life on the proposed development. One consultee was concerned about the rubbish and smells arising from the site. Another has raised concern that the occupants' health would be at risk from the from Rivenhall incinerator.

- 3.26 On water cycle issues, one objector stated that this part of Essex is the driest in the county and was concerned that water supply would be insufficient. A few responses related to sewerage problems which have been 'well documented'.

#### *Flooding*

- 3.27 The majority of comments were site specific to the development and referred to Surface Water flooding. Respondents are concerned with flooding after 'moderate' amounts of rain it was stated that the A12, Feering and the fields at Inworth Road floods. It was pointed out that Anglian Water have confirmed existing drainage issues at Feering, that the system is old, and that the company are constantly undertaking remedial works at London Road. One resident suggested that additional studies on Surface Water flooding will be needed. It was noted that Domsey Brook flooded in 2001 with 34 properties affected. One resident suggested that large gardens would not only ensure adequate drainage but also add amenity and a feeling of space.

#### *Infrastructure*

- 3.28 Many consultees have made comments covering a variety of infrastructure items not already summarised in this report. A consultee stated that residents were not able to view the proposed infrastructure at the drop in sessions – if this was viewable, objections would decrease. Some responses have asked for details and timing of infrastructure and services. Many residents believed that the schools and surgeries should be built before most of the houses. It is imperative that BDC ensure that the developers actually build the school, surgery and other facilities and not just leave empty spaces on the planning document. It was felt that existing community should benefit from the proposed new facilities as well.
- 3.29 Delivery of road and rail infrastructure was a concern as BDC are dependent on other agencies - Highways England and TOCs, there are no guarantees that improvements will be made and a lack of contingency plans if undeliverable. Four housing estates have been built in Kelvedon and Feering since the 1960s and there have been no improvements to the roads around the villages. It was noted that local infrastructure is insufficient and has received 'near to zero investment to date'.

### 3.30 *Miscellaneous comments*

- In deciding how to plan for local housing needs the most important issue to be considered is respecting our wishes.
- Provision of self-build plots
- Loss of property value due to social housing and loss of view
- Screening and privacy
- 1,000 should not be a maxima not a minimum.
- No local 'appetite' for this level of housing.
- Support London Road South Kelvedon / North Rivenhall as an alternative.
- Plans for Kelvedon and Feering should be considered in conjunction.
- Impact of builders' disruption on high street.
- Decision on widening the A12, and new junctions, should predate decision for developing at Feering.
- If this area is developed then any chance of developing a proper A12 junction at Inworth Road will be lost.
- If site has strategic status, the Neighbourhood Plan currently being produced by Feering Parish Council will not be able to influence the location, type of development or supporting infrastructure. This is plainly unconstitutional, and borders on criminal, and should be robustly challenged at the highest level.

### 3.31 Statutory consultees and Parish/Town Councils who responded and summary of comments:

### 3.32 Essex county council comments:

- Some 90 additional early years and childcare places would be generated from the development itself, which would require up to 2 new facilities, including the provision of land. An amendment to the policy is suggested.
- Feering Primary School could be expanded sufficiently on its current site to accommodate the growth from this development if the Community Centre could be re-located from the school site to a site within the new housing development.
- At secondary school level, growth at Kelvedon, Feering and Tiptree could be accommodated with some expansion of The Honywood School and Thurstable School however there is no scope for the further expansion of The Stanway School, Colchester. A new secondary school would be required to serve the proposed new Garden Community before 2033.



- Based on the Interim Assessment Report (June 2016), ECC is not in a position to support the proposed link road as appropriate, or necessary mitigation. Subject to further modelling work being undertaken.

### 3.33 Highways England

- This site may be affected by the proposals for A12 widening. The developer is proposing north facing slip roads. These may be a good idea; however they could affect traffic movements over quite a wide area. No modelling work has been undertaken to assess the scale or impacts of such a proposal.

### 3.34 The Environment Agency

- Domsey Brook falls within Flood Zones 2 and 3, so development should generally be avoided. Any development within this area will be subject to a site-specific flood risk assessment to demonstrate the development will be safe for its lifetime.
- In addition, there is a small Source Protection Zone 1 in this location, so to protect drinking water supplies, only clean roof water (through sealed downpipes) should be discharged to ground through infiltration devices such as soakaways. The developer will need to be mindful of this when designing their drainage strategy.

### 3.35 NHS CCG

- Growth in the area represents 32% of the existing weighted list sizes of the Brimpton House and Kelvedon & Feering Practices. These practices do not have the capacity to absorb such significant growth. Feasibility work would need to be undertaken to establish if it is possible to extend current premises, or if relocation to new larger premises would be required for one or both of the practices.

### 3.36 Historic England

- Consideration of the setting of Feering and Kelvedon Conservation Areas and the scheduled Anglo-Saxon cemetery to be referenced in the policy.

### 3.37 Maldon District Council

- Residents and businesses in the north of Maldon District are already having difficulty accessing the A12 at peak times as the minor roads feeding the A12 are congested, particularly at Rivenhall, Feering, Kelvedon and Great Braxted.
- Strategic growth locations along the A12 at Witham, Feering and Marks Tey may further impact on Maldon District residents and businesses.

- Widening of the A12 must take into account the junction improvements / new junctions required to accommodate the planned housing growth along the A12 corridor including the need for a new southbound access at Feering/Inworth.
- Maldon will seek to work closely with Braintree through the Duty to Cooperate to consider the impacts of the proposed growth.

3.38 Feering Parish Council had made representations whole local plan.

- They note an inconsistency for policy LPP16 and 20, the Council suggest that the housing numbers in allocations are 'up to'.
- Loss of Agricultural Land - Crown Estates assessment is that 22% of the area is grade 3a, good quality land and 62% is 3b, moderate quality. The SA states that 69% of the site is on grade 1 (high) or grade 2 (good) land. DEFRA data classifies the land as Grade 2.
- There should be a green buffer of a minimum of 1 mile between the proposed West Tey garden community and the eastern boundary of Feering Parish.
- Each new development, including development at Tiptree, only assessing traffic on an incremental basis therefore oppose any cumulative development in Feering of more than 30 homes highways improvements.
- Strongly oppose any development in Feering before the capacity at the Inworth Road junction has been increased or alternative routes are available.
- Inconsistent wording between LPP20 and LPP40 for a new link road.
- Request that 'the village' is replaced with Kelvedon and Feering as services and facilities are overwhelmingly in Kelvedon and the term 'the village' could refer to Feering alone, which has minimal services.
- The current Feering Hill/B1024 road bridge is not particularly safe, improvements for pedestrians and cyclists to cross the river Blackwater required – suggest dedicated crossing. Enhancements to Inworth Road and existing PROW are also required.
- Disagree with the SA scores for Public Transport Services and Service Provision.
- Pre-school provisions should be within 500m of family homes on site, provision should be before homes are occupied.
- Feedback from local people indicates a desire for one 2-form entry primary school and not two single-form entry schools. The Essex design guide requires the provision of youth space and youth work to be included in the site provision.
- At a combined population of 9,500 to 10,000, indoor sports facilities should be provided big enough to accommodate at least 3 badminton

courts as this size, appropriately configured, is big enough to host activities such as basketball and 5-side football.

- 3.39 Kelvedon Parish Council considers similar concerns with traffic congestion, parking problems, pressure on local services and rail capacity are all relevant to Feering sites. The impact of 1,000 homes on road and rail will be severe, the development would create a separate community which would not integrate easily. The A12 widening and a four way junction should be secured and delivered before development can begin.
- 3.40 Concern the Feering Neighbourhood Plan will not influence the location, type of development or supporting infrastructure, and that promised infrastructure will either not be delivered, or will be put in place late, creating pressure on local amenities and road capacity. Either without, or with a reduced, influence from the Neighbourhood Plan, it was felt that these issues could slip through the net.
- 3.41 Finally, the developers of sites FEER232 and FEER233 have welcomed the strategic growth allocation but the policy should be reworded to make consistent and clear that the numbers of homes are a minimum. They note that the allocation has no physical constraints and no land assembly issues, and will benefit from A12 committed improvements. The site offers 'opportunities' to deliver a new A12 link, employment land, a community centre and significant land for recreation. Alternative employment land to Kelvedon business park can open opportunities for improvements to encourage sustainable travel.
- 3.42 A commitment to delivery of this site at the earliest opportunity was stated and it was noted that the Local Plan trajectory assumes 50 dwellings by 2018/19. A planning application is currently being considered by the Council which will ensure that the council can stick to this housing trajectory.
- 3.43 An objection to policy LPP24 Affordable housing was also submitted – the starting point for affordable in Feering should be 30%, subject to viability. There are significant requirements, 'For instance the growth location at Feering will be providing a new link road between Inworth Road and the A12 junction, potentially a new primary school and contributions towards Highways England works at the A12 junction.'
- 3.44 The developer for the minority land at FEER230, circa 2ha and 40 dwellings is concerned about their site being considered with the other sites in the strategic growth location. They argue that their submitted options for pedestrian accessibility overcome BDC objections on safety, although ECC

highways have not provided a full response, and that this development in isolation would not compromise the delivery of the strategic growth location.

#### **4 Officer Responses and proposed changes**

4.1 1,000 dwellings is being proposed on the four elements of the Strategic Growth Location totalling 63ha, with a fifth area of 18.5ha being promoted as a 'community orchard' which is referred to as a country park in the policy. This converts to a gross figure of 16 dwellings per hectare which, while low is appropriate given proximity to the A12, land in flood zone 2 and the relief road. As well as employment, retail and affordable housing, the draft policy also identifies community facilities, contributions to health, open space and a country park to mitigate the impact of development including a relief road for Inworth Road/Gore Pit junction.

4.2 A high level of detailed comments were received during the public consultation raising concern on a number of issues including employment, landscape character, the environment, flooding, community infrastructure and highways. These are considered in groups below.

##### *Landscape, Heritage, Character and Agriculture*

4.3 The proposals are entirely on greenfield on land in use for agriculture. Development would invariably change the landscape character and the character of the village. Objectors clearly value the landscape and the PROW 78, which runs east across the site from Feering Hill towards Prested Hall, is a sensitive receptor which will be highly impacted. In terms of wider landscape impact, officers share concern regarding coalescence with the garden community and if the garden community at Colchester/Braintree borders goes forward, a substantial landscape buffer will be part of that proposal.

4.4 According to the Landscape Character Assessment the site lies astride two different character areas then subdivided into 5 parcels of land (not including the country park which is not assessed) that range from "medium-low landscape capacity" to "medium-high landscape capacity. The setting is defined by the character of the rural fringe, but the railway line, A12, A12/B1024 junction, business park and poorly integrated modern houses are detractors. Some of these landscape features present good opportunities to mitigate development by strengthening the A12 and railway corridor with planted buffers. Many areas of the site already have close visual and physical associations with the existing village, or a semi-rural character. The landscape character of this area is also likely to be affected by proposals to widen the A12 in the vicinity of the site, which may be online or offline.

- 4.5 In the wider context of Kelvedon and Feering, the site avoids the majority of landscapes deemed to have lower landscape capacity – this is one of the areas with the least sensitive landscapes. Although parts of the area were included in the former special landscape area, particularly to the south and east, the A12 gives the site good visual containment from the wider landscape.
- 4.6 The landscape assessment also recommends protecting the public footpath and enhancing to create a green link with the wider landscape. Along with recommendations to these will be added to strategic growth location policy.
- 4.7 Change to the character of Feering village is a discrete issue to landscape character. The NPPF states that planning should “take account of the different roles and character of different areas” meaning that development should evaluate and understand the defining characteristics of an area. It must integrate new development with their surrounding context and reinforce locally distinctive patterns of development.
- 4.8 Braintree’s Historic Environment Characterisation Project 2010 describes Feering as a polyfocal settlement with one focus at the river crossing and one at the Feering Hill/Inworth Road junction where there was a small hamlet surrounded by orchards. Kelvedon and Feering have effectively merged, being separated only by the river, through much of the second half of the 20<sup>th</sup> Century ribbon development occurred along London Road and the railway line. Therefore most of the character along Feering Hill is mid to late 20<sup>th</sup> century and under 60 years old. Cobham Oak Cottage and The Old Anchor (now The Blue Anchor) are two historic assets in close proximity to the site, which are sensitive to change however both are already in an urban setting and it is believed they could be appropriately mitigated at planning application stage.
- 4.9 Officers recommend adding a specific reference to the Anglo-Saxon cemetery Scheduled Ancient Monument as per Historic England consultation, alongside the consideration for the setting of Kelvedon and Feering Conservation Areas. Although these would be covered in the consideration of policies found elsewhere in the Local Plan.
- 4.10 The population of Feering is 2,035 at the last census (2011) and has remained stable since 2001, 1,000 dwellings with 2.3 to 2.4 average occupancy per dwellings represents substantial change. Undoubtedly there will be a significant impact on existing character with change to the extent and population of the village at an advanced rate. Analysis of the Historic Character suggests that impact on heritage assets is limited, and that the new

settlement would need to integrate with a pattern of mostly modern ribbon development.

- 4.11 For agricultural land, the NPPF states that the Council should take into account the benefits of the best and most versatile land and where possible priorities lower quality land. An analysis of the Agricultural Land Classification for the eastern region shows that nearly all land around Kelvedon and Feering (and indeed the District) is either Grade 2 (Very Good) or Grade 3 (Good to Moderate) quality. This site is no exception and the majority FEER232 is located on grade 2 agricultural land. Officers conclude that loss of the benefits of good quality agricultural land is a negative of the proposal.

*Flooding, ecology and the environment*

- 4.12 Many consultation responses raised concerns about the effects of development on the environment – air and noise pollution, wildlife, flora and flooding.
- 4.13 The Framework suggests that the test for pollution is that new development should not contribute adversely to unacceptable levels of air, water or noise pollution. While responses raised the issue of increased pollution, which is acknowledged, pollution is unlikely to equate to unacceptable levels. There are no Air Quality Management Areas (AQMA) at the villages and neither the SA nor the environment agency have raised concern. Notably, the SA does warn that a significant portion of the site is within 200m of the A12 which would put future residents at risk of poorer air quality, although also not unacceptable. Otherwise, officers suggest that temporary higher levels of pollution due to development traffic can be managed by condition.
- 4.14 Currently much of the site is laid to agricultural fields separated by hedgerows and trees, there is some unimproved grassland and the Domsey Brook. Residents have reported sightings of bats and barn owls, the site is clearly capable of hosting such species and a detailed ecological appraisal will be required as part of the planning application. Any incidences of protected species of either flora or fauna would need to be appropriately mitigated. Access to most parcels in the site would involve substantial loss of hedgerows. Loss of these would be detrimental to ecology and the retention of natural features, mature hedgerows, ditches and trees wherever possible should be encouraged by policy.
- 4.15 Flooding issues are constrained to the Domsey Brook which borders the south of the site, a suitable area of exclusion will ensure no unsuitable development of land within flood zone 2. Surface water flooding is likely able to be mitigated through attenuation which will restrict run-off rates to current levels. With

appropriate policies in place, both issues can be addressed at planning application stage.

*Education, health, emergency services and infrastructure*

- 4.16 Responses for infrastructure items generally allude to a lack of capacity for key public services. Both the new and existing community will benefit from new nursery and school places, road infrastructure, green infrastructure and community facilities. The Infrastructure Delivery Plan (IDP) will show which items of infrastructure are necessary and demonstrate when and where it will be delivered.
- 4.17 Commenters, including the Parish Council, suggested that the timing of delivery for infrastructure should result in delivery before housing. A detailed planning application would set out the timescale for infrastructure delivery, to ensure it is being built alongside the houses in phases.
- 4.18 For the supply and disposal of water, Anglian Water have indicated that water supply is 'good', however sewerage capacity is flagged as a 'amber'. The Water Cycle Study notes that anticipated development at Kelvedon and Feering will require revised permits to ensure wastewater flow discharged does not impact on water quality. Upgrades may be required to Coggeshall water recycling centre (WRC) and careful development phasing is recommended. An engineering solution is feasible and hence treatment capacity is not regarded as a disadvantage to this site.
- 4.19 Following further consultation with ECC, the preferred option is expansion of Feering primary school and rebuilding into permanent structure of two temporary classrooms at Kelvedon primary school. Honywood Secondary School at Coggeshall will also require expansion by 1 form entry. Significant financial contributions will therefore be required from the development, as well as land for the creation of up to two new nurseries.
- 4.20 Delivery of emergency services will also be covered in the IDP. One of the issues highlighted is the lack of local police and fire estates within the village. While there are no plans to deliver services from either village, coverage will be provided and service expansion independently delivered over the plan period. Both services at indicated at present that there are no requirements arising from this development alone for new stations from all the development in the District.
- 4.21 In terms of healthcare the NHS requires Local Plan policies which specify appropriate mitigation where 'healthcare service capacity is insufficient'. NHS England estimate that new patients resulting from development will equate to 32% of current patient list and many consultation responses have indicated

that current medical provision at Kelvedon is insufficient. NHS England made no specific reference to acute hospital care services and development is not expected to address capacity issues at this level.

- 4.22 The Local Plan will make reference to NHS strategies but are requested not to be 'prescriptive or binding on NHS England to carry out certain development within a set timeframe, and do not give undue commitment to projects.' Officers believed that some reconfiguration of the Brimpton and Kelvedon & Feering is likely to occur within the plan period and that it's possible to deliver new premises on the growth location if required by the NHS/CCG. Significant financial contributions or land will therefore be required from the development and will be determined at the point of a planning application.

*Employment, Local Centre, Community Centre and Open Space*

- 4.23 The Framework states that significant weight should be placed on the need to support economic growth and that policy should aim for a balance of uses to minimise journey lengths. An allocation of 4ha of mixed B1, B2 and B8 is specified in LPP1 Location of Employment Land, it will allow expansion of the successful business park at Threshelfords and ensure that land is continued to be supplied where it is attractive. Further employment opportunities are accessible by public transport along the A12 and railway corridor which will be the focus for road and rail investment. Officers note that existing businesses are concerned that highways congestion would have a countervailing effect on the economy and this is covered in the highways section.
- 4.24 Consultation responses have resulted in mixed views on the location, design and size of community facilities, open space, retail and local centre. Expansion of Feering primary school will now result in a requirement for a new community centre for Feering – this can form the heart of a new local centre. The size and location of the new local centre will be determined through detailed master planning, where community activities will need to be accommodated alongside retail units – a policy for the Local Centre has been added. This is also a key area which the Feering Neighbourhood Plan could influence to ensure that what is being proposed has the support of the local community.
- 4.25 In relation to the proposal for a Country Park or Orchard this would be at the discretion of the developer, as it would be on top of the requirements for informal and formal recreation space. It is therefore proposed that reference to the county park policy is moved to the supporting text and that it could come forward as a unilateral undertaking which is desirable but not critical for development.



### *Gypsies and Travellers*

- 4.26 One of the requirements of this policy is provision for a Gypsies and Travellers site, which is one of three identified on each of the three largest strategic growth locations, and this has raised some objection. The Council is required to meet all objectively assessed housing needs including the need for pitches, not doing so is likely to result in the plan being found unsound. National Planning Policy promotes the creation of inclusive and mixed communities for sustainable development. The largest site allocations are considered to be the most appropriate locations for meeting a wide range of housing need.

### *Public Transport, railways, parking and highways*

- 4.27 In the strategic chapter of the Local Plan, providing new and improved infrastructure and promoting use of sustainable travel is a key objective along with providing sufficient homes and fostering economic development. The majority of the respondents to this policy raised issues associated with transport infrastructure capacity either locally or regionally.
- 4.28 Objectors believed commuters would drive to the station from this development and some twenty objections referred to the lack of parking at Kelvedon Station. Land at Kelvedon station is allocated for employment and/or parking and recent research carried out by consultants on behalf of the local authority, suggests the currently available car parking is not always full. It should also be noted that the highways assessment states that increasing parking would attract more car use and undermine other sustainable travel, instead it suggests consideration of further parking restrictions.
- 4.29 As the majority of the development site is between 1 and 1.5km away or between a 10-17 minute moderate walk, sustainable methods of travel are an attractive alternative. Encouraging walking and cycling would also contribute to national and Local Plan objectives to improve health and wellbeing. Mitigation is likely to focus on improving bus frequency and creating direct, legible and safe walking and cycling routes. Modelling in the Highways Assessment indicates that trips to/from Kelvedon and Feering have a wide range of destinations but the majority are along the rail line and recommends that sustainable travel can be encouraged with introduction of a local circular bus route. Other schemes are detailed matters for the planning application. With some minor amendments to the policy, officers are satisfied that options to encourage sustainable travel are both feasible and viable.
- 4.30 This focus on sustainable transport leads to further objections due to lack of railway capacity on the Great Eastern Mainline. Trains towards London are popular but buses in contrast are underused and the Local Plan strategy is based on increasing usage of both. The Anglian Route Study 2016 suggests

that Network Rail can increase peak time capacity and reliability in the longer term with investments in signalling, works on Bow Interchange, faster line speed and a passing loop north of Witham. These works will increase the capacity, or number of trains per hour (tph) and some of these changes could be delivered midway through the plan period. The highways modelling work makes clear that many car trips could potentially be made by rail to be encouraged though increasing the frequency of trains. In conclusion, officers do not share views that railway capacity is limited and there remains merit in the spatial strategy of promoting sustainable travel.

- 4.31 A number of objectors, including the Parish Councils of Kelvedon and Feering, and neighbouring district of Maldon are concerned about access to the A12. Other objectors refer to the current traffic congestion along Kelvedon High Street, at the Feering Hill/Inworth Road junction and the knock-on impacts on air quality, noise, historic buildings and the pedestrian environment.
- 4.32 Feering Hill/Inworth Road junction, known as 'Rye Mill Lane' in the assessment was modelled twice, once with and once without an all movements junction on the A12. Modelling shows the junction would be over capacity during AM and PM peak in nearly all scenarios with long queues on Inworth Road for traffic attempting to turn in all directions. The results 'suggest that the existing crossroads is unlikely to provide sufficient capacity and without a new junction on the A12 it is unlikely to be possible to mitigate the impacts through infrastructure changes alone.' With the implementation of an all movements junction to the A12, this junction is likely to operate near or at capacity, particularly in the AM peak. This would be a similar operating position as presently witnessed.
- 4.33 It should be noted that improvements to the A120 may also have a significant benefit in terms of this area, with predicted peak time traffic movements reducing by between 11% and 38% in Kelvedon High Street by 2041.
- 4.34 Officers are proposing modifications to the policy to require an all movements junction on the A12 to support this development which has been shown to be essential to accommodate the full development of this site. This is a requirement to make the policy acceptable; otherwise impact on the local highway network will be severe.
- 4.35 The A12 widening and upgrade scheme has confirmed funding for construction to begin in 2020 and the process for deciding a preferred route is well underway, to be announced in the summer of 2017. The project is not expected to be complete until 2026. Local access, including its traffic modelling, will be investigated following the preferred route. However, at this point in time there are two options for the route of the A12 between Feering

and Marks Tey, one option would be 1km south of Junction 24 which could have substantial implications for the design and layout of the growth location. Evidently, it is very difficult to ascertain the future of junction 24 of the A12, although it is likely that a reasonable degree of certainty can be established by summer 2018. A development consent order will not be issued before winter 2019.

- 4.36 The developer has produced designs which show additional southbound slips based on the current alignment and width of the A12, but events have overtaken this concept and this design may no longer be feasible. Responses made by BDC to recent Highways England consultation have made clear our support for all movements slip roads, but until later this year it is not certain that they will be provided by Highways England as part of this project. There may need to be contributions to or funding for these slip roads from the developer of this scheme and we understand that discussions between the developer and Highways England have taken place.
- 4.37 As an all movements junction is required for this development to be acceptable and following the timescale for the A12 project, it is proposed to move the delivery of this scheme back within the housing trajectory. The A12 is likely to be completed by 2026, although is to be delivered in phases from 2020. Significant completions on site will not be acceptable until the new junction is available. As such the trajectory will be revised to predict that new homes will not be completed on site until 2025/2026. This will reduce the number of homes delivered in the plan period to 750 homes, with the remaining part of the allocation rolling forward to the next Local Plan.

### ***Conclusions***

- 4.38 Sustainable development is the golden thread running through the NPPF and the effects on the three forms, economic, environmental and social roles will need to be considered for this allocation.
- 4.39 Development will bring economic benefits throughout the construction phase, the provision of a modest amount of employment land and contribute new homes on the A12 growth corridor. However, none of these benefits would arise immediately and due to the requirements for an all-movements A12 J24, the site does not contribute to the Council's short term housing supply needs.
- 4.40 Social benefits include affordable housing which is targeted at 40% and there will be contribution towards Traveller pitches. The provision of a new community centre, outdoor sports facilities and other services at the local centre would also carry wider social benefits.

- 4.41 There are disadvantages due to the invariable change in character of this part of Feering. In addition, there is little mitigation possible for loss of good agricultural land (a District wide issue) and impact on landscape, albeit on an area which is mostly medium-low capacity to accommodate change. Many of the identified impacts have deliverable mitigation but there will be some, such as the loss of hedges and other potentially valuable ecological features which weigh against the allocation but are not in any case severely adverse.
- 4.42 Overall the site forms an extension to an identified large village which fits the spatial strategy and takes advantage of national investment in road and rail infrastructure. Most of the site scores positively for sustainable transport in one of the most accessible and least environmentally constrained areas of the District. The development will support medium-term growth strategies along the A12 corridor over the next 10 to 20 years.
- 4.43 The minority developer for the smallest element of the strategic growth area (FEER231) wants to proceed unilaterally, and in advance of the allocation. The larger site developer has also submitted a planning application for an early phase of the development on their site which is awaiting determination. Whilst these proposals in themselves may not have the requirements of major infrastructure, in order for the site to be properly planned with the right amount of affordable housing and infrastructure provision, a comprehensive masterplan/outline planning application is required across the whole site which would also ensure that appropriate, safe and attractive pedestrian and cycle links across the whole site are included.

**Recommendation 1 - Land at Feering is retained as a Strategic Growth Location and policy LPP20 and supporting text is subject to amendments as shown in this report.**

***Land at Feering***

***6.77 A site to the south east of Feering village, between the current built development and the A12 and between the A12 and railway line is being promoted for a residential scheme. To the east of the A12 land is proposed for recreation and open spaces uses and as such as been excluded from the strategic growth location.***

***The site whilst in three parcels is expected to come forward as a single comprehensive development site which tackles the issue of infrastructure and access and community facilities and contributions at a strategic level.***

**An all movements access junction onto the A12 at Feering is a requirement of this strategic growth location and as such development will need to be timed to coincide with the provision of that junction. Suitable links from the development to the junction, and Inworth Road will also need to be provided to the satisfaction of the highways authority.**

**In addition to the standard requirements for open space, the landowner is proposing additional land to the other side of the current A12 to be development for community open space. This is allocated as such on the Inset Map. However a revised route of the A12 in the vicinity could have implications for this allocation.**

**Any development will be expected to contribute to an improved on site drainage infrastructure, given the existence of a brook on the southern tip of the site. There are other small areas of surface water flooding indicated around the land parcels, but which appear to be localised and it is likely that they could be mitigated by the use of appropriate SuDS techniques and levels.**

## **Policy LPP 20**

### **Strategic Growth Location - Land at Feering**

A Strategic Growth Location has been identified at land south east of Feering and is shown on the Proposals Map. Development will be expected to provide;

- Up to 1,000 new homes of a mixed size and type appropriate to the area.
- Affordable housing as per the Council's requirement.
- Appropriate employment uses to support the new community.
- Location for a new primary school or community centre.
- **Up to 2 new 56 place early years and childcare facilities, potentially co-located with any new primary school**
- Community facilities including a contribution to or location for new NHS facilities.
- Retail Provision.
- Public open space, and informal and formal recreation including a new country park to the south of the A12.
- Safe cycle and pedestrian access between all parts of the development and the village **Kelvedon and Feering**.
- Provision for a Gypsy and Traveller site.
- **Contributions to an all directions A12 junction at Feering**

~~A new link road between Inworth Road and the A12 junction, improvements to the A12 junction and local road improvements as required by Essex County~~

Council and Highways England.

**Development must be designed to ensure no substantial harm to the Conservation Areas, Scheduled Ancient Monument and other heritage assets located in the vicinity of the site.**

The delivery of each facility shall coincide with the completion of different phases of development to ensure that local services are in place when they are needed. Development proposals which would compromise the delivery of an identified strategic growth location will be resisted.

- 4.44 Three other alternative sites were considered at Feering, site FEER227 known as the Feering triangle and sites FEER228 and FEER229 located to the north of the existing village at a distance from the development boundary. There are no specific comments in relation to these sites and as such the officer recommendation remains that these sites should not be allocated for development.

**Recommendation 1 - To approve the Feering Inset Map as set out in the Appendix for inclusion in the Submission Local Plan**

## **5 Kelvedon**

- 5.1 Kelvedon is a historic village with a conservation area and multiple listed buildings along its High Street. The present settlement is heavily influenced by a Roman-era layout with the thoroughfare from London to Colchester, formerly the A12, being the main route for vehicular, pedestrian and cycle traffic. Although the A12 bypass removed much strategic traffic, the High Street is still essential for local access and distribution to nearby settlements at Feering, Coggeshall, Tiptree and beyond. As such the High Street is at times congested.
- 5.2 Aside from highways capacity, Kelvedon has many of the features of a sustainable settlement. Kelvedon is a large village which offers a good level of services, including a primary school, doctor's surgery, dentist and convenience stores. There are good sustainable transport options available from the village centre including a rail service to London and relatively frequent bus services to retail and employment centres - Witham, Chelmsford, Colchester and Tiptree. Kelvedon, with Feering, is identified as a Key Service Village in the spatial hierarchy and as a growth location which fits the spatial strategy of concentrating development on Braintree, Halstead, garden communities, Witham and the A12 corridor.
- 5.3 Inset Map 38 covers Kelvedon however there are separate inset maps for Allshott's Farm and Kelvedon Park and therefore these are the subject of separate reports.

- 5.4 Seven new sites have been submitted to the draft Local Plan consultation:
- KELV605 Adjacent Ewell Hall Cottages
  - KELV606 Moorings
  - KELV615 Land South East of Kelvedon
  - KELV616 Land north of Crabbs Barn
  - KELV626 Land at Watering Farm
  - KELV627 Land at Windmill Farm
  - KELV628 Land at Bridge Farm
- 5.5 An allocation for 300 dwellings at Monks Farm was identified in the Draft Local Plan (a strategic allocation for 1,000 dwellings was also identified on Land at Inworth Road in Feering). In addition, smaller sites are expected to come forward as windfall and brownfield developments in Kelvedon.
- 5.6 Kelvedon Neighbourhood Plan Group (KNGP) are undertaking a Neighbourhood Plan and have reached the evidence gathering and policy formation stage of plan making. They are expecting to reach regulation 14, the first consultation stage of the plan, later this year.

## **6 General responses**

- 6.1 Kelvedon received a total of 74 comments of which 11 are in support, 46 were objections, and 17 were general comments. Broad comments affecting the whole village are summarised according to topic below:
- 6.2 Objection comments:
- Spatial Strategy & Strategic Growth
- This number of new houses are for developers profits, not local need.
  - Brownfield land (capacity 1 million) and empty homes (Seven hundred thousand) nationally is available.
  - Homes should be spread over the Country nationally and not just in the south east.
  - Disagree with the quantity of houses the government have calculated is needed.
  - This spatial strategy will attract commuters from London and not meet local need.
  - Spatial strategy of concentrating development should be changed to redistribution to villages and larger villages – they need new blood.
  - There is not alternative option to the spatial strategy being proposed.

- Houses should be limited to a 10% increase in the total number of houses in each village split equally between Housing Association houses, low and medium cost private housing, retirement bungalow complexes and executive homes.
- Council only proposing development along the A12 corridor and has no imagination as to how the rest of Essex can be fairly developed.
- Kelvedon should remain a village and 300 should be the maximum.
- Development should be distributed around Kelvedon.
- Increased housing in Tiptree has impacted on quality of life.

#### Highways & the High Street

- No development should take place before the A12 and A120 routes are decided.
- The A12 and A120 is full to capacity causing accidents.
- Nothing should be built in Kelvedon until the junctions to the A12 are made two-way.
- An entrance and off ramp is needed for Tiptree.
- There should be a major link road between Tiptree and Coggleshall via an A12 junction.
- New employment areas will have poor prospects unless there is a bi-directional junction.
- An in depth traffic flow assessment should be carried out in relation to the current traffic flow.
- Only way through village is the High Street.
- Additional crossings are required on the High Street.
- Parking problems causes delays on the High Street
- It is very difficult to turn onto the High Street in rush hour.
- There is no capacity to deal with years of construction traffic.
- The size of lorries has gotten bigger and they often mount the pavement to get through.
- Emergency services access will be compromised by congestion.

#### Public Transport

- Station capacity and station car park should be expanded.
- The rail line is not coping with frequent delays and cancellations.
- Network Rail and the train operators should then be asked how much peak morning capacity they have.
- The station carpark can have a deck added like at Shenfield.

#### Other Issues

- A zebra crossing is required at the medical centre for pedestrian and bus users.



- Doctors' surgery is at capacity - it is very difficult to get a doctors appointment.
- Kelvedon St Marys is at full capacity – children are being sent to Feering School, this increases traffic.
- St Mary's has ample room to expand, another school is not needed.
- There are a variety of countryside walks and some would be lost with the proposed developments.
- Large scale developments without pre-investment - local infrastructure and services will be in chaos.
- Existing infrastructure should be protected from flooding.
- Improvements to gas, water, sewerage, electricity and broadband services must be required.
- There is no infrastructure to support any unemployed people.
- New development should not have separate services, why would people use the 'old' village services?
- Listed buildings might be damaged by heavy traffic.
- Character of the villages would change to a small town.
- Countryside character of Essex, which may not be dramatic but has a beauty of its own, is rapidly being lost.
- All agricultural land must be retained for farming to reduce dependency on imports.
- How many people who are planning these developments live in Kelvedon, who is going to gain financially?
- How will BDC ensure housing is 'affordable' and not rented out by the buyers?

### 6.3 General Comments:

- Both sites major shortcomings – the infrastructure cannot be changed.
- Affordable housing should go to local people.
- People who buy these houses should live in them.
- The village atmosphere needs to be protected.

### 6.4 Statutory Comments:

- National Grid have identified a gas pipeline running across site KELV333.
- Essex County Council: Approximately 300 dwellings are planned, which would generate need for 27 additional early years places, which would require a new 30 place facility, including the provision of land.
- In regards to secondary education, 1,000 dwellings on land south of Feering, 300 at Monks Farm and 600 at Tiptree would fully utilise any surplus capacity available at The Honywood School and Thurstable School and Sixth Form Centre. (See also Policy LPP 20 – Land at Feering.) Some expansion of The Honywood School and Thurstable

School might be possible but there is no scope for the further expansion of The Stanway School, Colchester.

6.5 Kelvedon Parish Council:

- Kelvedon and Feering should be seen as two separate entities, not as one Key Service Village.
- Children currently living in Kelvedon are unable to get a place – it is currently unclear what is proposed for St. Mary's Academy.
- Schools - oppose the split site option proposed by developers of London Road (KELV333) due to traffic and punctuality.
- Disagree with the spatial strategy - there should be a dispersal of dwellings to smaller sites.
- Investigations and solutions for the A12, road congestion, rail capacity and parking should be required before allocation.

6.6 Kelvedon Neighbourhood Plan Group:

- KNPG recently undertook the Kelvedon Community Survey Report in June 2016 and published a report in March 2017. It received a good response from local residents.
- Research undertaken suggests that the centre of the village is considered to be around the junction of New Road and High Street, with a second focal point at London Road.
- The survey reveals that transport links, community and amenities were valued in Kelvedon but the A12/congestion/parking was participant's biggest concern by an overwhelming majority. Residents are concerned that any development should bring the benefit of infrastructure which removes the long-term, unsuitable and inappropriate burden of through traffic.
- A separate site selection survey was also undertaken, accompanied by an explanatory note, which allowed participants to 'vote' on one of four development schemes. It received a significant response rate and had the following outcome:
  - Site A Ewell Hall – 157 votes (32.5%)
  - Site B London Road – 128 votes (26.5%)
  - Site C1 Monks Farm – 163 votes (33.7%)
  - C2 Monks Farm Alternative – 35 votes (7.2%).
- The survey outcome showed that aggregate public support was broadly for KELV335 Monks Farm or KELV615 Ewell Hall, the report and appendix included detailed feedback for the reasons for this support.

6.7 Members are advised that both surveys are not surveys undertaken by BDC and will not be considered as part of the evidence base by officers,

nevertheless, the surveys may be considered as indicative information that can inform decision making among other material considerations.

## **7 New sites submitted**

### **New site submission – Adjacent Ewell Hall Cottages (KELV 605)**

- 7.1 This site is being proposed for a development comprising of four dwellings – this would be under the threshold of 10 dwellings and could not be incorporated into the development boundary due to the distance from the current Kelvedon development boundary. It is however surrounded by new site 615 and is therefore many of those considerations also apply to this site.

### **Recommendation 2: That site KELV 615 is not allocated for development**

### **New site submission – Moorings (KELV 606)**

- 7.2 This site is 8ha of grade 3 agricultural land to the north east of Coggeshall Road. Although part in flood zone, there is capacity for at least 120 dwellings. It would be bordered by the river corridor on one side and Coggeshall Road on the other. A public footpath dissects the site and may be redirected.
- 7.3 Parish Comments:  
These sites, in whatever combination, effectively form an extension to the Monks Farm site, KELV335, which the Parish Council has objected to in the previous consultation round. The Parish Council's views on KELV335 also extend to these sites, as they all present the same problems and concerns regarding access, increased traffic at an already congested junction/road and other problems such as flooding in this area. Again, a large chunk of KELV606 and KELV626 are in the flood plain, bringing all the concerns regarding flooded properties, both on the sites and to existing surrounding properties to the fore.
- 7.4 Officer's Comments:  
Subject site is located in an area of medium landscape capacity but would visibly extend the settlement known as 'new town' into the countryside. It is essentially a large field and is particularly open to Coggeshall Road. A footpath runs parallel with the river Blackwater bordering the south. A listed building, The Moorings is an important feature within the parcel of land. This cottage is aligned with Coggeshall Road and its setting is relatively well screened by planting within its own curtilage.
- 7.5 The traffic impact of this site would be no different than any of the other sites north of the railway line however the cumulative effects of multiple sites would need to have a satisfactory impact with the highways authority. Similarly the

Local Flood Risk Authority would need to be satisfied that a SUDS scheme, which mitigates surface water runoff, can be accommodated on site.

- 7.6 The extension of settlement substantially northwards would extend the perception of development into the countryside, particularly when viewed from Coggeshall Road and from the public footpath. This would have a more prominent urbanising effect than other sites available around Kelvedon and as such is not supported.

**Recommendation 3: That site KELV 606 is not allocated for development**

**New site submission – Land South East of Kelvedon/Kelvedon Ewell Hall (KELV 615)**

- 7.7 The landowners suggests that 50ha between the A12 and the River Blackwater can be developed however only 20ha is being proposed as residential land giving capacity of around 600 dwellings. Access would be from Inworth Road which includes land in Colchester Borough and secondary access from Maldon Road. Due to constraints on the old Blackwater bridge on Maldon Road, a number of options are proposed including, emergency access only, public transport access, southbound A12 on-slips.

- Development would expand existing network of footpaths and link to countryside south of the A12.
- Proposal includes a neighbourhood centre and small scale office units or community workshop space. Green space includes village green and space for formal and informal recreation.
- This site is not being promoted for delivery within the first five years and it is recognise that south bound slips will need agreement with Highways England.

- 7.8 Parish Comments:

This site is opposed as there is no acceptable road access or connection with existing settlement, which would result in a large new community which would not integrate well with the existing village. This site is also partly in the floodplain, which the Parish Council strongly oppose to being built on or near, due to the flooding problems which have happened in the past. It is also an undesirable precedent for expansion into a valuable landscape area.

- 7.9 Neighbourhood Planning Group Comments:

KNPG have observed that this site has medium landscape capacity and could be integrated with the village with pedestrian/cycle access across new bridges and via Worlds End Lane. Additionally, the proposal acknowledges the importance of the river corridor, the floodplain, existing habitats and woodland

& hedgerows. By linking London Road west of Kelvedon with Inworth Road, this proposal could create an alternative 'through link' that bypasses Kelvedon High Street to be considered.

7.10 Officer's Comments:

This is a large, complex site that could be an alternative to some large draft allocations at Kelvedon and Feering. 600 dwellings are proposed but there is theoretical gross capacity for 1,500. The site lies to the south of historic Kelvedon on the other side of the shallow Blackwater valley and it is worth noting that it part lies within Colchester Borough. The Parish Council are concerned about integrating the new development with the old. Links across the river are limited at the moment but may be improved with a strategic development. Nevertheless, officers share concern that this development would be dislocated from the main settlement. Efforts to create links would also have issues of development across a Local Nature Reserve and a Local Wildlife Site.

7.11 As the NPG have observed, the key benefit of this site is the potential for an alternative route to Kelvedon High Street. This could link from Inworth Road to Maldon Road and then the A12 through new on-slips. The site as currently submitted does not go as far as Maldon Road which is in itself a narrow road and access from Ewell Hall Chase would not be suitable for this many homes. The Inworth Road also currently suffers from serious congestion issues that would need mitigation although this could be delivered as part of the neighbouring strategic allocation. The bypass scheme is accompanied by a number of further constraints particularly that it would have to wait for the completion of the A12 widening.

7.12 There are some good potential economic and community benefits from this scheme, but the issues around impact on the river, local nature reserve and rural character of the Blackwater Valley, as well as the concerns around the deliverability and cost of its key selling point, a new road to relieve Kelvedon High Street are substantial disbenefits. Due to the impact on Inworth Road, this scheme would be undeliverable in isolation. Considering all of the above, on balance officers do not propose the site for development.

**Recommendation 4: That site KELV 615 is not allocated for development**

**New site submission – Land north of Crabbs Barn (KELV 616)**

7.13 Land adjacent to Crabb's Barn and Crabb's Farmhouse stretching from London Road up to the railway line. Crabb's Barn is midway up Crabb's Lane, the site is over 5ha of greenfield capable of accommodating around 150 dwellings.

7.14 Parish Comments:

This would effectively be an extension to the London Road site, which was not put forward in the Draft Local Plan. This site is objected to on the basis of further development creep away from the existing developed area towards the A12 junction.

7.15 There would also be a loss of green buffer at the village gateway and could present opportunity for the land in between to be seen as being obvious for further development in the future, as has already been put forward. Sites at this end of the village would be very separate from the existing village and as it is quite far away from village facilities, this would create traffic coming into Kelvedon, where it is already very congested, especially with regard to accessing the A12 at Feering and commuters accessing the train station/parking at the already problematic junction at Station Road.

7.16 Officer's Comments:

Crabb's Barn is a listed building used as a wedding venue and function hall, the landowners state that an appropriate scheme could be developed that would have regard to their setting. Crabb's Barn is relatively enclosed with strong boundaries but the new development would envelope the venue and its grounds. Officers also have concerns that noise issues, albeit limited to certain days and hours, may affect the quality of life of future residents.

7.17 The Parish Council have concerns that the development would be quite far from village facilities and affect the character and setting of a 'gateway' to the village. The site is 1.5 km from the railway station, but there is public transport with a reasonable frequency operating along London Road. This site would have an urbanising effect along London Road such that the character of Kelvedon would look and feel substantially larger. In any case, the site would only be acceptable if brought forward alongside London Road (KELV 337) and only with a suitable masterplan which integrated the two sites.

7.18 As this site requires a large allocation at London Road, the benefit of this site is additional housing to meet district needs. This must be balanced against the adverse effects on the highways, character, landscape and loss of agricultural land. Officers note that an excluded area or buffer has been retained in the site submission and some measures can be taken to develop a noise buffer however this may reduce overall capacity. Overall although the development could include mitigating effects, the site is currently isolated and not supported for allocation on its own.

**Recommendation 5: That site KELV 616 is not allocated for development**

### **New site submission – Watering Farm (KELV 626)**

- 7.19 This site is a medium size parcel of 2.7ha, although half is in flood zone leaving a residual capacity of 45 dwellings. It can be directly accessed from Coggeshall Road and is in an area of medium landscape capacity.
- 7.20 Coggeshall Road forms the west and south boundaries, and there are two properties on the south side. Part of site is within the floodplain and is not proposed for development, instead it will be grassland with planted trees.
- 7.21 The developer states that the site forms a well-contained parcel and sits low down in the landscape so impact is minimal. There is good containment from the wider landscape to the north east. It is a sustainable location within walking distance of a range of facilities. Further archaeological and ecological studies are being undertaken.
- 7.22 Similar to Monks Farm, KNPG recognise that this site is close to existing focal points but are concerned about traffic impact on Station Road.
- 7.23 Parish Comments:  
These sites, in whatever combination, effectively form an extension to the Monks Farm site, KELV335, which the Parish Council has objected to in the previous consultation round. The Parish Council's views on KELV335 also extend to these sites, as they all present the same problems and concerns regarding access, increased traffic at an already congested junction/road and other problems such as flooding in this area. KELV626 is in the flood plain, bringing all the concerns regarding flooded properties, both on the sites and to existing surrounding properties to the fore.
- 7.24 Windmill Farm effectively forms an extension of the Monks Farm Site (335) to the south. Therefore, the comments regarding impact of transport, environment and heritage expressed under the comments for Monks Farm also apply to these two particular parcels.
- 7.25 Watering Farm is a separate parcel of land accessed directly from the Coggeshall Road and it is suggested that the land could come forward relatively quickly to deliver new homes.
- 7.26 When taken together the total number of units from these potential Coggeshall Road sites totals 565 units. In fact the development of these three parcels would add weight to the need to improve the infrastructure and increase the need for this to happen before any development could begin. This volume of housing would not only have a significant impact on the transportation links, but also on the distribution of amenities and focus of the village and would be

comparable in size to the other proposed sites at London Rd, Hollow Rd and Ewell Hall.

7.27 Officer's Comments:

A development here would be juxtaposed with the 'Newtown' settlement on the other side of Kelvedon Road and would inevitably suburbanise the semi-rural character of the area. Within the wider landscape setting, the plot is well contained on all four sides with the Seven Seas and its boundary planting forming a defensible barrier to the countryside in the north.

7.28 The 2015 landscape capacity assessment concluded that the site has medium landscape capacity with good containment from the wider landscape to the north-east. Coggeshall Road and a public footpath running parallel with the River Blackwater in the east are key viewpoints which would be significantly affected by development.

7.29 Some of the site is within the functional floodplain of the River Blackwater and is proposed to remain undeveloped, this corridor has low landscape capacity and potentially high ecological value. There could be some negative ecological effect such as encroachment of human activity or even loss of habitat but a full ecological survey would normally be required at planning application stage.

7.30 Any development would be restricted by the floodplain and the requirement to provide on-site mitigation for surface water run-off. This could have a further downwards effect on site capacity.

7.31 The Braintree Highways Preferred Options Assessment modelled the impact of 300 dwellings north of the Coggeshall Road. This study shows that with mitigation, the junction at London Road/Coggeshall Road will be operating near or at capacity. The highways authority has not raised any objection to 300 dwellings on Monks Farm (KELV 335), therefore as this development is now being pursued for 250 dwellings, there is likely to be residual capacity for at least 50 more dwellings.

7.32 Overall officers are not recommending this site for allocation due to impact on the landscape character of the river edge, the further erosion of the footpath network and the introduction of housing on the east side of Coggeshall Road which extends Kelvedon further into the countryside and has an urbanising effect on the gateway to Kelvedon and character of Coggeshall Road.

**Recommendation 6: That site KELV 626 is not allocated for development**



**New site submission – Land at Windmill Farm (KELV 627)**

- 7.33 This site is to the north west of 'Newtown', measuring 5.7 hectares, with access from either Observer Way subject to agreement with relevant landowners, or as an extension of KELV335 Monks Farm. The developer estimated that the site could deliver 170 dwellings.
- 7.34 Parish Comments:  
These sites, in whatever combination, effectively form an extension to the Monks Farm site, KELV335, which the Parish Council has objected to in the previous consultation round. The Parish Council's views on KELV335 also extend to these sites, as they all present the same problems and concerns regarding access, increased traffic at an already congested junction/road and other problems such as flooding in this area.
- 7.35 Neighbourhood Planning Group Comments:  
Windmill Farm effectively forms an extension of the Monks Farm Site (335) to the west and can only be accessed if parcel 335 is developed. Therefore, the comments regarding impact of transport, environment and heritage expressed under the comments for Monks Farm also apply to these two particular parcels.
- 7.36 Statutory Comments:  
National Grid identified assets and advises the following regarding pipeline safety. No piling should take place within 15m of gas distribution assets without prior agreement. National Grid will need to ensure that access to the pipelines is maintained during and after construction. HP/IP pipelines are normally buried to a depth cover of 1.1 metres. Ground cover above gas distribution mains should not be reduced or increased.
- 7.37 Officer's comments:  
Site assessment undertaken by officers revealed a number of constraints. Chiefly, a high pressure gas distribution pipeline crosses the site from the north and will exclude development on it, and within an easement. Windmill Farm itself is also an archaeological site, although this can be dealt with by condition. These features are likely to exclude development leaving a residual of 3ha which has a capacity of 90 dwellings.
- 7.38 The hedge boundary which separates this site with KELV335 Monks Farm is a strong landscape feature which visually contains the development at Monks Farm but diametrically inhibits links with the subject site. The boundary is an established landscape feature that contributes to Windmill Farm being identified in a separate landscape character area which is assessed as medium to low landscape sensitivity, a degree less capable of

accommodating change compared to Monks Farm. The subject site is on a parcel that is more exposed, open and generally isolated from the urban fabric.

- 7.39 The key benefit of this site is that additional housing can be delivered with low impact on the existing character of 'Newtown' and Coggeshall Road. However the shortcomings on this site are twofold: first the constraints in the north create a lack of logical visual containment and secondly a housing development would likely have a high impact on an area of medium to low landscape capacity. As such officers are not proposing to recommend the site for allocation.

**Recommendation 7: That site KELV 627 is not allocated for development**

**New site submission – Land at Bridge Farm (KELV 628)**

- 7.40 Bridge Farm is a small site of 2.0 hectares with an estimated capacity to deliver an extra 50 dwellings. Access would be from Monk Farm KELV335 and would be an extension – it would not be deliverable on its own.
- 7.41 The developer states that the site forms a definable parcel, with strong hedge boundaries and some trees, it is currently used as horse grazing paddocks. It is on lower lying land to the south of KELV335 Monks Farm and would have similar landscape impact. It is proposed that this site could be comprehensively linked to KELV335 and that the bridge route could be enhanced for emergency access and pedestrian access.
- 7.42 Parish Comments:  
The Parish Council considers this to be an extension to the Monks Farm site and object to its allocation. Views on KELV335 also extend to this sites regarding access, traffic and flooding.
- 7.43 Neighbourhood Planning Group Comments:  
Similar to Monks Farm, KNPG recognise that this site is close to existing focal points but are concerned about traffic impact on Station Road.
- 7.44 Officer Comments:  
The paddock is a discreet field that is overlooked from public footpaths, it is part of the same landscape parcel as Monks Farm, acquiring medium landscape capacity. Bridge Farm is separately accessible along farm tracks from New Road.
- 7.45 Assuming the draft allocation at Monks Farm is built out, the subject site could be well integrated. Both sites would be separated from more sensitive landscape to the west and are visually well contained. Nevertheless the

subject site is part of an urban–rural fringe that would be further eroded and suburbanised. Viewpoints from the public footpaths would however be adversely affected with existing routes becoming partly enclosed between high hedging and proposed developments on Monks Farm and Bridge Farm.

- 7.46 Subject site is close to the railway station and high street with a good level of service provision, except for secondary education. There is likely to be residual capacity for 50 dwellings on the highways remaining from Monks Farm and the County Council have not raised any concern regarding surface water management for Monks Farm either. On the proviso that wider infrastructure capacity issues can be mitigated through contributions, the proposal is therefore relatively sustainable.
- 7.47 Notwithstanding this, the benefit of additional housing on this site is unlikely to arise before the completion of Monks Farm and there would be no contribution to the five-year housing land supply. Officers do have concern that the local landscape and enjoyment of the landscape would be adversely affected by further development of the rural-urban fringe. Development of the paddocks would also remove any defensible boundary and leave the remnants of Bridge farm vulnerable to infill development in future. On balance, officers conclude that this site is not preferred.

**Recommendation 8: That site KELV 628 is not allocated for development**

**8 Sites considered for the draft plan**

**Previously considered site – Land at Park Farm, Hollow Road (KELV 333)**

- 8.1 Park Farm was considered in May and is an agricultural site of 60ha. The landowner is promoting 40ha for development providing 1,000 dwellings.
- 8.2 Consultation Responses:
- Site should be considered, access can be gained over an existing bridge over the railway line at the junction of New Road and Glebe Road. Suitable for single file traffic controlled by traffic lights and a footpath for pedestrians.
  - Site is unsuitable for large scale housing development.
  - Suitable access is main issue – safety concerns regarding railway crossing.
- 8.3 Parish Comments (submitted in May):  
This site is objected to as it is felt that it is very removed from the existing village and would be a settlement apart from Kelvedon, rather than being part

of the existing community. Access and egress to and from this site is also a concern.

8.4 Officer Comments:

This proposal was not recommended for allocation by officers due to constrained access across the level crossing and heritage impact concerns for the Protected Lane. Landscape capacity is medium to low and there are other sites in the village with more, or medium, landscape capacity for residential development.

- 8.5 A large allocation would increase vehicular and pedestrian usage of the level crossing and have an impact on the character rural lanes north of Kelvedon, as such access to this site is not considered to be suitable. Responses received in the consultation have also focused on access and having considering both sides of the discussion, officers are not convinced that the recommendation should be changed.

**Recommendation 9: That site KELV 333 is not allocated for development**

**Proposed Allocation – Monks Farm, land south east of Coggeshall Road (KELV 335)**

- 8.6 Monks Farm is allocated for 300 homes however having advanced further though the design process, the developer is promoting a site capacity of 250 homes. Many of the draft consultation responses from infrastructure providers were received on the estimate of 300 homes.
- 8.7 A significant number of comments supported the allocation of Monks Farm as per the local plan. It should be noted that some residents made representations in the context of comparing Monks Farm to London Road. Comments which are in support or expressed preference above London Road include:
- Preferred site has problems but requires improvements to Station Road/ High Street junction and along Coggeshall Road.
  - This site will cause fewer problems to the High Street than the one at London Road.
  - Suitable subject to road improvements.
  - This plan for development is the best option – other sites are relatively isolated from public transport infrastructure, other sites are also closer to the flood plain, other sites are on good agricultural land, other sites are on the edge of village/create satellite community and harm social cohesion.
  - Site has good access to the High Street, school and the railway.

8.8 Support from the developers who state they have undertaken assessments of the site including archaeology, historic environment, ecology, noise and air quality.

- Developers are confident that a high quality scheme can be delivered.
- Land to the north is not constrained by flood zone, which wraps around the village on three sides.
- A new footpath along the southern edge can allow easier access to the pedestrian bridge across the railway.
- Site is well integrated into the village - the 2015 landscape Evaluation states that Monks Farm is 'located immediately adjacent to the existing settlement fringes'

8.9 Comments in objection:

Access and Highways:

- Access is proposed between two blind corners. No evidence that the proposed access onto Coggeshall Road can meet requirements for a safe visibility splay.
- Alternative access to the site – via Kings Meadow Court or Observer way should be considered.
- Displacement of residents on Coggeshall Road during demolition to gain access to the site.
- Access is being proposed which involves demolishing and evicting existing tenants, including children.
- Access appears to be chosen on the basis of who is willing to sell their property – not the most objective or safe access point.
- Demolition for access will change the character of the area. These include houses that have been in the village for nearly 100 years and are part of the heritage.
- Other sites have significantly better access.
- Visibility on Coggeshall Road is poor.
- There should be a pedestrian crossing on Coggeshall Road, but there are no safe points to put it.
- Queuing at the current Station Road junction is severe at morning and evening peaks. Station Road is practically one way with queuing extending as far up as New Town.
- Major road improvements required, not a quick fix.
- Traffic going towards Chelmsford, as the growing regional hub, is congested.
- Local businesses on Station Road will be affected by the congestion – Kelvedon cannot afford to lose any more businesses.
- Limited visibility on Station Road/Kelvedon High Street.
- Other sites have less impact on the heritage of the village.

- Junction mitigation must respect the character of the Conservation Area.
- Junction has been acknowledged by ECC to be a problematic and heavily congested and many attempts to find a solution have been unsuccessful.
- Development requires a four-way junction on A12 north of Feering.
- High vehicles restrictions on Station Road railway bridge – problems for construction traffic.
- Network Rail may have some serious concerns regarding additional traffic, some larger vehicles, going under the railway bridge.
- ECC have stated that there is little they can do to improve the Station Road/High Street junction
- Only 10% of residents are commuters and the notion that new residents will mainly use the train is flawed. 30% commute towards Chelmsford by car and 30% to Colchester.

#### Parking and footpaths

- Footpaths along Coggeshall Road are too narrow.
- Amend the policy for this site to include: “better drop off – collection points at both sides of the track; additional car parking – decked if necessary; a requirement for free parking to remove stress on nearby roads and the need for parking controls which impact the lives of local residents”
- Proposals include land currently used for parking resulting in the loss of spaces.

#### Flooding:

- This site floods onto Coggeshall Road during heavy rain. Building on this land will only exacerbate this problem.
- Water from the development would be piped quickly into the river Blackwater and cause downstream flooding.
- Coggeshall Road floods during heavy rain. Similarly, the River Blackwater floods Station Road. Development would make these issues worse.
- Coggeshall Road floods and has restricted capacity at times during heavy rain.
- Site has many natural springs and original ponds which should not be built on.
- Development will not improve the situation even with an improved drainage system

#### Other Matters:

- 250 homes will generate half a class size – where will these children go?

- Applications for single dwellings adjacent to Monks Farm have been refused in the past.
- There are deer, bats, rabbits and an abundance of birdlife living on site.

8.10 KNPG views this site as in good proximity to the centre of the village but have concerns about ‘unacceptable hazards’ for new junctions at Station Road with Kelvedon High Street. The group proposes a one-way system involving Coggeshall Road/Station Road, Kelvedon High Street and a new route across Lady Meadow to the bottom of Feering Hill.

8.11 Kelvedon Parish Council have responded with the following comments:

Advantages of this site:

- The promotion of the use of public transport is supported
- Site is non-intrusive – it would not be highly visible from the surrounding area.

Disadvantages:

- The biggest objection to development on this site is the impact on traffic and congestion, especially at the junction of Station Road and the High Street. This is an existing problem area, with major congestion at this point during the rush hour at its peak and to greater or lesser degrees at other times of the day.
- Due to the nature of this junction, as a staggered crossroads beside a bridge, with an incline up to the junction, no solutions have yet been found to ease the problems. This area has been acknowledged by ECC to be a problematic and heavily congested junction and many attempts to find a solution have been fruitless. The impact of a further 300 homes with access and egress onto this junction would be immense and unsustainable without a scheme to alleviate it.
- It needs to be acknowledged that not all of the people who will live in this development will be commuters, therefore there will be a large number who need to leave and arrive by car.
- It was also felt that this site would evolve as a separate community from the rest of the village due to its site and nature as a possibly large community of commuters. This would be undesirable to the village as a whole, if integration into the community became an issue.
- Traffic to and from the site will need to access and egress via Coggeshall Road. As acknowledged in the BDC recommendation, this is a fast road with tight bends and limited visibility. It then narrows to almost a single carriageway underneath the railway bridge.

- There is already concern about the speed and volume of traffic along this stretch of road, without the addition of a junction and/or mini roundabout for 300 more houses to add to the existing congestion. The recommendation reports that the applicant has agreed with owners of properties along Coggeshall Road to demolish them to create an access. The details of where this would be and in what form is not currently available. This makes it difficult for the Parish Council to make an informed decision as to the merits or otherwise of any proposed junction.
- This area floods regularly. Water runs down from the area of the proposed site, through the properties onto Coggeshall Road. This creates a further hazard on this road in the vicinity of the proposed development and access. This road is also very difficult to cross as a pedestrian and to navigate to walk to the station due to the lack of pavements and narrowness of the road.
- It was felt that at a recent public meeting in Kelvedon, that this site is overwhelmingly objected to by the residents of Kelvedon and the Parish Council supports this view.
- It was agreed to object to this site on the grounds laid out above.

8.12 Feering Parish Council objects to the allocation due to access from Coggeshall Road which junction for the A12 north of Feering required before development.

8.13 Statutory comments from ECC were submitted in regards to early years and child care, and for secondary education (see above).

8.14 Officer comments:

Comments regarding transport infrastructure and access comprised more than half of the objections received on this site, including a response from KNPG and from both Parish Councils. Officers appreciate the concerns of local residents concerning the impact of additional population on the transport network. As a Key Service Village, with a mainline railway station, Kelvedon represents a location where the opportunities for sustainable transport modes are strong, particularly within this site which is located within very short walking distance of the railway station and of high frequency bus services. In terms of a comparative analysis between alternative options, the sustainability appraisal gives this a 'significantly positive effect', however this similar to the score for KELV335 London Road – there is no difference either way. Notwithstanding mitigating proposals for KELV335, officers believe this site has better access to higher quality public transport and is likely to have a higher positive effect on reducing reliance on private cars.



- 8.15 Neither Essex County Council as highways authority nor Highways England have objected to the site on the principle of highway grounds. The transport study which looks at all growth in the Local Plan suggests some amendments to the existing Coggeshall Road/Station Road junction are required. Traffic in Kelvedon is of course also related to the strategic road network and an all movements junction 24 on the A12 will help alleviate congestion at this junction.
- 8.16 Some objections relate to resident's preference of access and have suggested alternative access via existing roads may be better. Determining access is part of good design. Officers have assumed that access to this site will be from Coggeshall Road and involve the demolition of circa two properties. The exact location for the access and the properties to be demolished is to be determined through detailed work and agreement with the highways authority. Cost and effect on existing tenants is a private matter which members may wish to consider however it is not a component of the planning balance. The NPPF actually has limited guidance on such details so long as the site remains deliverable and that it has safe and suitable access. Loss of established dwellings would result in a change to the existing streetscape and a minor change to the character of Newtown however the area is not a Conservation Area, nor are any of the buildings on this stretch of Coggeshall Road listed, and the type of access to backland development is not unusual within the morphology of Kelvedon. Officers are satisfied that the impact on existing modern properties can be acceptably addressed at planning application stage. Overall officers consider that the access point is suitable in principle and detailed matters concerning the safety of pedestrians, visibility splays and speed can be dealt with at planning application stage.
- 8.17 This development will have an important impact on the footpaths and circulation of pedestrians around the site, especially due to its location directly adjacent to a public transport hub. Some concerns have been raised regarding the suitability of existing footpaths on Coggeshall Road/Station Road. There are two public footpaths crossing the site with access to alternative links across the railway line. Therefore the development has good potential to enhance pedestrian and cycle links, so that they can be used all-weather and at different times of the day for example, which would likely have an overall positive effect on accessibility and safety for all pedestrians.
- 8.18 Due to the site's close proximity to the station, there is likely to be no effect on the provision of parking at Kelvedon Station from the development. However the more general points about parking at Kelvedon Station have

been noted and land adjacent to the station is allocated for employment and car parking uses only.

- 8.19 Many of the consultation responses relate to existing fluvial flooding events from the Blackwater - after all Station Road is entirely within flood zone 2 - this is a wider strategic issue. However, on-site mitigation to maintain existing, agricultural, surface water run-off rates is proportionate and will be required to make the development acceptable.
- 8.20 The site has been established as being a medium landscape area to accommodate change which is not rare for Kelvedon and Feering as this classification applies to 9 other parcels. The landscape study states that this parcel has a relatively well defined landscape structure with good containment from the north east. The proposed development would form a natural extension to the housing at Kelvedon and form a more coherent edge.
- 8.21 Objections have been submitted in relation to wildlife, however the site is currently in use for agriculture and is not designated as a local or regional wildlife site. It is possible that the hedgerows forming the field boundaries to the north and south could sustain wildlife, and these features will need to be retained as part of any application. Relevant surveys will be required as part of a detailed planning application.

**Recommendation 10: That the allocated site KELV 335 is retained for development**

**Previously considered site - Land at London Road, Kelvedon (KELV 337) and (KELV 338)**

- 8.22 These sites are under the same landownership and the concept plans depict KELV337 as the development site with KELV 338 proposed as a country park. A residential development of 269 homes, employment and open space is proposed on the north site, measuring 23ha. A space reserved for education is included in the north, while the country park is on 6.2ha in the south.

Kelvedon Parish Council have the following representation:

Advantages:

- The site north of London Road is located at one end of Kelvedon, on the A12 junction towards Chelmsford and London. Therefore, any traffic wishing to access the A12 at this point would not need to drive through Kelvedon or Feering, therefore not adding to any traffic congestion and the potential for a four way junction here would be

highly advantageous. The site has more space around it and would not overcrowd the village as it currently is. The Parish Council agreed that there seemed to be less overt objection to this site, than for Monks Farm.

Disadvantages:

- The parts of these sites which are in the flood plain should not be built on. The site is visually intrusive as you enter Kelvedon and would be set apart as a separate community from the rest of the village, with potential problems around integration into the existing community.
- Traffic wishing to travel north on the A12 would need to drive through the entire length of the village and into Feering for access, adding to the existing congestion. There are also concerns that residents would not walk to the railway station but drive, which will add to the parking problems and congestion at the station and at the Station Road/High Street junction, as described above.

8.23 KNPG note that this site is further away from certain focal points but close to Church Street which provides spiritual, medical, dental, library and leisure facilities.

8.24 Regarding the site for a new school, the village survey states that 46% of parents would prefer expanding existing school rather than a split site. KNPG notes potential traffic implications of split site.

8.25 Developers for the site made the following comments regarding the Local Plans Sub-Committee report in May. They have also asked to make Councillors aware that they are currently preparing a planning application for submission.

- It failed to emphasise benefits of high-level of on-site provision of mixed uses. The design of a self-contained neighbourhood would have a higher incidence of walking and cycling.
- Unclear that 6.2ha Country Park would be delivered as part of the development.
- The undeveloped gap along the tributary scheme is very narrow and little more than an amenity belt – neighbourhood would appear as a natural adjunct.
- The covenant affecting part of the site is only a small area to the east and would not preclude the site coming forward.
- Distance from the rail station is 1.5km which is similar for land at Feering.
- A considerable buffer is left in response to noise concerns at Crabbs Barn

- Site now includes an education allocation which would enable a new school campus to be incorporated into the development – in discussion with St. Mary's academy to build a split campus.
- Did not account for additional landscape character evidence which has now been submitted – this states that the enclosed character of the site gives it the ability to absorb change.
- Only limited reasons were cited for rejecting this site and none of these are considered sufficient to justify that decision.
- A traffic and transportation report demonstrates that two thirds of the traffic generated does not need to travel through Kelvedon High Street.
- There will be 'active consideration' for a hopper bus service to link the rail station at peak hours.

#### 8.26 Other comments in support:

- The London Road development is within easy walking distance of the village centre and station.
- London Road will not affect the centre of the villages as much.
- One resident supporting this development has said that noise from Crabbs Barn has never been a problem.

#### 8.27 Comments objecting to the site:

#### 8.28 Access and highways:

- Residents on this site would be able to access the A12 in both directions by turning around at Rivenhall End and parking at Witham.
- The site has poor access and creation of two mini roundabouts on London Road is unsuitable as this is used by HGVs and will worsen congestion.
- Traffic - Extremely difficult to exit Maldon Road during peak hours for residents of Brockwell Lane.
- Increase in congestion on the High Street from commuters to Colchester and to the station.
- Additional assessment of traffic flow through Kelvedon required – development at Tiptree is increasing traffic.
- Object to volume of traffic accessing London Road from this development.
- Unlikely bus service will tempt residents away from cars.
- The junction of London Road and Maldon Road is dangerous due to limited visibility caused by parked cars.
- It is believed that the rail station is not in walking distance. Respondents state that it is 25 minutes' walk.

- Lighting along London Road is poor and unsafe for cyclists.

#### 8.29 Character and Landscape

- Future development should be situated to the NW or SE of the village, forming a more circular shape, ensuring properties are in walking distance to the village centre and better integration.
- Volume of this development is too large.
- Development would give the impression of urban sprawl.
- This development is strung out along one stretch of road.
- Kelvedon will lose its identity as this site is detached from the village.
- Development will become a satellite village – this will harm social cohesion with the existing community.
- Development would not be compliant with LPP46 which states that any new buildings should not ‘impact on the skyline and the building line’ – site would be prominently located at gateway to village and obscure views to St. Mary’s church. As such, it would have an adverse effect on rural setting of the village.
- This development would become a satellite village to Kelvedon if all the proposed services are provided – although this is uncertain.

#### 8.30 General

- Lack of affordable or social housing being created on this development.
- Proposed Country Park will always be flooded in winter.
- Building on flood plains is storing problems for the future.
- Concern that risk of surface water flooding will increase.
- Proposals seem like a Trojan horse for more development.
- Developers should be congratulated for engagement efforts but believe ‘added value’ offerings are misleading.
- No requirement for a Country Park.
- Level of development will not trigger funding for a new school.
- Site is too small to accommodate houses, facilities and Business Park.
- Strongly oppose London Road development – size of development is not enough to support a new school and there is no need for a new community facility – one just been built at the Institute.
- Further retail services are not required – parking and access is the issue with current facilities.
- Improvements to sewerage and other infrastructure is required to accommodate this development
- Proposal is on good quality agricultural land.

- Object due to impact on views from our property across the fields from London Road residents.

Officer's Comments:

- 8.31 From the consultation responses, the issues of contention here are access, highways, landscape and character, flooding and deliverability.
- 8.32 At the local plans sub-committee last May, members heard that officers had landscape and character concerns, noting that an area of flooding would make the development feel slightly separate from the village. For these reasons, in addition to the distance to the railway station, officers recommended that the site is not allocated.
- 8.33 Regarding access, the proposal includes two direct points from London Road via mini roundabouts. No objections have been received from the Highways Authority regarding this scheme and officers regard the access, despite objections regarding the highways impact in terms of delays, as potentially suitable for development.
- 8.34 From the consultation responses, the traffic issues emanating from this design are mostly related to issues that will affect all sites in Kelvedon and Feering, including delays and difficulties accessing exiting estates. Potential to include a bus service to mitigate any impact are welcome however the need to consider a service is symptomatic of the relative distance from the railway station. The site is 1.5 to 2km away from the rail station although London Road already offers a regular bus service between Witham and Kelvedon. Given the overall proportion of public transport users, as identified in the census/highways modelling, there is unlikely to be a significant difference in overall traffic impact when compared to the strategic allocation at Feering.
- 8.35 It was argued that this site will have a lower traffic impact on the high street than site KELV 335 Monks Farm, to which the Parish Council agrees. Although no comparative assessments are provided to support this, it makes sense that nearly 100% of vehicles arising from KELV 335 would impact on Station Road/High Street. London Road would see a significant amount of traffic heading direct to/from the A12.
- 8.36 However this benefit to traffic levels is offset by the relatively higher attractiveness of walking, cycling and sustainable transport of KELV335. Chapter 4 of the Framework suggests that a higher priority should be placed on development that encourages higher use of sustainable transport rather than development with less severe highways congestion. Paragraph 30 states that LPAs should 'support a pattern of development which, where reasonable

to do so, facilitates the use of sustainable modes of transport'. This site has fewer sustainable transport benefits than the development at KELV335.

- 8.37 The landscape character assessment categorises this parcel as having a 'medium-low' capacity due to the impact development would have on close and distant views. It notes that the western edge of Kelvedon is characterised by a conservation area and large numbers of listed buildings, including the landmark steeple of St Mary the Virgin Church. The vegetative edge to the tributary is also an important feature which would be put at risk by proposals to cross the tributary within the scheme and develop land behind Church Street. In comparison, site KELV335 Monks Farm does not have these negative potential landscape impacts and is rated as having 'medium' capacity for change.
- 8.38 Developers representing the site have submitted additional evidence and undertaken a landscape impact assessment, this study examines a variety of receptors surrounding the site and is more detailed than the Council's evidence. Nevertheless, the inevitable impact on landscape is weighed as a negative.
- 8.39 Developers have also promoted a county park, which would be in addition to generous open space provided on-site, as a significant benefit to the scheme. Regs 122 and 123 of the Community Infrastructure Levy Regulations 2010 sets out three tests which means that s.106 agreements must be reasonable scale, necessary to make the development acceptable and directly related to the development. As it is in excess of the scale of development and not necessary to make the development acceptable, officers cannot make the provision of a Country Park a requirement of this development. It would be at the developer's discretion to provide such facilities with a unilateral undertaking and it is unclear whether the Parish Council or the District Council would want to take on the management of such a facility in the longer term.
- 8.40 This development scheme can demonstrate a high amount of mixed usage, there is land for a small retail unit, employment and a school on site. The employment land could have reasonable proximity with an existing cluster on London Road and, if realised, would be an overall benefit. However the proposal for retail is separate from the local centre which may not be desirable and draw trade away from the existing designated local centre at Kelvedon High Street. The proposal for a split school site has not received comments from ECC and is neither a benefit nor disbenefit to the scheme at this stage.
- 8.41 Overall, the additional work produced by the developer has mitigated some of the issues raised previously. Nevertheless, officers remain unsatisfied with the

landscape and heritage impact on St Mary the Virgin Church of this development. In addition, the design has not overcome the concerns that proposal will be slightly separate from the existing village, as evidenced by the developer's own aspiration to create a self-contained neighbourhood.

**Recommendation 11: That site KELV 337 and 228 is not allocated for development**

**Other Sites**

- 8.42 There were no comments directly related to KELV336 at Seven Seas Marble and therefore the officer recommendation to not allocate the site does not change. In relation to sites KELV331 and KELV332 at St Dominic's care homes the landowner has submitted some additional information on the proposed development, but the allocation for specialist housing will remain.

**Recommendation 12: To approve the Kelvedon Inset Map as set out in the Appendix for inclusion in the Submission Local Plan**

**9 Halstead**

**HATR308, Blamsters, Mount Hill and HATR309 Blamsters, Mount Hill**

- 9.1 Members may recall discussing these proposed Local Plan allocation sites at its meeting of the 15<sup>th</sup> February 2017. At this meeting, members agreed to defer any decision on whether or not they should be allocated pending further their outcome.
- 9.2 In considering Sites HATR308 and HATR309 - Blamsters, Mount Hill, Halstead it was noted that three development proposals had been put forward. These were HATR308 - specialist housing to all 3 areas, 2.47 hectares; HATR308 - C3 residential and supported living of approximately 40 individual units, 2.47 hectares; and HATR309 - specialist housing to Area 3, 1.7 hectares. On 25<sup>th</sup> May 2016 the Local Plan Sub-Committee had proposed that Site HATR309 should be allocated for specialist housing. However, Members were advised that planning application no. 16/01646/OUT had recently been submitted which proposed residential development of 21 market and affordable homes and 4 supported living homes (Class 3C) on a site which corresponded with the boundaries of allocated Site HATR309 (specialist housing). It was the County Council's aim to support adults with learning disabilities to integrate within their local communities. In the circumstances, Members proposed that consideration of these sites be deferred pending the receipt of written advice from Essex County Council on specialist housing/supported living.



- 9.3 The decision of committee had been that a decision be deferred pending the receipt of written advice from Essex County Council about the provision of specialist housing/supported living.
- 9.4 Since the last committee at which this proposal was discussed the site owner has withdrawn the two schemes submitted under HATR308 which include market housing. The agent has advised that the requests that the site HATR309, of 1.7 hectares Area 3, is allocated for Specialist Housing.
- 9.5 Essex County Council reiterated its position that there is demand for specialist housing for people with learning disabilities and physical impairments in the Braintree District. Essex County Council stated that wishes to revise its position. It is supportive of this site retaining its specialist housing allocation given the assurances that were given. These assurances are as follows:
- The County Council would be full consultees in any future planning application.
  - Reduce the number of people with specialist needs living on the site.
  - Fully involving ECC in the design of the proposed units.
- 9.6 Correspondence with the county council revealed that discussions had included the possibility that the number of dwellings would remain at 25 but that the number of places would reduce from 2/3 bed properties housing 54 people. The County Council suggested 4 one bed units for people with challenging behaviour; 8-12 units of specialist housing (one bed) for Learning Disabilities (without challenging behaviour) and Physical Impairment, and the rest a mix of affordable and market to be agreed with Braintree District Council.

### **Officer Comments**

- 9.7 There remains some confusion over whether or not market housing remains part of the scheme. Whilst the applicant only mentions specialist housing provision, communication from the County Council suggests an element of market housing.
- 9.8 The County Council Head of Commissioning (Vulnerable People) have agreed that a reduced number of specialist housing i.e. 16 spaces would be acceptable as set out above and they do not object to market housing within the site. This would leave 9 units for market/affordable housing.
- 9.9 The number of specialist homes would reduce to 16 from 25 in order to satisfy the County Council on their concerns. Given this reduction and the

assessment of the site as outlined in the earlier committee report members must come to a view on whether or not the potential inclusion of an element of market housing with a reduced specialist element is satisfactory in order to secure the specialist provision. If it turns out that no market element is proposed, would specialist provision of the scale originally proposed remain acceptable.

**Recommendation 13: That site HATR 308 is not allocated for development**

**HATR306 Land at Tidings Hill, Halstead**

- 10.1 Halstead's relatively remote location from rail links and distance from other larger settlements mean that the settlement is less sustainable for large scale growth than other settlements. Reliance on road for transport together with the road layout within its historic core make congestion a problem. This area is covered by a Conservation Area and there are many attractive and listed buildings. Opportunities for highway improvements here are limited and there is heavy congestion. Halstead has retained its attractive market town character and has an attractive landscape setting. The protection of this character should guide allocations as far as practicable. Given the constraints of the towns setting and more limited facilities, it is desirable to allow for some smaller scale growth and regeneration to occur.
- 10.2 This report will consider site GGHR630. This site was the subject of a representation made in respect of the public consultation on the Draft Local Plan but was not considered previously.
- 10.3 One representation was received expressing support for development of the site and made the following points:  
Could provide 90 dwellings in a sustainable location beside the settlement boundary without physical/ environmental limits preventing its development.

The Council's evidence base supports this for development. The Landscape Analysis categorises it as

- having the highest capacity for development than any other site in the Halstead Area.
- Has good containment and scope to mitigate any proposed development
- the strong landscape boundary means its impact on the wider landscape is limited or no impact
- Strong hedgerow structure planting provides a contained edge to Halstead

The Council's assessment of the site in the committee report is misleading. The Highways officer stated that Oak Road is narrow and may need widening and uncertainty over the access to the site.

A safe access can be made to Tidings Hill with many possible mitigation measures to Oak Road to be agreed with the Highway Authority. Hence this development would not impact the protected land or Oak Road and provide opportunities for recreation within the wider area.

- 10.4 A letter from the respondents Highways Consultant made the following points:
- The most deliverable access opportunity is at the eastern border on Tidings Hill between Grange Close and Oak Road.
  - This would require an extension of Tidings Hill.
  - A priority junction into the site would be needed to serve the whole scheme in isolation but is deliverable within the site ownership and (assumed) adopted highway
  - Subject to detail an access arrangement from Tidings Hill could be designed, capable of serving residential development.

#### **Parish Comments**

- 10.5 No response has been received in relation to the representation but the Parish made the following comments in response to the draft plan allocation.
- 10.6 “Qualified support though there is a recreational allocation which would not be carried forward. Some support of a comprehensive development. The Tidings Lane junction considered dangerous”

#### **Officer Comments**

- 10.7 This site lies in an area assessed as having a medium – high landscape capacity value. There is a small area of land contamination. The Highway Authority considers that Oak Road is narrow and requires widening. There are no proposals to widen Oak Road arising from this proposal or by the Highway Authority. Inadequate access to the site could result in pressure on the Letches Farm Lane protected lane commencing immediately south east of the site.
- 10.8 Although the respondent considers that access could be made to Tidings Hill, this would need to be confirmed as acceptable by the Highway Authority and concerns about the developments impact on Oak Road and Letches Farm Lane remain. It is not clear that mitigation measures could allay concerns about the developments impact on this road.

- 10.9 It is accepted that the site has strong boundary vegetation and tree cover which would limit the impact of development on the wider environment should it remain.

**Recommendation 14: That site HATR306 is not allocated for development**

<b>Braintree Draft Local Plan – Responses Received to Consultation Relating to Policies</b>		<b>Agenda No: 6</b>
<b>Portfolio:</b> Planning and Housing <b>Corporate Outcome:</b> Securing appropriate infrastructure and housing growth  <b>Report Presented by:</b> <b>Report Prepared by:</b> Alan Massow		
<b>Background Papers:</b> <ul style="list-style-type: none"> <li>National Planning Policy Framework (NPPF)</li> <li>National Planning Practise Guidance (NPPG)</li> <li>Localism Act (2011)</li> <li>Planning and Compulsory Purchase Act (2004)</li> <li>Local Plan Review (2005)</li> <li>Core Strategy (2011)</li> <li>New Draft Local Plan</li> <li>Housing and Planning Act (2016)</li> </ul>		<b>Public Report:</b> Yes <b>Key Decision:</b> No
<b>Executive Summary:</b>  <p>This report sets out the responses which were received to the draft Local Plan consultation in summer 2016 on the following areas;</p> <ul style="list-style-type: none"> <li>Green Buffers</li> <li>Gypsy and Traveller and Travelling Showpersons policy</li> <li>Affordable Housing</li> <li>Retail and Town Centres</li> </ul> <p>It also includes the report on the evidence base for Gypsy and Traveller and Travelling Showpersons which supports the policy requirements in this area. This report is an <b>electronic Appendix</b> only.</p> <p>Maps of the proposed green buffer areas are also set out in the <b>Appendix</b>.</p>		
<b>Recommendations</b>  <p><b>Recommendation A – That the policy and text for Green Buffers is amended as set out in this report and that green buffers are allocated in the areas highlighted in green on the accompanying maps within the appendix.</b></p>		

**Recommendation B – To amend the Affordable Housing following text and policy as set out in the report.**

**Recommendation C - That the update for the Essex Gypsy and Traveller Accommodation Assessment (2017) be approved as part of the Local Plan evidence base.**

**Recommendation D - That the Gypsy and Traveller and Travelling Showpersons text and policy is updated as follows.**

**Recommendation E – That the Shops and Services pre-amble and policies are amended as set out in the report.**

**Recommendation F – The policy and text for Primary Shopping Areas is amended as set out in the report.**

**Recommendation G – That the policy and text for District and Local centres is amended as set out in the report.**

**Recommendation H – The the policy and text for Out of Town Retailing is amended as set out in the report**

**Recommendation I – That the policy and text for Retail Allocations is amended as set out in the report.**

#### **Purpose of Decision:**

**To agree changes to policies on Green Buffers, Affordable Housing, Gypsy and Traveller and Travelling Showpersons and evidence base, Shops and Services, Primary Shopping Areas, District and Local Centres, Out of Town Retailing and Retail Allocations.**

#### **Corporate Implications**

<b>Financial:</b>	The preparation of the Plan will be a significant cost which will be met through the Local Plan budget.
<b>Legal:</b>	To comply with Governments legislation and guidance.
<b>Equalities/Diversity:</b>	The Councils policies should take account of equalities and diversity.
<b>Safeguarding:</b>	None
<b>Customer Impact:</b>	There will be public consultation during various stages of the emerging Local Plan.
<b>Environment and Climate Change:</b>	This will form part of the evidence base for the emerging Local Plan and will inform policies and allocations.
<b>Consultation/Community</b>	There will be public consultation during various stages of

<b>Engagement:</b>	the emerging Local Plan.
<b>Risks:</b>	The Local Plan examination may not take place. The Local Plan could be found unsound. Risk of High Court challenge.
<b>Officer Contact:</b>	Emma Goodings
<b>Designation:</b>	Planning Policy Manager
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## 1 Background

- 1.1 Braintree District Council is working on a new Local Plan which will guide development in the District between now and 2033. Once adopted this will replace the 2011 Core Strategy and the 2005 Local Plan. As part of the Local Plan, the Council is required to boost significantly the supply of housing as set out in the National Planning Policy Framework.
- 1.2 In 2013 and 2014 the Council consulted on the Site Allocations and Development Management Plan document. This included a proposed new inset map for all defined settlements (towns and villages) within the District. During this time significant detailed revision of many of the inset maps were considered. For the new Local Plan these maps will provide a starting point for any further changes and updates required.
- 1.3 The preferred Inset Map for each defined settlement, together with a map showing the alternative site options that were considered and not taken forward will be contained within the draft Local Plan for public consultation in the summer.
- 1.4 There is no specific housing target for each area and all sites will be assessed on their merits. If, when all towns and villages have been through Local Plan sub-committee, not enough sites have been chosen for development, then additional sites will need to be considered and added to the proposed list of allocations.
- 1.5 The Plan includes 68 strategic and non-strategic policies set around 3 key themes, A Prosperous District, Creating Better Places and The Districts Natural Environment. The Plan also includes a shared strategic section of the Plan and 10 policies (prefixed SP) which are replicated in Colchester and Tendring Local Plan. All comments received by each of the three authorities within their consultation periods are being co-ordinated and a single report will be produced on the responses to this section.

- 1.6 Full Council on the agreed the new Draft Local Plan for public consultation at its meeting on the 20<sup>th</sup> June 2016.
- 1.7 The Local Plan was subject to an 8 week public consultation which started on the 27<sup>th</sup> June and concluded on the 19<sup>th</sup> August.
- 1.8 A total of 3,101 comments have been received from 1,244 individuals. These are all available in full on the website at [www.braintree.gov.uk/consultLP](http://www.braintree.gov.uk/consultLP) and we would ask all Members to read these comments.
- 1.9 An update to the Sustainability Appraisal (SA) has been undertaken to include new sites submitted to the Local Plan. To maximise the contribution that the Local Plan makes to the achievement of sustainable development and minimise any potential adverse impacts, members should have regard to the SA and consider any reasonable alternative options to the chosen policy or allocation. The Council will need to show how environmental considerations have been integrated into the plan and how the SA has been taken into account.

## **2 Green Buffers**

- 2.1 Green buffers are intended to be locally designated areas between settlements which is would be beneficial to retain in order to protect the settings of towns and villages in the district. Whilst the green buffers were not designated on the Draft Local Plan, it is intended to identify them on the pre-submission Local Plan.
- 2.2 Green buffers are proposed around parts of Braintree, Great Notley, Witham, and Sible Hedingham.

### **Comments Received**

- 2.3 Fourteen comments have been received raising the following points.
- Villages around West of Braintree garden community should be protected
  - Sites which could have had good buffers have been rejected for development in favour of sites which do not.
  - Fields are not sufficient buffers around west of Braintree which will impact on villages.
  - Support policy for protecting the integrity of existing places,
  - Buffer zones should be substantial and involve local communities in their designation.
  - How would buffers maintain the setting of historic villages? (Historic England)



- West of Braintree will destroy buffers between existing villages.
- A 1 mile buffer should be between Feering parish and West Tey.(Feering Parish Council)
- River Ter, south of District needs some form of landscape protection
- Policy should be deleted as it is a failure in the duty to provide additional homes
- The buffers need to be on the Proposals Map
- Green buffers might frustrate sustainable developments
- Buffers zones not consistently applied
- Garden communities will impact on villages
- Clarification required on the status of development boundaries, existing development boundaries should be drawn to take into account sustainable development, what is the status of a development boundary if they are considered to be blurred?
- No details on garden communities so it is a flawed consultation.

#### **Officer Comment**

- 2.4 Outside of green buffers the presumption in favour of sustainable development would still apply, and as such the policy would not be contrary to the NPPF.
- 2.5 In terms of the comments relating to the garden communities, those communities would be expected to be well landscaped due to their location. Details would be determined through subsequent strategic growth development plan documents which would be produced in consultation with local communities and this is set out in the supporting text of the policy.
- 2.6 Development boundaries cover built up areas, and areas within which the Council would consider development to be sustainable and in line with the development boundary methodology published on the Councils website. Development boundaries have been altered to allow for further growth of the towns and villages to take places through the allocation of sites, and are considered to be the areas within which the Council would support development proposals considering that in principle they meet the requirements of sustainable development. Green buffers are proposed to be shown in limited locations where the loss of that land would lead to coalescence between settlements to the detriment to the character and settings of those settlements. In officers views the policy does not contradict national planning policy as it is not a wholesale restriction of development, but is a limited restriction on small parcels of land.

- 2.7 One comment requests that the River Ter is provided with landscape protection. Located in the southern part of the district, and running from the Terling area meandering to the south of Hatfield Peverel before merging with the River Chelmer on the boundary of Braintree and Maldon District, the river is located away from settlement boundaries, and barring any significant development at Hatfield Peverel, should be relatively well protected. Due to its location it would not serve the purpose of a green buffer because Hatfield Peverel's nearest settlement is Boreham which is just under one and a half miles away. Appropriate consideration of the river would be necessary if any improvements to the A12 take place at this location and the consideration of landscape implications of that would be considered under other policies within the Local Plan.

**Recommendation A – That the policy and text for Green Buffers is amended as set out in this report and that green buffers are allocated in the areas highlighted in green on the accompanying maps within the appendix.**

*Uncertainty over which locations may be appropriate for development has led to a need for further measures to be taken to ensure that gaps are maintained between urban areas and the surrounding villages. ~~Whereas previously a development boundary was a good indication of where development would be appropriate, the presumption in favour of sustainable development has blurred that line to a significant degree. As such~~ It is considered necessary for green buffers to be used to prevent the main towns **and villages** in the District coalescing with neighbouring villages. **Development proposals outside of green buffers would still be considered on their merits through the presumption in favour of sustainable development and Local Plan policy.***

*The green buffers ~~will be~~ **are** identified on the Proposals Map and are located where they would prevent the coalescence of two settlements, and are **predominantly** within areas of low to low medium landscape capacity, or have other constraints such as flood zones, group TPOs etc.*

**When assessing proposals for development which are not allocated within a Local or Neighbourhood Plan, it will be necessary to assess the contribution a site makes to the physical separation between settlements.**

**Development proposals which would cause significant impact to the setting of towns and villages, cause coalescence, or have a significant impact on the physical separation of settlements, would not be considered to be sustainable development due to their impact on the character of those settlements.**

**Green buffers are identified around Braintree, Great Notley, Witham and between Sible and Castle Hedingham, in order to prevent coalescence with neighbouring villages.**

Further green buffers will be identified for the garden communities during the master planning process, which will be intended to protect the settings of Coggeshall, Surrex Hamlet, Feering, Bardfield Saling Great Saling and Rayne.

### **Policy LPP60 - Green Buffers**

The following areas are identified on the proposals map as Green Buffers;

- Land between Braintree, Rayne, Panfield, Bocking, and High Garrett;
- Land between Great Notley and Black Notley;
- Land between Witham, Rivenhall and Rivenhall End;
- Land between Sible Hedingham and Castle Hedingham;

Uses considered appropriate in green buffers include agricultural and forestry development, formal and informal recreation, footpaths and cycle ways, cemeteries, the re-development of suitable brownfield sites, development which relates to an existing use, and the extension or replacement of existing homes. Proposals for strategic infrastructure within green buffers would be supported provided suitable consideration is given to their impact on the surrounding area.

~~Development proposals which require a countryside location, within Green Buffers as defined on the proposals map, will only be allowed under very special circumstances.~~

Where development is necessary it will have regard to the local landscape character and be of a design, density and layout which minimises the coalescence **and consolidation** between built areas **and preserves the setting of those areas.**

An assessment of the local landscape **and physical separation between settlements** will be required, demonstrating that the development is to be located on an area which has the least detrimental impact to the character of the countryside and does not reduce the visually sensitive buffer between settlements or groups of houses.

~~Significant levels of **Appropriate** landscaping **comprising of local native species**, will be required in order to enhance the countryside character of these areas, **and encourage biodiversity**~~ Landscaping would be expected to comprise of local native species.

## **3 Homes – Affordable Housing**

- 3.1 This section of the Draft Local Plan contains the policies for Affordable Housing and Affordable Housing in Rural Areas. These policies were supported by the Affordable Housing Viability Assessment undertaken for the Council by Andrew Golland Associates.

## **Comments Submitted**

3.2 25 comments have been submitted to this section, 14 of which were in support of the draft Local Plan or general comments and 11 were objections.

3.3 The following comments were made;

- Reference needed for starter homes
- Support for the provision of affordable housing on sites
- Should include strategic sites within the affordable housing policy
- Strategic large scale growth locations should provide 40% affordable housing
- Reduce the stigmatism associated with affordable housing
- Reference to access to services should be removed for exceptions policy to enable more sites in rural areas to come forward, suggest a lower number should be allowed in areas with less services
- Include reference to site specific viability
- Affordable housing provision should be enforced to promote sustainable development
- Policy should refer to aspirations as well as needs
- Delete policy and allow social landlords to build their own sites
- Suggested alternate wording to bring policy more in line with national guidance
- In terms of viability developers should buy land at a price which should reflect the requirement for affordable housing.

## **Officer Response**

3.4 The support for the provision of affordable housing is noted.

3.5 The recently published housing white paper has provided an indication as to what would be expected for starter homes, however legislation or regulations are not yet available. The white paper states intent to amend the National Planning Policy Framework to enable starter homes to be included in affordable housing packages. It is also expected that housing sites would be expected to deliver a minimum of 10% affordable home ownership units, but it will be for local areas to work with developers to agree an appropriate level of delivery of starter homes, alongside other affordable home ownership and rented tenures. An amendment is proposed to the policy to include a reference to starter homes.

3.6 For rural exception sites, to promote sustainable development it is necessary to ensure that local services are available otherwise developments would be

dependent on private vehicles. Also to ensure that on rural exception sites homes are retained in perpetuity, it is necessary to restrict the size of settlement where rural exception sites can be permitted. Additional text has been added to the pre-amble to make this restriction clearer.

- 3.7 It is necessary to have a policy on affordable housing as the Council evidence base has an identified need for people who require housing but are unable to afford it themselves.
- 3.8 Registered Providers of Social Housing (RP's) are able to build on sites themselves to provide affordable housing; however they would be competing against other housing developers. RP's such as Greenfields have been making best use of land by building housing on underused areas they own such as garage courts and parking areas.
- 3.9 Viability has to take into account issues such as land purchase price, and whilst it would be nice if developers purchased land at a realistic price taking into account all s106 and site requirements this does not always happen. In addition issues may not be apparent at site purchase stage.
- 3.10 Housing requirements are based on evidence as is the requirement for affordable housing, and viability for the district. Aspirations would be difficult to quantify within a policy, however by ensuring that you have a mix of housing types and tenures including starter homes you would be able to ensure that a person's aspirations could potentially be accommodated, assuming that a person's aspirations are realistic.
- 3.11 In terms of rural expectation sites, it is necessary to ensure that those sites approved contrary to normal planning policy on sites in the countryside, are ones which have access to local services. This is in order to promote more sustainable development.
- 3.12 Garden communities have their own requirement for affordable housing which was set at 30% in the Draft Plan. This is covered in the policies covering garden communities.

**Recommendation B – To amend the Affordable Housing following text and policy as set out in the report.**

*Affordable Housing and Rural Exception Sites*

*Affordable housing need is defined with the National Planning Practice Guidance as the 'number of households and projected households who lack their own housing or*

*live in unsuitable housing and who cannot afford to meet their housing needs in the market’.*

*The PPG goes on to set out the types of households to be considered in housing need:*

*‘homeless households or insecure tenure (e.g. housing that is too expensive compared to disposable income) households where there is a mismatch between the housing needed and the actual dwelling (e.g. overcrowded households) households containing people with social or physical impairment or other specific needs living in unsuitable dwellings (e.g. accessed via steps) which cannot be made suitable in-situ households that lack basic facilities (e.g. a bathroom or kitchen) and those subject to major disrepair or that are unfit for habitation households containing people with particular social needs (e.g. escaping harassment) which cannot be resolved except through a move.’*

*The Council alongside its partner authorities within the housing market area (Chelmsford, Colchester and Tendring) commissioned a Strategic Housing Market Assessment Update which was completed in 2015. This built on other pieces of work carried out on Objectively Assessed Housing Need and was particularly to examine affordable housing need in the District. This report, which is available as part of the evidence-base for the Local Plan, sets out that 218 affordable homes are needed in the District per year to meet our needs. This is approximately 25% **30%** of the total of objectively assessed need **now that OAN is 716 new homes per year**.*

*The Council separately commissioned a viability study to look at the viability of affordable housing on a range of sites in the District. This report is also available as part of the evidence base and concluded that 30 to 40% affordable housing would be viable in most cases.*

*It also provided strong evidence that the site thresholds set in the 2011 Core Strategy were at an appropriate level, recognising that the profile of site supply in rural areas, coupled with high levels of need, indicates that adopting a low threshold in rural areas is justified. Indeed the report indicated that an even lower threshold could be set.*

*The figures for affordable housing are targets, which given the evidence that we have gathered, will be achievable on almost all new developments. In exceptional circumstances, applicants may seek to provide information to the local planning authority, that it is economically unviable to achieve the affordable housing target. In this instance a full viability appraisal of the whole scheme must be submitted to the local planning authority which will be independently verified at the applicant's expense. If it is agreed that a policy compliant housing target cannot be met, then affordable housing will be required to be provided at the maximum viable level.*

*Legislation is currently being passed to include the requirement for Local Authorities to require starter homes as part of new developments. Starter homes are new homes available to buy at a discount for first-time buyers who meet various criteria set out by the government.*

*The implications for this policy on traditional affordable housing supply will be considered and the policy below reviewed when the final requirements for starter homes is clear.*

### **Policy LPP 24 - Affordable Housing**

*Affordable housing will be directly provided by the developer within housing schemes at the targets set out below.*

*A target of 30% of the total number of residential units on sites located in the main towns of Braintree (including Great Notley, Bocking and High Garrett), Witham, Halstead, Sible Hedingham and development sites directly adjacent to these areas.*

*A target of 40% of the total number of residential units sites in all other areas.*

*A threshold of 15 dwellings or 0.50ha will apply in the main towns of Braintree (including Great Notley, Bocking and High Garrett), Witham and Halstead.*

*A threshold of 10 dwellings or more with a maximum combined gross floor space of 1,000 sq.m will apply in all other areas of the District.*

**10% of all homes on individual sites should be affordable home ownership products, including starter homes and shared ownership. The mix of ownership options will be subject to identified local needs.**

*Where it is impractical to achieve on-site provision, off-site provision or a financial contribution in lieu of broadly equivalent value, may be accepted.*

*A mix of units to reflect the current local need will be required to be delivered on the site.*

*If the affordable housing targets set out in the policy cannot be met then the applicant must provide a viability appraisal which will be independently verified and the affordable housing contribution will be set at the maximum viable level.*

*Standalone new settlements by virtue of their size will be subject to separate viability appraisals, including on affordable housing. ~~however the starting point should be 30% for affordable housing provision.~~*

### **Affordable Housing in Rural Areas**

*In rural areas, whilst there is a lower site threshold for affordable housing, the limited number of housing developments that come forward may mean that some villages still need additional affordable housing to meet identified local needs. In these cases, as set out by the NPPF paragraph 54, small rural exception sites for affordable*

*housing can be provided outside the development boundary to meet the needs of that village or a collection of villages. Some open-market housing can be provided on these sites to ensure viable delivery of affordable homes. **The host village would have to have a population of less than 3000, in order to maintain affordable housing in perpetuity, otherwise the right to buy would apply.***

*Affordable housing exception sites should be developed only where there is a clear local need for affordable housing which cannot be met through allocated development sites in the area. All rural affordable housing schemes are subject to a full open-book viability appraisal so the minimum possible open market housing is built on site to support the affordable housing. The NPPF sets out that these sites would need to deliver significant affordable housing and therefore the maximum open market housing on a site would be 30%.*

*The policy below sets out the criteria under which proposals would be judged and is an exception to the normal policies of restraint in the countryside.*

#### **Policy LPP 25 - Affordable Housing in Rural Areas**

*In rural areas, schemes to provide affordable housing will be permitted, providing that all the following criteria are met:*

- 1. The development is adjacent to a development boundary with reasonable access to services and facilities*
- 2. The settlement within which the development is to take place should have a population of less than 3,000 **in order to provide for affordable homes in perpetuity***
- 3. A proven local need for affordable housing must exist to the satisfaction of the local planning authority, which cannot be met within the development boundary*
- 4. Market housing should be provided at the minimum level to support viability and at no more than 30%*
- 5. The development should be for less than 15 dwellings*

#### **4 Gypsy and Traveller Evidence Base Report**

- 4.1 Braintree District Council as part of the joint Essex Authorities commissioned Opinion Research Services to provide an update for its Gypsy and Traveller Accommodation Assessment.*
- 4.2 The update comes about due to changes to National Policy published in August 2015 and outlined in more detail in the section below.*
- 4.3 In order to comply with the requirements of the Planning Policy For Traveller Sites (PPTS), the new study has to seek to apply the revised planning*



definition of a traveller, focusing on any pitch and plot needs for Gypsy and Travellers (G&T) and Travelling Showpersons (TSP) who meet the revised definition, identify need for households that meet or may meet the planning definition, and to provide an assessment of need for households that do not meet the planning definition to support wider housing allocations.

#### **4.4 Reasons for the evidence base update**

- 4.5 Since the previous evidence base a change to the definition of national policy has meant that further work was required on how many pitches and plots the Draft Local Plan should provide. The previous 2014 study indicated that 40 additional plots were required up to 2033.
- 4.6 The change in definition which took place in 2015 removes the requirement for Local Authorities to calculate additional housing need for travellers who no longer meet the revised definition, in that in planning terms, a traveller has to travel.
- 4.7 An additional consideration is that the assumed population growth for that community was 3%, however new research shows that the growth rate is much lower, and in the case of travellers who meet the new definition, for Braintree District the growth is negligible. For the travelling community who do not meet the definition the growth rate is 2%.
- 4.8 Both of these factors have meant that the identified requirement for both travelling and non-travelling gypsy and travellers has gone down. However, the requirement for travelling show people has gone up.
- 4.9 To ascertain who met the new definition, a series of interviews was carried out at sites within the district. It included questions on travelling and the reason for any travel which took place, and whether or not they planned to travel again in future.
- 4.10 It should be noted that whilst we have a lower provision of plots to provide, the Housing and Planning Act (2016) requires Local Authorities to assess the needs of all people living on sites on which caravans can be stationed. The implication is therefore that the housing needs of Traveller households who do not meet the planning definition now need to be addressed as part of the wider housing needs of the area. However, rather than amend the SHMA, those needs have been included in this study. It is also likely that the need for non-travelling travellers would need to be met through the provision of ethnically appropriate housing.

#### 4.11 The Revised Figures

- 4.12 The following table show the overall requirements for travelling and non-travelling Gypsy and Travellers and Travelling Showpersons. The requirement includes a proportion to account for need which may have not been identified though the survey work.

<b><u>Gypsies and Travellers</u></b>	<b><u>GTAA</u></b>	<b><u>SHMA</u></b>	<b><u>TOTAL</u></b>
Meet Planning Definition	2	0	2
Not meeting Planning Definition	0	24	24
Total	2	24	26

<b><u>Travelling Showpeople</u></b>	<b><u>GTAA</u></b>	<b><u>SHMA</u></b>	<b><u>TOTAL</u></b>
Meet Planning Definition	6	0	6
Not meeting Planning Definition	0	0	0
Total	6	0	6

- 4.13 The total requirement when compared to the 2014 study show that the requirement has gone down by 14 pitches, and increased by 5 plots for show persons. No sites are required in the first 5 years for Gypsy and Travellers, but 1 travelling show person plot is required between 2016 and 2021. For those meeting the new planning definition 2 pitches are required between 2021 and 2031 for Gypsy and Travellers. For the remainder of the travelling show person requirement 5 plots are required between 2021 and 2031.

**Recommendation C - That the update for the Essex Gypsy and Traveller Accommodation Assessment (2017) be approved as part of the Local Plan evidence base.**

#### 4.14 Policy Gypsy and Traveller and Travelling Showpersons

- 4.15 Five comments have been received from Essex County Council, Babergh & Mid Suffolk District Council, Gallagher Estates, Environment Agency, and Basildon Borough Council.
- 4.16 The following issues were raised;
- Support the proposal to allocate sites for 40 pitches, based upon need and commitments in the District to 2033
  - agree that due to change in national policy there is a need to review the assessment
  - consider the housing needs of those who have ceased travelling permanently and therefore under the terms of Planning Policy for Travellers (August 2015) are no longer defined as Travellers

- Approach to allocate 40 pitches at the strategic growth locations and garden communities, approach unjustified and inconsistent with national policy
- Sites should be allocated based on a robust set of criteria to meet specific needs of the community, environmental, and feasibility
- Additional wording suggested to include reference to a Gypsy and Traveller Site Assessment Study to identify most appropriate location
- Support policy in terms of flood risk, first presumption for foul water should be for disposal to a public sewage treatment works, a private means should only be acceptable when it would otherwise be unfeasible
- Support criteria for proximity to services and amenities such as schools.
- Basildon Borough Council would however advise that it is not possible to meet Basildon Borough's identified need for Gypsy and Traveller accommodation in full. A Site Potential Study has been undertaken which cannot identify sufficient suitable sites for the accommodation of Gypsies and Travellers, based on the need identified in the Basildon GTAA 2014. A revised GTAA is underway, responding to the changes introduced by the amended Planning Policy for Traveller Sites 2015, which may affect the quantum of un-met need. However, at this time the outcomes of this assessment are not known. Basildon Borough Council requests that pursuant to the Duty to Cooperate and the requirements of the National Planning Policy Framework, that Braintree District Council considers these matters further and determines whether any reasonable opportunities exist within Braintree District to assist in meeting unmet objectively assessed development needs arising from South Essex.

#### **Officer comment**

- 4.17 The Council is required through its Local Plan to meet its identified need for housing, which includes, the needs of Gypsy and Travellers and Travelling Show people.
- 4.18 In August 2015 a new definition of Gypsy and Traveller was introduced into the Planning Policy for Traveller sites (2015). This meant that the Council's existing evidence base needed to be update to reflect the new definition. This new study looked at the new definition and only those households that fall within the planning definition now need to be formally assessed as part of the GTAA process. However, the needs of non-travelling Gypsy and Travellers do still need to be taken into account as we have to meet any identified need for housing.
- 4.19 No sites were submitted through the consultation for Gypsy and Traveller sites. As such it is necessary to identify potential areas which could include the locally identified requirement. The current policies for the strategic growth locations and garden communities, includes reference to the provision of sites for travellers. It is proposed to continue with this approach as it identifies

where pitches and plots can go in the short term, and national guidance allows for broad locations for growth to be identified in the medium to long term to meet locally identified need.

- 4.20 The policy also includes criteria for the provision of sites through the planning application process in order to assess whether sites which may come forward in the short term, and prior to the growth locations, could be suitable to provide pitches and plots.
- 4.21 Any discussion for Gypsy and Traveller provision to meet need beyond that which is required in the district, could be addressed through the Duty to Cooperate. However, at the time of writing the figures for Basildon's requirement has not yet been established. It is also unclear if provision in the Braintree district would satisfy the demand for pitches within Basildon due to the distance between those areas.
- 4.22 A reference has been added to sewerage connect to the main network as the preferred method of waste disposal where practical in response to comments from the Environment Agency.

**Recommendation D - That the Gypsy and Traveller and Travelling Showpersons text and policy is updated as follows.**

***Gypsy and Traveller and Travelling Showpersons Accommodation***

*Government guidance sets out the approach Local Authorities should take when making provision for Gypsy and Travellers. It requires Local Authorities to make their own assessment of need, develop fair and effective strategies to meet need through the identification of land for sites, to plan for sites over a reasonable timescale, to increase the number of traveller sites in appropriate locations in order to address under provision and maintain an appropriate level of supply.*

***In August 2015 a new definition of Gypsy and Traveller was introduced into the Planning Policy for Traveller sites (2015). This meant that the Council's existing evidence base needed to be update to reflect the new definition. This new study looked at the new definition and only those households that fall within the planning definition now need to be formally assessed as part of the GTAA process.***

**The new requirements are set out in the table below.**

<b><u>Gypsies and Travellers</u></b>	<b><u>GTAA</u></b>	<b><u>SHMA</u></b>	<b><u>TOTAL</u></b>
<b><u>Meet Planning Definition</u></b>	<b><u>2</u></b>	<b><u>0</u></b>	<b><u>2</u></b>
<b><u>Not meeting Planning Definition</u></b>	<b><u>0</u></b>	<b><u>24</u></b>	<b><u>24</u></b>
<b><u>TOTAL</u></b>	<b><u>2</u></b>	<b><u>24</u></b>	<b><u>26</u></b>

<b><u>Travelling Showpeople</u></b>	<b><u>GTAA</u></b>	<b><u>SHMA</u></b>	<b><u>TOTAL</u></b>
<b><u>Meet Planning Definition</u></b>	<b><u>6</u></b>	<b><u>0</u></b>	<b><u>6</u></b>
<b><u>Not meeting Planning Definition</u></b>	<b><u>0</u></b>	<b><u>0</u></b>	<b><u>0</u></b>
<b><u>TOTAL</u></b>	<b><u>6</u></b>	<b><u>0</u></b>	<b><u>6</u></b>

**Whilst the requirement has dropped considerably, it is still necessary to provide for the housing requirements of Gypsy and Travellers who no longer meet the planning definition.**

**Of the identified need for travelling Gypsy and Traveller pitches, none are needed in the first five years of the Plan. 1 pitch will be required between 2021-2026 with a further pitch in 2026 -2031. For show persons plots, 1 will be required between 2016-2021, with 5 required between 2021 and 2031. For those not meeting the new planning definition, 9 pitches are required between 2016 and 2021, and 11 are needed between 2021 and 2033.**

~~An assessment of Gypsy and Traveller site need was published in 2014 (Essex Gypsy and Traveller and Travelling Showpersons Accommodation Assessment 2014). This shows that the Gypsy and Traveller requirement for this District up to 2033 is for a minimum of 61 extra pitches for Gypsy and Travellers, and 1 additional plot for traveller show persons. No requirement for transit sites has been identified in the evidence base. Following a change to the government definition of a Gypsy and Traveller further evidence work on future need is currently underway across Essex. The findings will be incorporated into the submission draft Local Plan.~~

~~As of July 2014 the District had 58 total pitches split between public and private ownership, including a longstanding unauthorised site at Twin Oaks, Stisted which has now been granted planning permission. With that planning permission 40 Gypsy and Traveller pitches and 1 show persons pitch is required to be identified within the Plan period.~~

~~It will be necessary for the Council to review traveller accommodation needs in the District in future and to monitor the delivery of sites to ensure a 5 year supply of sites is available.~~

### **Policy - Gypsy and Traveller and Travelling Showpersons' Accommodation**

The Council will allocate ~~40~~ **26** pitches for Gypsy and Traveller accommodation, at strategic growth locations, the garden communities **or through the planning application process.**

An additional ~~6~~ travelling show persons pitch **plots** will be sought **at the strategic growth locations and garden communities,** through the planning process, **or through the expansion or intensification of existing sites.**

~~To help meet the identified requirement, pitches or plots will be allocated; h~~However if insufficient sites have been proposed or sites are no longer likely to come forward then any additional sites must meet all the following criteria;

1. ~~Be~~ **Are** well-related to existing communities in terms of size, location, local population size, and density
2. ~~Be~~ **Are** within a reasonable distance of services and amenities such as shops, schools and medical facilities
3. ~~Be~~ **Are** located, designed and landscaped to minimise their impact on the environment and to protect local amenity
4. Have a safe vehicular, pedestrian, and cycle access to and from the public highway
5. ~~Be~~ **Are not** located within areas ~~not~~ at risk of flooding
6. ~~Be~~ **Are** capable of being provided with appropriate drainage, water supply **and sewerage** and other necessary utility services. **For sewerage a connection to the main sewer system will be preferable except when it is impractical to achieve.**
7. ~~Be~~ **Are** of an appropriate size to provide the planned number of caravans, parking, turning and servicing vehicles, amenity blocks, play areas, access roads and structural landscaping, and should be safe and secure.

In addition plots for travelling show persons must be large enough for the safe storage and maintenance of rides and equipment.

## **5 Chapter - Shops and Services**

### **Introduction**

- 5.1 The following draft Local Plan chapter on shops and services covers the Council's approach to retail development, town centres, the retail hierarchy, and out of centre retailing. The chapter has nine policies.
- 5.2 The Council's draft Local Plan is supported by the Braintree District Council Retail Study 2015 produced by Nathaniel Lichfield & Partners.

- 5.3 The chapter has had 35 comments against it. In terms of the statutory consultees, Essex County Council, Historic England, Babergh & Mid Suffolk District Council, and Rayne Parish Council have commented against this section.

### **Comment Summary**

- 5.4 For the preamble and policy LPP7 – Retailing and Regeneration, the following comments have been made;

- It's a shame the internet impacts town centres, more should be done in terms of making town centres attractive i.e. flower planters and baskets and other attractors.
- Centres should be the heart and soul of communities not just providers for the economy or employment.
- Retail requirements vary by district, county and region.
- Freeport undermines the town centre, town centre is full of charity and vacant shops.
- Additional retailing just splits where people shop and dilutes trade.
- Bring back Braintree as a vibrant colourful market town.
- Protect local centres from inappropriate development such as Kelvedon.
- Re-use unused retail premises before new retail areas are developed.
- Braintree should boost retail attractiveness rather than new shops.
- New shops will be empty and unattractive.
- West of Braintree will have an impact on Braintree town centre.
- Adjacent vulnerable centres such as Sudbury should be identified as requiring an impact assessment (400sq.m threshold).
- Local centres in the proposed growth locations should be included in the policy.
- Future development must support long term vitality and viability of existing settlements.
- Absence of cultural and spiritual aspects of the area, adequate places for people to practice their religion is not mentioned.
- Support for LPP7, but policy needs to clarify position toward un-built centres.
- Great Notley district centre should have a much higher impact threshold; suggest 2500 sq.m gross as Great Notley has a large Tesco store.
- Braintree should have a much lower impact threshold of 750 sq.m gross based on the findings of the Sainsbury appeal and vulnerability of the town centre.
- Broaden the definition of comparison goods.
- Discrepancy between stated floor space figures and evidence base document.

- Braintree town should be recognised as the main centre for retail growth in the retail hierarchy.
- Takeaways cause litter and convenience food outlet stores should be strongly resisted.

### **Officer Comments**

- 5.5 The number of shops in High Streets nationally has declined consistently since the early 1970's, and this trend is expected to continue. Structurally the retail sector is changing, and these changes have been affecting High Streets. There has also been an underlying trend towards fewer but larger stores. The town centres in the District have not been immune to these changes.
- 5.6 The impact assessment thresholds are considered appropriate when considering the health of the town centres, which is determined through the Council evidence base.
- 5.7 Corrected retail requirements to match evidence base figures.
- 5.8 Additional text in the text for the Retail Hierarchy to cover the issues of impact on neighbouring retail centres in other Districts. Text has been added to the preamble of the policy which refers to Sudbury.
- 5.9 The definition of comparison goods has been broadened in the policy to be more accurately reflect what they are, and that they are not restricted to just electrical goods and furniture.
- 5.10 Braintree town centre is recognised alongside Witham and Halstead, as being a main town centre in the district. It is not considered appropriate to elevate Braintree to a higher position in the hierarchy as all three centres serve a similar function. Each of the centres also performs a recreational and spiritual function with the presence of religious and community facilities. No requests for further religious facilities have been received through the consultation.
- 5.11 The NPPF sets a default threshold for impact assessments of 2500 sqm gross floorspace, local thresholds can be set where centres are identified to be more vulnerable. The Council's evidence base suggests that with the exception of Braintree, lower thresholds should be applied. These impact thresholds were determined through the Council's evidence base.

***Recommendation E – That the Shops and Services pre-amble and policies are amended as follows.***

*Town Centres are key economic drivers for the District and are the primary centres*



*for retail and cultural provision. They provide shopping, services and cultural and recreational opportunities for residents within the District, as well as visitors, and contribute significantly to the local economy and employment.*

*The general principles for retailing and town centre use are set out in the NPPF. The policy contained within this plan outlines the retail hierarchy of the District, the required floor space for convenience and comparison goods, and food and drink provision such as pub and restaurant uses.*

*The NPPF states that in order to ensure the vitality of town centres, planning policies should promote competitive town centre environments and the management and growth of centres over the plan period. It states that the extent of town centres and primary shopping areas should be defined, based on a clear definition of primary and secondary frontages in designated centres and Councils should set policies that make it clear which uses will be permitted in such locations.*

*The policies and retail allocations proposed in this document are supported by the Retail Study (2015), produced by Nathaniel Lichfield and Partners. This study provided a quantitative and qualitative assessment of the need for new retail, leisure and other main town centre uses. It also provides a breakdown of retail requirements for each of the main towns as well as Freeport and Braintree Retail Park.*

*The majority of projected comparison and convenience growth is identified at Braintree town centre, Freeport and Braintree Retail Park. Witham and Halstead have limited convenience retail growth projected, but have increased comparison floor space up to 2033.*

*The town centres are the primary location for main town centre uses and are the most sequentially preferable location for retail development. The town centre boundaries are shown on the proposal map and their boundaries will be the basis for the application of the sequential test.*

*This policy identifies Braintree, Halstead and Witham town centres as the primary locations for retail, office, leisure and cultural provision in the District.*

**Impact Assessments will be required for developments which affect identified town, district and local centres. An impact assessment may also be required if a development proposal could potentially impact on an adjacent authority's retail centre. Of adjacent centres Sudbury has been identified as being potentially vulnerable and as such an assessment would be required for development proposals above 400sqm gross which may impact on this centre.**

## *Policy LPP 7 - Retailing and Regeneration*

*To ensure the long-term vitality and viability of the District's Town, District and Local Centres, the Town Centres of Braintree, Halstead and Witham will be the primary location for main town centre uses such as retail, office, leisure and entertainment in the District.*

*Proposals that positively contribute towards creating attractive, vibrant and safe centres, ~~that offering~~**ing** a diverse mix of uses **including those uses which offer wider community benefit, and** that promote and improve choice **will be supported**. In the main towns **proposals which** support the diversification of the evening economy, will be supported subject to amenity impact on residents and the surrounding area.*

*Convenience (Food) retailing across the District is expected to grow. Evidence suggests that across the District ~~7,885 sqm~~ **8966 sq.m** (gross) of new floorspace will be required.*

*For comparison goods (~~Non-food retailing electrical goods/furniture~~) ~~12,501 sqm~~ **15,869 sq.m** (gross) will be required and for food and beverage provision 8,304sqm (gross) is needed.*

*The improvement and regeneration of the town centres will be promoted and the regeneration of the following locations are proposed to meet the identified need for additional retailing, community facilities, services and other main town centre uses.*

- **Land at Manor Street/Victoria Street, Braintree**
- **Land at Sainsbury, Braintree**
- **Land at Tesco, New Street, Braintree**
- **Land at Newlands Precinct Witham**

*Proposals for Main Town Centre uses will be permitted when a sequential test, and if required an Impact Assessment, demonstrates that there are no sequentially preferable sites which could accommodate the development.*

*Impact Assessments will be required for main town centre use proposals for sites that are not within a Town, District, or Local Centre, which are in excess of the following floor space thresholds.*

*2,500 sqm (Gross) - Affecting Braintree Town Centre*

*1,500 sqm (Gross) - Affecting Halstead and Witham Town Centres*

*1,000 sqm (Gross) - for development potentially affecting Great Notley District*

*Centre and 500 sqm (Gross) - For development potentially affecting a Local Centre*  
**400 sqm (gross) – For development potentially affecting Sudbury**

*The scale of development will need to be consistent with the following hierarchy with larger scale development focused on the town centres:*

*Town Centres – Braintree, Witham and Halstead town centres*

*District Centre – Great Notley Neighbourhood Centre*

*Local Centres – Coggeshall, Earls Colne, Hatfield Peverel, Kelvedon and Sible Hedingham and within the growth locations at the North West Braintree Growth Location, Braintree and within the Maltings Lane development, Witham, **local centres proposed as part of strategic growth locations and at Maltings Lane, Witham.***

*Local Centres will be protected from inappropriate development and enhanced to provide small-scale shops, services and community facilities for local residents.*

*~~Town Centre Boundaries, Primary Shopping Areas, and primary and secondary retail frontage are identified on the Proposals Map.~~*

## **6 Primary Shopping Areas**

### **6.1 Comment Summary**

- A1 uses are reducing and A2/A3 uses are increasing, and is a national trend, as such other uses should not be restricted in primary shopping areas.
- Non retail uses should be allowed to increase diversity in centres.

### **Officer Comments**

6.2 As worded the policy does allow for non-A1 retail uses in primary shopping area albeit on a restricted basis.

**Recommendation F – The the policy and text for Primary Shopping Areas is amended as follows.**

#### *Retail Hierarchy*

*~~The town centres are the primary location for main town centre uses and are the most sequentially preferable location for retail development. The town centre boundaries are shown on the Proposals Map and their boundaries will be the basis for the application of the sequential test.~~*

Primary shopping areas are defined on the Proposal Map within town centres in Braintree, Witham and Halstead. They are made up of primary and secondary retail frontages, which are also defined on the Proposals Map. Primary frontages have been identified as those which attract a higher level of rental income, footfall and where key stores are present and are therefore considered to be the most attractive retail areas within town centres. The secondary frontages have a lower rent profile and are not as attractive to main retail uses. However, it would still be suitable to promote town centre uses in these locations, although more flexibility is appropriate.

Uses acceptable in secondary frontages include A1, A2, A3, A4 and A5 and B1 office, D1 (non-residential institutions) and D2 (assembly and leisure).

Residential uses will not **normally** be permitted within primary shopping areas unless they are located on the first floor or above and do not compromise the ability of a shop unit to operate by, for example, the loss of storage space, preparation areas, **or delivery areas** ~~and deliveries to the unit or similar issues~~. The reference to 'street frontage' refers to the entire length of the relevant side of the road within the primary shopping area, measured at ground floor level. It is not proposed to define a 'continuous frontage' as this will be determined on a case by case basis. A road would be considered a break in a frontage.

#### **Policy LPP 8 - Primary Shopping Areas**

Within the primary shopping areas, as defined on the Proposals Maps, primary and secondary frontages have been identified. A balance between A1 retail shops and non-retail town centre uses has to be maintained in order to secure the vitality and viability of the primary shopping area.

The following uses will be permitted within primary frontages:

- Retail development (Use Class A1)

Proposals for use classes A2- A5 and D1 - D2 provided that:

- It would not result in 3 or more non A1 Use class units in adjoining premises within the primary shopping area
- It would not break a continuous A1 primary retail frontage

~~Residential development (C3) provided that it is not located on the ground floor;~~

The following uses will be permitted within Secondary Frontages:

- Use Classes A1 to A5, B1 and D1 to D2.

*For proposals within Primary Shopping Areas creating more than 2 residential flats above ground floor level, the development should not result in the loss of ancillary storage space or other beneficial use to the extent that it would make a ground floor unit unviable, and the development would not prevent off-street servicing of any ground floor unit.*

### **6.3 District and Local Centres**

#### **6.4 Comment Summary**

- Regarding the Panfield Lane local centre designation on the proposals map for Braintree, the land should be subject to a single annotation relating to its allocation for development purposes.
- The growth of both District (1) and Local Centres (8) should be restricted in their development and allowed to grow at the expense of Town Centres.
- Residential development on surplus land in local centres should be allowed within the district centre.

#### **Officer Comment**

- 6.5 Local centre boundaries are set in order to show the area which should be assessed regarding impact assessments, however as the final boundary is yet to be determined it is agreed to remove the boundary from the inset map for the North West Braintree growth location.
- 6.6 Residential development can take place within Local Centres on the upper floors.
- 6.7 The ground floor areas should be retained for retail and other **town centre** uses which are of community benefit, in order to promote local services and assist in sustainable development, by having local shops and services available to residents. If a site were to be surplus marketing could be used to demonstrate that this was the case.

**Recommendation G – That the policy and text for District and Local centres is amended as follows.**

#### *District and Local Centres*

*The following District and Local Centres are identified in the Plan and the boundaries are defined on the Proposals Map;*

#### *District Centre:*

- Great Notley

*Local Centres:*

- *Coggeshall*
- *Earls Colne*
- *Hatfield Peverel*
- *Kelvedon*
- *Sible Hedingham*
- *Maltings Lane Neighbourhood Development, Witham*
- *Hatfield Road Growth Location, Witham*
- *North West Braintree (Panfield Lane)*

*Additional Local Centres will be identified at **other** strategic growth locations and garden communities around the District as work on these sites progresses.*

*Policy LPP 9 District Centre*

*Within the District Centre as defined on the Proposals Map, the following uses will be permitted:*

*Retail development (Use Class A1);*

*Proposals for use classes A2 – A5 and D1 – D2 provided that it does not result in the loss of an existing A1 retail use, or where a A1 unit has become vacant, it can be demonstrated through a marketing and viability assessment that a A1 user cannot be found.*

~~*Residential development (C3) provided that it is not located on the ground floor;*~~

*For proposals creating more than 2 residential flats above ground floor level, the development would not result in the loss of ancillary storage space or other beneficial use to the extent that it would make a ground floor unit unviable and the development would not prevent off street servicing of any ground floor unit.*

## **6.8 Out of Town Retailing**

## **6.9 Comment Summary**

6.10 For LPP10 – Freeport Outlet Centre and preamble 3 comments were made

- Freeport should be linked to the town centre by more than just a bus, if money was no object a tram would work.
- Title of policy should change to include Braintree Retail Park
- Draft Plan should recognise the potential for infill development at Braintree Retail Park.

- Additional floor space is required which could be accommodated at the retail park, which has the potential to accommodate an additional 2000 sq.m gross retail floor space.
- Parking is possible at Freeport if you are prepared to walk from the furthest parts of the car park.

6.11 No comments were made against LPP11 – Leisure and Entertainment

6.12 Two comments were made against policy LPP12 – Retail Warehouse Development.

- Other towns have out of centre retail and manage to maintain a busy High Street.
- Local business should have favourable rates subsidised by larger retail chains
- Hopper buses should run from the main town encouraging footfall into the town before travelling out to larger retail stores.

#### **Officer Comment**

6.13 A reference to the bulk retail permission at Maltings Lane Witham has been added.

6.14 The preamble to policies refers to both Freeport and Braintree Retail Park, so the heading has been amended to reflect this.

**Recommendation H – The the policy and text for Out of Town Retailing is amended as follows.**

#### ***Freeport Outlet Centre and Braintree Retail Park***

*The Freeport Designer Village Outlet Centre at Braintree opened in 2000. It offers end of line, surplus goods at a discounted price below that which would be found in town centres. The type of goods sold and the discounts which should apply to them are strictly controlled through section 106 agreements, between the Council and the developer. The Outlet Centre is also allowed to sell food for immediate consumption on or off the site. It attracts visitors from outside the local area.*

*Both Freeport and Braintree Retail Park are very popular and as such parking can be difficult, particularly at peak times such as weekends and bank holidays. In order to retain sufficient parking and to prevent problems of visitors to Freeport and the Retail Park parking on adjoining roads, the existing parking areas will be allocated for parking, in order to retain them for that purpose. **Improvements and additional car parking proposals will be encouraged.***

*The area is well connected to Braintree Town Centre by an hourly train service and a more frequent bus service, which operates during the opening hours of Freeport. The Council intends that the Outlet Centre and bulky goods provision should be complementary to Braintree Town Centre, rather than competing with it.*

*The Core Strategy ~~does~~ **did** not include Freeport or Braintree Retail Park within the retail hierarchy as a town, district or local centre, as they do not provide these functions. The Retail Study Update 2015 has confirmed that Braintree Freeport and Braintree Retail Park do not meet the definition of a district centre. The Study confirms that both function as specialised comparison shopping destinations, rather than perform a district centre shopping function.*

*The Retail Study Update 2015 assessed whether there was a need to improve the retail offer at Braintree Freeport or Braintree Retail Park. It concluded that there is no requirement to improve the quantum, or range of retail offer at these successful retail destinations, over and above the existing retail park extension commitment; however, an undeveloped 'L' shaped area of land to the north of Freeport is allocated for employment or retail warehousing use.*

#### **Policy LPP 10 - Freeport Outlet Centre**

*The area defined on the Proposals Map as a Factory Outlet Centre shall be maintained for the purpose of a discount shopping outlet centre.*

#### **Policy LPP 11 - Leisure and Entertainment**

*The area identified on the Proposals Map for Leisure and Entertainment shall be retained for leisure and entertainment-related uses. Proposals within use class D2 will be permitted.*



## **Policy LPP 12 - Retail Warehouse Development**

*Retail warehouse development will be permitted within or immediately adjoining town centres, **and land identified for retail warehousing on the proposals map**. If no such sites are available, then the sequential approach will be applied, together with an impact assessment, if applicable.*

*Bulky retail proposals outside of town centres will be required to satisfy all the following criteria:*

- 1. A sequential test and impact assessment demonstrates that no material harm to an identified Town, District or Local Centre would occur and that no sequential preferable sites are available*
- 2. Development to be confined to the sale of non-food retail products, of a weighty or bulky nature and associated ancillary goods and*
- 3. A Traffic Impact Assessment **and travel plan** demonstrating that the proposal would not cause any detriment to the local traffic network and Travel Plan*

~~*Land for retail warehousing is identified on the Proposal Map at Braintree Retail Park*~~

### **6.15 Retail Allocations**

6.16 This section outlines how the Council will meet its identified retail need and where sites will be allocated.

### **6.17 Comment Summary**

- Local business should not be charged extortionate rates by BDC for renting retail space in the town centre, we need to encourage new business.
- BDC need to attract a large retailer like Primark which would change the dynamics of the town overnight.
- When M&S closed why was an out of town one allowed to open.
- Sainsbury Tofts Walk should be allocated for retailing and other main town centres uses, and should also refer to residential uses which can support the viability and vitality of centres.
- Support allocation of land north of Freeport, it is extremely well connect to the town centre, adjacent existing facilities, and provides the opportunity for linked trips.
- Object to the allocation of land north of Millennium Way, as it is not as easily accessible to the town centre and not adequately served by public transport.

- Allocation of Millennium Way would displace shoppers from established retail areas (Including the town centre), and as it's an isolated site, it has limited potential to support linked trips.
- Query the designation of visually important space to the south of the retail park.
- Newlands Precinct is located in a Critical Drainage Area, and therefore any development should address the drainage deficit in its immediate area.
- Support for the identification of sites for retailing and main town centre uses, and the identification of Millennium Way. Allocation should be expanded to include leisure uses.

### **Officer Comments**

- 6.18 Sites are identified in the district to meet the identified need for new retail and other main town centre provision. This need is set out in the Council evidence base. The Council does not own any shop units and therefore can't reduce rents. While it would be a good idea to have larger retail providers in the town, a lack of suitable premises and what the local market is able to support, largely determines what sort of retailers locate to the town centres. The town centre has limited options for expansion and those which have been identified are included within the policy. However, no progress has been made on land to the west of George Yard, as such it is proposed to de-allocate the site as it is not deliverable. If a proposal were to come forward in future the site is within the town centre and would therefore be a sequentially preferable site for development for retail uses.
- 6.19 Re-development proposals could incorporate other uses such as residential development, which could potentially help the viability of schemes provided they were not located on primary frontages. As such it is proposed to add text to the pre-amble of the policy setting that out.
- 6.20 Freeport and Braintree Retail Park and the main out of centre retail facilities in the district. Freeport is a specialised discount outlet village, but Braintree Retail Park is a regular comparison good and leisure destination. The allocation of sites at land north of Freeport and land south of Millennium Way are proposed in the Plan to help meet additional comparison retail requirements.
- 6.21 Additional retail floor space could become available at existing out of centre sites through the planning process, and some additional pre-amble text is proposed to address this.

**Recommendation I – That the policy and text for Retail Allocations is amended as follows;**

### **Retail allocations**

The NPPF states that Local Planning Authorities should allocate a range of suitable sites to meet the scale and type of town centre developments needed in town centres and that this need is met in full. The Council's Core Strategy has identified sites within the three town centres for regeneration and main town centre uses. The Braintree Retail Study update (2015) has identified the retail requirement **for** comparison and convenience goods, food and drink, and other leisure uses for Braintree District.

**Sites allocated in this policy would be expected to primarily provide new retail floor space and other main town centre uses, in order to meet the areas retailing needs. Other uses such as residential, may be acceptable as part of a mixed use scheme which is primarily for retail or other town centre uses. The intensification of retail development on existing sites will be supported subject to normal planning considerations, including traffic impact, sufficient parking provision for the existing and proposed development is provided. Intensification proposals would also have to satisfy the requirements of the sequential test and when required impact assessments.**

#### **Policy LPP 13 - Retail Site Allocations**

The following sites are identified in the town centres for retailing and other main town centre uses as shown on the Proposals Map:

#### **Braintree**

- ~~Land west of George Yard~~
- Land at Manor Street/Victoria Street
- Tesco Store, Car Park and Pound End Mill, New Street
- Sainsbury's Store and Car Park, Tofts Walk.

#### **Halstead**

- Former EMD Site Kings Road

#### **Witham**

- Newlands Precinct

#### **Out of centre retail allocations**

New retail provision will also be provided at strategic growth locations, new garden communities, and site allocations at land north of Freeport and land off Millennium Way, Braintree.

Braintree Draft Local Plan – Responses to the Natural Environment Chapter		Agenda No: 7
Portfolio:	Planning and Housing	
Corporate Outcome:	Securing appropriate infrastructure and housing growth	
Report Presented by:		
Report Prepared by:	Julie O’Hara	
Background Papers: <ul style="list-style-type: none"><li>National Planning Policy Framework (NPPF)</li><li>National Planning Practise Guidance (NPPG)</li><li>Localism Act (2011)</li><li>Planning and Compulsory Purchase Act (2004)</li><li>Local Plan Review (2005)</li><li>Core Strategy (2011)</li><li>Settlement Boundary Review Methodology (2015)</li><li>New Draft Local Plan (2016)</li></ul>	Public Report: Yes	
	Key Decision: No	
Executive Summary:		
<p>This report looks at the following policies in relation to the Natural Environment: LPP56 Natural Environment, LPP57 Protected Species, LPP58 Enhancements, Management and Monitoring of Biodiversity, LPP59 Landscape Character and Features, LPP62 Energy Efficiency, LPP63 Renewable Energy Schemes, LPP64 Renewable Energy within New Developments. It includes the responses which have been received on these policies during the Draft Local Plan consultation.</p> <p>The following are new policies: Green Infrastructure, Tree Protection, Climate Change</p> <p>The policies and supporting text are set out in full in italics in the report with changes in text highlighted with deletions in strikethrough and additions in bold and underlined.</p>		
Decision:		
Recommendation 1 – Amend to text of paragraphs 8.1, 8.3 and 8.4 as set out in this report		

**Recommendation 2 – Amend the text of policy LPP56 Natural Environment as set out in this report**

**Recommendation 3 - Amend policy LPP57 Protected Species and its supporting text as set out in this report and add Tree policy**

**Recommendation 4 – Amend LPP58 Protection, Enhancement, Management and Monitoring of Biodiversity and its supporting text as set out in this report.**

**Recommendation 5 – To make no changes to paragraphs 8.19 – 8.26 and amend policy LPP59 Landscape Character and Features as set out in this report.**

**Recommendation 6 – To make no amendments to paragraphs 8.27 to 8.29 on agricultural land**

**Recommendation 7 – Amend paragraph 8.48 as set out in this report but made no other changes to the Introduction and Background section**

**Recommendation 8 – Amend the text as set out in this report to the end of paragraph 8.49.**

**Recommendation 9 - Add a new policy on Climate Change and supporting text as set out in this report after paragraph 8.48**

**Recommendation 10 – Amend paragraph 8.51 including new paragraph as set out in the report but make no changes to paragraph 5.50**

**Recommendation 11 – Amend policy LPP62 Energy Efficiency as set out in this report.**

**Recommendation 12 – Amend Policy LPP63 to add the following text as a last paragraph**

**Recommendation 13 - No amendments are made to LPP64 Renewable Energy within new developments**

**Purpose of Decision: To agree policies for inclusion within the submission Local Plan.**

#### **Corporate Implications**

<b>Financial:</b>	The preparation of the Plans set out within the Local Development Scheme will be a significant cost which will be met through the Local Plan budget.
<b>Legal:</b>	To comply with Governments legislation and guidance.

<b>Equalities/Diversity:</b>	The Council's policies should take account of equalities and diversity.
<b>Safeguarding:</b>	None
<b>Customer Impact:</b>	There will be public consultation during various stages of the emerging Local Plan.
<b>Environment and Climate Change:</b>	This will form part of the evidence base for the emerging Local Plan and will inform policies and allocations.
<b>Consultation/Community Engagement:</b>	There will be public consultation during various stages of the emerging Local Plan.
<b>Risks:</b>	The Local Plan examination may not take place. The Local Plan could be found unsound. Risk of High Court challenge.
<b>Officer Contact:</b>	Emma Goodings
<b>Designation:</b>	Planning Policy Manager
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## 1 Background

- 1.1 Braintree District Council is working on a new Local Plan which will guide development in the District between now and 2033. Once adopted this will replace the 2011 Core Strategy and the 2005 Local Plan. As part of the Local Plan, the Council is required to boost significantly the supply of housing as set out in the National Planning Policy Framework.
- 1.2 In 2013 and 2014 the Council consulted on the Site Allocations and Development Management Plan document. This included a proposed new inset map for all defined settlements (towns and villages) within the District. During this time significant detailed revision of many of the inset maps were considered. For the new Local Plan these maps will provide a starting point for any further changes and updates required.
- 1.3 The preferred inset map for each defined settlement, together with a map showing the alternative site options that were considered and not taken forward will be contained within the draft Local Plan for public consultation in the summer.
- 1.4 At the Local Plan subcommittee on the 14<sup>th</sup> March, Members agreed a recommendation that the Local Plan should deliver 845 new homes per year to meet the objectively assessed need for new homes. This requires the Council to allocate around 10,000 new homes within the Local Plan, given the sites that are already within the pipeline.

- 1.5 Members also agreed a spatial hierarchy which is set out in the table below and the broad spatial strategy which proposes that the most suitable locations in the District for growth are therefore considered to be Braintree, Witham and the A12 corridor, planned new garden communities and Halstead.

<b>Towns</b>	Braintree, Witham, Halstead
<b>Service Villages</b>	Sible Hedingham, Hatfield Peverel, Coggeshall, Earls Colne and Kelvedon with Feering
<b>Villages</b>	All other settlements in the District enclosed by a development boundary.
<b>Countryside</b>	All areas of the District outside a development boundary

- 1.6 There is no specific housing target for each area and all sites will be assessed on their merits. If, when all towns and villages have been through Local Plan sub-committee, not enough sites have been chosen for development, then additional sites will need to be considered and added to the proposed list of allocations.
- 1.7 The Plan includes 68 strategic and non-strategic policies set around 3 key themes, A Prosperous District, Creating Better Places and The Districts Natural Environment. The Plan also includes a shared strategic section of the Plan and 10 policies (prefixed SP) which are replicated in Colchester and Tendring Local Plan. All comments received by each of the three authorities within their consultation periods are being co-ordinated and a single report will be produced on the responses to this section.
- 1.8 Full Council on the agreed the new Draft Local Plan for public consultation at its meeting on the 20<sup>th</sup> June 2016.

The Local Plan was subject to an 8 week public consultation which started on the 27<sup>th</sup> June and concluded on the 19<sup>th</sup> August 2016

### **Representations Concerning the West of Braintree Garden Community**

- 2 A number of representations have been received which consider the Garden Community proposals West of Braintree to run contrary to the policy intentions in this chapter. These objections do not seek to alter policies/supporting text in this part of the plan and are to be considered against the Garden Communities proposals.

### **3 The District's Natural Environment and supporting text (paragraphs 8.1 – 8.7) and Policy LPP56**

3.1 Paragraphs 8.1 – 8.6 introduce the topic and LPP56 is an overarching policy.

3.2 This introductory section received a total of 37 representations of which 2 were in support, 10 were general comments and 25 were objections. Historic England and Essex County Council made general comments but proposed new policies and alterations to existing policies/text. The Environment Agency and Essex Wildlife Trust raised objections.

3.3 A summary of the comments follows each paragraph or policy number. Comments raised by statutory consultees are listed first. Officers comments follow and recommendations are grouped at the end of each section. Policies have their own set of recommendations.

#### **3.4 Paragraph 8.1**

Five representations were received.

#### **Essex County Council**

Amend final sentence to read 'The Council is committed to protect the character and diversity of landscapes of local and national importance, their distinctiveness, wildlife and, biodiversity ***and geodiversity***.'

Essex County Council proposes a number of new policies to enable the Council to meet its NPPF obligations. These will be considered in their relevant topic area.

#### **Other Representations**

Other than the representations from statutory consultee Essex County Council there were 4 representations which made the following points:

- Support
- Protection policies are being abandoned or watered down
- Plan is unsound unless the public can comment on each individual change to previous policies. Please rectify in the next public consultation
- The commitment to protecting the natural environment landscapes and biodiversity should override the proposed new settlement west of Braintree
- The new settlement will destroy the district's rural character and contradicts other plan policies seeking to protect this attribute and other natural features.



It would urbanise the area, growth larger than Braintree, accelerating its demise.

### **Officer Comments**

Geodiversity is protected by the NPPG should be listed 8.1.

The Wildlife Trust and other statutory consultees have sought inclusion of a Green Infrastructure policy

The NPPG states that a strategic approach should be taken in Local Plans, planning positively for the creation, protection, enhancement and management of networks of biodiversity and green infrastructure.

The concept of Green Infrastructure is a way of taking an overarching view of the District's green space, looking at them as a network of open space with different purposes, ownerships and public access, encouraging creation of links/corridors and their multi use where it is appropriate and possible. Green Infrastructure can include Nature conservation sites, parks, rivers, play areas, school grounds etc. This is a strategic way of looking at green space and it would be appropriate to incorporate this into LPP56.

The district will require and encourage additions to the Green Infrastructure network through application of other policies as set out in the recommendations.

### **Paragraph 8.2**

Two representations received commented as follows

- Ok as far as it goes but more emphasis and effort into this area of the plan
- Developing the garden communities destroys biodiversity in contravention of national strategy "Biodiversity 2020" and international agreement (Nagoya, Japan 2010). These safeguard wildlife and ecosystems

### **Officer Comments**

Revised wording seeks to strengthen protections.

### **Paragraph 8.3**

There were five representations received to this paragraph.

### **Environment Agency**

Broaden protection to include that under the Wildlife & Countryside Act 1981 (as amended) and Natural Environment and Rural Communities Act 2006.

## Essex County Council

Amend paragraph to read:

*“..... Where there is a reasonable likelihood of any impact, adequate site surveys and suitable mitigation measures are proposed to ensure **that it is not harmed**”*

Amend sentence to read:

‘Protected species are animals and plants that receive protection under **a variety of legislation including the Wildlife and Countryside Act 1981 (as amended), the Conservation of Habitats and Species Regulations 2010 (as amended) and the Protection of Badgers Act 1992 (as amended).**

Delete reference to ‘~~as European protected species.~~’

## Essex Wildlife Trust

Incorrect definition of protected species as those protected under national legislation and Wildlife and Countryside Act 1981 (as amended), eg water voles, reptiles and nesting birds.

Development to have regard to statutory designations eg. Natura 2000 sites, SSSIs, Ancient Woodland, Local Nature Reserves. Give special regard to sites of local importance, eg Local Wildlife Sites, Country Parks, integrating them into the wider Green Infrastructure network and encouraging positive management by landowners.

## Other Representations

Two other representations were received, making the following points

- Include a budget commitment to implement proposed wildlife screening assessment and protection
- Concern that insufficient effort will be made to protection in this area
- Development of the west of Braintree garden community will render this paragraph meaningless

## Officer Comments

Biodiversity and habitats are protected by more National and International Legislation than is mentioned in this paragraph and is supported by the Council. To avoid the impression that protection, particularly for protected species, derives mainly from one act, other legislation should be included. It should be made clear that the list is not intended to be exhaustive.

It is appropriate to express support for local designations such as Local Wildlife Sites and Country Parks as part of a hierarchy of protection.

The alterations to this chapter are hoped to allay fears that protections are being eroded.

#### **Paragraph 8.4**

Five representations were received

#### **Essex County Council**

Recommend this paragraph as supporting text for a new Green Infrastructure and Ecological Network policy, then paragraphs 8.3, 8.5 and 8.6 provide a more appropriate sequence as they relate to wildlife matters. Reference to protected species is a matter in its own right and reference is made later in policy LPP57.

Four representations were received in addition to one received by Essex County Council

- Ok but more emphasis and effort is needed to improve green environment
- It refers to Natural England and guidance but not BDCs own policies.
- This is an opportunity to describe how green infrastructure can contribute to open space as a guide for developers
- Concern over loss of town centre open space HASA287
- HASA287 could form part of a wildlife corridor.
- Marks Hall is a good example of Green Infrastructure where air raid shelters were successfully modified to accommodate bats.
- Excellent aim. Bellfield, Braintree Road should be retained as a visually important space. Green space through Witham, Halstead and Braintree are excellent.
- Garden community will destroy an area acting as a green lung, carbon sink. This area is needed to balance settlement growth in the area.

#### **Officer Comments**

Alterations to policy LPP56 will refer to Green Infrastructure and revised Wildlife Protection LPP 57. These will strengthen protections rather than weaken them.

Site HASA287 Halstead and Bellfield, Witham are both site specific allocations whose merits have been already considered under the Inset Maps.

Support for Riverside greenspace and Bellfield is noted.

## Paragraph 8.6

One representation was received and made the following points

- What does bio diversity mean and how successful is it?
- How can the garden community be genuinely mitigated? Boxstead wood wildlife will be damaged and better protected by no building on it at all.

## Officer Comments

Biodiversity offsetting is described in the glossary (Appendix 1) and is considered acceptable by the NPPF.

Mitigation of the impacts of the Garden Community West of Braintree do not require alteration to this paragraph.

## Recommendation 1 – Amend to text of paragraphs 8.1, 8.3 and 8.4 as set out in this report

*8.1 Braintree is a largely rural District that enjoys a high quality natural environment, representing a wide range of landscapes and habitats. These reflect the varied landscape and topography in the District, which in turn is underlain by an extensive and varied range of geological formations of limestones, clays and greensands. The Council is committed to protect the character and diversity of landscapes of local and national importance, their distinctiveness, wildlife and, biodiversity **and geodiversity**.*

*8.3 The Council seeks to maintain and enhance the extent, quality and diversity of the area's heritage of wild flora and fauna and, in its role as local planning authority, to safeguard this wildlife and its habitats from harm where new development is proposed. All ~~p~~**Planning** applications are screened and assessed for wildlife impact. Where there is a reasonable likelihood of any impact, adequate site surveys and suitable mitigation measures are proposed. ~~to ensure that protected species are not harmed~~. Protected species are animals and plants that receive protection under **a variety of legislation including the Wildlife and Countryside Act 1981 (as amended), Natural Environment and Rural Communities Act 2006** the Conservation of Habitats and Species Regulations 2010, **(as amended) and the Protection of Badgers Act 1992 (as amended)**.~~as European protected species.~~*

*~~8.4 Green infrastructure is a network of multifunctional green space, urban and rural, which is capable of delivering a wide range of environmental and quality of life benefits for local communities. Green infrastructure includes parks, open spaces, playing fields, woodlands, street trees, allotments and private gardens. Natural England has published guidance which will be helpful in planning positively for networks of biodiversity and green infrastructure.~~*

**The NPPF describes Green Infrastructure as:**

**“A network of multi-functional green space, urban and rural, which is capable of delivering a wide range of environmental and quality of life benefits for local communities”.**

**The district has a range of existing green infrastructure assets which serve a number of different functions. Assets such as open spaces, parks and gardens allotments, woodlands, trees, fields hedges, lakes ponds, meadows and grassland playing fields, footpaths, former railways, cycleways and waterways all represent elements which can be considered as elements of Green Infrastructure.**

**The concept of Green Infrastructure encourages connecting such spaces and seeking opportunities to increase their function and connectivity to the benefit of the community and natural world. While connectivity is to be encouraged, there will be instances where it will not be appropriate eg public access to fragile priority habitats or sensitive wildlife sites.**

**Green Infrastructure, including open spaces and sports provision contributes to the quality of life and health of its residents. Green space and functioning ecosystems help in human and biodiversity’s adaption to the extremes of climate change. These areas counterbalance the heat island effect of built-up areas and particularly where there is tree planting, can provide opportunities for people to keep cool in hot weather.**

**Green Infrastructure will be implemented through application of the other policies in the Local Plan including application of the Open Space Strategy as well as through the application of the Trees Strategy.**

## **Policy LPP56 Natural Environment**

There were seventeen representations made; four of which were made by statutory consultees and thirteen by the public and other organisations. The following points were raised:

### **Environment Agency**

- Strengthen LPP56 by recognising the importance of helping wildlife to adapt to climate change

## Natural England

- Support LPP56 aspiration to take account of and minimise climate change impacts.
- Object. The plan doesn't recognise the role of green infrastructure and resilient ecological networks in aiding climate change *adaptation*. Review this.
- Paragraph 8.48 should refer to the natural environment not just the built environment
- Take opportunities for climate change adaption through Green Infrastructure in master-planning the proposed 'new garden communities'.
- There is no policy on climate change. Natural England recommends it is included as a separate policy to ensure compliance with NPPF paragraph 156 or expand this policy according.. This policy could include presumption against development that may exacerbate climate change effects.
- Natural England welcomes inclusion of the four Sites of Special Scientific Interest (SSSI) within the plan.
- Include the River Ter SSSI adjacent to the District as it could be affected by nearby development proposals.
- Inclusion of Local Wildlife Sites on the proposals maps welcomed.
- Refer to nearby European protected sites outside the boundary, which could be affected by proposed development.

## Essex Wildlife Trust

- This policy is inadequate and fails to address key points from the NPPF paragraphs 117, 118 and 114 and these are quoted in the text. Development should avoid harm to statutory designations. The mitigation hierarchy should be an essential component of a clear policy statement on the protection of designated sites.
- Delete "where required", the Council will prioritise the development of poorer agricultural land" as it is unsupported by reasoned justification and unclear in timing and method of its intended application and adds nothing to that set out in NPPF.

## Other Representations

- This policy protects something which does not exist, the landscape is managed by human intervention.
- Wording is too loose making it easy for developers to argue that available measures are not possible or not required.

- There is no definition of excess use of water (or other resources) and a trigger for when this would occur is necessary together with a means of how it would be measured.
- Without changes, this policy would be ineffective at protecting the natural environment. Recommend revised wording.
- Allowing development which will destroy ancient woodland and protected habitats is not protecting the environment.
- This is a weak vision and less than the public demands. The Council will prioritise protection of the environment by giving priority to the development of Brownfield land where possible.
- Look forward to a stronger development of such policies.
- This contravenes National (including NPPF) and Local policies and possible the 2011 Localism Act.
- The new garden community west of Braintree would harm biodiversity ancient woodland and protected species. It conflicts with policies seeking to protect these interests. Inappropriate place to build a large dormitory town
- The Council have made it difficult to provide feedback and this is unfair
- Building throughout the town conflicts with the aim of protecting wildlife.
- Strategy improves one problem ie lack of houses and creates 10 others – worsens bad congestion, insufficient school places, doctors, hospital capacity and there insufficient jobs.
- Making house prices fall by making Braintree horrendous.
- Should not add people till existing traffic problems are
- These plans will remove wildlife and nature from Braintree.
- Should solve existing problems before making new ones.

## **Officer Comments**

Several statutory consultees highlight that there is no policy on climate change. The NPPF states that “Local Planning Authorities should adopt proactive strategies to mitigate and adapt to climate change and climate change” and climate change has been mentioned in the recent White Paper. It is appropriate therefore that a separate policy on climate change is inserted into the plan to deal with some of the issues raised in more detail and comply with the NPPF. In response to statutory consultee concerns this policy deals with such impacts as on wildlife adaptation, greenhouse gases, pollution, habitat fragmentation and/or the loss of biodiversity, trees. The Climate change policy will be worded to include the issues raised by Natural England.

It is proposed that policy LPP56 and supporting text is amended to include a section on Green Infrastructure. This will prioritise networks of Green space and assist survival of wildlife even within towns

Alterations to paragraph 8.48 will be considered under that heading.

It is important to refer to the need to protect statutory, and non-statutory nature designations inside of and outside the District. There is a duty on the Authority to provide this protection. Alterations to the text elsewhere in the chapter are proposed to do so. This should refer to the mitigation hierarchy.

One representation related to agricultural land. This representation is addressed in relation to paragraphs 8.27 – 8.29 which deal with Agricultural Land.

The extent to which the countryside is natural or a product of man's intervention is a matter of academic debate, but is not important for the purposes of how the Local Policies will be applied. The public in general will understand the term "natural environment" to encompass issues relating to countryside, landscape, habitats and bio diversity.

Proposed new policies give more clarity and detail and it is hoped reassure those who consider protections to be too weak.

Remove the last line of paragraph 1 for the following reasons. Control of excessive use of water and other resources is not wholly within the remit of the plan and is undeliverable. The last line also relates to pollution – a subject covered in detail in LPP61 and repeated generally here.

The level of growth necessary cannot be accommodated on predominately brownfield land. Brownfield sites will be allocated where that it possible, taking other plan considerations into account.

Issues relating to the lack of services, house prices and congestion are not relevant to this part of the plan.

## **Recommendation 2 – Amend the text of policy LPP56 Natural Environment as set out in this report**

### *Natural Environment **and Green Infrastructure***

*Development proposals must take ~~all~~ available measures to ensure the protection, and where possible, the enhancement of the natural environment, habitats, bio diversity and geodiversity of the District. This will include, where appropriate, protection from pollution.*

**The Council will expect all development proposals, where appropriate, to contribute towards the delivery of new green infrastructure which develops**



**and enhances a network of multi-functional spaces and natural features throughout the District. This will be proportionate to the scale of the proposed development and the rural or urban context. The Council will support and encourage development which contributes to the District's existing green infrastructure and where possible, enhances and protects networks and adds to their functions where appropriate. It will secure additional provision where deficiencies have been identified. Proposals which undermine these principles will not be acceptable.**

**4 Biodiversity, Landscape Character and Agriculture (including supporting text and alternative options. Policy LPP57. paragraphs 8.8 – 8.17)**

This section includes Policies LPP57 Protected Species, LPP58 Enhancement, Management and Monitoring of Biodiversity and LPP59 Landscape Character and Features.

This section received a total of 53 representations.

**Paragraph 8.8**

Two responses were received

**Environment Agency**

Object. No specific references to designated nature conservation sites. Policies should make clear that development should be refused if it would have an adverse impact on the integrity of any of these sites unless there is an overriding public interest

**Other responses**

The west of Braintree proposals will

- cause loss of countryside and years of work on conservation schemes.
- Ruin the work of generations by farmers protecting and caring for the countryside will be destroyed
- Buffer between Great Saling and the garden community is too small
- Be poorly connected unsustainable housing,

**Officer Response**

It is appropriate mention National and International Designations within the District and their protection. Alteration to policy LPP57 is proposed later to address this issue.

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## Paragraph 8.9

Two comments have been received.

### Essex County Council

- Registered parks and gardens are not regarded as a biodiversity designation, and should be referred to elsewhere.
- Amend paragraph 8.9 to refer to Special Verges as follows:

*“..... the landscape in the Braintree District includes four areas protected for their special scientific interest (SSSIs), as well as seven local nature reserves, local wildlife sites, **Special Verges** and ~~eight registered parks and gardens of historic value.~~’*

### Other comments

- The West of Braintree Garden community will contravene this paragraph as it will seriously harm the setting of the Saling Grove registered park and garden.

### Officer Comments

Agree with amendments proposed to paragraph 8.9 to exclude registered parks and gardens as a biodiversity designation and referring to Special verges

## Paragraph 8.10

Two representations have been received

### Environment Agency

- Support that paragraph 8.10 refers to the Essex Biodiversity Action Plan.

### Other Representations

- Not possible to optimise conditions for wildlife, biodiversity fragmentation by implementing SP10 west of Braintree garden community which will lead to a loss and fragmentation of habitat. This area performs better as a green lung without being broken up

### Officer Comments

Support noted.

### **Paragraph 8.11**

One representation was received from Essex County Council as follows

Amend paragraph 8.11 to refer not only to protected species but also to priority species and habitats.

### **Officer Comments**

Proposed changes to the plan are suggested to add priority species and habitat.

A habitats regulations assessment has been carried out to check the effects of the development against the site's conservation objectives for SACs, SPAs Ramsar wetlands, possible SPAAs or Ramsar wetlands. This is not apparent from the paragraph and should be included.

### **Paragraph 8.13**

Two comments were received

### **Essex County Council**

- Amend paragraph 8.13 to reword section of suitably qualified person
- A glossary of terms is recommended for insertion into the plan and has been appended as an Appendix.

### **Other Comments**

- No site visit?

### **Officer Comments**

Agree that Essex County Council rewording adds clarity and will ensure that surveys are conducted to up to date standards. Best practice is outlined in BS 42020:2013 which includes guidance on professional standards and practice. Studies should conform to the requirements in this document. The intent of the additional comment is unclear.

### **Paragraph 8.14 (Alternative Options)**

One representation was received from the **Environment Agency** as follows:

- Add the following text: *However, protection of existing high quality habitat, such as un-improved grassland and ancient woodland, will be prioritised over creating new habitat'*

### **Officer Comments**

The aspiration expressed by the additional wording is supported and has been included in proposed alterations to LPP57.

### **Paragraph 8.15**

Two comments were received as follows

#### **Essex Wildlife Trust**

Include a separate Green Infrastructure policy which includes the following:

- Council will work with partners to deliver projects which protect, extend and enhance the network of green infrastructure and create new habitats, providing links for wildlife and people
- Recognise the importance of nationally designated sites, Local Nature Reserves, Country Parks and Local Wildlife Sites as key features of the District's green infrastructure, and ensure they are protected and enhanced
- Secure a net increase in biodiversity across the District with a focus on priority habitats and priority species
- Secure the provision of green infrastructure alongside development
- Develop and improve the urban environment through provision of local scale green infrastructure including footpaths, cycleways, green links, parks, gardens, allotments, trees and green roofs
- Seek the provision of green infrastructure which is multi-functional and incorporates measures that will help to reduce the impacts of climate change
- Work with partners and the community, in order to minimise conflict between human activities, including recreation, and sensitive ecological assets

#### **Other Representations**

- The west of Braintree new Garden community would fragment and isolate 900 ha of green infrastructure making it less effective

#### **Officer Comment**

Some of the intentions sought by the representations include actions which are outside the scope of the Plan, and some are dealt with in other parts of the plan. The Council protects the network of Green Infrastructure by consulting with the Essex Wildlife Trust and where appropriate, Natural England. The Council's "Tree Strategy" demonstrates the Council's intention to deliver new projects to produce new woodland habitat, protect existing trees and hedges and incorporate new ones into

new development. The Open Space Strategy seeks to ensure the provision of open spaces such as parks, gardens etc. mentioned in the representation. The Transport section of the Plan deals with footways and cycle lanes. Policy LPP56 Natural Environment has been altered to include an intention to encourage Green Infrastructure provision. Projects which protect, extend and enhance the network of green infrastructure and create new habitats will be supported.

The recognition of National and International Designated sites is set out in LPP57 and new text has been recommended highlighting priority habitats and species in supporting text.

### **Paragraph 8.16**

#### **Essex Wildlife Trust**

- For new development proposed in vulnerable areas, care is required that risks can be managed through suitable adaptation measures, including planning of green infrastructure'
- Plans and strategies should support ecological network creation and win win opportunities
- Lead Local Flood Authority should promote Green Infrastructure in their Flood risk management strategies
- Strategically planned Green Infrastructure is important for bio diversity and landscape conservation.
- 'when new development is brought forward in vulnerable areas, care should be taken that risks can be managed by suitable adaptation measures, including through green infrastructure'
- Century of unprecedented countryside change, with habitat loss and dramatic adverse impacts many species populations.
- Should achieve a net gain in biodiversity by protection, restoration, creation, and recovery of habitats and species
- Should increase biodiversity while preventing loss of irreplaceable habitats.
- Multifunctional green spaces can, if sensitively managed for wildlife, help sustain, increase and introduce certain species by acting as stepping stones and corridors.
- Set targets to link fragmented habitats/landscape by restoring degraded sites and habitats and providing new recreation spaces to reduce human impact on sensitive sites.
- Some elements of GI resource will be sensitive to too much human activity and recreational disturbance These sensitive areas should be protected
- Providing additional 'suitable accessible natural green space' (SANGS), local authorities can help to divert visitors away from sensitive sites.

- Owing to habitat loss, some species are almost solely dependent on our built structures to roost or nest.
- All UK bat species have been recorded in buildings. Planning conditions could require both extensions and new development provide sites for species that nest or roost in the built environment.

The natural environment needs to be a key, integral part of any masterplan, providing a framework for the development and increasing biodiversity. It must:

- identify existing habitats and species (key habitats, fauna), to be conserved/enhanced, and new ones to be created (incorporating local/national targets),
- Provide access - rights of way to be to be protected enhances and protected.
- Identify opportunities for the built environment to contribute to biodiversity
- Provide buffer spaces between development and

This together with GI will provide a sense of place, ecosystem services, habitat conservation and creation of new

### **Officer Comments**

Amended policy LPP56 seeks an approach which seeks to enhance a network of open space which will include the support creation and retention of various habitats and species. The policy would encourage the creating/enhancing of links for wildlife between spaces of varying quality where the opportunity arises. The aim is to move to a net increase in bio diversity as is sought by the NPPF. This can be achieved supported by the Local Plan as far as its powers enable and opportunities arise and in the context of Government advice which requires the balancing of a number of sometimes competing interests. It must also act in a proportionate way.

The background of unprecedented countryside change with habitat loss and decreases in many species populations is acknowledged. It is useful to be informed of the specific species which are more dependent on human built structures than others. This enables the Authority to take appropriate action. The inclusion of space for wildlife in new development proposals will be sought in policy LLP58 as appropriate.

When proposals are received or sites and/or sites are assessed for wildlife/habitat interest a good quality survey is required to assess what is there and what its significance is and BS 42020; 2013 represents a professional standard.

Policy LPP57 seeks to prevent loss of irreplaceable habitat and policy LLP56 supports the creation of multifunction open spaces which form part of a network of spaces. It recognises that public access might not always be appropriate.

The need for publically available open space has been studied, quantified and set out in the Open Space Strategy.

The natural environment needs to be a key, integral part of any masterplan, providing a framework for the development and increasing biodiversity.

It must

- identify existing habitats and species (key habitats, fauna), to be conserved/enhanced, and new ones to be created (incorporating local/national targets),
- Provide access - rights of way to be to be protected enhances and protected.
- Identify opportunities for the built environment to contribute to biodiversity
- Provide buffer spaces between development and

This together with GI will provide a sense of place, ecosystem services, habitat conservation and creation.

The Lead Local Flood Authority encourages approaches which work with natural processes in their SUDs Design Guide

### **Paragraph 8.17**

One representation was received on this paragraph from the Essex Wildlife Trust which commented as follows:

Would welcome the inclusion of a policy statement outlining a commitment to the protection of Local Wildlife Sites

### **Officers Comments**

The commitment to protect Local Wildlife Sites has been set out in an amended LLP57.

Recommendation – Amend paragraphs 8.9, 8.11 and 8.13 as set out in this report but make no other changes to this section

*8.9 There are various designations given to sites of particular environmental and/or biodiversity and geodiversity importance in Britain. As of 2016, the landscape in the Braintree District includes four areas protected for their special scientific interest (SSSIs), as well as seven local nature reserves, local wildlife sites, **Special Verges** and ~~eight registered parks and gardens of historic value.~~*

*8.11 Applications for development affecting, or with the potential to affect, a nationally or locally designated site, protected species or **priority species or priority habitat** ~~or species on the Red Data List~~, or habitat suitable for a protected species or species on this list, will need to be accompanied by an ecological survey.*



*This should explain how the proposed development is acceptable in accordance with the relevant sections of the strategic policy.*

*8.13 Ecological surveys ~~must be carried out by a suitably qualified person~~ **and should be in line with best practice and must be undertaken by appropriately qualified ecologists** and include a desk top survey using data obtained from the relevant organisations. These surveys must identify threats to the environment and/or its wildlife where they are identified to occur and adequate and sound mitigation measures are required where necessary.*

***The proposed Glossary of Terms has been incorporated into the Local Plan Glossary and has already been considered by Planning Committee.***

### **Policy LPP57 Protected Species**

Eight representations were received, three of which were from statutory consultees.

#### **Environment Agency**

- Support LPP57 but “Protected Species and Habitats” is a more appropriate title.
- Emphasise the hierarchy of avoidance and mitigation before compensation.

#### **Essex Wildlife Trust**

Welcome a policy on protected species but it needs altered to include designated habitats, priority habitats and species, or an extra policy to cover the following:

- Sites designated for their international, European and national importance to nature conservation;
- Sites designated for their local importance to nature conservation
- Where new development would harm biodiversity or geodiversity, planning permission should only be granted in exceptional circumstances, where the benefits of the development demonstrably outweigh the harm caused and where adequate mitigation measures are included.
- Proposals for new major development should include measures to enhance biodiversity, appropriate to the site and its location

#### **Natural England**

Object. Strengthen the policy to include the following

- Include policy seeking to create a network of wildlife corridors and avoid fragmented and isolated pockets of habitat.

- Inclusion of a more specific policy requiring specialist design features in new development to provide habitat and thereby improve bio-diversity.
- Inclusion in policy of measures to identify and protect species rich and local habitats of importance, including irreplaceable habitats such as ancient woodlands.

This will ensure the plan complies with Paragraphs 114 and 117 of the NPPF.

### **Essex County Council**

Paragraph 8.11 refers to protected species but should also refer to priority species and habitats, and should be amended

These amendments should be supported by new policies on priority habitats and hedgerows, priority species, legally protected sites and irreplaceable habitats and local sites.

### **Other Representations**

- A very weakly worded policy. Should be clearer and more prescriptive to provide more protection
- Hope revised wording will be in next draft.
- How can species be protected if their habitat is destroyed
- The West of Braintree proposals will have a harmful impact on protected species and habitat.
- Ecological assessment should be 'independent'
- Detailed survey supported by residents must be undertaken especially where sensitive ecologies exist on private land

### **Officer Comments**

Support for policy aspirations noted.

This policy is proposed to be reworded in response to representations.

Although there are no international sites with Braintree District itself, there are many European sites and international sites within Essex, especially on the east coast. The rivers within Braintree District provide a direct fluvial pathway to these estuaries and consequently certain developments could have the potential to adversely affect them. There should therefore be a policy for protected sites which include European sites and international sites. Statutory consultees have expressed strongly that protections for International national and other sites should be expressed more explicitly in policy. In response a strengthened reworded policy has been proposed.

Protected Species includes plant life but the policy should be expanded to include the hierarchy of protected and unprotected sites and explicitly including designated

habitats, priority habitats and species etc and outlining more explicitly when proposals can be refused as outlined by the Wildlife Trust, Essex County Council and others

Enhancement of biodiversity, appropriate to the site and its location will be required by the revised text.

Some representations seek networks of wildlife corridors that join areas of fragmented habitat and these are sought as part of the Green Infrastructure policy and should be included here.

Local habitats of importance are contained in the Essex County Biodiversity Plan and when applications are received the Wildlife Trust and sometimes English Nature have the opportunity to identify sensitive areas. Local Wildlife Sites are mapped, as are Ancient Woodlands.

The approach to species protection is as set out in the NPPF and reflected in the revised wording.

Ecological Assessments are expected to be conducted to a professional standard and guidance on this matter is given by consultees when considering individual planning applications.

The NPPF does not require that surveys must be supported by local residents.

The plan does not contain specific policies for the protection of trees. Given the significant positive contribution that trees make to the visual character of their surroundings and particularly on that of Conservation Areas and Listed Building settings, it appropriate that a more detailed policy is included to guide proposals for their removal or alteration or introduction.

**Recommendation 3 - Amend policy LPP57 Protected Species and its supporting text as set out in this report and add Tree policy:**

*8.11 Applications for development affecting, or with the potential to affect, a nationally or locally designated site, protected species or, **priority species or priority habitat or** species on the Red Data List, or habitat suitable for a protected species or species on this list, will need to be accompanied by an ecological survey. **This survey shall be undertaken to the standards set out by BS 42020:2013.** This should explain how the proposed development is acceptable in accordance with the relevant sections of the strategic policy*

### ***LPP57 Protected Species***

~~Where development is proposed that may have an adverse impact on protected species, a full ecological assessment will be required. The Local Planning Authority will assess the impacts of the development upon both habitats and species and consider the extent to which such impacts will be mitigated or habitats enhanced through development. Where appropriate conditions and/or planning obligations will be imposed to achieve appropriate mitigation and/or compensatory measures to ensure that any potential harm is minimised.~~

~~Where an adverse impact on protected species and/or habitats is evident, and where there are no appropriate measures to secure mitigation of protected species and/or habitats, planning permission will not be granted.~~

### **National and International Designations**

**Sites designated for their international, European and national importance to nature conservation; including Ramsar sites, Special Protection Areas (SPAs), Special Areas of Conservation (SACs), should be protected from development likely to have an adverse effect on their integrity whether they are inside or outside the district. Proposals likely to have an adverse effect will require a full assessment in line with European legislation.**

**Planning permission for major development will be refused in these areas except in exceptional circumstances where overriding public interest be demonstrated.**

### **Protected Species, Priority Species and Priority Habitat**

**Proposals that result in a net gain in Priority Habitat will in principle be supported, subject to other policies in this plan. Where Priority Habitats are likely to be adversely impacted by the proposal, the developer must demonstrate that adverse impacts will be avoided, and impacts that cannot be avoided are mitigated on-site. Where residual impacts remain, off-site compensation will be required so that there is no net loss in quantity and quality of Priority habitat in Braintree District.**

**Where there is a confirmed presence or reasonable likelihood of Priority species being present on a development site, the developer will be required to demonstrate that an adequate mitigation plan is in place to ensure there is no net loss of Priority species.**

**A precautionary approach will be taken where insufficient information is provided about mitigation measures. Mitigation will be secured through planning conditions/obligations where necessary.**

### **Sites of Special Scientific Interest (SSSI)s and Irreplaceable Habitat**

Development proposals should be controlled through avoidance, on-site management and on-site mitigation. Where this cannot be achieved development proposals will not be permitted. Proposals resulting in the loss deterioration or fragmentation of irreplaceable habitats such as ancient woodland or veteran trees will not normally be acceptable unless the need for the , and benefits of the development in that location clearly outweigh the loss.

A precautionary approach will be taken where insufficient information is provided about avoidance, management and mitigation measures. Management, mitigation and enhancement will be secured through planning conditions/obligations where necessary.'

### Local sites

Proposals likely to have an adverse effect on a Local Wildlife Site (LoWS), Local Nature Reserve (LNR), Special Roadside Verge will not be permitted unless the benefits of the development clearly outweigh the harm to the nature conservation value of the site. If such benefits exist, the developer will be required to demonstrate that impacts will be avoided, and impacts that cannot be avoided will be mitigated on-site.

A precautionary approach will be taken where insufficient information is provided about avoidance, management, mitigation and compensation measures. Management, mitigation and compensation measures will be secured through planning conditions/obligations where necessary.

### Tree Protection

The Council will consider the protection of established healthy trees with significant amenity value to the locality through

- i) serving tree Preservation Orders
- ii) Considering impact of trees on the Conservation Areas in which they are located when determining S211 notifications.

Trees which make a significant positive contribution to the character and appearance of their surroundings will be retained unless there is a good arborocultural reason for their removal such as disease. Similarly alterations to trees such as pruning or crown lifting should not harm the tree health or its appearance.

When considering the impact of development on an existing tree the Council will expect developers to follow the best practice guidance set out in BS 5837:2012.

Where trees are to be retained on new development sites there must be a suitable distance provided between the tree and any new development to allow for its continued health, safety, allow it to remain resilient to climate change

**and resilient to pressures for its removal when mature. Planning conditions will be applied to protect trees during and where appropriate after development.**

**Where tree cover is particularly important to the setting of new development within the landscape, consideration will be given to replacing trees which are removed shortly prior to the development scheme coming forward.**

**In considering works to trees, new planting and the trees in new development schemes the Council will expect proposals to be in general conformity to and contribute to the aims of Braintree District's Tree Strategy.**

## **LPP58 Enhancement, Management and Monitoring of Biodiversity**

Seven representations were received of which five were from statutory consultees.

### **Environment Agency**

- Object on the basis that the issues below require further consideration within the plan.
- The European Water Framework Directive imposes legal requirements to improve the water environment. It should be further integrated into the plan and is only mentioned in relation to Sustainable Urban Drainage Systems. Policies should seek to minimise disturbance of banks or riverbeds and control de-watering or other operations, which can discharge silt into the river damaging habitats.
- The environmental objectives of the WFD are:
  - to prevent deterioration of the status of surface waters and groundwater
  - to achieve objectives and standards for protected areas
  - aim for good status of all water bodies or, heavily modified and artificial water bodies, good ecological potential and surface water chemical status
  - to reverse any significant and sustained upward trends in pollutant concentrations in groundwater
- Cease discharges, emissions and losses of priority hazardous substances into surface waters
- to progressively reduce groundwater pollution and prevent/limit pollutants
- Braintree District falls within the Combined Essex Catchment within the Anglian River Basin Management Plan (2015).
- Environmental objectives have been set for each of the protected areas and water bodies in the river basin district. This involved technical/ economic appraisals and formal public consultation. These are legally binding. All public bodies must have regard to these objectives when making decisions that could affect the quality of the water environment. The proposed increase in housing and jobs must also not reduce the quality of the water environment.
- We suggest a new policy

- The draft plan does not mention invasive species. 6% of the water bodies within the Anglian River Basin Management Plan are failing due to invasive species (2015). A biosecurity protocol method statement should be required in support of development proposals to ensure that an adequate means of preventing the introduction of non-native species is considered and implemented
- Refer to the need for ecological buffer strips along river corridors and where appropriate, opportunities for de-culverting should be explored.
- Opportunities to create new wetland areas to help manage flood risk and reduce diffuse pollution, whilst providing people with a connection to nature, should also be explored.

### **Essex County Council**

- The policy should seek to provide protection, mitigation and compensation regarding any adverse impacts from development proposals.
- Amend first sentence to read
- *'Development proposals shall provide for the protection of biodiversity and the mitigation or compensation of any adverse impacts.'*

### **Essex Wildlife Trust**

- Welcome statements on wildlife protection but this policy lacks detail and fails to mention management and monitoring.
- Mechanisms and resources for long-term protection and management need to be addressed and incorporated
- Should Include specific measurable targets which can be monitored - net biodiversity gain targets reflecting local priorities for biodiversity
- Local Authorities should have access to baseline figures for bio diversity in their areas which can be broken down to a local level and used to inform developers about site specific bio diversity issues.
- Strongly recommend that local authorities enter into a Service Level Agreement (SLA) with the Essex Wildlife Trust Biological Records Centre to permit access to data which will support strategic planning.
- Identification of funding sources in the plan for creating, managing and monitoring 'Green Infrastructure' is essential.
- The Local Authority could provide capital for Green Infrastructure purchase, design, planning maintenance within its CIL schedule. Negotiations to secure S106/CIL funding should be undertaken in consultation with a wide range of interested parties. Planning conditions are preferred over planning obligations where conditions are appropriate.
- While developer contributions can contribute to landscape scale Green Infrastructure, other funding mechanisms will be required to secure significant wildlife corridors and large scale features and should be used to secure:

- biodiversity measures off site and outside of the planning application's boundary,
- financial provisions for lump sum or periodic payments (e.g. towards long-term management of biodiversity features);
- biodiversity offsetting;
- the resolution of land management issues;
- arrangements for monitoring the effectiveness of mitigation measures and deciding on remedial measures when necessary;
- the provision of off-site surveys/monitoring;
- the provision of land to be used as a nature reserve;
- new habitat creation schemes;
- habitat or species translocation schemes; and
- provision of access, information or interpretive facilities
- Adverse impacts to designated sites should only occur as a last resort, and be fully compensated by replacement with a feature of comparable or higher ecological value.
- Guidance is required to ascertain when off-site mitigation/off-setting is appropriate.
- The onus should be on the developer to provide evidence that any proposed off-site mitigation through translocation has a proven record of success in comparable situations, and there should be a fund allocation to ensure that the translocation sites are properly managed for as long as is necessary.

## **Natural England**

Object as worded. To ensure compliance with paragraph 114 and 117 of the NPPF alternative wording is proposed:

- Include policy/wording for creation of wildlife corridor network, avoiding fragmented and isolated pockets of habitat
- Considered mapping ecological networks and biodiversity assets of national and local importance
- Amend policy to distinguish between the hierarchy of internationally, nationally and locally important sites.
- The policy also needs to reflect the avoid, mitigate, compensate requirement NPPF paragraph 118.
- Amend policy to reflect any impacts on European protected sites which are identified in the Habitats Regulations Assessment. We will be providing a separate response to this in due course.

## **Other Representations**

- Too weak - residents will demand considerably more protection for the environment



- No amount of compensatory open space would mitigate harm caused by developing West of Braintree Garden Community and possible future expansion

### **Paragraph 8.18**

One representation was received making the following points

Paragraph 8.18 acknowledges the significance of Stansted and the increased population and demand for services that this creates.

### **Officer Comments**

Paragraph 8.18 relates to the alternative options for LPP Enhancement, Management and Monitoring of Bio Diversity relating to creation of wildlife corridors. The comment relates to the impact of Stanstead on growth and services. This impact is noted.

Agree with Essex County Council rewording to reflect that the policy should seek to provide protection, mitigation and compensation regarding any adverse impacts from development proposals.

The Water Framework Directive and Anglian River Basin Management Plan (2015) should be referred in relation to Policy LPP58. The Anglian River Basin Management Plan environmental objectives are legally binding public bodies when making decisions on water quality. This plan is by another body and it would be inappropriate to include its contents as policy, however it can be mentioned within supporting text as a material consideration and forming part of the Evidence Base. LPP61 which was considered at the last committee also works towards this purpose by seeking to prevent pollution.

Planning is not in a position, however to control de watering or control of invasive species, though water extraction might be a material consideration in some specific proposals.

The Flood Risk and Water Drainage part of Chapter 8 (already considered by committee) prevents development within 8m of a river unless the Environment Agency agree and together with LPP61 this should assist in the protection of rivers and meeting the objectives of the Environment Agency.

The proposed Green Infrastructure policy encourages the multifunctional use of land and would include the example of creating wetlands for wildlife habitat, flood management and recreation.

At the point of a planning application the Local Planning Authority will require receipt of an ecological study which will represent the most up to date information at that point. It is not for the Local Plan process to agree a Service Level Agreement. Any funding of the Green Infrastructure elements proposed by the Essex Wildlife Trust would need to come from S106 agreements in relation to individual planning applications at the time of the decision.

Planning obligations can be used to secure the provision of a range of provisions mentioned the Wildlife Trust where advice indicates that this is necessary.

Revised LPP57 relates to the mitigation hierarchy. Arrangements for handling compensation will be the subject of advice from consultees prior to the decision.

The implementation of a network of wildlife corridors and avoidance of fragmented and isolated pockets of habitats can be added to the list of measures to enhance biodiversity.

The council has mapped records relevant nature conservation designations. Also mapped are some open spaces eg parks, rivers etc. Some ecological networks have been mapped on the Natural England Mapping System.

Policy LPP57 distinguishes between the hierarchy of internationally, nationally and locally important sites.

Improvements to wording are proposed to strengthen policies in response to representations.

#### **Recommendation 4 – Amend LPP58 Protection, Enhancement, Management and Monitoring of Biodiversity and its supporting text as set out in this report.**

##### *LPP58 Enhancement, Management and Monitoring of Biodiversity*

*Development proposals shall provide for the protection of biodiversity and the mitigation **or compensation** of any adverse impacts. Additionally enhancement of biodiversity should be included in all proposals, commensurate with the scale of the development. For example, such enhancement could include watercourse improvements to benefit biodiversity and improve water quality, habitat creation, wildlife links (including as part of green or blue infrastructure) and building design which creates wildlife habitat (e.g. green roofs, bird or bat boxes).*

**The Council will require development to be in compliance with and contribute positively towards delivering the aims and objectives of the Anglian River Basin Management Plan.'**

Previously developed land (brownfield sites) can harbour biodiversity. The reuse of such sites must be undertaken carefully with regard to existing features of biodiversity interest. Development proposals on such sites will be expected to include measures that maintain and enhance important features and appropriately incorporate them within any development of the site.

If significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused

Insert the Following Supporting text directly after policy LPP58.

The European Water Framework Directive imposes legal requirements to improve the water environment. All waterbodies must achieve “good ecological status” by 2027, prevent deterioration of surface waters and groundwater and seek enhancements where rivers, lakes and estuaries are not achieving good ecological status or potential. The Council supports the directive and proposals which seek to further these aims where it is possible to do so. In pursuit of this aim, proposals should seek to minimise disturbance to riverbeds.

Proposals are encouraged to be in compliance with the Anglian River Basin Management Plan (2015) which addresses pressures on the water environment and whose environmental objectives are legally binding on all public bodies whose decisions affect the quality of the water environment.

Opportunities to create new habitat might can be explored where appropriate, including creating wetland areas which would provide people with a connection to nature, whilst helping to manage flood risk and reduce diffuse pollution, should also be explored. The developer must demonstrate that adverse impacts will be avoided, and impacts that cannot be avoided are mitigated on-site. If exceptional this cannot be done biodiversity offsetting.

These improvements shall be sought through planning conditions and legal S106 agreements. Proposals coming forward through the Tree Strategy will be managed and monitored according to its provisions.

To promote ecosystem resilience and enhance the ability of the ecosystem to adapt to climate change the opportunity to link isolated or fragmented pockets of habitat or add to wildlife corridors will be taken unless unpracticable.

## **Landscape Character (paragraph 8.19 – 8.26 and LPP 59 Landscape Character and Features)**

### **Paragraphs 8.20, 8.21 and 8.24**

Four representations were made making the following points which all relate to the West of Braintree garden community and will be considered in that report:

Residents affected by SP10 (Garden Communities west of Braintree) consider their area as 'valued landscape' for the following reasons

- Grade 2 agricultural land a landscape loved for generations and featured in art and culture
- The strong cultural heritage which is enjoyed by many light aircraft, cyclists, caravaners who go to enjoy peace, quiet, nature will be lost
- Loss of tourism, village charm and identity
- Destruction of, Repton park heritage asset and harm to others eg Great Saling/Stebbing Green conservation villages which contribute to the landscape character.
- SP10 west of Braintree Garden Settlement proposals run contrary to this paragraph
- Better consultation is needed as no masterplan or landscape assessment given to public prior to consultation.
- Authority urged to protect this landscape
- Had trouble finding the landscape Character Assessment but found that SP10 on Rayne farmland plateau
- The Garden Community West of Braintree would lie on a rural landscape land sensitive to change.

### **Paragraph 8.25**

Two representations were received one of which comes from a Braintree District Councillor and the other from a neighbouring Local Authority. The following points were made:

#### **Babergh & Mid Suffolk District Council**

##### South and Orwell Estuaries Special Protection Area

It is acknowledged that the Council intends to undertake an assessment of the potential impacts of growth on recreational pressure at European sites. Babergh District Council, along with Ipswich Borough Council and Suffolk Coastal District Council, are currently producing a Recreational Avoidance and Mitigation Strategy which will identify measures to mitigate effects of recreational disturbance on European sites including the Stour and Orwell Estuaries Special Protection Area

(SPA). Should the assessment of the Draft Braintree Local Plan identify the potential for effects on the Stour and Orwell Estuaries SPA it may be appropriate for the mitigation strategy to be reviewed to include the north Essex Councils.

#### Dedham Vale Area of Outstanding Natural Beauty and Stour Valley Project area

Paragraph 8.25 refers to the long term aim to enlarge the extent of the Dedham Vale Area of Outstanding Natural Beauty (AONB) to include the area covered by the Stour Valley Project. It is noted that the paragraph states that proposals should not prejudice the long term aim to enlarge the area included within the AONB. The Councils would be concerned should this statement prejudice decisions relating to the growth of Sudbury and the delivery of the Sudbury bypass. The approach taken to development in the area covered by the Stour Valley Project should be consistent throughout the whole project area and the Councils would welcome further discussions in this respect.

#### **Other Comments**

Welcome the references to the Dedham Vale AONB and the Stour Valley Project Area but the Stour Valley Project Area should be given specific protection under policy LLP 59 to be consistent with paragraph 109 of the NPPF.

The Stour Valley Project Area is clearly a valued landscape as evidenced by the fact that Braintree DC is a signatory to the management plan for the area. Failure to give this area protection under policy will weaken the LPA's ability to protect these areas from unwanted development. The lack of reference in policy was one of the reasons why permission was granted by St Edmundsbury BC for a wind turbine near Clare on the edge of the Area.

#### **Officers Comments**

A Habitats Assessment has been undertaken that will assess potential impacts of growth on recreational pressure at European sites.

The area of search for the enlargement of the Dedham Vale AONB is not yet a designation and will be subject to the policies of the local plan. The route of the Sudbury bypass is marked on the Braintree Local Plan proposals map as a road scheme. Officers would wish to be involved in discussions on any progression of such scheme which might come forward.

The Stour Valley Project Area is a valued landscape but it has not been designated as an AONB and cannot therefore be afforded the same weight. Paragraph 25 makes clear that

*“The impact of development proposals in the upper Stour Valley will be particularly carefully assessed in light of the sensitive nature of this landscape. Proposed developments here should support the wider environmental, social and economic objectives as set out in the Dedham Vale AONB and Stour Valley Management Plan, and should not prejudice the long term aim to enlarge the area included within the AONB designation.”*

In the interests of clarity the map showing the area covered by the *Stour Valley Management Plan* shall be include as an Appendix within the *Local Plan*.

### **Paragraph 8.26 (Alternative Option)**

Two representations were received, one from the Braintree District Councillor

- LLP 59 should include wording specifically designed for the Stour Valley Project Area
- Include greater protection for the area of the Dedham Vale & Stour Valley Management Plan and Council support of its proposed extension
- Amend wording in relation to treatment of Upper Stour Valley

### **Officers Comments**

Text has been recommended to be inserted into policy LPP59 in order to draw attention to the importance of protecting the setting of the AONB. Please refer to recommended for LPP59.

### **LPP59 Landscape Character and Features**

Nine representations were received and points raised as follows:

#### **Natural England**

- **Objection.** Natural England generally supports this policy but advises that alternative policy wording should consider the impact of development in the setting of the existing Dedham Vale AONB, rather than suggested policy alternative.

#### **Ashen PC**

- Objection. General policy and does not protect the landscape other than requiring form of development takes landscape character into account.
- The Upper Stour Valley is a valued landscape (NPPF 109) and should be conserved and enhanced.
- The policy should refer to the protection of the landscape and heritage value of the Stour Valley

- Paragraph 8.25 correctly recognises the Upper Stour Valley as an important and sensitive rural landscape. The text should be amended by the addition of 'The whole of' before 'The upper Stour Valley' to make clear that it includes the whole of the valley within the district.'
- Amend text by the addition of 'Development which would harm the landscape or heritage qualities of the Stour Valley will not be permitted.' at the end of the policy.
- This landscape is of particular importance to the Parish. There are wide views across the valley from the village, which forms part of its essential setting. It retains important historical and cultural associations with that past including not least the world renowned artist Constable.
- A stark illustration of the importance of having a clear endorsement of the landscape and heritage importance of this area reflected in policy was in the decision of the St Edmundsbury Borough Council to permit a wind turbine (SE/12/1208) on the opposite side of the valley without specific regard to the effect on the valley landscape of the Stour Valley Project area.

### **Other Representations**

- Support.
- Support in relation to large developments especially.
- OK as far as it goes but people will want more in the plan to protect landscapes
- Policy can secure enhancements but long term maintenance should be included to allow benefits to remain in the long term
- The overall design should include a Rights of Way Improvement Plan with improved access to the countryside
- The policy gives blanket protection to all features regardless of value/status, harm created and benefits from development. As such it conflicts with the clear requirement to balance harm with benefits set out in the NPPF and paragraph 113. Amend the policy to allow for harm to be balanced against benefits and for the value of the feature to be a relevant factor in the balancing exercise.
- Landscape protection policies are closet to people's hearts and should be at the heart of the council's actions
- Commitment to enhance access for ALL users is included within this Policy to make it consistent with the joint Shared Strategic Plan as the Plan is unsound on this point.
- Amend wording to ensure green networks cover all uses
- The SP10 West of Braintree Garden Communities proposals is contrary to this proposal. It would destroy the character, beauty agricultural value and contribution to cleaner air, carbon sink

- Include the intention to enhance access for all to be consistent with the other joint policies in the first part of the document

## **Officers Comments**

Policy LLP59 does not mention the hierarchy of international, national and locally designated sites to be afforded a protection commensurate with its status which is outlined in NPPF 113. The policy should be reworded to better reflect this advice.

The policy should reflect the hierarchy of protect as Nationally and internationally important designations should receive stronger protection. Development proposals should not appear obtrusive and fit into their surroundings

Long term maintenance lies principally with the landowner. New development proposals will be expected to address the maintenance of open space and enhancements in accordance with the Tree Strategy and Open Space Policy

Rights of way are the remit of the Essex County Council Highway Authority and it would not be appropriate for Braintree District Council to produce a Rights of Way Improvement Plan. Similarly it is not within the District's remit to create particular type of rights of way (eg bridleways), but can encourage their creation as is stated in the policy. The District will normally discuss access arrangements with the County Council where appropriate and in terms of planning such discussions would normally occur within the context of development proposals. Improvements and links with the existing network are usually examined and improvements sought through the planning application process as a matter of course.

Revisions propose to the wording of this chapter will enhance environmental protection.

AONBs are one of the highest status of protection in relation to landscape and scenic beauty. There is a statutory duty to take into account the purposes of the designation in coming to decisions relating to the area designated and this duty applied to neighbouring Local Authorities. The Dedham Vale AONB lies along the boundary with Braintree District and it would be possible for nearby development within the District to affect its setting. It would be appropriate therefore to include a line within the policy to highlight that special regard should be had to the setting of the AONB.

Regard should be given to the National Character Area Profile.

**Recommendation 5 – To make no changes to paragraphs 8.19 – 8.26 and amend policy LPP59 Landscape Character and Features as set out in this report.**



## *LPP59 Landscape Character and Features*

*In its decision-making on applications, the Local Planning Authority will take into account the different roles and character of the various landscape areas in the District, and recognise the intrinsic character and beauty of the countryside, in order to ensure that any development permitted is suitable for the local context. **In doing so regard must be given to the hierarchy of designations as expressed in NPPF paragraph 113.***

**At a landscape scale, Braintree is located primarily in the South Suffolk and North Essex Clayland National Character Area and this character assessment is relevant in considering applications for development.**

*Proposals for new development should be informed by, and be sympathetic to, the character of the landscape as identified in the District Council's Landscape Character Assessments. Applications will be required to include an assessment of their impact on the landscape and should not be detrimental to the distinctive landscape features of the area such as trees, hedges, woodlands, grasslands, ponds and rivers. Development which would not successfully integrate into the local landscape will not be permitted.*

*Where development is proposed close to existing features, it should be designed and located to ensure that the condition and future retention/management will not be prejudiced but enhanced where appropriate.*

*Additional landscaping including planting of native species of trees, hedgerows and other flora may be required to maintain and enhance these features.*

*The restoration and enhancement of the natural environment will be encouraged through:*

- Maximising opportunities for creation of new green infrastructure and networks in sites allocated for development;*
- Creating green infrastructure networks to link urban areas to the countryside, and creating and enhancing the biodiversity value of wildlife corridors.*

**Development proposals which result in harm to the setting of the AONB will not be permitted**

### **Agricultural Land (paragraphs 8.27 – 8.29)**

Seven representations were received of which one was support, three were general comments and three were objections. The following points were raised:

- Andrewsfield will result in destruction of best and most versatile agricultural land when population is rapidly growing. We cannot totally rely on imported food.
- Development on best most versatile land should be a last resort
- Development should be reassessed by the council with brownfield and lowest quality agricultural land used first. Assessment should be undertaken by independent specialists not landowners.
- This statement about brownfield sites is untrue as there is the MOD site in Wethersfield which could satisfy a large part of the housing need without loss of high quality farm land as would the proposed garden community west of Braintree
- Higher priority should be given to protecting Grade 1 and 2 agricultural land as where will food come from if we destroy it.
- The Rayne mineral extraction site falls within the West of Braintree Garden Community area and should thus be considered when considering this development

### **Officers Comments**

Local authorities are obliged to accommodate the growth needs of their area and government advice will not permit these needs to be reduced in order to prevent loss of high grade agricultural land.

Whilst use of the lowest grade agricultural and brownfield land are important factors in the considering the most sustainable locations for development, there are a range of other factors which must also be taken into account. Most of the District comprises the best quality agricultural land which is cited in National Guidance as Grades 1, 2 and 3a and it is likely that any substantial area of growth would be located on this quality of land.

Determination of agricultural quality is taken from the Agricultural Land Classification (England) though more detailed assessments may be required on some individual proposals.

**Recommendation 6 – To make no amendments to paragraphs 8.27 to 8.29 on agricultural land.**

## **Climate Change and Energy (paragraphs 8.44 – 8.64)**

There were 33 comments received on this section.

### **Introduction and Background Paragraphs 8.45 – 8.48**

Three representations were received and commented as follows:

- Support the "Quiet Lanes" initiatives. This reduces car use and fuel consumption, benefits residents, promotes healthier more sustainable alternatives at minimal cost
- All BDC designated protected lanes" automatically become "Quiet Lanes and legislate only for exceptions

### **English Nature**

- Paragraph 8.48 should refer to the natural environment not just the built environment

### **Officer Comments**

"Quiet Lanes" are an Essex County Council Designation made under the Transport Act 2000 and cannot be included within the plan. Support for sustainability is noted.

Paragraph 8.48 refers to the urban environment as critical to helping adapt to climate change. The state of ecosystems is similarly important and should be included.

### **Recommendation 7 – Amend paragraph 8.48 as set out in this report but made no other changes to the Introduction and Background section**

*8.48 The built **and natural** environment ~~is a~~ are critical ~~factor~~ factors in helping to adapt to climate change.*

### **Energy Efficiency**

#### **Paragraph 8.49**

One representation was received and made the following points:

Support but include sustainable features including

- Triple glazing
- no direct entry into living accommodation where significant heat loss is possible when an outside door is opened;
- Layout and solar roof panels to maximum effectiveness

- Grey water recycling
- Investigate ground source heating for individual and district heating
- Larger scale projects could show heat and power projects for homes and employment.

## **Officer Comments**

The Building Regulations Part L ensures that new build is required to achieve a sustainability rating. This is calculated according to the sustainability measures incorporated into the building's design. This method allows developers the flexibility to decide themselves which combination of sustainability measures to use, and many of the measures listed by the respondent can be included within the mix. Many of the features enabling energy efficiency and reducing the need for energy do not require planning permission and hence cannot be enforced by the Planning Authority. Whilst some methods can be mentioned as good examples it would not be consistent with the government approach to precisely specify a set measures.

**Recommendation 8 – Amend the text as set out in this report to the end of paragraph 8.49.**

***The Government follows the “fabric first” approach by improving energy efficiency through Part L of the Building Regulations.***

**Paragraphs 8.50, 8.51 and 8.60**

## **Natural England**

- Paragraphs 8.50, 8.51 and 8.60 should take account of Historic England's advice *Energy Efficiency and Historic Buildings - Application of Part L of the Building Regulations to historic and traditionally constructed buildings*
- Special considerations under Part L are also given to locally listed buildings, buildings of architectural and historic interest within registered parks and gardens and the curtilages of scheduled monuments, and buildings of traditional construction with permeable fabric that both absorbs and readily allows the evaporation of moisture. Any policy encouraging energy efficiency should note that the application will be different in relation to these classes of buildings.

## **Officer Comments**

There can be potential conflict of interests between retaining the historic character, importance and appearance of the historic assets and implementing energy efficiency measures. The text of supporting paragraph 8.51 should be amended to reflect Historic England advice on how to treat situations where these conflicts arise

and particularly to take into account the exemptions to the Part L of the Building Regulations. Historic England's advice is contained within "*Energy Efficiency and Historic Buildings - Application of Part L of the Building Regulations to historic and traditionally constructed buildings*" and should be taken into account in decision making as far as is relevant.

**Recommendation 9 - Add a new policy on Climate Change and supporting text as set out in this report after paragraph 8.48**

**Climate change mitigation means taking action to reduce the causes of climate change, primarily through reductions in greenhouse gas emissions. Designing and constructing developments that are extremely energy efficient or make the best use of renewable energy technologies are both ways of helping to mitigate and adapt to further climate change.**

**To mitigate climate change, proposals should demonstrate:**

- **high levels of energy efficiency (Building Regulations)**
- **use and generation of promotion of sustainable forms of transport, such as using buses, cycling or walking, and reduction of car use (locating development in settlements with good levels of services)**
- **recycling and waste reduction (provision of bin storage)**
- **Inclusion of high speed broadband to facilitate home working**

**Climate change adaptation means ways that a development can be adapted to deal with the weather related consequences of climate change. Using water more efficiently, reducing overheating and controlling rainwater run-off are all examples of adapting a development to respond to changes in our climate. The plan already proposes some such strategies.**

**To adapt to the effects of climate change, proposals should**

- **manage and conserve water resources**
- **demonstrate that flood risk from all sources has been avoided or managed**
- **use Sustainable Drainage Systems (SuDS)**
- **use layout, building orientation, design, and materials to ensure properties are not susceptible to overheating**
- **include open space and trees/vegetation for shading and cooling, and to control surface water run-off (Green Infrastructure, Open space Strategy)**
- **create a better linked habitat network by conserving, creating or enlarging existing habitats (Green Infrastructure, Open space Strategy)**

**Higher temperatures can have more serious health impacts for vulnerable groups such as the old and the young. New buildings catering specifically for**

these age groups and other vulnerable groups should show that the need to mitigate high temperatures without sacrificing winter heat retention has been incorporated into the design of the scheme. It is recognised however, that modification of existing buildings will be limited by the existing building fabric. It is also highly desirable that higher temperatures should not lead to greater demand for energy by for example increasing the demand for air conditioning.

### Climate Change Policy

The Council will adopt strategies to mitigate and adapt to climate change. In addressing the move to a low carbon future for Braintree District, the Council will plan for new development in locations and ways that reduce greenhouse gas emissions.

Planning permission will only be granted for proposals that demonstrate the principles of climate change mitigation and adaptation into the development. Applicants must submit a Sustainability Statement to demonstrate how these principles have been embedded into the design of the development proposal. The Council intends the District to meet part of its future energy needs through renewable or low carbon energy sources and will therefore encourage and support the provision of renewable and low carbon technologies subject to their impacts on landscape and visual amenity, residential amenities including noise, pollution, heritage assets, biodiversity and designated nature conservation sites, soils, impact on the highway, being acceptable.

Recommendation 10 – Amend paragraph 8.51 including new paragraph as set out in the report but make no changes to paragraph 5.50

*It is important to support adaptations which improve the energy efficiency of ~~listed~~ buildings **historic and traditionally constructed buildings** but do not detract from their special character, appearance, curtilage or setting particularly where it lies within the Conservation Area.*

Developers and the Local Authority shall have regard to Historic England's advice Energy Efficiency and Historic Buildings - Application of Part L of the Building Regulations to historic and traditionally constructed buildings outlines categories of buildings which are exempt from Part L (Listed Buildings, Scheduled Monuments , buildings within Conservation Areas) or where "special considerations" apply (Locally Listed Buildings, Traditionally Constructed Buildings or those within AONBs, registered historic parks and gardens, curtilages of scheduled monuments).

## Policy LLP62 Energy Efficiency

Six representations were received of which four came from statutory consultees. One was in support, four were general comments and one objection were received.

## Environment Agency

Support policies LPP 62, 63 and 64. There is scope to provide information on resilience of people and wildlife to the impacts of climate change.

## National Grid

Must take High Pressure Major Accident Hazard Pipelines (MAHP) into account in detailed schemes. They are essential to the national gas transmission system. National Grid seeks to retain our existing transmission pipelines in situ.

- Pipeline diversions may take up to three years.
- Policy is to retain our existing overhead lines in-situ
- Supports relocation of existing high voltage overhead lines only where schemes are of national importance (identified as such by central government). Developers/ planning authorities should take the location and nature of existing electricity transmission equipment into account when planning developments.
- To protect ease of access for repairs and occupant's amenity, buildings should not, not be built underneath overhead lines.
- The statutory safety clearances between overhead lines, the ground, and built structures must not be infringed. Changes in ground levels around pylons must take account of minimum distances between ground levels and live electricity conductors.
- The space under pylons can make a contribution to well planned development eg open space or nature conservation and a document has been produced "A sense of Place" to assist in the integration of these features into design and layout.

## Gas Distribution

- Construction traffic to cross pipeline only at locations agreed with National Grid. Detailed design considerations are listed for cable crossings, piling, other associated equipment safety margins

## Historic England

In the policy itself, we recommend the addition of the word 'appropriate' in "...encourage **appropriate** energy conservation..."

## Essex County Council

For clarification, reference should be made in the first sentence to energy conservation and efficiency measures being encouraged in the design of new development. Amend 1st sentence

### Other Representations

- Support the aspiration of this policy.
- it is encouraging that the Policy does not include any set requirements but rather provides a range of acceptable measures to be considered.
- The encouragement in major developments to take the lead in and deliver more sustainable buildings in advance of changes to building requirements should not be in a policy it goes beyond current legislative standards.
- Object. This policy deals with matters that can be appropriately addressed through existing building regulation and a generic design policy. It should be removed.

### Officer Comments

Information on the impact of climate change on people and wildlife has been included in the supporting text on included with the proposed new policy on climate change.

The locational requirements of the National Grid are important considerations in the design of new development, but are not appropriate for inclusion here.

Given the potential for conflict of interests between improving energy efficiency and protecting the historic character, importance and appearance of the historic assets it is important to alter the text of supporting paragraphs and the Policy to better guide developers.

The County Council proposed amendment adds to clarity and should be included.

The encouragement in major developments to take the lead in and deliver more sustainable buildings in advance of changes to building requirements is an aspiration and appropriate for inclusion in its present location in the supporting text.

### **Recommendation 11 – Amend policy LPP62 Energy Efficiency as set out in this report.**

Policy LPP62 Energy Efficiency

*The Local Planning Authority will encourage **appropriate** energy conservation and efficiency measures **in the design of all new development**. Such measures could*



*include site layout and building orientation, natural light and ventilation, air tightness, social shading, reducing water consumption and increasing water recycling in order to contribute to the reduction in their total energy consumption.*

*Opportunities for decentralised energy networks will be encouraged and promoted where possible and where they conform to other Local Plan policies in order to reduce carbon emissions.*

## **LPP63 Renewable Energy Schemes and supporting text**

Six representations were received on this policy

### **Environment Agency**

Support policies LPP 62, 63 and 64, which promote energy efficiency and the use of renewable energy technology. This section could also provide information, on improving people and wildlife's resilience to the impacts of climate change.

### **Historic England**

Support. We welcome policy LPP63.

### **Essex County Council**

Support inclusion of Policy LPP 63 - Renewable Energy Schemes as overarching policy guidance. In addition, ECC has no objection to the alternative suggestion in paragraph 8.62 for several policies covering specific technologies in more detail, as long as they are consistent with Policy LPP 63.

### **Other Representations**

- In first Line, replace “serious” with “significant” or “substantial” or renewable applications are likely to overcome almost all objections.
- Add specific protection for the Upper Stour Valley Management Plan Area
- prohibiting proposals which may undermine the AONB extension.
- In assessing planning applications for renewable energy schemes, the LPA should balance the benefit in terms of low carbon energy generating potential against any harm or loss caused by the scheme.
- Confused wording. Amend the first line of the wording by deleting the words "does not result, individually or cumulatively, in serious harm to or loss of" and replacing them with "exceeds any harm to or loss of, individually or cumulatively," ... Alternatively, delete the words "benefit in terms of low carbon energy generating potential" and replace it with "scheme".
- Support. The plan should recognise that development in the south-east quadrant of Braintree town offers the opportunity of connecting to a major national energy infrastructure installation.

- Amend policy to include "significant" or "substantial" instead of "serious" in the first line because as drafted renewable applications are likely to override almost all objections.
- Add specific protection for the Upper Stour Valley overseen by the Management Plan
- Consider prohibiting any proposals which may undermine the application to extend the AONB

### **Officers Comments**

Support noted. Information on improving people and wildlife's resilience to the impacts of climate change has been incorporated into the climate change section.

The present wording of line one achieves the appropriate balance.

The benefits of low carbon energy generating potential should be taken into consideration as part of the assessment but should not automatically outweigh other considerations.

Comments related to protecting the proposed extension to the AONB have been addressed in relation to policy LPP59

### **Recommendation 12 – Amend Policy LPP63 to add the following text as a last paragraph**

**The benefits of low carbon energy generating potential should be taken into consideration as part of the assessment**

### **LPP64 Renewable Energy Within New Developments (paragraph 8.44 – 8.64)**

Eight representations were received

### **Environment Agency**

Support policies LPP 62, 63 and 64, promoting energy efficiency and use of renewable energy technology. This section could also provide information, on improving people and wildlife's resilience to the impacts of climate change.

### **Essex County Council**

Clarify the definition of 'all major planning applications'. It is unclear how the Council will ensure that these targets will be met.

## Other Representations

- The percentage requirements are unsupported by any reasoned justification.
- The low carbon / energy hierarchy advocates i) demand reduction, ii) energy efficiency and iii) renewable energy generation technology but this policy requires inclusion of renewable energy technology
- With Policy LPP62: Energy Efficiency there is undue emphasis on energy generation, even where excess measures already taken to reduce demand/ increase energy efficiency.
- The percentage requirements should be deleted from the policy.
- Amend to a 'fabric first' approach to carbon reduction which should be the policy goal. This not guaranteed by renewable energy production.
- Renewable energy does not guarantee carbon reduction.
- Renewable energy does not ensure an energy efficient building.
- Using less energy should be the goal and amend wording accordingly.
- It should require the demonstration of measures incorporated into development to reduce carbon by a given percent (can include renewables)
- Introduction of an arbitrary target of 20% reduction in energy requirements does not accord with NPPF paragraph 95.
- Support aim to reduce greenhouse gas emissions in new developments
- Local requirements for the sustainability of buildings should be consistent with the Government's zero carbon buildings policy and that nationally described standards should be adopted.

## Officers Comments

We note a mixture of support and opposition to this policy

The Planning and Energy Act 2008 allows planning authorities to require a proportion of energy used in development in their area to be energy from renewable or low carbon sources in the locality of the development.

The policy is worded to permit a reasonable degree of flexibility to developers as to how the requirement may be met. In this regard, energy from either renewable or low-carbon technologies and from sources that are either on-site or off-site in the locality of the proposed development could be considered acceptable. The design of such developments should allow for the export of electricity back to the grid (i.e. 'feed in').

Policy LPP62 encourages energy efficiency whilst the other sections in the Local plan seek to encourage sustainable development through sustainable location of development, layout, design etc. which should also encourage demand reduction.

**Recommendation 13 - No amendments are made to LPP64 Renewable Energy within new developments**

<b>Braintree Submission Local Plan – Proposed Consultation Strategy</b>		<b>Agenda No: 8</b>
<b>Portfolio</b> <b>Planning and Housing</b> <b>Corporate Outcome:</b> <b>A well connected and growing district with high quality homes and infrastructure</b> <b>Report presented by:</b> <b>Emma Goodings</b> <b>Report prepared by:</b> <b>Carolyn Johnson</b>		
<b>Background Papers:</b>		<b>Public Report:</b> Yes
<ul style="list-style-type: none"> <li>• National Planning Policy Framework (NPPF)</li> <li>• National Planning Practise Guidance (NPPG)</li> <li>• Localism Act (2011)</li> <li>• Braintree District Statement of Community Involvement (2013)</li> </ul>		<b>Key Decision:</b> No
<b>Executive Summary:</b>  <p>This report sets out the proposed Consultation Strategy for the forthcoming consultation on the Draft Local Plan. It is proposed that in addition to contacting statutory consultees, a public consultation will be held over a six-week period between June 12th and 24th July 2017. As part of the consultation, several exhibitions will be held to enable the public to look at proposals and talk directly to officers. These will take place in the Main Towns as well as Coggeshall, Great Saling, and Feering/Kelvedon. These events will also act as focus points for the surrounding villages, which may have smaller amounts of growth proposed. Each exhibition will have general information on the Plan together with information that is tailored specifically to the location in which it is being held. To support and promote these exhibitions, a district wide mail-out to every household is proposed, including a brief explanation of where we are in the process, why the Local Plan is important and directions to the website to look at the document and details on how to respond. Responses will be encouraged to be made via the Council's online consultation portal, Objective, although written responses will also be accepted.</p>		
<b>Recommended Decision:</b>  <p><b>To approve the consultation strategy for the draft Local Plan as set out in this report.</b></p>		
<b>Purpose of Decision:</b>  <p>To approve the consultation strategy for the Pre-Submission Local Plan.</p>		

Corporate Implications	
<b>Financial:</b>	The cost of printing documents and holding consultation events will be met through the Local Plan budget
<b>Legal:</b>	The consultation should be in line with the guidance set out in planning regulations.
<b>Safeguarding:</b>	N/A
<b>Equalities/Diversity:</b>	The Council's policies should take account of equalities and diversity.
<b>Customer Impact:</b>	The consultation strategy in the report sets out how the public will be impacted.
<b>Environment and Climate Change:</b>	Impact of printing documents, sending letters etc
<b>Consultation/Community Engagement:</b>	Strategy set out in this document
<b>Risks:</b>	That the consultation will not reach some members of the public. That the format or method of consultation will be challenged.
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## 1 Proposed Consultation Strategy

- 1.1 In line with the requirements set out in Planning regulation 19 and in the Council's Statement of Community Involvement, it is proposed that the Submission Plan will be published for a six-week period of public consultation, between Monday 12th June and Monday 24th July 2017. The Plan will set out the policies, which will be used to determine planning applications when the plan is adopted, together with District-wide Proposals Map and Inset maps identifying development boundaries and land use allocations for all the towns and villages.
- 1.2 The full document including Part 1, Part 2, the Sustainability Appraisal and Strategic Environmental Assessment (SA/SEA) will be available to view and comment upon through the Council's online consultation tool Objective. The full documents and supporting evidence base will also be available to view and download from the Council's website or in hard copy at Causeway House.
- 1.3 The following will be carried out to publicise the consultation;
  - All Councillors will receive a hard copy of the document.
  - All statutory consultees, Parish Councils and neighbouring Districts and Parishes will be informed of the consultation by letter/email including a

link to the online consultation portal. Parish and Town Councils will also be sent hard copies of the maps relating to their Town or Parish. The document is by its nature large, containing over 70 full colour maps and as such it is not possible to send consultees hard copies of the full document, due to printing and postage costs.

- Site notices (explaining that this is the site of a proposed development allocation) will be put up at the beginning of the consultation period at all residential sites of 10 or more dwellings, which do not already have planning permission and at the proposed new employment allocations.
- The Council will send an A4 leaflet to every household (approx. 62,000) in the District. This will include a brief background, what happened following the last consultation and direct readers to the website to look at the document plus give information on exhibition dates and how to respond.
- The Council will write to/email all landowners, members of the public and agents who have responded to previous consultations or asked to be kept informed on the progress of the New Local Plan. The letter will be sent out at the beginning of the consultation period and will include a link to the online consultation portal. There are over 4,000 people on this database.
- Parish Councils will be asked to publicise the plan consultation and details of exhibitions in Parish Magazines, on village notice boards, websites etc as appropriate. A5 and A4 posters advertising the exhibition dates and how to read and respond to the draft document will be distributed.
- The consultation events and links to the document will be included in a prominent position on the Council's website, throughout the consultation period.
- Details of the consultation and the public events will be published as part of the Council section in both the Braintree and Witham Times and Halstead Gazette plus the Suffolk Free Press. Press releases will also be issued to stimulate media interest in the consultation.
- A paper copy of the document will be available to view at the Council's offices at Causeway House between 9am – 5pm Monday to Friday. Libraries at Braintree, Witham, Halstead, Coggeshall, Earls Colne, Hatfield Peverel, Kelvedon, Sible Hedingham and Silver End will be supplied with a copy of the document on CD, which will be available to

view during their normal opening hours. They can be supplied with hard copies on request.

- Details highlighting the upcoming publication of the draft Local Plan and how to respond will be promoted on social media including Facebook and Twitter directing people towards the website. Those signed up to the councils mobile text alert system will also receive notification at the beginning and towards the end of the consultation
- Businesses will be informed through direct notification of groups such as the Essex Chamber of Commerce and through the business contact database held by Economic Development. A business event is also being planned.
- Respondents will be asked which part of the plan (specific site, policy or paragraph) they are responding to, what changes to the plan they would support and to set out the revised wording, or sites they are requesting. \*Soundness of the Plan\* They will be encouraged to add their responses directly to the online consultation portal. This is because the online responses can be checked and then published directly to the website quickly for others to view rather than having to be typed out in full, which can be very time consuming. However, responses by email, or hard copy will still be accepted. A standard form will be prepared for responses to ensure consistent questions are asked across all mediums.

1.4 As this is an important consultation on the Local Plan, several staffed exhibitions will be held across the District to enable the public to discuss proposals directly with officers. It is intended that these will be held at the following locations;

- Braintree, Town Hall - 20<sup>th</sup> June & 5<sup>th</sup> July
- Witham, Public Hall - 22<sup>nd</sup> June
- Halstead, The Queens Hall - 29<sup>th</sup> June
- Coggeshall, St Peters Church – 26<sup>th</sup> June
- Great Saling, Millennium Hall – 6<sup>th</sup> July
- Feering/Kelvedon – TBC
- Marks Tey (lead by Colchester) - TBC

1.5 These locations have been chosen as they are in the main towns (which act as service centres for other more rural areas), or are close to locations proposed for Garden Communities in the Draft Local Plan. Timings of the events are anticipated as between 2.00pm and 8.00pm to ensure that as many people as possible are able to attend. All venues will have suitable access arrangements for those with mobility problems. Large maps on Local Plan

proposals provided at each event will be area specific to where the event is taking place. But copies of the whole document will also be available to view and discuss.

- 1.6 Static, unstaffed displays will also be available during parts of the consultation period at Braintree Witham and Halstead libraries. Causeway House will have a display throughout.
- 1.7 The Council also has a duty to co-operate with a list of prescribed bodies. Officers continue to have dialogue with statutory consultees, including neighbouring authorities, health authorities and bodies like the Environment Agency and Highways England to seek their views on how the Plan will impact upon them and to arrange meetings with them to discuss this further where necessary.

## **2 Next steps**

- 2.1 The consultation responses will be published in full through the online consultation portal. Comments will be sent to the inspector.
- 2.2 The Local Plan is submitted to the Planning Inspectorate for examination.

### **Recommendation:**

**To approve the consultation strategy for the draft Local Plan as set out in this report.**