

Council AGENDA

Monday 25th July 2022 at 7.15pm
Council Chamber, Braintree District Council, Causeway House,
Bocking End, Braintree, CM7 9HB

This meeting is a public meeting. The Council is continuing to maintain social distancing at all its public meetings. In order to ensure the safety of everyone involved, members of the public are recommended to watch the meeting live via the Council's YouTube channel and not attend the venue unless they are participating in the meeting or have been advised to do so by the Governance Team.

<http://www.braintree.gov.uk/youtube>

Members of the Council are requested to attend this meeting to discuss the business set out in the Agenda.

Membership:-

Councillor J Abbott	Councillor H Johnson	Councillor Mrs W Schmitt
Councillor J Baugh	Councillor A Kilmartin	Councillor P Schwier
Councillor Mrs J Beavis	Councillor W Korsinah	Councillor Mrs G Spray
Councillor K Bowers	Councillor D Mann	Councillor P Tattersley
Councillor G Butland	Councillor T McArdle	Councillor P Thorogood
Councillor J Coleridge	Councillor J McKee	Councillor N Unsworth
Councillor G Courtauld	Councillor A Munday	Councillor R van Dulken
Councillor Mrs M Cunningham	Councillor Mrs I Parker	Councillor D Wallace
Councillor T Cunningham	Councillor Mrs J Pell	Councillor T Walsh
Councillor C Dervish	Councillor I Pritchard	Councillor L Walters
Councillor P Euesden	Councillor M Radley	Councillor Miss M Weeks
Councillor T Everard	Councillor S Rehman	Councillor D White
Councillor Mrs D Garrod	Councillor F Ricci	Councillor Mrs S Wilson
Councillor A Hensman	Councillor B Rose	Councillor J Wrench
Councillor S Hicks	Councillor J Sandum	Councillor B Wright
Councillor P Horner	Councillor V Santomauro	
Councillor D Hume	Councillor Mrs W Scattergood	

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 by 3pm on the day of the meeting.

A WRIGHT
Chief Executive

INFORMATION FOR MEMBER – DECLARATIONS OF MEMBERS' INTERESTS
Declaration of Disclosable Pecuniary Interests (DPI), Other Pecuniary Interests (OPI)
or Non-Pecuniary Interests (NPI).

Any Member with a DPI, OPI or NPI 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 DPI or OPI 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.

Public Question Time - Registration and Speaking:

The Agenda allows for a period of up to 30 minutes for Public Question Time. Members of the public may ask questions of the Council on any matter in relation to which the Council has powers or duties or which affect the district.

Members of the public wishing to participate are requested to register by contacting the Governance and Members Team by email (governance@braintree.gov.uk) by **midday on the second working day** before the day of the Committee meeting. For example, if the Committee meeting is due to be held on a Tuesday, the registration deadline is midday on Friday, (Where there is a bank holiday you will need to register by midday the previous Thursday).

Public Question Time Speakers may participate in person, choose to participate virtually, or ask for their statements to be read out by an Officer. The Speaker preference must be indicated upon registration.

The Council reserves the right to decline any requests to register for Public Question Time if they are received after the registration deadline.

All questions or statements should be concise and should be able to be heard within the 3 minutes allotted to each speaker.

The Chairman of the Council has discretion to amend the order in which questions/statements are presented to Full Council.

Public Attendance at Meeting:

Public attendance is welcomed, but is subject to restrictions due to the Council's arrangements for keeping Causeway House Covid secure and visitors safe.

Public attendance is limited and will be on a first come first served basis with priority given to any Public Registered Speakers. In order to maintain safe distances, the Council may have to refuse entry to members of the public. The public may not be able to sit in the Council Chamber. If this is the case, members of the public will be able to observe the meeting from a public gallery through a large monitor.

Alternatively, the Council's meetings are all webcast and are available via the Council's YouTube channel and can be viewed by the public as a live broadcast or as a recording following the meeting.

Public Speakers and public attendees are required to attend on their own, and where possible, only one representative of any community group, family household or company should attend. Members of the public intending to come to the meeting venue to observe the meeting are recommended to contact the Governance and Members Team to reserve a seat within the public gallery.

Please do not attend the meeting if you are feeling unwell. The Council would recommend that anyone who is intending to attend the meeting take a lateral flow test on the morning of the meeting. This will help to protect you and others.

Health and Safety:

Any person attending meetings are requested to take a few moments to familiarise themselves with the nearest available exit, indicated by the fire evacuation signs. In the event of an alarm you must evacuate the building immediately and follow all instructions provided by Officers. You will be assisted to the nearest designated assembly point until it is safe to return to the building.

Mobile Phones:

Please ensure that your mobile phone is switched to silent during the meeting in order to prevent disturbances.

Webcast and Audio Recording:

Please note that this meeting will be webcast and will be available on the Council's YouTube channel.

Documents:

Agendas, Reports, Minutes and Public Question Time questions and statements can be accessed via www.braintree.gov.uk

Data Processing:

For further information on how the Council processes data, please see the Council's Privacy Policy. https://braintree.gov.uk/info/200136/access_to_information/376/privacy_policy

Your Comments:

We welcome comments to make our services as efficient and effective as possible. If you have any suggestions regarding the meeting you have attended, you can send these to governance@braintree.gov.uk

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 Full Council held on 20th June 2022 (copy previously circulated).	
4 Public Question Time (See paragraph above)	
5 To receive any announcements/statements from the Chairman and/or Leader of the Council.	
6 Presentation to Andy Wright, Chief Executive	
Full Council to make a presentation to Andy Wright, Chief Executive	
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Following the presentation of the Cabinet's report to Full Council the Chairman will invite Councillors to ask questions of the Cabinet.

Any Councillor may ask up to two questions, the Leader of the Opposition may ask up to four questions, which relates to the functions of the Leader and Cabinet Members, the powers and duties of the Council or matters pertaining to the District. Questions are not restricted to the contents of the Cabinet Member's report.

Where a verbal response cannot be given at the meeting a written response will be issued to all Councillors within 10 working days of the meeting.

A period of up to 1 hour is allowed for this item. Council Procedural Rule 12.13 applies.

Agenda Item: 7

Report Title: Motion by Councillor James Abbott - Sustainable Management and Treatment of Waste	
Report to: Council	
Date: 25 th July 2022	For: Debate
Key Decision: No	Decision Planner Ref No: N/A
Motion Presented by: Councillor James Abbott Motion Seconded by: Councillor Paul Thorogood Motion Support by: Councillors Bob Wright, Mrs Jenny Sandum, Mrs Jo Beavis, Tom Walsh, Stevie Hicks, Miss Michelle Weeks, Nick Unsworth	
Enquiries to: Emma Wisbey, Governance and Members Manager	

1. Motion:

Council recognises the importance of sustainable management and treatment of waste in combating climate change and minimising pollution of the environment.

Council acknowledges that waste minimisation, re-use and recycling are higher in the Waste Hierarchy and more desirable than other measures such as landfill and waste incineration.

Council further recognises the strong public support for recycling and reducing pollution and expresses its thanks to all those residents, local groups and council staff who play their part in the current work that supports recycling in Braintree District and which helps to combat littering and fly-tipping of waste.

Council notes that the targets for recycling have not changed for many years and that in Braintree District and across Essex a significant proportion of municipal waste is still being sent to landfill or incineration.

Therefore Council agrees to work with its partners, and in particular Essex County Council, through the review of the Waste Strategy, with the ambition of setting new targets which would apply across Essex and to Braintree District to:

1. Progressively reduce the amount of residual municipal waste collected.
2. Increase the recycling target (comprising collected dry recycling, food waste, green waste, etc and ECC Recycling Centre materials) to at least 70% of municipal waste by the year 2030.

2. **Constitution provisions:**

Appropriate Notice of the Motion has been given to the Chief Executive in accordance with Council Procedural Rule 12.17 of Chapter 2 of the Constitution.

Notice of Motion was received on 10th July 2022 at 20:41hrs giving 10 clear working days' notice and contains the names of five Councillors supporting the Motion including the proposer and seconder.

3. **Amendments to Motion on Notice:**

In accordance with Council Procedural Rule 12.20 of Chapter 2 of the Constitution, no amendments to the Motion shall be moved unless written notice has been given to the Chief Executive or the Monitoring Officer by 12 noon on the third working day before the meeting of Full Council, namely 12noon on Wednesday 20th July 2022.

Report Title: Kelvedon Neighbourhood Plan Adoption	
Report to: Council	
Date: 25 th July 2022	For: Decision
Key Decision: No	Decision Planner Ref No: DP/2021/42
Report Presented by: Councillor Mrs Gabrielle Spray, Cabinet Member for Planning and Infrastructure	
Enquiries to: Alan Massow, Principal Planning Policy Officer alan.massow@braintree.gov.uk	

1. Purpose of the Report

- 1.1 Kelvedon Parish Council have been working to produce a Neighbourhood Plan. The Neighbourhood Plan, once agreed, can be used in the determination of planning applications within the Kelvedon Neighbourhood Area.
- 1.2 Following a positive referendum result, Braintree District Council (the Council) is proposing to publish its decision to “make” Kelvedon Neighbourhood Plan as part of the Braintree District Council’s Development Plan in accordance with Regulation 19 of the Neighbourhood Planning (General) Regulations 2012. This decision notice is at Appendix 1 to this report.

2. Recommendations

- 2.1 That the Decision Statement attached at Appendix 1 is approved, and Kelvedon Neighbourhood Plan made under section 38A (4) of the 2004 Act.

3. Summary of Issues

- 3.1 Kelvedon Parish Council, as a qualifying body, applied for its parish to be designated as a Neighbourhood Area under part 2 of the Neighbourhood Planning (General) Regulations 2012. The Neighbourhood Area was designated on the 30th March 2015.
- 3.2 Following a period of drawing up evidence, creating the Plan and undertaking early consultation with the local community, the Plan was submitted to the Council and a further consultation on Kelvedon Neighbourhood Plan took place. The Council, in agreement with the Parish Council, appointed an independent examiner Tony Burton CBE BA MPhil (Town Planning) Hon FRIBA FRSA, to review if the Neighbourhood Plan met the basic conditions required in legislation, and whether it should proceed to referendum.
- 3.3 The examiner agreed that subject to modifications the Plan could proceed to referendum as it met the necessary “basic conditions” as set out in the

Inspectors report of November 2021. The Council considered this report and agreed with the Inspectors recommendations.

- 3.4 The Neighbourhood Plan (amended in line with the examiner's proposed modifications) was the subject of a referendum held on Thursday 3rd March 2022. Just over 94% of those who voted, voted in favour of the Neighbourhood Plan. Paragraph 38(4)(a) of the Planning and Compulsory Purchase Act 2004 (As amended) requires that the District Council must "make" the Neighbourhood Plan if more than half of those voting have noted in favour of the Plan unless this would breach or would otherwise be incompatible with an EU obligation or any of the Convention rights (within the meaning of the Human Rights Act 1998).
- 3.5 With the examiner's proposed modifications, the Neighbourhood Plan is judged to have met the basic conditions laid down in paragraph 8 (2) of Schedule 4B of the Town & Country Planning Act 1990, is compatible with EU obligations and the convention rights and complies with the relevant provisions made by or under Section 38A and B of the Planning and Compulsory Purchase Act 2004 as amended.
- 3.6 The referendum held on Thursday 3rd March 2022 met the requirements of the Localism Act 2011, it was held in the neighbourhood area of Kelvedon and posed the questions;

"Do you want Braintree District Council to use the Neighbourhood Plan for Kelvedon to help it decide planning applications in the neighbourhood area?"

- 3.7 The result of the referendum was:

Response	Votes Cast	Percentage of total votes cast
YES	707	94.39
NO	42	5.6

- 3.8 The Council agrees that the Neighbourhood Plan, including its preparation, does not breach or would otherwise be incompatible with, any EU obligation or any of the Convention rights (within the meaning of the Human Rights Act 1998) and has passed referendum.
- 3.9 Therefore, in accordance with the relevant Regulations, it is recommended that Kelvedon Neighbourhood Plan is "made" and shall form part of the Development Plan for Braintree District Council.

4. Options

- 4.1 The Council has two options, the first being to adopt Kelvedon Neighbourhood Plan for the purposes of decision making within Kelvedon Neighbourhood Area. This would be in line with the statutory provisions and for the reasons set out above, is the recommended option.
- 4.2 The second option would be not to adopt Kelvedon Neighbourhood Plan for the purposes of decision making within Kelvedon Neighbourhood Area. This would mean that the Plan would be returned to the Parish Council. As set out

above the Plan has met the basic conditions and therefore this is not the recommended option.

5. Financial Implications

- 5.1 When the LPA (Local Planning Authority) issues a decision statement detailing their intention to send a Neighbourhood Plan to referendum the Council will receive £20,000 from central government at the next available claim window. This is to recognise the costs in officer time in supporting the plan and to support the costs of the referendum.
- 5.2 If the Neighbourhood Plan was subject to a legal challenge, this could incur significant costs.

6. Legal Implications

- 6.1 The provisions of a neighbourhood plan are set out in the legislation provisions set out within this report. These provide a clear framework through which a Parish Council can seek to bring forward a neighbourhood plan, and the Council can adopt it. If the process is not followed correctly, it could be open to a legal challenge. However, the Council is satisfied that all appropriate steps have been adhered to throughout the process.
- 6.2 The Council did receive notice that Parker Strategic Land sought leave to challenge the acceptance of the Neighbourhood Plan by the Council and quash the results of the local referendum. The application for a Judicial Review was however refused by the High Court on the 12th April 2022. Parker Strategic Land then sought to appeal the initial decision of the High Court, this was refused by the Court on the 9th June 2022. No further appeal was submitted.
- 6.3 If the Neighbourhood Plan is adopted by Full Council there is a 6 week window for any legal challenges.

7. Other Implications

- 7.1 There are no other implications arising out of the recommendations set out in this report.

8. Equality and Diversity Implications

- 8.1 Section 149 of the Equality Act 2010 creates the public sector equality duty which requires that when the Council makes decisions it must have regard to the need to:
 - (a) Eliminate unlawful discrimination, harassment and victimisation and other behaviour prohibited by the Act
 - (b) Advance equality of opportunity between people who share a protected characteristic and those who do not

- (c) Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting understanding.
- 8.2 The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, gender and sexual orientation. The Act states that 'marriage and civil partnership' is not a relevant protected characteristic for (b) or (c) although it is relevant for (a).
- 8.3 The Equality Impact Assessment indicates that the proposals in this report will not have a disproportionately adverse impact on any people with a particular characteristic.

9. List of Appendices

Appendix 1 – Kelvedon Neighbourhood Plan – Regulation 19 Decision Statement.

10. Background Papers

- 10.1 [Kelvedon Neighbourhood Plan](#)
- 10.2 [Report to Braintree District Council of the Independent Examination](#)
- 10.3 [Declaration of result – Kelvedon Neighbourhood Plan](#)
- 10.4 Equality Impact Assessment

Braintree District Council

Kelvedon Neighbourhood Plan – Regulation 19 Decision Statement

25th July 2022

Summary

Following a positive referendum result, Braintree District Council (the Council) is publishing its decision to “make” Kelvedon Neighbourhood Plan as part of the Council’s Development Plan in accordance with regulation 19 of the Neighbourhood Planning (General) Regulations 2012.

Background

Kelvedon Parish Council as the qualifying body, applied for its parish to be designated as a Neighbourhood Area under part 2 of the Neighbourhood Planning (General) Regulations 2012. The Neighbourhood Area was designated 30th March 2015.

Following the submission of Kelvedon Neighbourhood Plan to the Council, it was publicised, and comments invited from the public and stakeholders.

The Council in agreement with Kelvedon Parish Council appointed an independent examiner Tony Burton to review if the Neighbourhood Plan met the basic conditions required in legislation and whether or not it should proceed to referendum.

The examiner’s report concluded that, subject to certain modifications proposed in his report of November 2021, the Plan met the basic conditions and could therefore proceed to a local referendum.

The Neighbourhood Plan (amended in line with the examiner’s proposed modifications) was the subject of a referendum held on Thursday 3rd March. Of those who voted, 94.3% voted in favour of the Neighbourhood Plan. Paragraph 38(4)(a) of the Planning and Compulsory Purchase Act 2004 (As amended) requires that the Council must “make” the Neighbourhood Plan if more than half of those voting have noted in favour of the Plan unless this would breach or would otherwise be incompatible with an EU obligation or any any of the Convention rights (within the meaning of the Human Rights Act 1998).

Decision and Reasons

With the examiner’s proposed modifications, the Neighbourhood Plan is judged to have met the basic conditions laid down in paragraph 8 (2) of Schedule 4B of the Town & Country Planning Act 1990, is compatible with EU obligations and the convention rights and complies with the relevant provisions made by or under Section 38A and B of the Planning and Compulsory Purchase Act 2004 as amended. The referendum held on Thursday 3rd March 2022 met the requirements of the Localism Act 2011, it was held in the parish of Kelvedon and posed the question;

**Do you want Braintree District Council to use the
Neighbourhood Plan for Kelvedon to help it decide
planning applications in the neighbourhood area?**

The result of the referendum was:

Response	Votes Cast	Percentage of total votes cast
YES	707	94.3
NO	42	5.6

The Council has assessed the Neighbourhood Plan, including its preparation, and conclude that it does not breach or would otherwise be incompatible with, any EU obligation or any of the Convention rights (within the meaning of the Human Rights Act 1998).

Therefore, in accordance with the relevant Regulations, Kelvedon Neighbourhood Plan is “made” and shall form part of the Development Plan for the Council.

Report Title: Adoption of the Braintree Local Plan Section 2	
Report to: Council	
Date: 25 th July 2022	For: Decision
Key Decision: No	Decision Planner Ref No:
Report Presented by: Councillor Mrs Gabrielle Spray, Cabinet Member for Planning and Infrastructure	
Enquiries to: Emma Goodings, Head of Planning and Economic Growth – emma.goodings@braintree.gov.uk 01376 552525 Ext. 2511	

1. Purpose of the Report

- 1.1. Braintree District Council submitted its Local Plan to the Planning Inspectorate in October 2017. The Plan was split into two sections. Section 1 contained strategic cross boundary issues and was shared with Colchester Borough Council and Tendring District Council. Following an examination process and main modifications, the Section 1 Local Plan was approved at Full Council in February 2021 and has therefore been adopted by the Council.
- 1.2. This report now seeks the committee's recommendation to Council to approve and adopt the Local Plan Section 2, subject to the main modifications which have been requested by the Planning Inspectors. A series of additional or minor modifications are also proposed to carry forward those changes into the supporting text and maps.
- 1.3. Appendix 1 to this report is a copy of the Planning Inspectors report following the Section 2 Local Plan examination. Appendix 3 is a copy of the Local Plan with the modified wording and maps as it would be adopted. The hard copy provided to members also includes the S1 Plan as previously adopted, so that members have the full copy of the Local Plan.

2. Recommendations

- 2.1 To note the findings of the Planning Inspector's 'Report on the Examination of the Braintree District Council Section 2 Local Plan received on 14th June 2022 (attached as Appendix 1 to this report) and their final 'Schedule of Main Modifications' (attached as Appendix 2).
- 2.2 To approve the formal adoption of the Braintree District Council Section 2 Local Plan' (Appendix 3 to this report) i.e. incorporating the Inspectors' final Main Modifications, as well as the other 'Additional Modifications' and 'Modifications to Local Plan Maps, in accordance with Section 23(3) of the Planning and Compulsory Purchase Act 2004.

3. Summary of Issues

- 3.1 The Section 2 of the Braintree Local Plan provides policies which will direct development of homes, employment, infrastructure and community facilities in the District between now and 2033, including meeting the requirement for homes and employment space agreed within the Section 1 Local Plan. It also sets out the Councils policies in relation to the protection of the built and natural environment and open space. The Plan includes all policies for the determination of planning applications including those relating to design, flooding, affordable housing and tree protection. The Plan also includes numerous site specific policies relating to the proposed Strategic Growth Locations and other complex housing or commercial sites.
- 3.2 Following on from the completion of the Section 1 Local Plan examination, the Planning Inspectorate appointed Mr Jameson Bridgewater and Ms Anne Jordan to examine the Section 2 Braintree Local Plan (they were also tasked with examining the Tendring and Colchester Section 2 Local Plans). Oral hearing sessions were held on the Braintree Section 2 Local Plan in July 2021. Given the health situation at the time, these hearings were held virtually, with members of the public able to watch proceedings live via Youtube.
- 3.3 During the course of the Local Plan examination, the local planning authority made a formal request under Section 20(7C) of the Planning and Compulsory Purchase Act which allows the Inspectors to recommend changes known as 'Main Modifications' to the Local Plan to make the Plan sound. A draft list of Main Modifications was provided to the authority in November 2021.

Consultation on Main Modifications

- 3.4 The Local Plan Sub-Committee approved, at its meeting on 25th November 2021, a consultation on behalf of the Inspectors on the proposed Main Modifications to the Section 2 Local Plan. They also approved an addendum to the Sustainability Appraisal (SA/SEA) and a revised Habitats Regulation Assessment (HRA) which were updated to take account of the proposed modifications to the Plan, which were also subject to consultation. The Council also took the opportunity to invite comments on the Additional Modifications and changes to maps which are generally of a minor or factual nature and which the local authority can amend, without the need for approval from the Planning Inspectorate.
- 3.5 The consultation took place for seven weeks from 6th December 2021 to 24th January 2022. This was an additional week from that which was required to take into account the Christmas period. As well as being available via the Councils website, the consultation documents were available to view at Causeway House, and on request.
- 3.6 The consultation was publicised via the Council's website and social media channels, in the Council's planning newsletter and in the local newspapers. Adverts were placed in local papers during the consultation period including at the start of the consultation and again after the Christmas and New Year period. All those on the Council's Local Plan mailing list and those who have previously engaged with the Local Plan were contacted directly via email or

letter and invited to respond. This included all members, Parish Councils and statutory consultees.

- 3.7 Responses could be submitted via the Local Plan consultation portal, or the response form was able to download from our website and fill in and return via email or post. Paper copies of the response form were also available to collect from Causeway House and at the libraries in Braintree, Witham and Halstead, as well as on request. Email and letter responses were also accepted although in some cases follow up correspondence was needed as they did not answer all the questions on the response form.
- 3.8 59 consultees provided around a total of 170 comments on the proposed modifications and supporting documents, with over 80% of the comments specifically on the Main Modifications. These comments were received from residents, Parish Councils, statutory consultees such as Essex County Council and Natural England and developers or agents with land interests in the District.
- 3.9 All comments have been published in full on the Council's Local Plan consultation portal since just after the close of the consultation period and were sent directly to the Planning Inspectors for their consideration when they related to the Main Modifications, the SA/SEA or the HRA.
- 3.10 The comments dealt with a wide range of issues, some supported the Plan and the modifications that were being proposed to be made to it, others disagreed with the proposed modifications or suggested further changes to be made. A number of responses continued to outline their support for various sites which were not allocated in the Plan, or questioned the housing supply which forms part of the Plan, and whether that would deliver the housing requirements.
- 3.11 The most commented on main modifications related to the policies on the allocation of strategic growth locations at East of Great Notley and in Feering, the overall housing allocation policy LPP17 and the proposed revised policies on renewable energy provision in new developments. These were also some of the policies where the most proposed modifications were to be made.
- 3.12 It is worth noting that several comments made pointed to a perceived inconsistency in the housing numbers for the Feering Strategic Growth Location. For the avoidance of doubt the Plan does refer to two figures from this site depending on its policy context. The overall site is proposed to accommodate 835 homes, however not all of these are expected to be built within the Plan period so Policy LPP17 refers to a lower number that would be achieved by 2033.

The Inspectors report

- 3.13 The final report from the Inspectors was received by the Council on 14th June 2022 and published on the Council's website the following day. The report sets out that the Plan process is legally compliant as the Duty to Co-operate has been met, that it was prepared in accordance with the Local Development Scheme, that the Plan was consulted on in compliance with the Statement of

Community Involvement, has undertaken an adequate sustainability appraisal and habitats regulation assessment and complies with all other legal requirements including in the 2004 Act (as amended) and the 2012 Regulations.

- 3.14 The remaining part of the report is then broken down into nine issues, which broadly accord with the topics in the Section 2 Local Plan. For each of these areas the Inspectors set the overall picture and then consider and provide the context for each main modification which has been made, also highlighting where these differ from the Plan consulted on in November 2021. Each issue also has a conclusion which sets out how the policies with the modifications included, represents an appropriate basis on which to plan development in Braintree District.
- 3.15 As set out above the Inspectors report notes where changes have been made to the previously published draft Main Modifications which were considered by this committee in November 2021. These further changes are relatively limited and mainly are for clarity. One more significant change to highlight is to add a reference to Biodiversity Net Gain within the design policy which is reflective of the national policy position which has changed since the Plan was submitted.
- 3.16 The Inspectors also note in paragraphs 5 – 8 that the policies map is not defined in statute as a development plan document and therefore cannot be subject to recommended Main Modifications by the Planning Inspectorate. Nevertheless, the Inspectors note that in order to comply with the legislation and give effect to the Plan's policies, the Council will need to update its policies map, as proposed during the consultation in November 2021.
- 3.17 The report finishes with an overall conclusion and recommendation which at paragraph 150 states;
- “The Council has requested that we recommend MMs to make the Plan sound and capable of adoption. We conclude that the duty to co-operate has been met and that with the recommended MMs set out in the Appendix the Plan satisfies the requirements referred to in Section 20(5)(a) of the 2004 Act and is sound”*
- 3.17 The Inspectors have included an appendix to their report which lists the detail of the Main Modifications which are discussed in the main report. These show the changes which are necessary to the 2017 submitted Local Plan to make it sound. Additions to the Plan are included in bold and deletions shown in strike through. It should be noted that the policy and paragraph numbering in the appendix may not match the final Local Plan which is included as Appendix 3 to this report. This is because policies have been deleted, added or reordered in the recommendations. The Inspectors report and the Main modifications are set out in full in Appendix 1 and 2 to this report.
- 3.18 As set out in their conclusion, the Inspectors have concluded that all these changes are necessary for the Plan to be sound. The Council must therefore accept the Local Plan with the Main Modifications included if it wishes to adopt the Local Plan.

- 3.19 Appendix 3 to this report is a separate hard copy folder which includes both the already adopted Section 1 Local Plan and the Section 2 Local Plan policies and Proposals Maps.

Sustainability Appraisal (SA/SEA) and Habitats Regulation Assessment (HRA)

- 3.20 The Main Modifications consultation was accompanied by a revised SA/SEA which considered the Local Plan as amended by the proposed Main Modifications. This assessment includes looking at options to the overall spatial strategy as well as looking at the impacts of each of the policies and allocations within the Local Plan and suitable alternatives. Following some minor changes to those Main Modifications, (although no changes in relation to allocations or the overall strategy or vision), the Council has asked the consultants to consider the impact of those Modifications and a slightly updated SA/SEA addendum is being produced by the consultants which will be circulated to members prior to the meeting. The current SA/SEA to the Main Modifications is set out at [Appendix 4](#).
- 3.21 An updated HRA was also produced to consider the Local Plan as proposed to be modified and was published for consultation. Whilst the text of this HRA has been updated to reflect the final policy wording, as no additional allocations or changes to the spatial strategy have been made, and no major changes to policy, the HRA update accurately considers the Local Plan Section 2 as now proposed to be adopted.

4 Next Steps

- 4.1 If the Council approves the recommendations in this report, then the Local Plan Section 2 will formally be adopted.
- 4.2 On adoption, in accordance with Regulations 26 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012, the Council will be required to give notice of adoption through the publication of an 'Adoption Statement' that would be published on the website. In addition, the adopted plan itself, the Sustainability Appraisal, and details of where the Plan is available for inspection have to be published. A copy of the Adoption Statement must be sent to everyone on the Council's databases who had been asked to be notified of adoption and a copy has to be sent to the Secretary of State.
- 4.3 In the event that a legal challenge was lodged (within 6 six weeks from the date of adoption), it would not affect the status of the Section 2 Local Plan or the Council's decision to adopt the Plan unless and until such time that a Court ruled that the decision should be quashed. There are however no obvious grounds that would justify such a challenge.
- 4.4 On adoption of the Local Plan Section 2, it will replace the remaining parts of the Replacement Local Plan 2005 and the Core Strategy 2011 completely. The development plan for the District will therefore be made up of the Essex Minerals Plan, Essex Waste Plan (produced by Essex County Council), the

Braintree Local Plan Section 1 and Section 2 and any Neighbourhood Plans which cover the area.

- 4.5 The adoption of the Local Plan means that planning applications will need to be considered in line with the policies in the new Local Plan. This includes some new requirements in relation to the submission of Health Impact Assessments and Sustainability Statements which will help guide our assessment against the new policies. These are currently being produced and once completed and approved will be added to the local list of validation requirements.

5 Options

- 5.1 The alternative option is to not recommend the Local Plan Section 2 for adoption. This would mean that a new Local Plan would be required to be completed and examined. Whilst this was being worked up the Council would continue to rely on parts of the 2005 Local Plan Review, 2011 Core Strategy and the Shared Strategic Section 1 Local Plan.

6 Financial Implications

- 6.1 The costs of the examination of the Section 2 Local Plan have been met from existing budgets. As well as officer time this includes the costs of the Planning Inspectors, the preparation for and attendance at the hearing sessions by Counsel, specialist consultants to attend or update work in advance of or following discussions held at the hearing sessions and the practical costs of hosting the hearing sessions and advertising the public consultation.

7 Legal Implications

- 7.1 The Planning legislation and the National Planning Policy Framework (NPPF) (both the 2012 version applicable to this Local Plan and the 2021 version) place Local Plans at the heart of the Planning system. The NPPF expects Local Plans to set out a vision and a framework for the future development of the area, addressing the needs and opportunities in relation to housing, the economy, community facilities and infrastructure – as well as a basis for safeguarding the environment.
- 7.2 The Town and Country Planning (Local Planning) (England) Regulations 2012 make provision for the operation of the local development planning system including, for the purposes of this report, regulations relating to the preparation, publication and representations relating to a local plan and the independent examination. Section 19 of the 2004 Act requires a Local Planning Authority to carry out a Sustainability Appraisal of each of the proposals in a Local Plan and the consequence of reasonable alternatives, during its preparation and in addition prepare a report of the findings of the Sustainability Appraisal. More generally, section 39 of the Act requires that the authority preparing a Local Plan must do so “with the objective of contributing to the achievement of sustainable development”.
- 7.3 The Inspectors have concluded through the examination process and in their final report that the requirement for Sustainability Appraisal has been met and

that the content of the Plan and its proposed modifications has been suitably informed by its findings. The Inspectors have already confirmed that legal and procedural requirements have been met but that the Section 2 Local Plan requires modifications to ensure that it is sound. The Council must adopt Section 2 with the Main Modifications in accordance with Section 23(3) of the 2004 Act. Following receipt of the Inspectors' report, it is for the Council to decide whether and when to adopt the Section 2 Plan.

8 Other Implications

- 8.1 There are no other implications arising from this report.

9 Equality and Diversity Implications

- 9.1 Section 149 of the Equality Act 2010 creates the public sector equality duty which requires that when the Council makes decisions it must have regard to the need to:
- a) Eliminate unlawful discrimination, harassment and victimisation and other behaviour prohibited by the Act
 - b) Advance equality of opportunity between people who share a protected characteristic and those who do not
 - c) Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting understanding.
- 9.2 The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, gender and sexual orientation. The Act states that 'marriage and civil partnership' is not a relevant protected characteristic for (b) or (c) although it is relevant for (a).
- 9.3 An Equality Impact Assessment was undertaken on the Draft Local Plan in 2017 which indicated that the Plan will not have a disproportionately adverse impact on any people with a particular characteristic. A further Equality Impact Assessment has been prepared on the final Plan which again indicates that the Plan will not have a disproportionately adverse impact on any people with a particular characteristic.

10 List of Appendices

- 10.1 [Appendix 1 – Report on the Examination of the Braintree Local Plan Section 2](#)
- 10.2 Appendix 2 – Braintree Local Plan Section 2 Main Modifications – May 2022
- 10.3 [Appendix 3 – Braintree District Local Plan](#)
- 10.4 [Appendix 4 – Sustainability Appraisal of the Main Modifications to the Braintree District Section 2 Local Plan 2013-2033 Non-Technical Summary and Sustainability Appraisal of the Main Modifications to the Braintree District Section 2 Local Plan Braintree District Local Plan 2013-2033](#)

11. Background Papers

11.1 Local Plan 2017

11.2 [Equalities Impact Assessment](#)

Report to Braintree District Council

**by Jameson Bridgwater PGDipTP MRTPI and Anne Jordan
BA (Hons) MRPTI**

Inspectors appointed by the Secretary of State

Date: 14 June 2022

Planning and Compulsory Purchase Act 2004 (as amended)

Section 20

Report on the Examination of the Braintree Local Plan Section 2

The Plan was submitted for examination on 9 October 2017

The examination hearings were held between 6 July 2021 and 15 July 2021.

File Ref: PINS/Z1510/429/4

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Abbreviations used in this report

AMR	Annual Monitoring Report
AONB	Area of Outstanding Natural Beauty
ARBMP	Anglian River Basin Management Plan
BNG	Biodiversity Net Gain
BLPs1	Braintree Local Plan 2013 – 2033 (Section 1)
BLPs2	Braintree Local Plan 2013 – 2033 (Section 2)
BWSWMP	Braintree and Witham Surface Water Management Plan
CCG	Clinical Commissioning Group
CNEB	Chelmsford North Eastern Bypass
DPD	Development Plan Document
DtC	Duty to Co-operate
EA	Environment Agency
ECC	Essex County Council
GTAA	Gypsy and Traveller Accommodation Assessment
HE	Historic England
HIA	Health Impact Assessment
HRA	Habitat Regulations Assessment
LPA	Local Planning Authority
NE	Natural England
NPPF	National Planning Policy Framework
PHE	Public Health England
PPG	Planning Practice Guidance
PPTS	Planning Policy for Traveller Sites
PROW	Public Rights of Way
RAMS	Recreational Avoidance and Mitigation Strategy
SHMA	Strategic Housing Market Assessment
SPD	Supplementary Planning Document
SSSI	Sites of Special Scientific Interest
SUDs	Sustainable Urban Drainage Systems
UCO	Use Classes Order

Non-Technical Summary

This report concludes that the Braintree Local Plan Section 2 [BLPs2] provides an appropriate basis for the planning of Braintree District provided that a number of main modifications [MMs] are made to it. Braintree District Council has specifically requested that we recommend any MMs necessary to enable the Plan to be adopted.

Following the hearings, the Council prepared a schedule of the proposed modifications and, where necessary, carried out sustainability appraisal and habitats regulations assessment of them. The MMs were subject to public consultation over a six week period. In some cases, we have amended their detailed wording and/or added consequential modifications where necessary. We have recommended their inclusion in the Plan after considering the sustainability appraisal and habitats regulations assessment and all the representations made in response to consultation on them.

The MMs can be summarised as follows:

- Revised housing and employment figures and sites;
- Amending or deleting site allocations and designations to ensure consistency with the National Planning Policy Framework [NPPF];
- Rewording policies to ensure they are positively prepared and consistent with the NPPF;
- Adding, amending or deleting policies and explanatory text to effectively guide development; and
- A number of other MMs to ensure that the plan is positively prepared, justified, effective and consistent with national policy.

Introduction

1. This report contains our assessment of the Braintree Local Plan Section 2 [BLPs2] in terms of Section 20(5) of the Planning and Compulsory Purchase Act 2004 (as amended). It considers first whether the Plan's preparation has complied with the duty to co-operate. It then considers whether the Plan is compliant with the legal requirements and whether it is sound. The NPPF (paragraph 182) makes it clear that in order to be sound, a Local Plan should be positively prepared, justified, effective and consistent with national policy.
2. The starting point for the examination is the assumption that the local planning authority [LPA] has submitted what it considers to be a sound plan. The Plan, submitted in October 2017 is the basis for our examination. It is the same document as was published for consultation in June 2017.

Main Modifications

3. In accordance with section 20(7C) of the 2004 Act, the Council requested that we should recommend any MMs necessary to rectify matters that make the Plan unsound and thus incapable of being adopted. Our report explains why the recommended MMs are necessary. The MMs are referenced in bold in this report in the form **MM1**, **MM2** etc, and are set out in full in the Appendix.
4. Following the examination hearings, the Council prepared a schedule of proposed MMs and where necessary, carried out sustainability appraisal and habitats regulations assessment of them. The MM schedule was subject to public consultation for six weeks. We have taken account of the consultation responses in coming to our conclusions in this report and in this light, we have made some amendments to the detailed wording of the MMs and added consequential modifications where these are necessary for consistency or clarity. None of the amendments significantly alters the content of the MMs as published for consultation or undermines the participatory processes and sustainability appraisal/habitats regulations assessments that have been undertaken. Where necessary we have highlighted these amendments in the report.

Policies Map

5. The Council must maintain an adopted policies map which illustrates geographically the application of the policies in the Plan. When submitting a local plan for examination, the Council is required to provide a submission policies map showing the changes to the adopted policies map that would result from the proposals in the submitted local plan. In this case, the submission policies map comprises the set of plans identified as Braintree Local Plan Policies Maps as set out in documents referenced SDBDC001 2 of 7 to 7 of 7 inclusive.

6. The policies map is not defined in statute as a development plan document and so we do not have the power to recommend MMs to it. However, a number of the published MMs to the Plan's policies require further corresponding changes to be made to the policies map. In addition, there are some instances where the geographic illustration of policies on the submission policies map is not justified and changes to the policies map are needed to ensure that the relevant policies are effective.
7. These further changes to the policies map were published for consultation alongside the MMs in the Schedule of Proposed Policies Map Modifications.
8. When the Plan is adopted, in order to comply with the legislation and give effect to the Plan's policies, the Council will need to update the adopted policies map to include all the changes proposed in Braintree Local Plan Policies Maps and the further changes published alongside the MMs (S2 Revised Maps).

Context of the Plan

9. The BLPs2 is intended to replace the Braintree District Council Local Development Framework Core Strategy 2011 and the Braintree District Local Plan Review 2005. It will form part of the development plan for the area along with the Braintree District Local Plan 2013 – 2033 (Section 1) (BLPs1), which is a joint strategic plan for the North Essex Authorities, prepared with Colchester and Tendring Councils, and adopted by Braintree District Council in February 2021. The BLPs2 was submitted for examination alongside the Section 1 plan and seeks to implement the strategic aims of the BLPs1 in respect of the amount and location of development in the District.
10. Braintree is a predominantly rural district which includes the towns of Braintree, Halstead and Witham as the largest settlements. The district also has a growing population which is projected to rise substantially by 2033. The south of the district benefits from good rail and road connections to London and to Stansted Airport to the west. The district also has high levels of out commuting to Chelmsford, Uttlesford and London. As well as numerous historic buildings and local wildlife sites, the district has 4 Sites of Special Scientific Interest (SSSIs) and is adjoined to the north by the Dedham Vale Area of Outstanding Natural Beauty [AONB].

Public Sector Equality Duty

11. We have had due regard to the aims expressed in S149 of the Equality Act 2010. This, amongst other matters, sets out the need to advance equality of opportunity and foster good relations between people who share a protected characteristic and people who do not share it.
12. We have considered several matters during the examination including provision for specialist housing and care homes (Policies LPP 35, LPP 52), for those who

need accessible and adaptable housing (Policy LPP 37) and ensuring there is adequate provision to meet the accommodation needs of Gypsies, Travellers and Travelling Showpeople (Policy LPP 36). In this way the disadvantages that they suffer would be minimised and their needs met in so far as they are different to those without a relevant protected characteristic. There is also no compelling evidence that the BLPs2 as a whole would bear disproportionately or negatively on them or others in this category.

Assessment of Duty to Co-operate (DtC)

13. Section 20(5)(c) of the 2004 Act requires that we consider whether the Council complied with any duty imposed on it by section 33A in respect of the Plan's preparation.
14. The Council has engaged with Essex County Council, the adjoining local planning authorities and the prescribed bodies on all relevant strategic matters from an early stage in plan preparation as documented in the Council's Duty to Cooperate Statement (SDBDC005). The plan was submitted for examination alongside the Section 1 plan which is a joint strategic plan for the North Essex Authorities, prepared with Colchester and Tendring Councils. It is evident that the Council has developed a strong working relationship with Colchester and Tendring Councils (the North Essex Authorities) arising from the extensive cross boundary work on the Section 1 Local Plan and also as relates to the progression of the three Section 2 Plans.
15. The DtC was assessed by the Inspector examining the Section 1 plan and was found to have been met. The strategic, cross-boundary matters addressed included assessments of need for housing, Gypsy and Traveller accommodation and employment land; strategic infrastructure, including improvements to the trunk and local road networks and the railway network, education, healthcare and broadband provision; and the environmental and other cross-boundary impacts of the Plan's proposals.
16. Braintree District shares its border with Babergh and South Suffolk District Council, Colchester Borough Council, Chelmsford City Council, Maldon District Council, Uttlesford District Council, St Edmundsbury Council, South Cambridgeshire District Council, Suffolk County Council and Cambridgeshire County Council. There are no cross-boundary issues with neighbouring authorities and other relevant organisations, which have not already been considered at the Section 1 examination. The Council has continued to engage with these bodies since the submission of the Section 1 plan and has updated the Section 2 plan to reflect this, in particular the Environment Agency [EA], Historic England [HE] and Natural England [NE].

17. We are satisfied that where necessary the Council has engaged constructively, actively and on an on-going basis in the preparation of the Plan and that the duty to co-operate has therefore been met.

Assessment of Other Aspects of Legal Compliance

18. The Plan has been prepared in accordance with the Council's Local Development Scheme.
19. Consultation on the Plan and the MMs was carried out in compliance with the Council's Statements of Community Involvement (SDBDC0007 and SDBDC0007a).
20. The Council carried out a sustainability appraisal of the BLPs2 and prepared a report of its findings. The report was published along with the BLPs2 and other submission documents under Regulation 19. The appraisal was updated in December 2021 to assess the MMs and is adequate.
21. The Habitats Regulations Appropriate Assessment Screening Report (August 2016) and subsequent updates concluded that alone or in combination with other plans or projects likely significant effects on European sites, could not be discounted. A full Habitat Regulations Assessment [HRA] including Appropriate Assessment was undertaken to accompany the submitted plan which concluded that subject to policy measures incorporated in the BLPs2, together with appropriate mitigation, there would be no significant adverse effects on the integrity of the European national site network, either alone or in combination. The HRA of the MMs reaches the same overall conclusion.
22. The Development Plan, taken as a whole, includes policies to address the strategic priorities for the development and use of land in the local planning authority's area.
23. The Development Plan, taken as a whole, includes policies designed to secure that the development and use of land in the local planning authority's area contribute to the mitigation of, and adaptation to, climate change. These are covered under Issue 8 of the report.
24. The Plan complies with all other relevant legal requirements, including in the 2004 Act (as amended) and the 2012 Regulations.

Assessment of Soundness

Main Issues

25. Taking account of all the representations, the written evidence and the discussions that took place at the examination hearings, we have identified nine main issues upon which the soundness of this Plan depends. This report deals with these main issues. It does not respond to every point or issue raised by representors. Nor does it refer to every policy, policy criterion or allocation in the Plan.

Issue 1 – Are the vision, objectives and spatial strategy and distribution of development set out in the Braintree Local Plan Section 2 based on robust evidence and are they justified and effective?

Vision and Objectives

26. As set out above the BLPs2 was submitted for examination in 2017 with the BLPs1. At the point of submission, the Council had proposed two Garden Communities for the District (Colchester/Braintree Borders and West of Braintree) within the BLPs1. However, following the examination of the BLPs1 both Garden Communities were removed on the grounds of deliverability. Consequently, the Council adopted the BLPs1 in February 2021 with both Garden Communities removed from the plan. **MM3** deletes all references to Colchester/Braintree Borders and West of Braintree Garden Communities from the BLPs2. This is necessary for the policy to comply with the BLPs1 and therefore be positively prepared, justified, effective and consistent with national policy.
27. It is necessary to address factual changes that have occurred since the submission of the Plan in 2017. For effectiveness **MM2** replaces all references to 'Highways England' with 'National Highways' due to a name change.
28. Chapter 4 – Vision & Objectives sets out 12 Key Objectives which complement the five North Essex wide strategic objectives established in the BLPs1. These include amongst other things, creating a successful economy, meeting housing need, protecting and enhancing the natural and historic environment, securing good quality design, transport infrastructure and promoting healthy communities. **MM4**, **MM5** and **MM6** make the necessary amendments to the explanatory text of the key objectives to ensure consistency with national policy in relation to the natural environment, housing and transport.

Spatial Strategy and Settlement Hierarchy

29. Chapter 5 - The Spatial Strategy seeks to direct growth to the most accessible and sustainable locations in accordance with the spatial strategy for North Essex set out in the BLPs1 and with the spatial hierarchy set out in a table within the body of the chapter. The settlement hierarchy ranks areas of the District, in order of their sustainability merits in relation to their accessibility and size, function and services provided in each area.

Towns

30. The Plan seeks to direct the majority of growth to the District's market towns (Braintree with Bocking and Great Notley; Witham and Halstead). In the context of the predominantly rural area these are the most sustainable locations for new development, having the highest levels of accessibility combined with the concentration of employment opportunities, services/facilities and housing.

Key Service Villages

31. At the time of the Plan's submission, the second tier of the settlement hierarchy consisted of 5 Key Service Villages plus the Colchester/Braintree Borders and West of Braintree Garden Communities. These are considered to be able to accommodate development subject to the specific constraints and opportunities of each village. For effectiveness, **MM8** deletes both the Colchester/Braintree Borders and West of Braintree Garden Communities from the settlement hierarchy, ensuring that it is consistent with the adopted BLPs1. For the same reason **MM9** and **MM11** make consequential amendments to deleting references to the Colchester/Braintree Borders and West of Braintree Garden Communities in the spatial strategy explanatory text and as an 'area of search' from 'Picture 5.1 The Key Diagram'.

Second Tier Settlements

32. There are 7 Villages that make up the second tier of the settlement hierarchy. They may not serve a wider hinterland but provide the ability for some day to day needs to be met. Small scale development may be considered sustainable within a second tier Village, subject to the specific constraints and opportunities of that village. To ensure that the Plan is effective **MM8** addresses an error of omission adding 'Cressing Tye Green' as a second tier village.

Third Tier Settlements

33. All the remaining villages in the District with a development boundary are identified as being within the third tier of the settlement hierarchy. These

villages are deficient in most of the facilities required to meet day to day needs, and in the main have very poor public transport links. The explanatory text sets out that areas outside of the defined development boundaries should be considered as the countryside. To ensure that the Plan is effective **MM8** addresses an error of omission adding 'High Garrett' as a third tier village.

Development Boundaries

34. Policy LPP 1 Development Boundaries seeks to direct new growth to the most sustainable locations. The Policy is consistent with the NPPF in that primarily, development boundaries mark the existing built form of a town or village and represent the distinction between a built up area and the countryside. To ensure that the Plan is positively prepared, **MM10** ensures that clear direction is provided to the decision maker as to how to respond to development proposals that are located outside development boundaries. The MM is necessary to provide further guidance to assess the impact of proposals in the countryside and the potential impact on valued landscapes and/or sites that have biodiversity or geological value.

Other Matters

35. We have carefully considered the effect of the removal of the Colchester/Braintree Borders and West of Braintree Garden Communities on the BLPs2's spatial strategy and housing delivery. In doing so we considered if it was necessary to undertake a full updated Sustainability Appraisal of the BLPs2 to address the loss of the Garden Communities. However, this issue was fully considered in the Sustainability Appraisal to the BLPs1 which established the spatial context for the District and was found to be sound.
36. A Sustainability Appraisal was also carried out of the BLPs2 at MM Stage. That did not revisit the spatial strategy in the absence of the Garden Communities. However, we are content that such an approach would not be necessary in this case. Since the submission of the Plan in 2017 a number of sites not originally allocated have granted permission, and this is reflected in the Plan. This means that the Council, as discussed below, can demonstrate the required supply of housing for the Plan period, consistent with BLPs1. Moreover, a significant proportion (around 80%) of the housing is to be delivered in and around the towns of Braintree, Witham and Halstead, the largest settlements in the District. We also note that the contribution to be made by the Garden Communities was also not envisaged to come forward until towards the end of the Plan period and that in the context of intervening additions to supply it represents a small proportion of overall supply.
37. Having regard to the Sustainability Appraisals to both Section 1 and Section 2 and taken as a whole, there is nothing before us to indicate that the spatial

strategy as proposed is flawed, or that insufficient attention has been given to reasonable alternatives. The strategy as proposed in the BLPs2 reflects guidance in the NPPF and meets the full housing requirement for the District. Given the passage of nearly 5 years since the submission of the BLPs2, it would, in our view, be unnecessary to delay the Plan's progress any further. This would lead to increased and prolonged uncertainty in the local housing market, which would delay the delivery of much needed new homes in the District. We are therefore of the view that the approach taken with regard to the spatial strategy is an appropriate and proportionate one.

Conclusion

38. The Council's approach, of locating growth in and around existing urban areas and limiting development in less accessible settlements is consistent with the overarching aim of the NPPF in delivering sustainable development. Subject to the MMs identified above, the Plan's overall vision, objectives and spatial strategy and distribution of development is based on robust evidence and is justified and effective.

Issue 2 – Are the Strong Economy Policies (LPP 2 to LPP 9) justified by appropriate available evidence, having regard to national guidance, and local context, including the BLPs1?

Employment

39. Policy SP5 of the BLPs1 sets out Braintree's strategic requirement for employment land for office, research & development, industrial, storage and distribution uses, seeking to ensure that there is sufficient supply to meet the anticipated level of growth. The policy sets out a range for the District of between 20.9 Hectares (ha) (baseline) and 43.3 Hectares (higher growth scenario).
40. Policy LPP 2 Location of Employment Land seeks to bring effect to those requirements by identifying strategic employment land to underpin the District's economic growth during the Plan period. The Plan seeks to direct employment uses to appropriate and sustainable locations. For effectiveness **MM12** is necessary to accurately reflect the latest employment land supply position, amending the text of the policy and supporting table, to reduce the overall allocation from 52.1 to 42.1 hectares. This takes into account the reduction in deliverable employment land at Springwood Drive, Braintree following the grant of planning permission for an alternative use. Notwithstanding this, the range and quantum of employment sites available to meet market demands in the District is consistent with the higher growth scenario requirements of Policy SP5 of the BLPs1.

41. MM12 also amends the policy to respond to the changes to the Use Classes Order [UCO] specifying that the policy applies to principally Class B2, B8 and E(g) uses. Furthermore, to ensure that the policy is precise and therefore effective, it is necessary to delete references to the now removed Garden Communities and rename 'Eastlink 120' to 'Horizon 120' adding that a Local Development Order has been approved for the site.
42. Policy LPP 3 Employment Policy Areas is a criteria-based policy that identifies 20 locations with an approximate combined land area of 283.1ha that are appropriate for business/industrial use. For effectiveness, **MM13** is a necessary amendment to the policy which responds to the changes to the UCO deleting the reference to the former 'B1 Use Class' and replacing it with 'E(g) Use Class'. We have altered the advertised modification to make the necessary consequential changes within the policy and to addresses conflict within the policy in relation to changes of use that are not supported within Class E in the interests of clarity and to ensure the plan is positively prepared.
43. Policy LPP 6 Business Parks identifies 5 employment areas within the District, which are not suitable for general industrial (B2 use) or distribution (B8 use) due to their location, relationship to surrounding uses or access to the strategic road network. For effectiveness, **MM14** is necessary to respond to the changes to the UCO deleting the reference to the former B1 Use Class and replacing it with clear direction in relation to the types of business park uses that would be appropriate (E(g) Use Class office use, research and development, and industrial processes, other than industrial processes falling within the B2 Use Class).
44. Policy LPP 7 Design and Layout of Employment Policy Areas and Business Uses is a criteria-based policy that sets out design guidance for the development of employment areas. However, the policy is unnecessary as it replicates design guidance and principles adequately set out elsewhere in the Plan (Policy LPP 55). **MM15** deletes the policy and supporting text in the interests of effectiveness and clarity.

Rural Enterprise

45. Policy LPP 8 Rural Enterprise is a criteria-based policy that provides design guidance for small scale commercial development that is located outside development boundaries. However, criteria 'A' and 'B' along with the final paragraph of the policy are unnecessary as they reiterate the sustainability requirements of the NPPF along with repeating design guidance that is adequately addressed in Policy LPP 55. **MM16** deletes criteria 'A' and 'B' and the final paragraph from the policy in the interests of effectiveness ensuring clear direction to the decision maker.

Tourism

46. Policy LPP 9 Tourist Development within the Countryside provides criteria-based guidance that seeks to maximise the benefits of tourism to rural economies. This is achieved by ensuring that development is well located in terms of facilities and services, along with protecting the locally important features and characteristics that make tourist areas attractive to visitors. To ensure the Plan is positively prepared **MM17** is necessary to ensure that the guidance contained within the policy would apply to extensions to existing tourist accommodation and facilities. The MM also provides further clarity in relation to 'large scale' proposals to ensure that they are sustainably located. Finally, the MM deletes criterion 'e' of the policy which relates to the best and most versatile agricultural land. That change is necessary for effectiveness as it reiterates guidance that is adequately addressed elsewhere in the Plan.

Conclusion

47. In conclusion, subject to the MMs identified above the Strong Economy Policies (LPP 2 to LPP 9) of the BLPs2 are justified by the available evidence and consistent with the BLPs1 and the NPPF.

Issue 3 – Are the Shops and Services Policies (LPP 10 to LPP 16) justified by appropriate available evidence, having regard to national policy and guidance, and local context, and effective?

48. The Shops and Services Policies (Policies LPP 10 to LPP 16) of the BLPs2 establish the town centre hierarchy and provide greater detail and direction in relation to town centre development, primary and secondary shopping areas, district centre and out of centre retail development. The policies seek to ensure that an appropriate balance can be achieved within town centres to prevent an over concentration of uses that may have an adverse impact on amenity. The overall aim of the policies is to support economic growth to secure sustainable, inclusive and mixed communities.
49. Policy LPP 10 Retailing and Regeneration establishes 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. This was informed by the Braintree District Retail Study (2015). To take into account changes in the retail market both nationally and locally the Council undertook the Braintree Retail Study 2018 Update. The report, which is robust, and based on the most up to date evidence concludes that the requirement for retail (convenience and comparison), food and beverage floorspace has significantly reduced across all three areas since the submission of the Plan in 2017. So that the policy is justified **MM18** is necessary to reduce the requirements for retail (convenience and comparison), food and beverage floorspace within the policy to be

consistent with the latest evidence. The MM will ensure the deliverability of the retail element of the BLPs2.

50. Policy LPP 11 Primary Shopping Areas is a criteria-based policy that provides clear guidance in relation to acceptable uses in Braintree, Witham and Halstead town centres. The policy sets out the approach the decision maker should take to development proposals within the primary and secondary retail frontages of each town centre. **MM19** is necessary for effectiveness and to respond to the changes to the UCO. It deletes the reference to the former 'Class A1' replacing it with 'Class E' within criterion (a). It also deletes references to 'Classes A2, A5, D1 and D2' replacing them with 'Local Community Uses (Use Class F.2)' within criterion (b) along with consequential changes. Furthermore, to ensure consistency with the more flexible approach set out in national policy in relation to town centre uses, the MM identifies additional uses that would be permitted within secondary frontages.
51. Policy LPP 12 District Centre is a criteria-based policy that provides clear guidance in relation to acceptable uses within Great Notley, the only district centre in Braintree. For effectiveness **MM20** is necessary to respond to the changes to the UCO. It deletes the reference to the former 'Use Class A1' replacing it with 'Use Class E' within criterion (a) along with deleting references to 'Use Classes A2, A5, D1 and D2' replacing them with 'Use Classes F1, F.2 pubs/drinking establishments, hot food takeaways, cinemas concert halls, music venues and similar' within criterion (b) along with further guidance in relation to ensuring such uses do not result in material harm to the amenity of the surrounding area or the overall viability of the centre.
52. Policy LPP 13 Freeport Outlet Centre relates to a specialist designer outlet centre visitor destination and sets out that it should be retained for the purposes of a discount shopping outlet centre. For effectiveness modifications are necessary to accurately reflect both the name and uses that are appropriate on the site. **MM1** deletes all references throughout the Plan to 'Braintree Freeport' and 'Freeport' replacing them with 'Braintree Village'. **MM21** deletes the term 'Factory' replacing it with 'Designer' along with clarifying that there are also associated uses within the site.
53. Policy LPP 14 Leisure and Entertainment is a policy that seeks to retain these uses as identified on the Policies Map. To ensure the policy is effective **MM22** is necessary to respond to the changes to the UCO by deleting the reference to 'Use Class D2' and replacing it with 'Use Class F2' along with providing further guidance in terms of appropriate leisure and entertainment uses that are no longer specifically identified within the UCO.
54. Policy LPP 15 Retail Warehouse Development is a criteria-based policy that provides clear guidance in relation to retail development located outside of town

centres. For the policy to be effective **MM23** it is necessary to delete the reference to 'Bulky retail' to avoid any ambiguity in the application of the policy. For clarity, the MM also deletes criterion (c) as it is not necessary for the policy to repeat the requirement for development proposals to be supported by a Transport Impact Assessment and Travel Plan, as these matters are adequately addressed elsewhere in the Plan.

55. Policy LPP 16 Retail Site Allocations identifies a range of suitable sites across the District to meet the scale and type of town centre developments needed in the District consistent with the requirements of the NPPF. However, since the submission of the plan in 2017 the allocation at the Former EMD Site, Kings Road, Halstead has been built out and the Garden Communities have been removed from the BLPs1 on the grounds of deliverability. Furthermore, the allocation at land north of Freeport is no longer being taken forward by the land owner. Consequently, these requirements are now out of date and the specific allocations in the Plan are no longer required given the revised convenience and comparison floorspace requirements for the District set out above. **MM24** deletes them in the interests of effectiveness.

Conclusion

56. In conclusion, subject to the MMs identified above, the Plan's Shops and Services Policies (LPP 10 to LPP 16) are justified by appropriate available evidence, having regard to national policy and guidance, and local context, and as a consequence are likely to be effective.

Issue 4 – Are the housing allocation policies (LPP 17 to LPP 32) contained within the Homes section of the BLPs2 consistent with the BLPs1, and national policy, and are they justified and deliverable and has the Plan been positively prepared in these respects?

Housing Requirement

57. BLPs1 Policy SP4 Meeting Housing Needs requires the provision of at least 14,320 new homes in the District over the plan period 2013 – 2033. This Plan is therefore required to identify sites and set out a policy approach to deliver this requirement within the plan period 2013 – 2033. However, since this Plan was submitted in 2017 a significant proportion of the allocated sites within the Plan have been developed or are under construction or have obtained permission. Furthermore, a number of unallocated sites have been granted permission and some of these have been developed.
58. The Council's Housing Topic Paper (April 2021) updates the latest housing position in the District using data collected in the Annual Monitoring Reports

(AMR). It confirms that 4,161 new homes have been delivered in the plan period up to March 2021 with another 2,232 under construction. Overall, the updated evidence demonstrates that the Council have delivered and identified sites which could provide approximately 15,772 new homes within the plan period. This approach provides sufficient flexibility beyond the housing requirement derived from the BLPs¹, to respond to the variations in the housing market. As a consequence, **MM104 and MM105** are necessary in the interests of effectiveness to update Appendix 1 – Full Housing Trajectory and Appendix 3 – Residential Housing Allocations of the Plan to ensure that these accurately reflect the latest housing position in the District (March 2021).

59. Consequently, based on all of the available evidence it has been demonstrated that this Plan makes the necessary provision to deliver at least 14,320 new homes over the plan period, with at least 5 years housing land supply at the point of adoption. Overall, we consider this to be both a pragmatic and robust approach that will ensure that Braintree will be able to deliver much needed homes in a time of significant need.

Site Allocations

60. The Homes chapter of this Plan contains 16 site allocation policies (LPP 17 to LPP 32) which relate to the identification and provision of land for new housing, setting out the necessary requirements for supporting infrastructure and facilities. The overall aim of the policies is to deliver sustainable, inclusive and mixed communities.

Strategic Growth Locations

61. Policy LPP 17: Housing Provision and Delivery sets out the Council's approach to housing distribution in the District and identifies 6 Strategic Growth Locations for its housing delivery. To ensure that the policy is effective **MM25** is necessary to factually update the table 'Strategic Growth Locations' within the policy that identifies settlements and key development areas for the plan period. The modification deletes references to the now removed Colchester Braintree Borders and West of Braintree Garden Communities and their allocations along with factually updating the number of homes to be provided at the 'Strategic Growth Locations'.

Braintree

62. The largest urban extension in the Plan is set out in Policy LPP 18 Strategic Growth Location - Land East of Great Notley, south of Braintree. It allocates the site for residential development and provides criteria-based guidance in relation to the requirement to provide supporting infrastructure/community facilities. For the policy to be effective and positively prepared, **MM26** is necessary to clarify

that the allocation is for 'up to' 1750 new homes and that affordable housing should be provided in accordance with the Council's 'policy' requirements. For the same reasons, the modification also updates the criteria in the policy to secure contributions towards infrastructure, including the strategic road network (A120 and A131 corridor), and new healthcare facilities. The modification also increases flexibility, enabling 'contributions towards' the provision of a Gypsy and Traveller site, as an alternative to on-site provision.

63. For effectiveness, it is necessary to respond to the changes to the UCO deleting references to the former Class D1 replacing them with 'education and childcare use'. The amendments also ensure that suitable land is provided within the allocation for education and childcare use, and that public open space is provided in accordance with the Open Space Study and playing pitches for formal recreation are in conformity with the playing pitch strategy. Finally, it is necessary to provide further direction to the decision maker within the policy with regard to vehicular access to the site clarifying that 'local access' should be from Notley Road, and that Bakers Lane should only be used if it is an essential requirement of the development. These changes are also secured by **MM26**.
64. Policy LPP 19 Strategic Growth Location - Land East of Broad Road, Braintree allocates the site for residential development and provides criteria-based guidance in relation to the requirement to provide supporting infrastructure/community facilities. For the policy to be effective and positively prepared, **MM27** is necessary to clarify that the allocation is for 'up to' 1000 new homes and that affordable housing should be provided in accordance with the Council's 'policy' requirements. The modification also increases flexibility enabling 'contributions towards' the provision of a Gypsy and Traveller site, as an alternative to on-site provision.
65. To respond to the changes to the UCO It is necessary for effectiveness to delete references to the former Class D1 replacing them with 'education and childcare use'. The amendments also ensure that suitable land is provided within the allocation for education and childcare use, and that public open space is provided in accordance with the Open Space Study and playing pitches for formal recreation are in conformity with the playing pitch strategy. Finally, it is necessary to provide further direction to the decision maker within the policy with regard to requiring that the main vehicular access to the site is from a new roundabout on the A131, with additional clarification in relation to Broad Road in that it should be for 'local' vehicle access. These changes are also secured by **MM27**.
66. Policy LPP 20 Strategic Growth Location - Former Towerlands Park Site allocates the site for residential development and provides criteria-based guidance in relation to the requirement to provide supporting infrastructure/community facilities. For the policy to be effective and positively prepared, **MM28** is necessary to clarify that the allocation is for 'up to 575' new

homes and that affordable housing should be provided in accordance with the Council's 'policy' requirements. The modification also updates the criterion in the policy to secure contributions towards new healthcare infrastructure /facilities ensuring that it is effective.

67. It is necessary for effectiveness to delete references in the policy to the former D1 Use Class replacing them with 'education and childcare use' to respond to the changes to the UCO. The modification also ensures that suitable land is provided within the allocation for education and childcare use, and that public open space is provided in accordance with the Open Space Study and playing pitches for formal recreation are in conformity with the playing pitch strategy. To ensure that the development of the site does not impact on the safe and free flow of traffic, it is necessary for effectiveness to modify the policy to require that all access points to the site need to be agreed with the Highways Authority. These changes are also secured by **MM28**.
68. Policy LPP 21 Strategic Growth Location - North West Braintree allocates the site for residential led development and provides criteria-based guidance in relation to the requirement to provide supporting infrastructure/community facilities. For the policy to be effective and positively prepared, **MM29** is necessary to clarify that the allocation is for 'up to 825' new homes and that employment development area is reduced from 10ha to 1ha, ensuring that the policy is broadly consistent with the planning permission for the site. The modification also updates the policy to provide greater clarity in relation to the requirement to secure contributions towards new healthcare infrastructure (NHS)/community facilities.
69. For effectiveness the modification sets out that a new primary school with co-located early years and childcare nursery on-site should be provided within the development of the allocation, along with the consequential deletion of the guidance in relation to the co-located provision of early years and childcare facilities. The modification also clarifies that public open space within the development should be provided in accordance with the Open Space Study and playing pitches for formal recreation are in conformity with the playing pitch strategy. These changes are also secured by **MM29**.

Feering

70. Policy LPP 22 Strategic Growth Location - Land at Feering allocates the site for residential led development and provides criteria-based guidance in relation to the requirement to provide supporting infrastructure/community facilities. For the policy to be effective and positively prepared, **MM30** is necessary to clarify that the allocation is for 'to around 835' new homes ensuring consistency with the planning permission for the site and that affordable housing should be provided in accordance with the Council's 'policy' requirements.

71. To ensure that the policy is effective the modification provides further direction in relation to the provision of a new on-site primary school with co-located early years and childcare nursery and increases flexibility in terms of the on-site location of the required stand-alone early years and childcare nursery within the allocation. The modification also makes clear that public open space within the development should be provided in accordance with the Open Space Study and playing pitches for formal recreation are in conformity with the playing pitch strategy.
72. It is necessary to provide greater clarity in relation to the provision of a community centre including providing flexibility to enable it to be delivered off-site by way of contributions. The modification also sets out clear direction to the decision maker with regard to the requirement for the development to contribute to enable the provision of new healthcare infrastructure (NHS)/community facilities and also increases flexibility enabling 'contributions towards' the provision of a Gypsy and Traveller site, as an alternative to on-site provision.
73. To ensure that the development of the site does not impact on the safe and free flow of traffic, it is necessary for effectiveness to modify the policy to require the provision of a new connection between Inworth Road and London Road along with increasing flexibility in relation to developer contributions to cover both highway and transport infrastructure. The MM also amends the wording of the policy to provide clear direction that is consistent with national policy with regard to ensuring development proposals afford the necessary protection to heritage assets, in particular conservation areas, listed buildings and scheduled monuments. Finally, to ensure that the strategic importance of the site and the delivery of the identified infrastructure to support the new homes is not undermined it is necessary to add the words 'and coherent' to the final paragraph/criterion of the policy. The above changes are also secured by **MM30**.

Witham

74. Policy LPP 23 Strategic Growth Location - Wood End Farm, Witham allocates the site for residential development and provides criteria-based guidance in relation to the requirement to provide supporting infrastructure/community facilities. For the policy to be effective and positively prepared, **MM31** is necessary to clarify that the allocation is for up to '400' new homes and that affordable housing should be provided in accordance with the Council's 'policy' requirements.
75. It is necessary for effectiveness to delete references in the policy to the former D1 Use Class replacing them with 'education and childcare use' to respond to the changes to the UCO. The modification also makes clear that public open space within the development should be provided in accordance with the Open

Space Study and playing pitches for formal recreation are in conformity with the playing pitch strategy. The modification also updates the policy to provide greater clarity in relation to the requirement to secure contributions towards new healthcare infrastructure (NHS)/community facilities. The above changes are also secured by **MM31**.

Comprehensive Redevelopment Areas

Halstead

76. Policy LPP 24 Comprehensive Redevelopment Area - Land East of Halstead High Street is a criteria-based policy promoting a mixed-use scheme (residential, retail and community uses). The policy area contains a rare grouping of World War 2 air raid shelters that were built to provide protection for factory workers; 8 of the shelters are located within the Halstead Conservation Area. For the policy to be effective and positively prepared, and to be consistent with national policy, **MM32** is required to ensure that the necessary protection is afforded to these identified heritage assets as a group in the context of any future development proposal.
77. Policy LPP 26 Comprehensive Redevelopment Area - Factory Lane West/Kings Road is a criteria-based policy promoting the mixed-use development (employment, small scale retail and residential) of the area, which was historically used for employment purposes, but has become under used in recent years. **MM34** is necessary in the interests of effectiveness to amend the policy to the respond to the changes to the UCO by deleting the references to the former use Class B1 and replacing it 'use E'. Moreover, in the interests of precision it is necessary to delete the requirement for the 'retention of the boiler house' as it is located outside the Comprehensive Redevelopment Area.

Coggeshall

78. Policy LPP 27 Comprehensive Redevelopment Area - Former Dutch Nursery, West Street, Coggeshall was a criteria-based policy that promotes the mixed-use development of the site. However, the site has already been largely built out and the allocation is therefore no longer necessary. **MM35** deletes the policy and supporting text in the interests of effectiveness.

Witham

79. Policy LPP 28 Comprehensive Redevelopment Area - Kings Chase, Witham is a criteria-based policy which promotes the mixed-use development (retail and residential) of the area. **MM36** amends the policy in the interests of effectiveness to respond to the changes to the UCO by deleting the reference to the former 'Class A' uses and corrects the typographical error in the final bullet point of the policy replacing 'Maldon Road Park' with 'Witham Town Park'.
80. Policy LPP 29 Comprehensive Redevelopment Area - Newlands Precinct, Witham is a criteria-based policy that promotes the mixed-use redevelopment (retail, employment, leisure, community facilities and residential) of the 1960s shopping centre. **MM37** is necessary to amend the second paragraph of the policy to ensure that the text is consistent with national policy in relation to drainage impacts, given that the site is located within a Critical Drainage Area. To ensure that any proposed redevelopment of the site responds positively to its location within the Conservation Area and thus is consistent with national policy, the modification also amends the text in the third paragraph of the policy, to provide clarity in regard to the requirement to produce a masterplan, design code and parameters plan.
81. Policy LPP 30 Comprehensive Redevelopment Area - Rickstones Neighbourhood Centre, Witham promotes the mixed-use redevelopment of the area that provides local shops and services in north Witham. To ensure that the redevelopment of the neighbourhood centre is deliverable **MM38** deletes the word 'where' and replaces it with 'which could include'. This provides flexibility in terms of the mix/combination of uses that could be included within any future development proposal, meaning that the policy is effective.

Hatfield Peverel

82. Policy LPP 31 Comprehensive Redevelopment Area - Land between A12 and GEML (Great Eastern Main Line), Hatfield Peverel is a criteria-based policy that promotes the residential development of the allocation centring on the former Arla industrial site. However, the allocation has already secured planning permission with parts of the allocation being in the process of being built out. In the interests of effectiveness and clarity **MM39** amends the criteria within the policy to accurately reflect the current planning permissions, provides further direction in relation to the main vehicular access being taken from Station Road, and ensures that affordable housing should be provided in accordance with the Council's policy requirements.

Specialist Housing and Residential Allocation

83. Policy LPP 25 Specialist Housing - Mount Hill, Halstead allocates the site for specialist housing to meet the identified needs for people with physical impairments and learning disabilities and provides criteria-based guidance in

relation as to how the decision maker should approach any development proposal. Part of the guidance relates to ensuring that any development proposal does not have an adverse impact on the nearby listed building. To ensure that the policy is effective and positively prepared, **MM33** corrects the wording of the criterion to take into account that there is more than one listed building and that the setting of those listed buildings should be fully addressed, ensuring consistency with national policy.

84. Policy LPP 32 Residential Allocation Area - Gimsons, Witham allocates the site for residential development and provides criteria-based guidance in relation to the requirement to provide supporting infrastructure/community facilities. For the policy to be effective **MM40** is necessary to clarify that the allocation is for 'up to 78' new homes along with deleting the reference to 'the visual integrity and character and setting of Gimsons' and the requirement 'for the enhancement of the parkland setting of Gimsons'. The modification therefore ensures that the policy is broadly consistent with the planning permission for the site.

Conclusion

85. In conclusion, subject to the MMs identified above, the site allocations and supporting policies (LPP 17 to LPP32) contained within the Homes section of this Plan, are positive, justified and consistent with the BLPs1, and national policy. The evidence demonstrates that the housing allocations are deliverable and are likely to be effective in making a significant contribution to meeting the identified housing requirement of at least 14,320 new homes for the plan period 2013 – 2033.

Issue 5 – Are the Policies (LPP 33 to LPP 43) in the BLPs2 which are aimed at the provision of homes in the District justified, effective and consistent with national policy?

86. The "Homes" section of chapter 6 of the Plan also contains, in addition to the housing allocations, 11 policies which aim to ensure that the homes that are provided are of a size, type and mix which meet the needs of all those in society.
87. LPP 33 relates to affordable housing. The Affordable Housing Viability Assessment [BDC029] provides adequate evidence that the 30% requirement in Braintree, Witham, Halstead and Sible Hedingham can be supported and that a 40% requirement can be supported elsewhere in the District. Indeed, this level of affordable housing has been successfully achieved on sites of a range of sizes across the District. We are therefore satisfied that the threshold set is a reasonable one. **MM41** alters the policy to refer to a requirement rather than a target and to dwellings rather than residential units. It also amends the policy to accurately reflect the provisions of the NPPF in relation to Affordable Housing

on major development sites and removes references to standalone new settlements, reflecting the adopted Section 1 Plan. For clarity we have also amended the advertised modification to remove the reference to floorspace, which is unnecessary. These changes are required so that the policy is positively prepared and consistent with national policy.

88. **MM41** also removes a requirement in the policy for 10% of all homes on individual sites to be affordable home ownership products. The requirement is inconsistent with national policy which requires at least 25%. These changes are all necessary in the interests of clarity and to ensure the policy is effective.
89. LPP 34 relates to affordable housing in the countryside. In order to ensure homes built on such sites are provided in perpetuity and not lost from the affordable housing stock through "Right to Buy", the policy contains a 3,000 threshold to restrict such development to "Designated Rural Areas". However, as drafted the policy is unclear. **MM42** explicitly sets out this requirement and is necessary for clarity and for the policy to be effective.
90. LPP 35 relates to specialist housing to meet the needs of the elderly, disabled or vulnerable adults. **MM43** makes clear that the criteria set out in relation to the expansion of existing specialist housing in the countryside are to be applied in addition to the general criteria. The modification also allows for appropriate mitigation to be made in cases where health services are not available at or close to the site. We note the comments of the Clinical Commissioning Group in relation to the need to be made aware at an early stage of such developments. Whilst the comment is noted, we do not consider that this requirement alters the effectiveness of the policy or makes it unsound. We are therefore satisfied that the MM as proposed is necessary in the interests of clarity, to ensure the policy is effective and consider any further modification to be a matter for the Council.
91. Policy LPP 36 relates to Gypsy and Traveller and Travelling Showpersons accommodation. The Braintree Gypsy and Traveller Accommodation Assessment (GTAA) [BDC007] identifies a need for 2 pitches for those travellers who meet the planning definition in the PPTS and 4 additional pitches for Travellers who may meet the definition. In addition, the SHMA identifies a need for a further 20 pitches for those who do not meet that definition. There is also an identified need for 5 plots for Travelling Showpersons who meet the planning definition and 1 additional plot for those who do not meet the definition. We understand that further work is currently being undertaken across the County in relation to the need for transit sites, although this has been delayed because of the pandemic and its impact, as a study of usual travel patterns has not been possible. However, we are satisfied that the assessment has been carried out using a robust methodology and that the assessment is as far as is possible, up to date.

92. **MM44** and **MM45** elevates the requirement to policy and corrects a double counting error in the calculation. It also removes reference to provision within garden communities. The requirement includes provision for those who do not meet the definition in the PPTS and so goes beyond that required. Immediate need is also very limited. We are therefore satisfied that although specific numeric allocations have not been made in the plan, the provision identified at the Strategic Growth Locations at Great Notley, Broad Road and Feering would be effective and consistent with national guidance.
93. In line with the PPTS the policy contains criteria to assess applications for new sites that may come forward. However, the requirement in relation to protecting local amenity is inconsistent with criteria applied to applications for the settled community. **MM45** also remedies this. These amendments are necessary to ensure that the plan is positively prepared and effective.
94. LPP 37 relates to housing type and density. The policy includes a requirement for a proportion of both market homes and affordable homes to meet Part M of the Building Regulations in relation to accessible and adaptable housing accessibility. At the hearings we were provided with evidence of the need for accessible and adaptable, and wheelchair user dwellings, particularly within the affordable housing stock. We are therefore satisfied that the requirement in the policy is a reasonable one, but as drafted the policy lacks precision. **MM46** amends the policy to make clear in what circumstances these requirements will be sought. The amendment also makes changes to improve the effectiveness of the policy, including in relation to self and custom build homes. These amendments are necessary to ensure that the plan is positively prepared and effective.
95. LPP 38 relates to residential alterations and outbuildings. The policy seeks to restrict the extension or replacement of dwellings, outside development boundaries, to that which is appropriate to the countryside setting and in doing so, prevent the incremental erosion of rural character through inappropriate small-scale development. However, the policy omits to set out the circumstances where residential annexes will be appropriate and is overly restrictive in relation to how the impacts of development on the street scene or character of the countryside will be judged. **MM47** addresses these matters and is necessary for clarity and to ensure that the policy is positively prepared.
96. LPP 39 relates to replacement dwellings in the countryside, seeking to ensure that such new development respects rural character. As drafted, the supporting text does not convey the need for exceptional circumstances to justify restricting permitted development rights. **MM48** addresses these matters and more clearly sets out the circumstances where restrictions may be appropriate. The policy also omits to refer to the setting of heritage assets and **MM49** remedies this. These changes are necessary for clarity and to ensure that the policy is positively prepared.

97. LPP 40 relates to rural workers dwellings in the countryside. The policy sets out clearly the circumstances where such dwellings will be supported but has a small number of drafting omissions which undermine the effectiveness of the policy. **MM50** addresses these. Policy LPP41 relates to Infill Development in Hamlets. **MM51** removes the reference in the policy to “isolated new dwellings” which is unnecessary. These changes are necessary for clarity and effectiveness.
98. LPP 42 relates to the residential conversion of buildings in the countryside. The policy contains a number of criteria against which such proposals will be judged. These include a requirement that the location of the site is accessible and sustainable. This requirement is unreasonable given the nature of the development and fails to reflect national policy in the Framework. The policy also does not reflect national policy in that it does not make clear that the conversion of rural buildings is supported where rural buildings are found to be redundant. **MM52** and **MM53** address these matters and also alters the supporting text to provide justification for the criteria within the policy. These changes are necessary for the policy to be justified and consistent with national policy.
99. LPP 43 relates to garden extensions and seeks to ensure such development respects landscape character. However, the policy has a small number of omissions and drafting errors which undermine its effectiveness. It also seeks to restrict permitted development rights which fails to reflect national policy. **MM54** addresses these matters and amends the policy to include the need for appropriate boundary treatments and structural landscaping and to refer to agriculture rather than farming. These changes are necessary for clarity and to ensure that the policy is positively prepared.

Conclusion

100. In conclusion, subject to the MMs above, the BLPs2 is justified, effective and consistent with national policy in relation to the provision of homes.

Issue 6 – Does the BLPs2 make adequate provision for transport and infrastructure and are policies LPP 44 to LPP 49 justified, effective and consistent with national policy?

101. The Transport and Infrastructure section of chapter 6 contains 6 policies which aim to ensure that new development is served by appropriate infrastructure.
102. Policy LPP 44 relates to sustainable transport. The policy sets out a comprehensive list of requirements to ensure that development set out in the Plan contributes to the creation of sustainable communities. However, the policy has a small number of omissions which undermine its effectiveness. **MM55** identifies horse-riding as a recreational opportunity within the policy. It also

identifies highways works under S278 of the Highways Act as a means of achieving the objectives of the policy. These changes are necessary for effectiveness.

103. **MM55** also makes clear that facilities for charging ultra-low emission vehicles are to be provided at all new residential properties. This requirement is consistent with national policy within paragraph 32 of the NPPF and we are satisfied that it is flexibly worded to allow for shared charging points in appropriate circumstances. This change is therefore necessary for the policy to be consistent with national policy.
104. **MM55** also seeks to include a reference to the Public Rights of Way [PROW] network. Whilst this change would be necessary for effectiveness it fails to recognise footpaths and cycleways which are not part of the PROW network. We have therefore altered the modification to reflect this. These changes are necessary for effectiveness.
105. Policy LPP 45 relates to parking provision. The policy has a small number of drafting errors which are rectified by **MM56** which provides clarity. Policy LPP46 relates to Protected Lanes. Although the aims of the policy are clear the policy sits more comfortably within the natural environment section of the plan. **MM57** achieves this and also includes reference to hedgerow trees within the policy which was omitted in error. These changes are necessary for clarity and effectiveness.
106. Policy LPP 47 relates to transport related policy areas which are areas which provide roadside facilities for motorists. The policy refers to use classes which have now become outdated by changes to the UCO. **MM58** amends the policy to reflect changes to the UCO and is necessary for the policy to be effective and consistent with national policy.
107. LPP48 relates to new road infrastructure. **MM59** amends the policy to remove the A131 Sudbury Western bypass which is no longer being taken forward by Suffolk County Council. It also alters the description of the Inworth Road/A12 link to reflect the wording in site specific Policy LPP22. These changes are necessary for clarity and effectiveness. We note the comments of Essex County Council in relation to the need for additional supporting text to refer to the Chelmsford North East Bypass scheme, and to provide a description of the strategic importance of the A131/A130 corridor, providing inter urban connectivity between north and south Essex. Whilst these comments are noted, we do not consider that the omission of this information alters the effectiveness of the policy or makes it unsound. We are therefore satisfied that the MM as proposed is necessary to ensure the policy is effective and consider any further modification to be a matter for the Council.

108. Policy LPP49 relates to the provision of broadband. **MM60** alters the wording of the policy to ensure that developments are capable of being connected to the fastest available broadband access rather than requiring specific connection, which is outside the control of the developer. This amendment is necessary for clarity and effectiveness.

Conclusion

109. In conclusion, subject to the modifications above, the BLPs2 makes adequate provision for transport and infrastructure, Policies LPP 44 to LPP 49 are justified, effective and consistent with national policy and sets out a soundly based strategy in relation to the provision of transport and infrastructure.

Issue 7 – Does the BLPs2 set out a soundly based strategy to manage the built environment and are policies LPP 50 to LPP 74 in the Plan justified, effective and consistent with national policy?

110. Chapter 7 of the plan relates to Creating Better Places. It contains 16 policies which focus on the built environment and seek to deliver high quality sustainable communities.
111. Policy LPP 50 relates to the built and historic environment. The policy requires the “highest possible standards” of design. This is difficult to quantify and inconsistent with the NPPF which instead seeks high quality and inclusive design for all development. It also provides a list of heritage assets in respect to the protection of the historic environment, from which Scheduled Monuments are omitted in error. The reference to designated heritage assets is unnecessary. **MM61** amends the policy to rectify these matters and is necessary for clarity, consistency with national policy and for the policy to be effective.
112. Policy LPP 51 aims to secure an inclusive environment that meets the diverse needs of all users. However, as with the policy for creating better places, it refers to achieving the highest standards of design. **MM62** rectifies this inconsistency with the NPPF and is necessary for the policy to be effective.
113. Policy LPP 52 relates to health and wellbeing impact assessments. The policy recognises that there is a strong link between spatial planning and health and wellbeing and seeks to ensure that new development does not exacerbate health inequalities. The policy therefore seeks to identify the health impacts of development and specifies thresholds for types of development where a Health Impact Assessment will be required. However, it does not refer to how any impacts might be resolved. **MM64** makes clear any adverse health impacts identified must be resolved or mitigated. It also directs applicants, in the first instance, to guidance within the Essex Design Guide Supplementary Guidance

on Health Impact Assessments (HIAs) and removes a reference to other guidance which is no longer necessary. These changes are necessary for the policy to be effective. As drafted the MM fails to refer to the need to take into account the advice of Public Health England (PHE) and so we have altered MM64 accordingly so that it is effective.

114. Policy LPP 52 also seeks to restrict the operation of hot food takeaways with 400m of a school. However, this element of the policy would not be effective. The policy makes no distinction between healthy and unhealthy food and is dependent upon whether local schools allow pupils to leave the premises at lunchtime, which is liable to change, and outside the control of nearby businesses. **MM64** removes the now outdated reference to A5 and amends the text of the policy by removing the 400m restrictions. **MM64** replaces this with text in the supporting paragraph which directs applicants to consider the impacts of development where they are located within 400m of a place where children gather including schools, community and playgrounds.
115. All these changes are necessary for effectiveness and to make the policy consistent with national policy. However, we have noted that the proposed MM omits to include Class C2 development, as originally proposed. We have amended this accordingly and reordered the policy for effectiveness.
116. Policy LPP 53 relates to the provision for open space, sport and recreation. The policy seeks to protect existing open space and sports and recreation facilities where appropriate and to make provision for these within new development. However, it is not clear from the policy on what evidential basis such decisions will be made. Furthermore, it does not include qualitative considerations or allow for proposed development of such sites where the facility is not surplus, but is otherwise compliant with this policy as a whole in line with paragraph 74 of the NPPF. **MM65** remedies these matters and also makes clear that in cases where development provides the opportunity to exchange the use of one site for another, the replacement provision should be equivalent or better in terms of quality and quantity and be in a suitable location. It also substantially restructures the policy, while retaining all its original objectives, to aid with clarity. These changes are necessary for the policy to be consistent with national policy and to be effective.
117. Policy LPP 54 relates to the provision of equestrian facilities. The policy duplicates criteria found within policy LPP40. It is also overly restrictive in relation to provisions for means of access to such facilities. **MM66** addresses these matters by removing unnecessary text, correcting a typographical omission and explaining the criteria against which vehicular movements generated by such developments will be assessed. These changes are necessary for clarity and for the policy to be effective.

118. Policy LPP 55 provides an extensive list of criteria against which the layout and design of new development will be assessed. However, the policy does not reflect the statutory duty in relation to heritage assets and does not reflect national policy in relation to the highways impacts of development within paragraph 32 of the NPPF. It also fails to make explicit the requirement for biodiversity net gain or the need for structural planting in relation to landscape proposals or to consider the impacts of foul water treatment and disposal on new development. Finally, the policy erroneously requires compliance with the Essex Design Guide, which is not adopted policy. **MM67** amends the policy to remedy these issues. We have considered whether the policy should specify 10% Biodiversity Net Gain (BNG). Although this has been enacted in the Environment Act, it has not been carried forward into Town and Country Planning Legislation. Accordingly, we have altered the MM to make clear that the Council will seek appropriate provision for BNG in line with national policy, which allows for a higher figure to be sought should this change over the plan period. Together, these changes which include some corrections to typographical errors, are necessary for the policy to be effective and consistent with national policy.
119. Policy LPP 57 relates to demolition in conservation areas. The policy is inconsistent with the requirements of the Planning and Listed Buildings Act in that it incorrectly recites the statutory duty to preserve or enhance the conservation area. The policy states that for demolition to be acceptable the structure to be demolished should have a negative impact on the street-scene. This is also inconsistent with the statutory duty and should be expanded to also include instances where the building has a neutral impact, as in these instances demolition could preserve or enhance. Furthermore, the policy does not make clear that all of the criteria need to be satisfied. **MM68** amends the policy accordingly and is necessary for the policy to be effective and consistent with national policy.
120. Policy LPP 60 relates to heritage assets and their settings but the policy is inconsistent with national policy set out in the NPPF in relation to how harm to the significance of heritage assets is to be assessed and considered. **MM69** addresses this inconsistency and is necessary for the policy to be effective and consistent with the national policy. Noting the comments of Historic England, we have amended the MM to ensure it takes proper account of Scheduled Monuments.
121. Policy LPP 61 relates to the demolition of listed buildings or structures. The policy sets out the exceptional circumstances where the demolition of these heritage assets will be supported. The policy is overly restrictive in relation to potential forms of alternative ownership. **MM70** amends the policy to allow for other forms of ownership and reorders the policy to benefit legibility. The modification as advertised does not recognise that partial demolition of a listed building may in some cases represent less than substantial harm. Therefore, as

drafted, the requirement for substantial public benefits would be inconsistent with national policy. We have therefore amended the modification and the policy to rectify this. These changes are necessary to ensure the policy is clear and effective.

122. Policy LPP 62 relates to enabling development. We concur with the view of Historic England that the policy to be an unnecessary duplication of national policy. **MM71** therefore deletes the policy. Policy LPP63 relates to archaeological evaluation, excavation and recording, The policy refers to the Historic Parks and Gardens in error, rather than Registered Parks and Gardens. **MM72** amends the policy accordingly. These changes are necessary in the interests of clarity and effectiveness and to ensure consistency with national policy.
123. Policy LPP 64 relates to educational establishments. It includes a criterion which would allow educational establishments to be reused for community uses. This may inhibit the full value of the land being realised and consequently may prevent the second criteria – to provide satisfactory alternative facilities - from being realised. The policy also identifies land at Lodge Farm, Witham for educational use, which has been included in error. **MM73** remedies these matters by removing the reference to community use and deleting the erroneous site. These changes are necessary for the policy to be effective.
124. Policy LPP 65 relates to local community services and facilities. The policy refers to community facilities as specified in the NPPF but this is not a closed list. **MM74** therefore removes this reference from the policy in the interests of effectiveness.

Conclusion

125. In conclusion, subject to the MMs above, the BLPs2 sets out a soundly based strategy to manage the built environment and policies LPP 50 to LPP 74 in the Plan are justified, effective and consistent with national policy.

Issue 8 – Does the BLPs2 set out a soundly based strategy to protect the natural environment and to address, mitigate and adapt to climate change and are policies LPP67-81 justified, effective and consistent with national policy?

126. Chapter 8 contains 15 policies which focus on the natural environment. These seek to protect the character and diversity of landscapes of local and national importance, their distinctiveness, wildlife, biodiversity and geodiversity.

127. Policy LPP 67 relates to the natural environment and green infrastructure. As drafted the supporting text does not make explicit that the provision of green infrastructure will be subject to a number of policies in the Plan, including those which relate to climate change, in addition to LPP67. **MM75** sets these out and is necessary in the interests of a positively prepared plan and for consistency with national policy.
128. As advised by Natural England (NE), some developments may be required to provide open space and green infrastructure to mitigate the impacts of increased recreational pressures on protected sites. This is set out in the Recreational Avoidance and Mitigation Strategy Supplementary Planning Document [SPD] which has been adopted since the Plan was submitted. **MM76** amends the policy to include the requirement that such spaces will be required, and that they should be designed to maximise their effectiveness in this role. We have made some typographical changes to assist with effectiveness, as proposed by Natural England.
129. Furthermore, LPP 67 is insufficiently clear about when the policy will apply, including proposals which adversely affect designated nature conservation sites. **MM76** amends the policy to rectify these matters and is necessary for clarity and effectiveness. We have altered the modification to assist with legibility.
130. Policy LPP 68 relates to protected species, priority spaces and priority habitat. The policy as drafted does not adequately reflect the requirements of the Habitats Regulations. **MM77** sets out the mitigation hierarchy and substantially redrafts and reorders the policy in order to accurately reflect requirements in relation to internationally and nationally designated sites. Whilst we note that in relation to nationally designated sites the policy does not repeat at length the requirements of national policy, we are satisfied that the policy is nonetheless consistent with it. We have altered the MM to aid legibility. These changes are necessary for consistency with national policy and to ensure the policy is effective.
131. Policy LPP 69 relates to tree protection. The policy clearly sets out how the Council will assess proposals which may impact on established healthy trees. However as worded the policy requires strict adherence with British Standards which are intended as recommendations and to give guidance. The policy also does not allow for subsequent versions of the guidance to be taken into account. **MM78** amends the policy to address these matters and is necessary for the policy to be effective and consistent with national policy.
132. Policy LPP 70 relates to the protection, enhancement, management and monitoring of biodiversity. The policy requires development to be in compliance with and to contribute positively towards the aims and objectives of the Anglian River Basin Management Plan [ARBMP]. The ARBMP covers a wide range of issues, the majority of which are outside the planning regime or are subject to other policies within this Plan. The requirement is therefore unnecessary, and we note that the requirement to have regard to the ARBMP is contained within the supporting text. **MM79** removes this reference and is necessary for the policy to be effective and consistent with national policy.

133. Policy LPP 71 relates to landscape character and features. The policy recognises that high quality design can make a positive contribution to the protection and enhancement of landscape value. However, the policy contains insufficient direction as to when landscape assessments will be required. **MM80** rectifies this matter for effectiveness and consistency with national policy.
134. Policy LPP 72 relates to green buffers. The policy seeks to prevent the coalescence of the main towns and villages in the District with neighbouring villages. It is supported by a thorough assessment which we are satisfied provides an appropriate basis on which to determine the boundaries of these areas. However, the supporting text is unclear in relation to how the policy will be applied. **MM81** makes clear that proposals with a harmful impact on the physical separation of settlements will not be supported. Furthermore, the text of the policy does not include proposed Green Buffers between Braintree and Rayne and Deanery Hill, and between Earls Colne and White Colne which have been shown on the proposals map. **MM82** rectifies this error. These changes are necessary in the interests of clarity and effectiveness.
135. Policy LPP 73 relates to protecting and enhancing natural resources, minimising pollution and safeguarding from hazards. The policy contains a comprehensive list of criteria which aims to ensure development does not cause unacceptable impacts as a result of pollution. However, as drafted the policy fails to recognise the potential for mitigation measures to ameliorate the impacts of development. It also omits to recognise groundwater, drinking water, and residential occupiers as receptors for pollution. Furthermore, the policy does not recognise the potential for noise and odour to impact upon environmental quality or impacts on soil quality of compaction. **MM83** amends the policy accordingly and is necessary for clarity and effectiveness.
136. Policy LPP 74 and the supporting text sets out a proactive strategy to mitigate and adapt to climate change. However, as drafted, the policy lacks clarity as to how applicants can demonstrate that climate change has been taken into account within the development. **MM85** expands the policy and **MM84** sets out in the supporting text how measures should be addressed in a sustainability statement to accompany development proposals. **MM85** also recognises the need to consider the setting of heritage assets in considering applications for renewable technologies. These changes are necessary for the policy to be effective and in the interests of a positively prepared Plan.
137. Policy LPP 77 relates to renewable energy within new developments. The policy requires a specific proportion of energy needs for new development to be met through renewable energy technology. This would be difficult to assess and would not always be possible to implement. Furthermore, the policy overlaps with the aims of Policy LPP 75 which relates to energy efficiency. Whilst the aims of the policy LPP 75 are clear, the policy lacks sufficient detail as to how this might be achieved, and so does not effectively plan for new development in ways which reduce greenhouse gas emissions as set out in the NPPF.
138. To rectify this, and to be consistent with the Council's objective of ensuring the use of natural resources is minimised, and that developments encourage the use of renewable energy and energy efficiency measures, **MM86** combines the

requirements of both policies into a single policy. This sets a standard for energy performance within new development and also includes a higher environmental standard for water usage within new development which reflects the need to maintain sustainable levels of water demand within the catchment. To reflect the wider scope of the policy the MM also alters the title of the policy and deletes LPP 77. Post consultation, we have altered the MM to correct typographical errors. All these changes are necessary to ensure that the Plan is positively prepared and for the policy to be effective and consistent with national policy.

139. Policy LPP 76 relates to renewable energy schemes. The policy sets out the criteria against which such schemes will be considered. However, the text does not make clear that, where the benefits of such developments outweigh any harm identified, the proposal will be supported. **MM87** alters the text to reflect this, but as advertised refers to minor harm, which does not reflect the fact that large scale benefits in terms of energy generation may outweigh more significant levels of identified harm. We have therefore altered the advertised MM to reflect this. Subject to this change, the MM, which ensures that the Plan is effective and, is justified.
140. Furthermore, In relation to wind energy, national policy in the Written Ministerial Statement of June 2015 sets out that when determining planning applications for wind energy development involving one or more wind turbines, local planning authorities should only grant planning permission if the development site is in an area identified as suitable for wind energy development in a local or neighbourhood plan. The Plan does not identify suitable areas for large scale energy generation. **MM88** removes reference to wind turbines from the policy and provides supporting text making it clear the Council's intention to produce an DPD to provide more guidance on how large scale renewable energy generation from wind power could be achieved in the District. In order to identify specific areas suitable for such uses the document would need to take the form of a development plan document that has been formally adopted. We have therefore altered the advertised MM to reflect this. Subject to this change, the MM, ensures that the Plan is positively prepared, is justified and consistent with national policy.
141. Policy LPP 78 relates to flood risk and surface water drainage. The policy does not reflect the latest national guidance in the PPG and as written lacks clarity. **MM89** substantially redrafts the policy to improve its readability, whilst maintaining all its original objectives. These changes are necessary for clarity and for the policy to be effective and consistent with national policy.
142. Policy LPP 79 relates to the surface water management plan. It requires compliance with the Braintree and Witham Surface Water Management Plan (BWSWMP). However, this is not adopted policy and many of its requirements do not relate to land use planning. Furthermore, in relation to how SUDs measures are to be implemented in Critical Drainage Areas, the policy is imprecise. **MM90** rectifies these matters by strengthening the policies requirements in relation to the introduction of SUDs measures and making clear the status of the BWSWMP as guidance. These changes are necessary for the policy to be justified and consistent with national policy.

143. Policy LPP 80 relates to sustainable urban drainage systems (SUDs). The policy provides a comprehensive basis for ensuring and assessing the implementation of SUDs systems within new development. However, the policy and supporting text are insufficiently clear as to the status of the relevant design guides and non-statutory technical standards which may inform the design and implementation of such systems. The policy also contains some unnecessary text and drafting errors which impacts upon its clarity. **MM91 and MM92** rectify these matters and both are necessary for the policy to be effective and positively prepared. We have further altered the advertised modifications to ensure consistency and clarity.
144. Policy LPP 81 relates to the external lighting. The policy seeks to minimise the impacts of insensitive lighting and reduce the impacts of artificial light pollution on the character of, in particular, rural areas. However, the policy is unclear as to the types of development where the policy will apply and how hours of use might be limited for some illumination schemes. **MM93** amends the policy to make clear that the policy will relate to both standalone lighting proposals and for lighting within new development proposals. It also makes clear that controls to hours of illumination are a criterion that should be met. We have altered the advertised MM to aid the legibility of the policy. Subject to this change, the MM, is necessary to ensure that the Plan is effective, is justified and effective.

Conclusion

145. In conclusion, subject to the MMs above, the BLPs2 sets out a soundly based strategy to protect the natural environment and to address, mitigate and adapt to climate change and are policies LPP67-81 are justified, effective and consistent with national policy.

Issue 9 – Are the arrangements for monitoring and delivery effective?

146. Chapter 9 of the Plan deals with delivery and implementation. Policy LPP 82 deals with Infrastructure Delivery and Impact Mitigation. The policy seeks to ensure that sufficient appropriate infrastructure capacity is either available to support the development or that such capacity will be delivered by the proposal. The supporting text to the policy does not make clear that the infrastructure requirements are not a closed list and **MM94** addresses this matter so that the policy is positively prepared. **MM95** also makes typographical changes to the policy to aid effectiveness.
147. The chapter also sets out indicators for relevant policies along with targets by which these will be assessed, including where relevant how the policies will be implemented. The AMR will be the main mechanism for assessing the Plan's performance and effect. The Plan provides an acceptable framework for monitoring and delivery, although some of the targets contain figures or references which are out of date. **MM96, MM97, MM98, MM99, MM100,**

MM101, **MM102** and **MM103** update these instances and are necessary for clarity and thus effectiveness.

148. For the above reasons, the arrangements for monitoring and delivery are effective.

Overall Conclusion and Recommendation

149. The Plan has a number of deficiencies in respect of soundness for the reasons set out above, which mean that we recommend non-adoption of it as submitted, in accordance with Section 20(7A) of the 2004 Act. These deficiencies have been explained in the main issues set out above.

150. The Council has requested that we recommend MMs to make the Plan sound and capable of adoption. We conclude that the duty to cooperate has been met and that with the recommended MMs set out in the Appendix the Plan satisfies the requirements referred to in Section 20(5)(a) of the 2004 Act and is sound.

Jameson Bridgwater and Anne Jordan

INSPECTORS

This report is accompanied by an Appendix containing the Main Modifications.

Braintree Local Plan Section 2 Main Modifications – June 2022

The format of the changes is as follows;

~~Strikethrough~~ for deleted text

Bold for new text proposals

Ref Number	Paragraph or Policy	Change
MM1	Throughout the document	All references to 'Braintree Freeport' or 'Freeport' to be replaced with ' Braintree Village '
MM2	Throughout the document	All references to "Highways England" to change to "National Highways"
MM3	Section 4 Vision for Braintree District Paragraph 2	Two new garden communities are being built within the District at West of Braintree and Colchester/Braintree borders providing new communities within a high quality environment
MM4	Vision for Braintree	...access to the highest quality community facilities including health and education provision and green infrastructure . Outstanding...

	District Paragraph 5	
MM5	Key Objectives Housing Need	To provide a range of housing sizes, types and tenures which meet local need, including affordable homes, starter homes , and homes for those residents with...
MM6	Key Objectives Transport Infrastructure	New developments must contribute towards the improvement of the transport network in the District, including schemes to ensure safety and reduce congestion. Developments will make appropriate provision to ensure safety and reduce congestion on the road network. Developments will make appropriate provision for public transport, walking and cycling, both within developments and connections to the wider network.
MM7	Paragraph 5.8	Delete paragraph and title
MM8	Spatial Hierarchy	Add Cressing Tye Green to the list of second tier villages To add High Garrett to the list of third tier villages West of Braintree Garden Community Golchester Braintree Borders Garden Community
MM9	Spatial Strategy	That the broad spatial strategy for Braintree District should concentrate development on the town of Braintree, planned new garden communities , Witham and the A12/Great Eastern Mainline corridor and Halstead

MM10	LPP1	Development outside development boundaries will be strictly controlled confined to uses appropriate to the countryside whilst also protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils
MM11	Picture 5.1 Key Diagram	Remove the 'Garden Community area of search' from the key diagram.
MM12	LPP2 a) b)	<p>The Council and its partners will be driving forward the growth of the economy in the District and provide for the 32.1ha of industrial land and 19.5ha of office land in the District to support this.</p> <p>New strategic employment sites to meet the needs set out within policy SP5, and the proposed uses for those sites, are set out in the table below.</p> <p>Extension to Springwood Drive Industrial area in Braintree 10ha employment policy area 10</p> <p>Eastlink Horizon 120 18.5ha Innovation and Enterprise Business park for uses in the B4 E(g), B2, B8 use class.</p> <p>The Council has an approved LDO for the site.</p> <p>Part of the site may be developed for a hotel use (C1)</p> <p>B8 uses should be restricted to no more than 40% of the total floor area and no single unit should be larger than 7,500sqm</p> <p>The site also includes 7ha of structural landscaping.</p> <p>Major Business Park on the West Braintree Garden Community To be determined through a Strategic Growth DPD</p>

		<p>Major Business Park on the Marks Tey Garden Community To be determined through a Strategic Growth DPD</p> <p>Total identified new employment land allocations for B1, B2 and B8 51.1 42.1</p>
MM13	LPP3	<p>Employment policy areas are identified on the Proposals Map, where the following uses will be considered appropriate and will be permitted and retained:</p> <ul style="list-style-type: none"> a. Office use, research and development, and industrial processes (other than industrial processes falling within Use Class B2) Business (use class B1) (use class E(g)) b. General industrial (use class B2) and storage and distribution (use class B8) c. Repair of vehicle and vehicle parts d. Waste management facilities as appropriate taking into account neighbouring uses e. Services specifically provided for the benefit of businesses or workers based on the employment area <p>Changes from B2 or B8 to E (other than E(g) Offices, Research and Development, Light Industrial) will not be permitted.</p>
MM14	LPP6	<p>Employment locations for Use class B1 Business Parks business uses are identified on the Proposals Map. To maintain the character of these sites only uses falling within Use Class B1 business will be permitted., and to meet identified needs, they are allocated for Use Class E (g) office use, research and development, and industrial processes (other than industrial processes falling within Use Class B2).</p>

MM15	Paragraph 6.23, 6.24 and 6.25 LPP7	Delete policy and supporting text
MM16	LPP8	<p>A the Location of the site being accessible, and sustainable in terms of the Framework</p> <p>B There is no unacceptable impact on protected species or the historic environment</p> <p>Where it has been evidenced that the conversion of existing buildings on the site is not practical or where there are no existing buildings on the site and where a need has been demonstrated, new buildings shall be well designed, and appropriately sited. New buildings shall be of a form, bulk and design that should not offend local landscape character, and protect and enhance heritage assets and their settings. All such new development shall also be considered against the criteria above.</p>
MM17	LPP9	<p>Proposals for new tourist accommodation and facilities, including extensions to existing tourist accommodation and facilities, within the countryside, will be permitted provided that all the following criteria are met;</p> <p>b. Large scale Proposals are connected to and associated with existing facilities or located at a site that relates well to defined settlements in the area and are accessible to adequate public transport, cycling and walking links.</p> <p>e They would not use the best and most versatile agricultural land</p>
MM18	LPP10	<p>Convenience (Food) retailing across the District is expected to grow. Evidence suggests, with evidence suggesting that across the District 8966sq.m 2927sq.m (gross) of new floorspace will be required. For comparison goods (Non-food retailing) 15,869 sqm 10,315 sq.m (gross) will be required and for food and beverage provision 8,304 sqm 4506 sq.m (gross) is needed.</p>

		1,000sq.m (Gross) Great Notley District Centre and
MM19	LPP11	<p>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.</p> <p>The following uses will be permitted within primary frontages:</p> <p>a. Commercial Retail development (Use Class A1 E)</p> <p>b. Local Community uses (Use classes F.1 and F.2) Proposals for use classes A2– A5 and D1– D2 provided that:</p> <p>It would not result in 3 or more non A1) Use class units in adjoining premises within the primary shopping area</p> <p>It would not break a continuous A1 primary retail frontage</p> <p>The following additional uses will be permitted within Secondary Frontages:</p> <div> <ul style="list-style-type: none"> Use Classes A1 to A5, B1 and D1 to D2Pubs and drinking establishments Hot food takeaways Cinemas, concert halls, music venues and similar </div>
MM20	LPP12	<p>District Centre – Great Notley</p> <p>Within the District centre as defined on the Proposals Map, the following uses will be permitted:</p> <p>a. Retail development (Use Class A1) Commercial E use</p> <p>b. Use Classes F1, F2, pubs and drinking establishments, hot food takeaways and cinemas, concert halls, music venues and similar providing this does not lead to an over proliferation of these uses to the detriment of the amenity of the surrounding area or viability of the centre. 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 an A1 user cannot be found.</p>

MM21	LPP13	The area defined on the Proposals Map as a Factory Braintree Village Designer Outlet Centre shall be maintained for the purpose of a discount shopping outlet centre, and current associated uses.		
MM22	LPP14	The areas identified on the Proposals Map for Leisure and Entertainment shall be retained for leisure and entertainment-related uses. This includes use for indoor sport, recreation or fitness; local community shops (Use Class F2); bingo halls, music venues and other similar uses; and expansion of the existing cinema will be acceptable. Proposals within use class D2 will not be permitted.		
MM23	LPP15	Bulky retail P roposals outside of town centres will be required to satisfy all the following criteria: c. A traffic transport impact assessment and travel plan demonstrating that the proposal would not cause any detriment to the local traffic network		
MM24	LPP16	Halstead Former EMD Site, Kings Road New retail provision will also be provided at strategic growth locations, new garden communities and a site allocations at land north of Freeport and land off Millennium Way, Braintree.		
MM25	LPP17	Strategic Growth Location	Number of Homes (within the Plan period)	
		West of Braintree Garden Community	2,500	
		New Colchester Braintree Borders Garden Community	1,150	
		East of Great Notley (in Black Notley Parish)	1,750	
		Land East of Broad Road, Braintree	1,000	
		Former Towerlands Park Site, Braintree	600 575	
		Land at Feering	750 795	
		Wood End Farm, Witham	450 400	
		North West Braintree – Panfield Lane	600 825	
MM26	LPP18	<ul style="list-style-type: none">Up to 1750 new homes of a mixed size and type appropriate to the areaAffordable housing as per the Council's policy requirements		

		<ul style="list-style-type: none"> • Contributions to the strategic road network in the vicinity of the site which could include the A120 and A131 corridor • A new primary school with co-located 56 early years and childcare nursery (D1 use) on 2.7ha of suitable land allocated for education and childcare use as required by the Local Education Authority through S106 Planning Obligations • Two new 56 place stand-alone early years and childcare nurseryies (D1 use) each on 0.13ha of suitable land allocated for education and childcare use as required by the Local Education Authority through S106 Planning Obligations • Community facilities including a contribution to or location provision of infrastructure for new NHS facilities • Public open space in accordance with the Open Space Study, and informal and formal recreation in accordance with the playing pitch strategy • Provision of or contribution towards a Gypsy and Traveller Site <p>The main access to the site will be from London Road and local access from Notley Road with additional minor vehicle access from and Bakers Lane, the latter only if it is an essential requirement of the development</p>
MM27	LPP19	<ul style="list-style-type: none"> • Up to 1000 homes of a mixed size and type appropriate to the area • Affordable housing as per the Council's policy requirements • A new primary school with co-located 56 early years and childcare nursery (D1 use) on 2.1ha of suitable land allocated for education and childcare use as required by the Local Education Authority through S106 Planning Obligations

		<ul style="list-style-type: none"> • A new 56 place stand-alone early years and childcare nursery (D1 use) on 0.13 hectares of suitable land allocated for education and childcare use as required by the Local Education Authority through S106 Planning Obligations • Public open space in accordance with the Open Space Study, formal recreation in accordance with the Playing Pitch strategy and informal recreation, which would include improvements to the River Walk... • Provision of or contributions towards a Gypsy and Traveller site <p>The main vehicular access to the site will be from a new roundabout on the A131 with an additional local minor vehicle access from Broad Road.</p>
MM28	LPP20	<ul style="list-style-type: none"> • Up to 600 575 new homes of a mixed use and type appropriate to the area • Affordable housing as per the Council's policy requirements • A new 56 place stand-alone early years and childcare nursery (D1 use) on 0.13 hectares of suitable land allocated for education and childcare use as required by the Local Education Authority through S106 Planning Obligations • All access points will have to be agreed to the satisfaction of Essex County Council, as Highways Authority. • Community facilities including contributions to location or provision of infrastructure for new local NHS facilities

		<ul style="list-style-type: none"> Public open space in accordance with the Open Space Study and formal recreation in accordance with the Playing Pitch Strategy and informal recreation including landscaping to the rural edge...
MM29	LPP21	<ul style="list-style-type: none"> Up to 825 600 new homes of a mixed size and type appropriate to the area 10ha of employment development Land for a A new primary school with co-located early years and childcare nursery on 2ha of suitable land allocated for education and childcare use and contributions to existing education facilities Early years and childcare facilities potentially co-located with any new primary school Public open space in accordance with the Open Space Study, formal and informal recreation in accordance with the Playing Pitch Strategy and community sports facilities Community facilities including a contribution to or provision of infrastructure for new NHS facilities
MM30	LPP22	<p>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;</p> <ul style="list-style-type: none"> Up to 750 Around 835 new homes of a mixed, size and type appropriate to the area Affordable housing as per the Council's policy requirements Appropriate employment generating uses to support the new community Location for a new primary school or community centre A new primary school with co-located early years and childcare nursery on 2.1 ha of suitable land allocated for education and childcare use or the expansion of Feering School

		<ul style="list-style-type: none"> • Two A new 56 place stand-alone early years and childcare facilities potentially collocated with any new primary school nursery on 0.13 hectares of suitable land allocated for education and childcare use or potentially co-located with any new primary school site • Provision of a community centre or a financial contribution towards off site provision of the same • Financial contributions to primary and secondary education provision as required by the Local Education Authority through S106 Planning Obligations • Community facilities including a contribution to or location provision of infrastructure for new NHS facilities • Retail Provision • Public open space in accordance with the Open Spaces Study, and informal and formal recreation in accordance with the playing pitch strategy including a new Country Park to the south of the A12 • Safe cycle and pedestrian access between all parts of the development and Kelvedon and Feering • Provision for or contributions towards a Gypsy and Traveller site • Contributions to an all directions A12 junction at Feering highway and transport infrastructure as required by the Highway Authorities • Provision of a new connection between Inworth Road and London Road <p>Development must be designed to ensure that no substantial harm to should conserve and where opportunities arise enhance the conservation areas and their settings, preserve listed buildings and scheduled Ancient monuments and other heritage assets located in the vicinity of the site their settings</p> <p>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.</p> <p>Development proposals which would compromise the delivery of an identified and coherent Strategic Growth Location will be resisted.</p>
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MM31	LPP23	<ul style="list-style-type: none"> Up to 450 400 new homes of a mix size and type appropriate to the area Affordable housing as per the Council's policy requirements A new 30 place stand-alone early years and childcare nursery (D1 use) on 0.065 hectares of suitable land allocated for education and childcare use as required by the Local Education Authority through S106 Planning Obligations Formal and informal Public open space in accordance with the Open Space Study, informal and formal recreation in accordance with the Playing Pitch Strategy play space and allotments including an appropriate countryside edge to the development and buffering to the railway line Contributions to other community facilities including health provision as required by the NHS Community facilities including a contribution to provision of infrastructure for new NHS facilities
MM32	LPP24	<ul style="list-style-type: none"> Protection of the setting of listing buildings and enhancement of the Conservation Area including the retention and refurbishment of the at least one air raid shelters
MM33	LPP25	<ul style="list-style-type: none"> Impact on the nearby listed buildings and their settings
MM34	LPP26	<p>Employment uses E-B1 and B8</p> <p>Retention of the boiler house</p>
MM35	Paragraph 6.81 LPP27	Delete policy and support text as the site is now under construction.

MM36	LPP28	<ul style="list-style-type: none"> Retention of A class-retail uses along the secondary retail frontage Malden Road Park Witham Town Park
MM37	LPP29 2 nd paragraph 3 rd paragraph	<p>Any developments or extensions should address the drainage impacts. infrastructure deficit in its immediate area.</p> <p>A development brief will be produced to guide the redevelopment, the brief and any proposals in advance of the brief An illustrative masterplan, design code and parameter plan should be produced which should address all the following issues:</p>
MM38	LPP30	Land at Rickstones Neighbourhood Centre, Dorothy Sayers Drive, Witham is allocated as a Comprehensive Redevelopment Area for a mixed-use development where which could include a combination of retail, community uses, public house, pavilion, residential development and car parking will be supported.
MM39	LPP31	<p>Comprehensive Redevelopment Area - Land between A12 and GEML, Hatfield Peverel</p> <p>The following development Development is supported within the comprehensive redevelopment area at land between A12 and GEML.</p> <ul style="list-style-type: none"> Mixed use development of up to 200 dwellings on former Arla Dairy site (3.8ha) Up to 45 dwellings on Sorrells Field (2ha) Up to 20 dwellings on Bury Farm (2.8ha) Up to 20 dwellings to the rear of Station Road, subject to a masterplan to be agreed with the LPA. Piecemeal development of gardens will be resisted

		<ul style="list-style-type: none"> • Access and capacity improvements to Station Road car park <p>Development of residential dwellings on these sites will be expected to provide;</p> <ul style="list-style-type: none"> • A suitable road link between Bury Lane and main vehicular access from the site to be taken from Station Road to be agreed with the Highways Authority • Affordable housing as per the Councils policy requirements
MM40	LPP32	<p>40 Up to 78 new homes</p> <p>Retention of the visual integrity of the character and setting of Gimsons and its access</p> <p>Enhancement of the parkland setting of Gimsons</p>
MM41	LPP33	<p>A target requirement of 30% of the total number of residential units dwellings on sites located...</p> <p>A target requirement of 40% of the total dwellings number of residential units in all other areas.</p> <p>A threshold of 104 dwellings or more or where the site area is 0.5 hectares or more with a maximum combined gross internal floor space of 1,000sqm will apply in all other areas of the District.</p> <p>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.</p> <p>Standalone new settlements by virtue of their size will be subject to separate viability appraisals, including on affordable housing.</p>

MM42	LPP 34	<p>b. 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.</p> <p>b. The site is located within an area designated as a rural area by the Secretary of State under the Housing Act 1996 (or any successor legislation)</p>																														
MM43	LPP 35	<p>b. Health services should be available on site or in close proximity and have capacity to accommodate the additional services required from residents, or proposals should provide appropriate mitigation</p> <p>Minor extensions to, or the expansion of existing specialist housing in the countryside may be acceptable if, in addition to the criteria a; b; c and d above, all the following criteria are met;</p>																														
MM44	6.109	<p>The new requirements are set out in the table below;</p> <table border="1"> <thead> <tr> <th>Gypsies and Travellers</th><th>GTAA</th><th>SHMA</th></tr> </thead> <tbody> <tr> <td>Meet Planning Definition</td><td>2</td><td>0</td></tr> <tr> <td>May meet planning definition</td><td>4</td><td>4</td></tr> <tr> <td>Not meeting Planning Definition</td><td>0</td><td>20</td></tr> <tr> <td>Total</td><td>26</td><td></td></tr> <tr> <td>Travelling Showpeople</td><td></td><td></td></tr> <tr> <td>Meet Planning Definition</td><td>5</td><td>0</td></tr> <tr> <td>May meet Planning Definition</td><td>4</td><td>0</td></tr> <tr> <td>Not meeting Planning Definition</td><td>0</td><td>0</td></tr> <tr> <td>Total</td><td>6</td><td></td></tr> </tbody> </table>	Gypsies and Travellers	GTAA	SHMA	Meet Planning Definition	2	0	May meet planning definition	4	4	Not meeting Planning Definition	0	20	Total	26		Travelling Showpeople			Meet Planning Definition	5	0	May meet Planning Definition	4	0	Not meeting Planning Definition	0	0	Total	6	
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MM45	LPP36 1 st paragraph	<p>The Council will allocate seek up to 30 26 pitches for Gypsy and Traveller Accommodation, at Strategic Growth Locations and the garden communities, or through the planning application process.</p>																														

	Moved from text	The new requirements are set out in the table below, including the source of the requirement. The highest figure from each source is taken.			
		Gypsies and Travellers	GTAA	SHMA	Total
		Meet planning definition	2	0	2
		May meet planning definition	4	4	8 4 ^a
		Not meeting planning definition	0	20	20
		Total	6	24	30 26
		Travelling Showpeople	GTAA	SHMA	Total
		Meet planning definition	5	0	5
		May meet planning definition	1	0	1
		Not meeting planning definition	0	0	0
		Total	6	0	6
		^a The highest figure from either the GTAA and SHMA studies has been counted for pitch needs which fall under this definition.			
		6 travelling showpersons plots will be sought at the Strategic Growth locations and garden communities , through the planning application process, or through the expansion or intensification of existing sites.			

	<p>3rd paragraph</p> <p>4th paragraph</p> <p>Final paragraph</p>	<p>However if insufficient sites have been proposed or sites are no longer likely to come forward than any additional sites Planning applications for Gypsy and Traveller or Travelling showpersons sites must meet all the following criteria;</p> <p>c. Are located, designed and landscaped to minimise their impact on the environment and to protect local amenity</p> <p>In addition, plots for travelling showpersons must be large enough for the safe storage and maintenance of rides and equipment, and to protect local amenity.</p>
MM46	<p>LPP37</p> <p>1st paragraph</p> <p>5th paragraph</p>	<p>Housing Mix, Type and Density and Accessibility</p> <p>Development should seek to shall create sustainable, inclusive...</p> <p>'10% of new market homes on sites of 10 or more dwellings must meet category 2 r 3 of part M of Buildings Regulations 2015 as appropriate. A minimum of 10% of new market homes on sites of 10 or more dwellings must meet Category M4(2) or Category M4(3)(2)(a)/(b) – Wheelchair Accessible' dwellings of Building Regulations 2015, or as superseded, as appropriate.</p>

	<p>6th paragraph</p> <p>7th paragraph</p> <p>8th paragraph</p>	<p>10% of new affordable homes on all sites must meet category 2 or 3 of part M of Buildings Regulations 2015 as appropriate. All new affordable homes on ground floor level must meet Category M4(2) or M4(3). For developments within or adjacent to the Main Towns and Key Service Villages, 5% of all new affordable homes will be required to meet Category M4(3)(2)(a)/(b) – Wheelchair Accessible’ dwellings - of Building Regulations 2015, or as superseded, as appropriate.</p> <p>Within the main towns 5% of all affordable units will be required to meet Category 3 of Part M of Building Regulations 2015, as appropriate.’</p> <p>On sites of 500 dwellings or more, serviced plots equating to 2% of overall homes will be required to be made available for self or custom builders.</p>
MM47	LPP38	<p>e. There should be no adverse material unacceptable impact on the identity of the street scene and/or the appearance of the countryside</p> <p>h. Annexes shall not be self-contained and shall share a physical and functional relationship with the host dwelling</p>

MM48	Paragraph 6.125 Delete Paragraph 6.127	...such as cart lodges which are being proposed. The Council, where appropriate, will seek to restrict outbuildings associated with new dwellings in the countryside to protect the character and appearance of the countryside. In some cases permitted development rights for any additional outbuildings will be restricted when a replacement dwelling is allowed under this policy.
MM49	LPP39	b. The replacement dwelling and any outbuildings would not have a more harmful impact, or be more intrusive on the landscape or countryside setting, or the setting of any heritage assets and their settings , than the original dwelling...
MM50	LPP40	a. There is a clearly-established functional need for a full-time worker to live on this the site in the countryside. d. The new dwelling should be well-related to any existing buildings, whilst retaining the ability to meet the identified functional need
MM51	LPP41	This policy will not apply to proposals for isolated new dwellings or the extension of ribbon development and will not apply to gaps which could accommodate more than one dwelling.
MM52	New paragraph after 6.143	The site should be served by a suitable existing access to ensure that the reuse of the site does not lead to unacceptable intensification which may harm the existing character of the countryside
MM53	LPP42	a. The location of the site is accessible and sustainable in the terms of the framework a. The site is no longer suitable and has been marketed for commercial use

MM54	LPP43	<p>The extension of a garden within a defined settlement boundary or the countryside will only be permitted where all the following criteria are met;</p> <p>d. It does not enclose areas intended for amenity open space including, but not limited to those identified on the Proposals Map for visually important open space, allotments, structural landscaping, informal or formal recreation.</p> <p>g. It would not interfere with any neighbouring use, including farming agriculture</p> <p>Appropriate boundary treatments for the area to be enclosed, including the planting of native species will be specified. The Council will impose conditions removing permitted development rights over the new area of the garden.</p>
MM55	LPP44 1 st bullet Last bullet 6 th paragraph	<p>...to offer multi user routes for walking, cycling and other recreational opportunities such as horse riding</p> <p>Facilities for charging plug-in and other ultra-low emission vehicles will be provided at all new residential properties</p> <p>Highway works(S278) and/or Ffinancial contributions(S106) from development proposals will be sought, where appropriate and viable, towards achieving the above objectives including the construction of new or improvement of the existing PROW network-and/or off-site cycleway and footpaths, and additional off-site car parking, if required.</p>
MM56	LPP45	<p>Existing car parks serving the main town centres, retail, leisure facilities and train stations are allocated on the Proposals Maps and set out below, and will be protected for this use.</p>

		Proposals for alternative uses of the above sites will only be acceptable where it can be shown to the satisfaction of the Local Planning Authority that these car parking spaces are being re-provided in an equal or better position to serve that main use.
MM57	LPP46	...such as hedgerows, hedgerow trees and other structural elements contributing to the historic features of the lanes.
MM58	LPP47	<p>Strict control will be exercised over development in these areas to, which will be restricted to the following Use Classes below: Transport related development, comprising of either;</p> <p>C1-e Overnight accommodation</p> <p>Appropriate sui generis, such as petrol filling station, car showrooms, car wash, car rental or garden centres and ancillary retail b-uses, or</p> <p>D1 Nursery and café/restaurants which fall within the E use class</p> <p>A3 café/restaurant.</p>
MM59	LPP48	<ul style="list-style-type: none"> A131 Sudbury Western Bypass as it passes through the District A new link road between Inworth Road and the A12 Kelvedon North/Feering junction <p>Provision of a new connection between Inworth Road and London Road</p>
MM60	LPP49	Connection should include the installation of appropriate cabling within the homes or business units as well as a fully enabled connection of the developed areas to the full main telecommunications network to provide capability for the fastest available broadband access.

	2 nd paragraph	
MM61	LPP50	The Council will promote and secure the highest possible a high standards of design... a. ...significance, conservation areas, registered parks and gardens, scheduled monuments and areas of high archaeological and landscape sensitivity including designated heritage assets
MM62	LPP51	Developments shall achieve a high the highest standards of accessible and inclusive design to ensure that they;
MM63	7.12	Hot food takeaways are often linked to obesity and being overweight. However, there are also behavioural and cultural factors associated with them. HIAs for hot food takeaways will need to particularly consider their impacts where they are located within 400m of a place where children gather including schools, community buildings and playgrounds. A5 use (h Hot food takeaways) are considered town centre uses and so will not normally be permitted beyond core retail areas...
MM64	LPP52 New 1 st paragraph	To ensure new development is designed to promote good health all developments over 50 residential units all C2 development and non-residential developments over 1,000sqm will be required to undertake a Health Impact Assessment having regard to the Essex Design Guide Supplementary Guidance on Health Impact Assessments and the guidance of Public Health England. Negative health impacts identified in a Health Impact Assessment must be resolved

		<p>in the development or mitigations secured through planning condition(s) and / or a Section 106 Agreement.</p> <p>For all Use Class C2 developments comprising residential care homes and nursing homes, Use Class C3 residential developments in excess of 50 units and non-residential developments in excess of 1,000sqm, this will take the form of a Health and Wellbeing Impact Assessment. This will measure the wider impact upon healthy living and the demands placed upon the capacity of health services and facilities arising from the development.</p> <p>2nd paragraph</p> <p>For Use Class A5 developments (hot food takeaways), a Health Impact Assessment will be required....</p> <p>In addition, proposals for new hot food takeaways within 400m walking distance from the entrance points of primary or secondary schools will be restricted in order to promote the health and wellbeing of school pupils. Hours of opening will be limited to after 5pm on school days and lunch time opening will only be permitted where schools within 400m do not allow pupils to freely leave school premises during lunch breaks.</p> <p>3rd paragraph</p> <p>Where significant adverse health and wellbeing impacts are identified...</p> <p>The District Council will require Health and Wellbeing Impact Assessments to be prepared in accordance with the advice and best practise for such assessments as published by the Department of Health and other agencies such as NHS organisations across Essex. The impact of the development on health and wellbeing will need to be explained.</p>
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	4 th paragraph 5 th paragraph	
MM65	LPP53 New 1 st paragraph - original moved to 4th 2nd paragraph	<p>All developments will be expected to provide new open spaces in line with the requirements set out in the Open Spaces Supplementary Planning Document 2009 or successor document.</p> <p>Where the Council has identified, in an up-to-date and robust evidence base and strategy, a surplus in one type of open space or sports and recreational facility but a deficit or qualitative issues in another type, planning conditions or obligations may be used to secure part of the development site for the type of open space or sports and recreational facility that is in deficit or needs quality improvements to increase capacity. The Council will also consider where development may also provide the opportunity to exchange the use of one site for another to substitute for any loss of open space, or sports or recreational facility. Such replacement provision should be equivalent or better in terms of quality and quantity and be in a suitable location.</p> <p>For small sites where on-site provision is impractical, consideration will be given to opportunities for off-site provision or improvements within the ward or an adjacent ward.</p> <p>Open space, and sports and recreational land and buildings facilities that are identified as needed in the Council's Open Space Study and/or are of high quality, or of particular value to a</p>

	3rd th paragraph	<p>local community, will be recognised and given protected by the Council. Areas of particular quality may include;</p> <ul style="list-style-type: none"> • Small areas of open space in urban areas that provide an important local amenity and offer recreational and play opportunities • Areas of open space that provide a community resource and can be used for informal or formal events such as community religious and cultural festivals • Areas of open space that particularly benefit wildlife and biodiversity • Areas identified as visually important on the proposals map • Play areas, and sport and recreation grounds and associated facilities
	Moved - Now 4 th paragraph	<p>Existing open space, sports and recreational land and buildings and land shall not be lost or built on unless an a robust and up to date assessment has been undertaken which has clearly demonstrated that the open space or the buildings and land to be they are surplus to requirements or the proposed development is otherwise compliant with this policy as a whole. For open space, 'surplus to requirements' should include consideration of all the functions that open space can perform. Not all open space, sport and recreational land and buildings are of equal merit and some may be available for alternative uses. Developers will need to consult the local community and demonstrate that any proposals are widely supported by them.</p>
	Now 5 th paragraph	<p>In considering planning applications which could impact on open space, the Council shall weigh any benefits being offered to the community against the loss of open space that will occur. The Council will seek to ensure that all proposed development takes account of, and is sensitive to, the local context. In this regard, the Council shall consider applications with the intention of;</p> <ul style="list-style-type: none"> • Avoiding any erosion of recreational function and maintaining or enhancing the character of open spaces • Ensuring that open spaces do not suffer from increased overlooking, traffic flows or other encroachment • Protecting and enhancing those parts of the rights of way network that may benefit open space and access to the wider countryside • Mitigating the impact of any development on biodiversity and nature conservation

	Now 6 th paragraph	
MM66	LPP54	<p>b. No alterations to vehicular highway in the area are requiredThe vehicle movements generated by any new building should be able to be safely and efficiently accommodated on the existing road network without detriment to the character of the local area</p> <p>c. Bridleways, byways or other usable off-road routes in the vicinity are designed to accommodate horse riders</p> <p>Proposals for new or extended residential accommodation will only be permitted if a submitted business plan demonstrates that there is a convincing case for residential accommodation, and provided that they accord with the criteria above. The accommodation permitted will only be the minimum required to meet the needs of the relevant business.</p>
MM67	LPP55	<p>2. Buildings and structures should be of the highest architectural quality</p> <p>5. Designs shall be sensitive to the need to conserve and enhance local features...</p> <p>9. Landscape proposals should consist of native plant species and their design shall promote and enhance local biodiversity and historic environmental assets. Biodiversity net gain in line with the requirements of national policy through the provision of new priority habitat where appropriate is encouraged. Development layouts must be appropriately designed to accommodate structural tree and hedge planting and ensure that future interference with</p>

		<p>highway safety, roads, pavements, services and properties is minimised The planting of trees in inappropriate places such as highway verges and in close proximity to dwellings shall be avoided in order to prevent interference with highway sight lines and root damage to roads, pavements and properties</p> <p>11. Use of sustainable modes of transport are promoted in the design and layout of new development, the highway impact shall be assessed and the resultant traffic generation and its management shall seek to address safety concerns. and avoid significant increases in traffic movement, particularly in residential areas Developments which will result in a severe impact upon the highway network (taking into account cumulative impacts) will be refused unless they can be effectively mitigated</p> <p>18. The provision of Pprivate outdoor amenity space shall be provided in accordance with having regard to the standards set out in the Essex Design Guide, or its successor, and shall be accessible, usable and well-related to the development.</p> <p>19. Development proposals should demonstrate that adequate foul water treatment and disposal already exists or can be provided in time to serve the development</p>
MM68	LPP57	<p>Demolition of an unlisted building or structure in a Conservation Area will only be granted in the most exceptional circumstances, where all the following criteria are fully satisfied;</p> <p>b. The structure to be demolished makes a negative or neutral contribution to the character or appearance of the Conservation Area</p> <p>d. A detailed redevelopment scheme is included and approved as part of the demolition proposal which would preserve or enhance the character and or appearance of the area</p>

MM69	LPP60	<p>Development of internal, or external alterations, or extensions, Works to heritage assets, including a listed building or listed structure (including any structures defined as having equivalent status due to being situated within the curtilage of a listed building and locally listed heritage assets) and changes of use will be permitted when all the following criteria are met;</p> <p>For designated heritage assets: the development meets the tests set out in national policy.</p> <p>a. The works or uses do not harm the significance of the setting, character, structural stability, and fabric of the building or structure</p> <p>b. The works or uses do not result in substantial harm, or damage to the building or structures historic and architectural elements which are considered to be of significance or special importance</p> <p>For all heritage assets:</p> <p>ea. a. The works or uses include the use of appropriate materials and finishes</p> <p>db. b. The application submitted contains details of the significance of the heritage asset, within a Heritage Statement which should include any contribution made by their setting</p> <p>ec. c. There may be a requirement for appropriate specialist recording to be carried out prior to the change of use, demolition or conversion of a listed building or associated historic building</p>
MM70	LPP61	<p>e a. a. All reasonable efforts have been made to sustain existing uses, find viable new uses through appropriate marketing or secure preservation through a form of charitable or community an alternative ownership and that these efforts have failed</p> <p>a b</p> <p>b c. c. <i>The redevelopment of the site would provide a substantial an extraordinary benefit for the local area which would decisively public benefit that outweighs the loss resulting from demolition</i></p> <p>c d</p> <p>d e</p>
MM71	Paragraph 7.43, 7.44 Policy LPP62	<p>Enabling Development</p> <p>Delete policy and supporting text</p>

MM72	LPP63	Where important archaeological remains are thought to be at risk from development, or if the development could impact on a Scheduled Monument or Historic Registered Park and Garden, the developer...
MM73	LPP64	a. It can be clearly demonstrated that the use of the site is genuinely redundant and no other alternative educational-or-community use can be found. b. Lodge Farm Witham
MM74	LPP65	In addition to community facilities as specified in the NPPF , the following assets....’
MM75	Paragraph 8.9	Green Infrastructure will be implemented provided through application of the other a range of policies in the Local Plan including those covering climate change, development design, and application of the Open Space Strategy well as through the application of the and Trees Strategies.
MM76	Policy LPP67	<p>Development proposals must take available measures to ensure the protection, and where possible the enhancement of the natural environment, habitats, biodiversity and geodiversity of the District and to be acceptable, also taking climate change and water scarcity into account in their design. This will include, where appropriate, protection from pollution. Proposals inside the district which are likely to adversely affect, either individually or cumulatively, International or Nationally designated nature conservation sites within and outside the district will not normally be acceptable.</p> <p>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. It will secure additional provision where deficiencies have been identified. Open space and green infrastructure may in some instances be required to provide alternatives to European sites and that sSuch sites should be</p>

		<p>Sites designated for their national importance to nature conservation; including Sites of Special Scientific Interest (SSSIs) and should also be protected from development which is likely to adversely affect the features for which they are designated. Where necessary, developers should therefore ensure that sufficient assessment of potential impacts to SSSIs is also submitted with any planning application.</p> <p>(c) Locally designated sites Proposals likely to have an adverse effect on a Local Wildlife Site (LWS), Local Nature Reserve (LNR) and 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.</p> <p>2. Protected Species, Priority Species and Priority Habitats Proposals that result in a net gain in priority habitats and species will in principle be supported in principle, subject to other policies in this plan. Where priority habitats and species 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.</p> <p>Where there is a confirmed presence or reasonable likelihood of protected species or priority species being present on or immediately adjacent to a development site, the developer will be required to undertake an ecological survey and will be required to demonstrate that an adequate mitigation plan is place to ensure no harm to protected species and no net loss of priority species.</p> <p>Sites of Special Scientific Interest and Irreplaceable Habitat</p> <p>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, and benefits of the development in that location clearly outweigh the loss.</p>
	6 th paragraph	

	3 rd paragraph	<p>Local Sites</p> <p>3. All development proposals In all cases 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.</p>
	4 th paragraph	
	5 th paragraph	

	7 th paragraph	
MM78	<p>LPP69</p> <p>3rd paragraph</p> <p>4th paragraph</p> <p>5th paragraph</p>	<p>Trees which make a significant positive contribution to the character and appearance of their surroundings will be retained unless there is a good arboricultural reason for their removal for example they are considered to be dangerous or in poor condition. Similarly, alterations to trees such as pruning or crown lifting should not harm the tree or disfigure it; any tree surgery should be carried out to reflect BS3998:2010 (as superseded).</p> <p>When considering the impact of development on good quality trees the Council will expect developers to follow reflect the best practice guidance set out in BS5837:2012 (as amended). The standard recommends that trees of higher quality are a material consideration in the development process.</p> <p>Where trees are to be retained on new development sites there must be a suitable distance provided between the established tree and any new development to allow for its continued wellbeing and ensure it is less vulnerable to pressures from adjacent properties for its removal. Planning conditions will be applied to protect trees during development. New landscape proposals for tree planting on development sites should conform reflect to the recommendations set out in BS5837:2012 (as amended) and BS8545:2014 (as superseded).</p>
MM79	LPP70	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.

MM80	LPP71 1 st paragraph 3 rd paragraph	<p>...expressed in NPPF 2012 paragraph 113.</p> <p>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 Proposals which may impact on the landscape such as settlement edge, countryside or large schemes will be required to include an assessment of their...</p>
MM81	8.34	...cause coalescence, or have a significant harmful impact on the physical separation...
MM82	LPP72	<ul style="list-style-type: none"> • Land between Braintree, Rayne, Deanery Hill, Panfield, Bocking and High Garrett • Land between Earls Colne and White Colne
MM83	LPP73 After f. insert	<p>Development will not be permitted where, individually, or-cumulatively and after mitigation, there are likely to be unacceptable impacts arising from the development on;</p> <p>b. The hHealth and safety of the public including existing residents, and future occupiers of all new developments</p> <p>d.Surface water and groundwater quality, groundwater source protection areas, drinking water protected zones</p> <p>e. Land and soil quality and condition e. Odour</p> <p>h. Noise</p> <p>Soil quality must be protected during development to protect good quality land and to protect the ability of soil to allow water penetration by avoiding compaction.</p>

	Before final paragraph Final paragraph	In appropriate cases, the Local Planning Authority may impose planning conditions or, including through a legal obligation, secure mitigation measures , remedial works and/or monitoring processes.
MM84	New para after 8.55	Applicants will be expected to submit a Sustainability Statement with their planning application to demonstrate how these principles have been embedded into the design of the development proposal and will be considered as part of the means by which climate change and mitigation is considered. This will show what and how mitigation and carbon reduction measures have been incorporated into the scheme design. The Council will produce an updated supplementary planning document which will include further guidance on the Sustainability Statement. Details can be found in the Council's Local Development Scheme.
MM85	LPP74 2 nd paragraph	Applicants will be expected to demonstrate that measures to lower carbon emissions, increase renewable energy provision and adapt to the expected impacts of climate change have been incorporated into their schemes, other than for very minor development. 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. Guidance will be made available by the Council on the contents to be included in the Sustainability Statement. The Council intends the District to meet part of its future energy needs through renewable or and low carbon energy sources and will therefore encourage and support the provision of renewable and low carbon these technologies subject to their impacts on landscape and visual amenity, residential amenities including noise, pollution, heritage assets and their settings , biodiversity and designated nature conservation sites, soils, and impact on the highway, being acceptable.

MM86	LPP75/77	<p>Combined policy LPP75 and LPP77 to read as follows</p> <p>Resource Efficiency, Energy Generation and Energy Efficiency</p> <p>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, solar shading, reducing water consumption and increasing water recycling in order to contribute to the reduction in their total energy consumption.</p> <p>Opportunities for decentralised energy networks where they conform with other development plan policies, will be encouraged and promoted where possible and where they conform to other Local Plan policies in order to reduce carbon emissions.</p> <p>All new dwellings shall meet the Building Regulations optional requirement for water efficiency of 110 litres/person/day</p> <p>All planning applications shall include renewable energy technology to provide at least 20% of the projected energy requirements of major developments, and 10% of minor developments, unless viability evidence demonstrates otherwise.</p> <p>All planning applications for new residential dwellings shall include renewable and low carbon energy technology to provide at least a 19% improvement in energy performance over the requirements of the Building Regulations (2013) unless;</p> <p>(i) revised Building Regulations standards exceed this requirement., or</p> <p>(ii) All new non-residential buildings with a floor area in excess of 500sqm shall achieve a minimum BREEAM rating (or its successor) of ‘Very Good’.</p> <p>Developments may consider a contribution in lieu of renewable installation to be used as renewable seedcorn funding for other community renewable energy projects.</p>
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MM87	New para after 8.69	Renewable energy schemes, such as solar farms and wind turbines can have significant landscape and other impacts on their surroundings. The Council will produce a Development Plan Document which will include guidance on location and design of such proposals to minimise such impacts. This may include a review of the district in relation to finding suitable areas for wind related development. Details can be found in the Council's Local Development Scheme.
MM88	LPP76 First paragraph 7 th paragraph 8 th paragraph	<p>Proposals for renewable energy schemes will be encouraged where the benefit in terms of low carbon energy generating potential does not result, outweighs individually or cumulatively, in serious minor harm to or loss of;...</p> <p>Where any application for wind turbine(s) is submitted, it must include a consultation exercise which demonstrates that the planning impacts identified by affected local communities have been fully addressed and therefore the proposal has their backing.</p> <p>The benefits of low carbon energy generating potential should be taken into consideration as part of the assessment.</p>
MM89	LPP78 (whole policy reworded.) 1 st paragraph	<p>The Council will ensure that all proposals will be located to avoid the risk of flooding and wWhere development must be located in an area of higher flood risk, development it must be designed to be flood resilient and resistant and safe for its users for the lifetime of the development taking climate change and the vulnerability of the residents into account. Development will take climate change into account in accordance with the most up to date analysis of flood risk and will not increase flood risk elsewhere.</p> <p>New Ddevelopment shall be located on Floodz Zone 1 or areas with the lowest probability of flooding, taking climate change into account, and will not increase flood risk elsewhere. Any proposals for new development (except water compatible uses) within Flood Zones 2 and 3a will be</p>

		<p>For developments located in areas at risk of fluvial flooding, safe access/egress must be provided for new development as follows in order of preference;</p> <ol style="list-style-type: none"> Safe dry route for people and vehicles Safe dry route for people If a. is not possible a route for people where the flood hazard is low and should not cause risk to people If b. is not possible, a route for vehicles where the flood hazard permits access for emergency vehicles <p>d. If a. - c. is not possible planning permission will not usually be granted</p> <p>All new development in Floodzones 2 and 3 should not adversely affect flood routing and thereby increase flood risk elsewhere. Opportunities should be sought within the site design to make a space for water.</p> <p>All new development within Floodzone 2 and 3 must provide adequate flood storage and not result in a net loss of flood storage capacity. unless there is compensation on site or, rarely if not possible, off site capacity. Where possible opportunities should be sought to achieve an increase in the provision of floodplain storage.</p> <p>All more Vulnerable and Highly Vulnerable development within Flood Zone 2 and 3 should set finished floor levels 300mm above the known or modelled 1 in 100 annual probability (1% AEP) flood level including an allowance for climate change.</p> <p>In areas at risk of flooding of low depths (<0.3m), flood resistance measures should be considered as part of the design and in areas at risk of frequent or prolonged flooding, flood resilience measures should also be included.</p> <p>Where applicable proposals for new development should:</p> <ul style="list-style-type: none"> Demonstrate that the Scheme does not have an adverse impact on any watercourse, floodplain or flood defence; Not impede access to flood defence and management facilities;
	Was 8 th paragraph	
	Was 6 th paragraph	

	Was 7 th paragraph	<ul style="list-style-type: none"> • demonstrate that the cumulative impact of development would not have a significant effect on local flood storage capacity of flood flows; • Where appropriate opportunities may be taken to reduce wider flood risk issues by removing development from the floodplain through land swapping. • Where applicable retain at least an 8m wide undeveloped buffer strip alongside Main Rivers, or at least a 3m buffer strip on at least one side of an Ordinary watercourse, and explore opportunities for riverside restoration. • Ensure there is no adverse impact on the operational functions of any existing flood defence infrastructure and new development should not be positioned in areas which would be in an area of hazard should defences fail.
	Was 3 rd paragraph	<p>Where the development site would benefit from the construction of Flood Management Infrastructure such as Flood Alleviation Schemes, appropriate financial contributions will be sought.</p>
	Was 4 th paragraph	<p>Flood Risk Assessments submitted must take into account an assessment of flood risk across the life of the development taking climate change into account by using the most up to date allowances available.</p> <p>a. Development shall not: Have an adverse impact on a watercourse, floodplain or its flood defences</p> <p>b. Should not impede access to flood defence and management facilities</p> <p>c. Where the cumulative impact of such developments would have a significant effect on local flood storage capacity of flood flows</p> <p>d. Where appropriate opportunities may be taken to reduce wider flood risk issues by removing development from the floodplain through land swapping</p>
	Was 5 th paragraph	
	New para	

	New para	
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	Was 9 th paragraph	
MM90	LPP79 Paragraph 1 Paragraph 3	<p>The Council will require development to be in compliance with have regard to and contribute positively towards delivering the aims and objectives of the Braintree and Witham Surface Water Management Plan as may be updated or superseded.</p> <p>All developments in Critical Drainage Areas (excluding minor housing extensions less than 50m²) which relate to a net increase in impermeable area are to must include...</p>
MM91	8.93	<p>SuD's design quality will be expected to reflect conform with the up-to-date standards encompassed by the relevant BRE and CIRIA standards, Essex SuD's Design Guide (as updated) and Non-Statutory Technical Standards for Sustainable Drainage Systems to the satisfaction of the Lead Local Flood Authority, where practical.</p>

MM92	<p>LPP80</p> <p>2nd Paragraph</p> <p>5th paragraph</p> <p>6th paragraph</p> <p>7th paragraph</p> <p>Bullet points to be combined with last sentence</p>	<p>SuDs design quality will be expected to reflect conform with the up-to-date standards encompassed in the relevant BRE and CIRIA standards, Essex County Council SuDs Design Guide (as updated) and Non-Statutory Technical Standards for Sustainable Drainage Systems, to the satisfaction of the Lead Local Flood Authority, where practical.</p> <p>Opportunities shall be taken to integrate sustainable drainage within the development, creating amenity and enhancing biodiversity.</p> <p>It will be necessary to demonstrate why it is not achievable.</p> <p>SuDS design should be an integral part of the designlayout and clear details of proposed...</p> <p>The dual use of land for Sustainable Urban Drainage and Open Space can be supported where neither use is compromised by the other. It may be supported in circumstances where land is safely usable by the public as open space, and where use as open space does not compromise the efficient and effective functioning of the SuDs in the short or longer term.</p>
MM93	LPP81	<p>Proposals for external lighting within development proposals and standalone lighting schemes, will be permitted where all the following criteria are met;</p>

		<p>a. The lighting is designed as an integral element of the development and shall be built to a standard capable of adoption by the Highway Authority</p> <p>b. Low energy lighting is used in conjunction with features such as movement sensors, daylight sensors, and time controls and hours of illumination shall be controlled</p> <p>c. The alignment of lamps and provision of shielding minimises spillage, glare and glow, including into the night sky</p> <p>d. The lighting intensity is no greater than necessary to provide adequate illumination</p> <p>e. There is no loss of privacy or amenity to nearby residential properties and no danger to pedestrians and road users</p> <p>f. There is no harm to biodiversity, natural ecosystems, intrinsically dark landscapes and/or heritage assets</p> <p>Consideration should be given to time management and limiting the hours of use for external lighting of all the development.</p>
MM94	Paragraph 9.1	The NPPF requires Local Planning Authorities to work with other authorities to assess the quality and capacity for a range of infrastructure requirements including but not limited to for transport, water supply, wastewater and its treatment, energy, telecommunications, utilities, waste, health, social care, education, flood risk and coastal change management...
MM95	LPP82	continuation of bullet points in text instead of final paragraph
MM96	Monitoring Table LPP2	<p>To deliver the development of between 20 and 43.3 hectares of employment land 32.1hectares of industrial land and 19.5hectares of office land including</p> <p>A 10 hectare employment policy area as an extension to Springwood Drive Braintree</p> <p>An 18.5hectare Innovation and Enterprise Business Park at East Link 120, Great Notley</p>

		A 6.8hectare extension to Eastways Industrial Estate Witham
MM97	Monitoring Table LPP3	To retain land in defined Employment Policy Areas within B1/B2/B8 business Use the uses identified in paragraphs A-D of that policy repair of vehicles and vehicle parts, services specifically provided for the benefit of businesses or workers based on the employment area, or waste management facilities as appropriate.
MM98	Monitoring Table LPP 18	Amend target to: ...community facilities including a contribution to or location for provision of infrastructure for NHS facilities; a village
MM99	Monitoring Table LPP 20	Amend target to: ... up to 600 575 new homes of a mixed use and type appropriate to the area
MM100	Monitoring Table LPP 21	Amend target to: ...Up to 825 600 new homes... ...contributions to existing education facilities early years and childcare facilities, contributions for healthcare , local centre including retail uses,...
MM101	Monitoring Table LPP 22	Amend target to ...community facilities including a contribution to or location for , new provision of infrastructure for NHS facilities; public open space...

MM102	Monitoring Table LPP 23	Amend target to: ...Up to 450 400 new homes....
MM103	Monitoring Table LPP 26	Amend target to: The delivery of 30 26 pitches for Gypsy and Travellers...
MM104	Appendix 1	The Publication Draft Local Plan Housing Trajectory currently within the Submitted Plan to be replaced by the updated trajectory which is Appendix 1 to Topic Paper 2. It is also suggested that Figure 1 of this Topic Paper be included.
MM105	Appendix 3	The Publication Draft Local Plan schedule of housing allocations currently within the Submitted Plan as Appendix 3 to be replaced by the updated schedule.

Report Title: Proposals for Planning Committee Members Forum	
Report to: Council	
Date: 25th July 2022	For: Decision
Key Decision: No	Decision Planner Ref No: DP/2021/48
Report Presented by: Councillor Mrs Gabrielle Spray, Cabinet Member for Planning and Infrastructure	
Enquiries to: Christopher Paggi, Planning Development Manager	

1. Purpose of the Report

- 1.1 Full Council approved a new Scheme of Delegation for Development Management decision-making on 7th December 2020. Part of the proposals included the introduction of a new 'Members Forum' where applicants and agents would have the ability during the pre-application, pre-submission, and application stage of the planning process, to present their proposals to Members of the Planning Committee. This report brings forward the Terms of Reference of the Member Forum for consideration.

2. Recommendations

- 2.1 That the proposals and Terms of Reference for a Planning Committee Members Forum are approved.

3. Summary of Issues

- 3.1 Members of the Council's Planning Committee are currently responsible for making decisions on applications, including major planning applications of a large or strategic scale, based on a report and recommendation from Officers published in advance of the Planning Committee meeting, and an Officer presentation on the night. In doing so they must also take into account any material considerations raised within representations and consultation responses received during the process.
- 3.2 Some of the applications determined by Members have been subject to lengthy discussion and negotiation between Officers and the applicants. For a large scale or strategic major application, this process could easily take over a year from the initial pre-application discussion to the application being referred to Planning Committee. However, Members, who will have the final say on the determination of the application, are not involved in any part of that process and do not have the ability to influence the proposals, except of course, for making a final decision on the application.

- 3.3 This lack of engagement currently generates significant risk for both Officers, applicants and agents who are investing significant time and resources in working up proposals. Member involvement in the process earlier will mean that issues can be identified, including any significant principle concerns, so that the applicant can address these or make a decision as to whether to progress any further work on the proposal. The risk and more importantly the consequence of a Member overturn or deferral is significant, both in terms of delay but also in terms of the Officer resource and the abortive cost of this, and the potential additional costs to the Council arising from a subsequent appeal.
- 3.4 The Council remains under significant pressure in terms of housing land supply, and it is increasingly important that strategic sites which are supported are able to be advanced through the planning process to facilitate housing delivery in the District. This will ensure that the District grows in the right way and unsustainable development can be resisted. Developers are keen to understand the particular issues and concerns that Members have about proposed developments so that they can explore ways to address those concerns through their planning application. Developers who have been able to engage with Members on their proposals in advance of determination in other authorities have said they found this to be a useful way of understanding local issues and sentiment and helps produce better quality applications and developments. However, the current process does not include a formal mechanism to facilitate Member engagement as part of the pre-application and planning process.
- 3.5 At the Full Council meeting held on 7th December 2020, Members approved the principle of a 'Members Forum' to enable engagement with Members of the Council's Planning Committee. The terms of reference, governance arrangements, and frequency of meetings were to be subject to further consultation with the Monitoring Officer, Planning Committee, Developing Democracy Group, and the Corporate Governance Group, prior to a further report being referred to Full Council for approval.
- 3.6 Following approval of the new Scheme of Delegation, Officers have fulfilled the obligation to report 'legacy' planning applications under the agreed transitional arrangements to the Council's Planning Committee for determination. This was those applications which had been received on, or prior to, 31st December 2020 which had not been formally determined, but which would have been reported to the Planning Committee for determination in accordance with the criteria of the old Scheme of Delegation, i.e. where the Town or Parish Council view was contrary to the Officer recommendation. The Terms of Reference for the Members Forum has been prepared and the additional consultation outlined above in Paragraph 3.5 has been undertaken. A summary of this consultation is set out within Section 4.
- 3.7 Officers consider that the new Scheme of Delegation is working well and has reduced the overall number of applications going to Planning Committee and has ensured that the Planning Committee concentrate on those applications which have the greatest impact on the District. This reduction in volume of

agenda items now means that proposals for a Members Forum can now be brought forward. The detailed proposals for the Members Forum, are set out below.

Proposal

- 3.8 It is proposed to introduce a Members Forum as part of the planning application process, to facilitate Member engagement in that process, prior to the determination of the application by the Planning Committee.
- 3.9 The objectives of the Member Forum are:
- To enhance Member engagement in the planning application process, in relation to those applications that will be reported to the Council's Planning Committee for determination;
 - To enable applicants and agents, and Officers to gain a better understanding of particular issues of concern, and how proposals could be improved further;
 - To enable Members to gain a greater understanding of how proposals evolve through the planning application process;
 - To increase and enhance the level of engagement with Town and Parish Council's at the pre-application stage of the process;
 - To enable Members to hold applicants to account for undertaking meaningful engagement with local residents, in accordance with the Council's Statement of Community Involvement (SCI), prior to the submission of an application.
- 3.10 The Members Forum would review applications at the pre-application stage, and/or pre-submission, and/or post-submission stage of the planning process. Major planning application proposals are subject to considerable discussion, negotiation and consultation both at the pre-application stage and at the formal planning application stage. In some cases the detailed proposals at the determination stage, bear little resemblance to those originally presented for discussion at the first pre-application meeting.
- 3.11 At the present time these early discussions are only with Officers and statutory consultees, with Members making the decision on the suitability of the proposal at Planning Committee, when changes are not generally able to be incorporated. Currently, Members only involvement in the planning process is at the final stage and when the Council's Planning Committee is making its determination. Whilst ultimately Members role is the most significant in the process, it is considered that the process would benefit from earlier engagement with Members. This would enable Members to gain an understanding of what the proposal has set out to achieve and enable Officers and applicants to gain a better understanding of particular issues of concern and how proposals could be improved before they are formally considered by the Planning Committee.
- 3.12 Consultation with planning agents, developers and Town and Parish Councils on the proposals for a Planning Members Forum was undertaken prior to the

decision at Council in December 2020. Many developers told us within that consultation and in subsequent conversations, that they are keen to understand the issues and concerns that Members have about proposed developments so that they can explore ways to address those concerns through their planning application. Developers who have been able to engage with Members on their proposals in advance of determination in other authorities have said they found this to be a useful way of understanding local issues and sentiment and it has helped to produce better quality applications and developments. Developers are keen to engage, and this is often illustrated by the information packs, fact sheets and brochures which are sometimes produced in advance of Planning Committee meetings. The introduction of a Members Forum would allow meaningful engagement to take place in a structured and transparent way. However, it is important to note that the Member Forum does not change the status or importance of the Planning Committee where the application will still need to be determined on its own merits at the time.

- 3.13 The Council currently offers a full pre-application service and for major application proposals there is the option for applicants to enter into a Planning Performance Agreement (PPA) to facilitate a programme of detailed discussions with Planning Officers and consultees. Increasingly PPAs are being used in recognition of the complexity and scale of development proposals being received by the Council. They have been used to great effect over the last few years to enable detailed negotiation and discussions to take place with Officers, particularly in relation to masterplanning and supporting the development of design codes for several key strategic development sites within the emerging Local Plan. Most notably this includes Straits Mill and Towerlands in Braintree, and Wood End Farm in Witham. These measures have been critical in achieving a step change in the quality of design and layout within new development proposals. It is therefore proposed that Members Forum meetings would be incorporated within the process for all PPA's and within some stand-alone pre-applications. This ensures that developers are unable to cherry pick whether they engage with Officers or Members, they will have to engage with both. The cost of the Members Forum is designed to be cost neutral to the authority, being paid by the applicant as part of the pre-application or PPA fee.
- 3.14 The applicant team would present their proposals to the Members Forum and the Members would then have the ability to ask questions and clarifications on the detailed proposals. The Members Forum would not hold any decision-making authority, and therefore would not be able to make a decision on any matter before them. The Member Forum would not be able to express a view on the acceptability of proposals.
- 3.15 In addition to Members of the Council's Planning Committee, invitations would be issued to District Ward Members and up to two representatives from the relevant Town or Parish Council to attend the Members Forum meetings. This ensures that all elected representatives of the local community for District matters are represented and have an opportunity to participate in the planning process. If a proposal is on the boundary or straddling the boundary between

Parishes/Wards then representatives of both Wards and Parishes may be invited (this would be applicable for both Ward Members and Town and Parish Councils).

- 3.16 Members of the public, resident group or societies have a different but no less important role in the planning process. Officers would continue to encourage developers to engage with Town and Parish Councils and local residents outside of the Members Forum process, as set out within the Council's Statement of Community Involvement (SCI). While some Developers undertake consultation with the local community, the quality of this consultation varies considerably both in terms of scope and quality. One of the objectives and aspirations of the introduction of the Members Forum is to introduce a mechanism early on within the planning process, to enable Members and local representatives to hold Developers to account and to critique the way in which they have sought to engage with the local community and how they have responded to feedback received.

Transparency

- 3.17 Transparency is a key component of these proposals. As set out above, the Members Forum would not be a decision-making body. As such, the Members Forum would not constitute a new Committee of the Council. However, it would have a set of clear terms of reference, which would be published on the Council's website. The terms of reference recommended to Members for approval, is included at Appendix 1 to this report.
- 3.18 As the Members Forum would not be a decision-making body, there is no requirement to hold meetings in person. This provides the flexibility to hold meetings both virtually and in person. The meetings would be recorded which will allow Officers to refer to them at a later date if required. The dates of the meetings would also be available on the Councils Website, in the Planning section. Where a matter has been before a Member Forum, this will be noted within the Planning Committee reports published at the time the matter is brought forward for determination.

Application Thresholds for Referral

- 3.19 Applications suitable for referral to the Members Forum would primarily comprise those defined within Part A of the Scheme of Delegation, most notably applications for major development proposals (10 or more proposed houses or commercial development, including changes of use, comprising additional floorspace of 1,000sq.m). Nationally Significant Infrastructure Projects (NSIPs) and Council-led proposals may also be referred to the Members Forum. There may also be occasions where application proposals which do not meet the above thresholds, warrant referral to the Members Forum, which are deemed to be 'significant'. As set out within Appendix 2, this was one of the points raised by Great Maplestead Parish Council within their consultation response to the proposals. It is acknowledged that within the smaller or more rural parishes that non-major developments can have an equally significant impact upon the locality. This is why the current Scheme of

Delegation includes a mechanism for schemes of between 3 and 9 new homes to be referred to the Chair and Vice Chair of the Planning Committee, who determine whether the application should be reported to Planning Committee for determination. In respect of the Members Forum, the Planning Development Manager in consultation with the Chair and Vice Chair of the Planning Committee will make the decision as to whether any applications which fall outside of Part A of the Scheme of Delegation, are considered at the Members Forum.

Format of the Meetings

3.20 In advance of the meeting:

- Officers would prepare a briefing note for all Members (Members of the Planning Committee and Ward Members) and the Town/Parish Council that are due to attend the Members Forum, to summarise the proposal, planning policy background, and the key material planning issues arising from the proposal. The briefing note would be written in a neutral manner, setting out factual information, and would not set out the Officer view on the proposals;
- The applicant would prepare a pack of information which would be circulated in advance of the meeting to all Members and the Town/Parish Council that are due to attend the Members Forum.

3.21 At the meeting:

- Smaller developments would be scheduled for approximately 45 minutes, with larger items likely to take up to 1 hour 30 minutes;
- The applicant or their representatives would present their proposals to the Members Forum. Applicants would have approximately 15/30 minutes to give their presentation;
- The membership of the Forum would have up to 30/60 minutes to ask questions and seek clarification on the proposals.

Membership

3.22 The membership of the Members Forum would comprise:

- All Members of the Planning Committee (13); and
- All Substitute Members of the Planning Committee (5)
- Braintree District Ward Member(s) (of the ward in which the development is proposed and of the neighbouring ward if relevant); and
- If applicable, up to two representatives from the relevant Town or Parish Council (of the parish in which the development is proposed, and the neighbouring parish if the development is adjacent to the parish boundary).

Training

- 3.23 While all Members of the Council's Planning Committee have received detailed training, all Members will need to undergo additional training in order to ensure that they are fully aware of the parameters within which this engagement can be undertaken. This will avoid any challenge to the Council's decision-making process. This would need to be undertaken and completed prior to the attendance at a Members Forum meeting. Guidance would also be issued to representatives of the Town and Parish Council before attendance at a Members Forum meeting.

Frequency of Meetings

- 3.24 Currently the Council schedule 26 Planning Committee meetings each year (one every two weeks). Additional meetings are also scheduled for larger/controversial items (as a single item agenda Committee) or when a large number of applications need to be determined.
- 3.25 In order to accommodate meetings of the Members Forum, and given the changes to the Scheme of Delegation, as part of these proposals it is proposed to reduce the frequency of Planning Committee meetings to every three weeks. Members Forum meetings are also proposed to take place every three weeks, during the evening, as per Planning Committee meetings. 17 scheduled meetings of Planning Committee would therefore take place each year, along with up to 17 meetings of the Members Forum. Feedback from some members highlighted the increased workload for members of the committee that this could bring. However, the number of Members Forum meetings would depend on the number of sites being considered and may meet less often.
- 3.26 The meetings of the Members Forum would allow for between 1 and 3 proposals to be presented (depending on the scale of the scheme).

4. Consultation

- 4.1 As outlined at Paragraph 3.5 above, the proposed terms of reference, governance arrangements, and frequency of meetings for the Members Forum needed to be subject to further consultation with the Monitoring Officer, Planning Committee, Developing Democracy Group, and the Corporate Governance Group, prior to a further report being referred to Full Council for approval. These requirements have all now been satisfied.
- 4.2 Following consultation with the Monitoring Officer, the proposals were considered by: the Developing Democracy Group on 27th May 2022; the Governance and Audit Scrutiny Committee on 30th May 2022; and by the Planning Committee on 31st May 2022.
- 4.3 The key issues arising from this consultation from the three Committee referrals can be summarised as follows:
- The need for comprehensive training for Members and attendees of the Members Forum to ensure pre-determination issues would not arise;

- Briefing process for Town and Parish Councils who are due to attend a Members Forum;
 - The increase in the total number of meetings (from 26 to 34 per year); and
 - Whether applicants for both allocated and speculative sites would participate and engage via the Members Forum.
- 4.4 The requirement for comprehensive training for Members will be undertaken prior to the commencement of any Member Forum meetings. Similarly, clear guidance for Parish and Town Councils will be prepared. In addition, support from the Planning team will always be available prior to meetings of the Members Forum.
- 4.5 The concerns in relation to the increase in the total number of meetings is noted. As set out above, at Paragraphs 3.24-3.26 of this report, the change to the frequency of Planning Committee meetings will assist in striking the right balance between Planning Committee and the Members Forum and reflects the fact that the number of applications being referred to Planning Committee has decreased, following the implementation of the new Scheme of Delegation. The frequency of Member Forum meetings will be kept under review, particularly in the early stages of its implementation.
- 4.6 While it will not be compulsory for applicants to attend a Members Forum meeting, it is considered that applicants will be keen to engage with the new process at the pre-application stage of the planning process. The change to the pre-application advice service and to Planning Performance Agreements (PPAs), will ensure that applicants cannot cherry pick whether they wish to engage with just Officers or Members through the Members Forum. If pre-application advice is sought, they would need to engage with both.
- 4.7 In addition to the above consultation, Parish and Town Councils were consulted on the proposals on 6th June 2022. A summary of the responses received and Officers' response to these comments, are included within Appendix 2 of this report and are broadly summarised below;
- General support for the proposals and the ability for all to engage in the process effectively at an early stage
 - Question as to whether Parishes have to pre nominate representatives
 - Query as to whether smaller developments from smaller villages might be included within the Forum
 - Ensure consultation still takes place between developers and residents/Parishes Councils and listen to feedback
 - A number of general planning queries largely unrelated to the operation of the Members Forum
- 4.8 Although a number of detailed comments have been raised through this consultation there were no substantive objections and there was widespread support for the Members Forum proposal.

5. Options

- 5.1 The preferred option for the Members Forum, and the associated Terms of Reference is set out within this report and within Appendix 1. It is considered that this provides the right balance of transparency and engagement, without providing an unnecessary administrative burden to either applicants, the Local Planning Authority, or Members.
- 5.2 Members could make changes to the format or composition of the Planning Committee Members Forum. The pros and cons of changes would need to be carefully considered and therefore Members may wish to defer consideration of the proposals to enable further consideration to any changes.
- 5.3 The third option is to do nothing and retain the current position, i.e. developers engage with Town/Parish Councils and residents in the usual way and Members of Planning Committee do not engage with the proposals until the Planning Committee at which it is decided. It is not considered that this will deliver the excellence in planning and enhanced member involvement in the planning system that is required.

6. Financial Implications

- 6.1 The Members Forum is intended to be cost neutral to the Council, with the costs associated with the Forum being paid directly by the applicant. Alongside these proposals, a review of the Council's Planning Pre-Applications fees and charges is being undertaken, and it is proposed to imbed the cost of a 'Members Forum' within the relevant categories for pre-application engagement, or within Planning Performance Agreements (PPAs). This is to ensure that applicants' are not able to cherry-pick whether they engage with Officers or Members. As part of these wider proposals if an applicant wishes to receive pre-application advice from the Local Planning Authority, they would need to engage with both Officers and Members through the Members Forum.
- 6.2 Officers are in the process of reviewing the fees and charges for pre-applications. As part of this, it is proposed that the cost of the Members Forum would be included within the revised set of fees and charges. In accordance with the decision of the Full Council meeting held on 21st February 2022, the revised pre-application fees will be subject to approval by the Cabinet Member for Planning and Infrastructure (see paragraph number 7 of the Minutes on Page 87).

7. Legal Implications

- 7.1 The Member Forum will not be a decision-making body of the Council. It will not be able to take any decisions or give an option that could tie the hands of the Council or its Committees. All decision making relating to the planning process will continue to be taken in accordance with the Scheme of Delegation and the Terms of Reference of the Planning Committee.

7.2 A new guidance note will be issued to Members to enable them to understand the parameters of their involvement within the Members Forum. This will cover topics such as pre-determination and bias within the planning process.

7.3 The Members Forum is not a committee of the Council and whilst Members will be able to claim their expenses in attending the meetings, it is not a meeting for which the Members Allowance Scheme applies.

8. Other Implications

8.1 There are no other implications arising out of the proposals set out in this report.

9. Equality and Diversity Implications

9.1 Section 149 of the Equality Act 2010 creates the public sector equality duty which requires that when the Council makes decisions it must have regard to the need to:

- (a) Eliminate unlawful discrimination, harassment and victimisation and other behaviour prohibited by the Act
- (b) Advance equality of opportunity between people who share a protected characteristic and those who do not
- (c) Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting understanding.

9.2 The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, gender and sexual orientation. The Act states that 'marriage and civil partnership' is not a relevant protected characteristic for (b) or (c) although it is relevant for (a).

9.3 The Equality Impact Assessment indicates that the proposals in this report will not have a disproportionately adverse impact on any people with a particular characteristic.

10. Appendices

10.1 Appendix 1 - Terms of Reference of the Planning Committee Members Forum

10.2 Appendix 2 - Consultation Responses from Parish and Town Councils

11. Background Papers

11.1 [Full Council agenda and minutes 7th December 2020.](#)

11.2 [Full Council agenda and minutes 21st February 2022.](#)

11.3 [Governance and Audit Scrutiny Committee agenda and minutes 30th May 2022.](#)

11.4 [Planning Committee agenda and minutes 31st May 2022.](#)

11.5 [Planning Scheme of Delegation](#) (The Constitution, April 2022 – Appendix D, Pages 203-205).

Terms of Reference of the Planning Committee Members Forum

Purpose of the Members Forum

To enhance Member engagement in the planning application process, in relation to those applications (primarily major planning applications as defined within Part A of the Scheme of Delegation) that will be reported to the Council's Planning Committee for determination.

Composition of the Members Forum

The membership of the Members Forum will comprise all Members and Substitute Members of the Planning Committee.

In addition, invitations will be issued to: Braintree District Ward Member(s) (of the ward in which the development is proposed and of the neighbouring ward if relevant); and if applicable, up to two representatives from the relevant Town or Parish Council (of the parish in which the development is proposed, and the neighbouring parish if the development is adjacent to the parish boundary).

The Chairman and Vice Chairman of the Planning Committee will take the same responsibilities in the Members Forum.

Functions of the Members Forum

The Members Forum shall perform the following functions:

- To act as a consultative forum, reviewing application proposals at the pre-application stage, and/or pre-submission, and/or post-submission stage of the planning process; and
- To ask questions and seek clarifications on development proposals
- The potential consideration of smaller sites within the

For the avoidance of doubt, the Members Forum is not a formal decision making body, nor a formally constituted Committee of the Council.

Applications considered by the Members Forum

The Members Forum is a voluntary process and applicants cannot be compelled to attend and present at the forum.

Applications which fall within Part A of the Council's approved scheme of Delegation (primarily major planning applications) are to be considered by the Members Forum.

The Planning Development Manager in consultation with the Chair of the Members Forum can invite other applicants to attend which do not fall under Part A, where these are considered to be significant. This could include proposals where Braintree

is not the determining planning authority, for example National Significant Infrastructure Projects or for Out of District Consultations and applications being considered by Essex County Council.

Consultation Responses from Parish and Town Councils

Bradwell with Pattiswick Parish Council (21.06.2022)

Response: The Parish Council discussed the proposals at their meeting in June. There were few comments, but they consider that these proposals present an opportunity for developers to submit applications that would be more acceptable to the Planning Committee having been discussed with Members of the Forum and parish councillors prior to submission. If the proposals move forward, the Chairman and one other Councillor will represent Bradwell with Pattiswick.

Officer Comment: Comments welcomed and noted.

Great Bardfield Parish Council (21.06.2022)

Response: The Parish Council consider that it has the potential for those with knowledge and understanding of the local context to share their views. This has the potential to increase the opportunity for local engagement in the planning process which is a positive step.

Officer Comment: Comments welcomed and noted.

Hatfield Parish Council (23.06.2022)

Response: From Hatfield Peverel Parish Council's point of view, engagement has taken place with developers on the larger applications over the years. However, it is felt that the Parish Council is not listened to, even at the most recent meeting regarding a development within the village. Having said that, the Parish Council believes it is a good idea to have 2 representatives invited to a Members' Forum meeting to discuss an application in the early stages with BDC and all. It seems to be the way forward.

Officer Comment: Comments welcomed and noted.

Bulmer Parish Council (29.06.2022)

Response: Bulmer Parish Council commented that the proposals look very good on paper, but raised some wider concerns about the planning process, which were not related to the Members Forum proposals.

Officer Comment: Comments welcomed and noted. Officers are happy to discuss any other concerns directly with the Parish Council.

Castle Hedingham Parish Council (29.06.2022)

Response: It was agreed at our recent Parish Council meeting to fully support the proposals for Members Forums.

Officer Comment: Comments welcomed and noted.

Cressing Parish Council (29.06.2022)

Response: The Parish Council welcomes the opportunity to assist in putting this initiative into practice. Raised a number of specific comments:

- 1) Concern raised in respect of unsustainable development, how this can be prevented, and the experience within the Parish of Cressing of new development proposals and the impact this has in terms of traffic, health, education, utilities, public transport and pedestrian safety. Concern also raised that due regard is not given to local policy, including the Neighbourhood Plan.
- 2) Reference to the Parish Council's Developer Engagement Policy, adopted in 2020, which was introduced to enable developers to engage with Parish Councillors and residents to understand local issues and sentiment.
- 3) Concern raised in respect of Member engagement with residents.
- 4) Concern related to the accuracy of material produced by applicants in advance of Planning Committee meetings which are circulated to Members.
- 5) Considered that there should be the ability within smaller parishes for smaller scale schemes (5 dwellings) to be referred to the Members Forum.
- 6) Suggested that the material for Member training is shared with Parish and Town Councils.
- 7) Comment in relation to the Terms of Reference that as this would be voluntary, the Parish Council question what incentive there would be for applicants to engage with local communities and their representatives. Moreover, concerned that the lack of engagement with residents by developers and misleading information being published by developers would continue.

Officer Comment: Comments welcomed and noted.

- 1) Concern noted. This is ultimately a matter of judgement for the decision-maker, however all of the issues referenced are material planning considerations.
- 2) As with similar initiatives at other Parish Councils, the Members Forum is not proposed to replace existing mechanisms for local engagement, but instead the objective is to enhance and increase the level of engagement, particularly at the pre-application stage of the process.
- 3) Noted. Representations from residents in response to planning proposals are summarised within Committee Reports and are available for Members to review in full online.
- 4) Noted and ultimately this is not something with the control of the Local Planning Authority. However, the accuracy of such material can be challenged by the Parish or Town Council and by local residents.
- 5) As set out within the Terms of Reference within Appendix 1, there will be the ability for smaller scale schemes to be referred to the Members Forum which are deemed to be significant.
- 6) Noted and will be actioned.
- 7) It is considered that applicants will be keen to engage with the new process at the pre-application stage of the planning process. The change to the pre-application advice service and to Planning Performance Agreements (PPAs), will ensure that applicants cannot cherry pick whether they wish to engage with

just Officers or Members through the Members Forum. If pre-application advice is sought, they would need to engage with both.

Witham Town Council (29.06.2022)

Response: Members of the Planning and Transport Committee have had an opportunity to consider your proposals to introduce a Planning Committee Members' Forum and agreed that this was long overdue and should be supported in principle. They considered that further clarification would be needed on how the engagement would work between Parish and District Councils. It was noted that membership would be weighted in favour of the District Council with 18 representatives to just two and that the Town Council would like more discretionary terms of reference.

Several specific concerns were raised as follows:

- 1) The discretion to appoint representatives before each meeting.
- 2) Expect community involvement to remain alongside the Forum.
- 3) The reduction in the number of meetings to be held each year.
- 4) To reserve the right to suggest applications to the Forum as necessary.

Officer Comment: Comments welcomed and noted. Noted that the majority of the Membership of the Forum would predominately comprise BDC Planning Committee Members, however consider that up to two representatives from the Town or Parish Council, and the ability for the Local BDC Ward Member(s) to attend ensures all local elected representatives have the ability to attend.

In respect of the four specific concerns, comment as follows:

- 1) The Town or Parish Council would have the discretion over which representatives would attend a Members Forum meeting.
- 2) Agreed. As set out within the report, the Members Forum is not intended to replace any requirements for the applicant to engage separately with local residents in accordance with the Council's Statement of Community Involvement (SCI).
- 3) The total number of meetings would increase (from 24 to 36), but it is acknowledged that the number of scheduled Planning Committee meetings would reduce. This is necessary to ensure the right balance between Planning Committee meetings and meetings of the Members Forum, and is in acknowledgement of the reduction in the number of applications being referred to Planning Committee overall, since the implementation of the new Scheme of Delegation.
- 4) As set out within the Terms of Reference within Appendix 1, there will be the ability for smaller scale schemes to be referred to the Members Forum which are deemed to be significant.

Black Notley Parish Council (30.06.2022)

Response: Black Notley Parish Council have discussed and agree with the Planning Committee Forum and have no further comments to make.

Officer Comment: Noted.

Feering Parish Council (30.06.2022)

Response: Disappointed at the time it has taken to bring these proposals forward since the approval of the revised Scheme of Delegation in December 2020. The Parish Council do not consider that the proposal is strong enough with regard to attendance by Parish / Town Councils and consider it is the right of the Parish or Town Council to choose to be represented on the forum and not a notion that they will be invited.

Officer Comment: Comments welcomed and noted, including those in respect of timescales for bringing the proposals forward. Officers will be happy to discuss the concerns in respect of the operation of the Scheme of Delegation directly with the Parish Council.

In respect of the specific wording used within the consultation document, while the comments of the Parish Council are noted, the document was drafted on the basis that this was a consultation. The intent throughout the consultation document was clear, namely that Parish and Town Council representation at the forum is an integral part of the proposals. The Terms of Reference for the Members Forum, as set out within Appendix 1, makes this clear.

Finchingfield Parish Council (30.06.2022)

Response: The Parish Council supports the proposals and welcomes the involvement of the Parish Council in developments at an earlier stage in the planning process.

Officer Comment: Comments welcomed and noted.

Great Maplestead Parish Council (01.07.2022)

Response: The proposals were considered at the Parish Council meeting held on 29th June 2022. The Parish Council welcomes the opportunity for improved dialogue and understanding of new planning applications for all parties involved. However, as a small rural parish the council believes there is little opportunity within the proposed structure for smaller parishes to be included for developments which, whilst small in number (less than 10 properties), can still have a significant impact on the infrastructure and wellbeing of a small parish. The new Levelling Up agenda has recognised how rural parishes have suffered from under-funding and a lack of consideration within government policy, in recent years, and the council feels this proposal does not consider the needs of smaller villages.

It is appreciated that forum discussions are not relevant for every new planning proposal but the council wonders if a different criteria could be considered for parishes with say fewer than 1000 parishioners. One suggestion was perhaps where developments are anticipated to realise a market value of in excess of £1m then parish representation can be made.

Officer Comment: Comments welcomed and noted. As set out within the Terms of Reference within Appendix 1, there will be the ability for smaller scale schemes to be referred to the Members Forum which are deemed to be significant.

Greenstead Green and Halstead Rural Parish Council (01.07.2022)

Response: Welcome and support the initiative to introduce the Members Forums. It will provide an opportunity for the Parish Council to increase our involvement in contentious planning applications before they come to Planning Committee. In terms of the draft Terms of Reference, we would like to see the final sentence of para 2.8 of the accompanying report included. We have had a number of planning applications come to us over the past 12 months or so which fall within Halstead but border our parish. The Terms of Reference should specifically include provision for parish councils to be represented in these circumstances.

There is no mention as far as we can see that minutes of the Members Forums will be prepared and reported to the Planning Committee when the application is determined. These should be circulated in draft within seven days of the Forum and the final set of minutes issued within say 14 days of the date set for comments to be received. This should also be included in the Terms of Reference.

Officer Comment: Comments welcomed and noted. The Terms of Reference for the Members Forum, as set out within Appendix 1, makes it clear that representatives from more than one Parish or Town Council can attend a Members Forum where the proposal is adjacent to parish boundaries.

As set out within Paragraph 3.1 above, the meetings of the Members Forum would be recorded which will allow Officers to refer to them at a later date if required. The dates of the meetings would also be available on the Councils Website, in the Planning section. Where a matter has been before a Member Forum, this will be noted within the Planning Committee reports published at the time the matter is brought forward for determination.

Silver End Parish Council (01.07.2022)

Response: Raised several points:

- 1) In Paragraph 2.15 of the document it states that membership of the Members Forum comprises all Members of the Planning Committee (13) and their substitute Members (5). Yet Paragraph 1.2 of the same document states that Members who will decide the outcome of the application won't be involved in this procedure. Is this a contradiction? Also mentioned within the document are Planning Committee Members, Members and Officers but no definition of who the Planning Committee Members, Members and Officers are. Clarification required.
- 2) Paragraph 1.4 mentions that 'unsustainable development can be resisted' but doesn't give any detail as to that BDC classes as unsustainable.
- 3) There is no mention in the document of a procedure as to how this document, when approved, can be altered/changed in the future. It is presumed that as time goes by this document will need to be updated/altered.

- 4) It is important that Parish Councils are kept informed, invited to have their say and, most importantly, listened to.

Officer Response: Comments welcomed and noted. In response to the detailed points, comment as follows:

- 1) The reference within Paragraph 1.2 of the consultation document, reflects and describes the current situation. If the proposals for the Members Forum are approved, this would no longer be the case. Within the Terms of Reference the Membership of the Forum is outlined to comprise: BDC Members of the Council's Planning Committee; BDC Ward Members; and up to two representatives from the Town or Parish Council. All references to Officers, refer to Officers of the Council.
- 2) This is not defined within the proposals. The consideration as to whether a proposed development constitutes sustainable or unsustainable development is a matter of option and professional judgement.
- 3) Any updates to the Terms of Reference for the Member Forum would need to be approved by Full Council.
- 4) Agreed. One of the key objectives of the Members Forum is to enhance engagement in the planning process. Parish and Town Councils can also undertake their own direct engagement with developers if required.

Rivenhall Parish Council (05.07.2022)

Response: It was agreed by the Parish Council to accept the BDC proposals, upon the assumption that Rivenhall Parish Council does not have to pre-nominate individual Councillors to attend the Members Forum, as attendance could be determined by the location of any proposed planning application and availability of Members to attend.

Officer Comment: Comments welcomed and noted. Further comment that it was not intended that Parish or Town Councils would be required to pre-nominate representatives to attend a meeting of the Members Forum and agree that this would be problematic for the reasons outlined by the Parish Council.

Report Title: Chief Executive Interim Arrangements	
Report to: Council	
Date: 25 th July 2022	For: Decision
Key Decision: No	Decision Planner Ref No: DP/2022/21
Report Presented by: Councillor Graham Butland, Leader of the Council	
Enquiries to: Andy Wright, Chief Executive	

1. Purpose of the Report

- 1.1 This report sets out the interim arrangements for Braintree District Council (the Council) between the current Chief Executive retiring and the newly appointed Chief Executive formally joining the Council on 26 September 2022.

2. Recommendations

- 2.1 To appoint Cherie Root, Corporate Director (Operational) as the interim Head of Paid Service;
- 2.2 To appoint Cherie Root, Corporate Director (Operational) as the Interim Electoral Registration officer and the Interim Local Government Returning Officer; and
- 2.3 To approve the interim arrangements and delegations relating to the role of Chief Executive as set out in Appendix A.
- 2.4 Note that these interim arrangements will be in effect from 11 August 2022 until 25 September 2022, after which all delegations and associated powers will be vested in the new Chief Executive.

3. Summary of Issues

- 3.1 The Council's Chief Executive is due to retire on 31 August 2022 and is proposing to utilise leave at the end of their employment with this Council. Therefore, it is proposed that these arrangements take effect from 11 August 2022.
- 3.2 The Council appointed the new Chief Executive on 20 June, and they are due to join the Council on 26 September 2022.
- 3.3 Accordingly there is a period of nearly seven weeks during which the Council will need to ensure there are interim arrangements in place for the functions, responsibilities and delegations associated with the role of Chief Executive,

Head of Paid Service, Electoral Registration Officer and Local Government Returning Officer to be in place.

- 3.4 Due to the short period the interim arrangements are due to be in place, the Council consider that the roles and statutory functions can be managed within the existing management structure. Accordingly, it is proposed that the Council appoints Cherie Root, Corporate Director (Operational) to the following roles:
- a. Interim Head of Paid Service
 - b. Interim Electoral Registration Officer; and
 - c. Interim Local Government Returning Officer.
- 3.5 The Council designate the role of the Head of Paid Service to the Chief Executive. However, in order to ensure that there is an even distribution of those responsibilities and functions assigned to the role of Chief Executive, the Council propose that these are divided between the Council's Management Team, namely Cherie Root, Corporate Director (Operational), Dominic Collins (Growth) and Suzanne Bennett (Support Services). The delegation of these functions to Management Board are set out in Appendix A.
- 3.7 Each Corporate Director will be responsible for ensuring that they have in place sufficient arrangements for the exercise of those functions and responsibilities in their absence over the period for which they are held.
- 3.8 The recommendations set out in this report will help the Council to deliver the following Corporate Objectives:
- A sustainable environment and a great place to live, work and play;

4. Options

- 4.1 The Council is required to designate one of its officers as the Head of Paid Service and the other statutory roles. The role could be undertaken by any senior officer (with the exception of the Monitoring Officer). Alternatively, the Council could consider bringing in external resource during the interim period. Due the brief time of the interim arrangements, it is considered that this would be more disruptive to the Council than using its internal resources.

5. Financial Implications

- 5.1 There are no financial implications arising out of this report.

6. Legal Implications

- 6.1 The Council is required to have in place a Head of Paid Service, where there is a transition period between the new Head of a Paid Service joining the Council, it is essential that there are arrangements in place to ensure all aspects of the role are covered.

7. Other Implications

- 7.1 There are no other implications arising out of this report.

8. Equality and Diversity Implications

- 8.1 Section 149 of the Equality Act 2010 creates the public sector equality duty which requires that when the Council makes decisions it must have regard to the need to:

- (a) Eliminate unlawful discrimination, harassment and victimisation and other behaviour prohibited by the Act
- (b) Advance equality of opportunity between people who share a protected characteristic and those who do not
- (c) Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting understanding.

- 8.2 The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, gender and sexual orientation. The Act states that 'marriage and civil partnership' is not a relevant protected characteristic for (b) or (c) although it is relevant for (a).

- 8.3 The Equality Impact Assessment indicates that the proposals in this report will not have a disproportionately adverse impact on any people with a particular characteristic.

9. List of Appendices

- 9.1 Appendix A - Chief Executive Interim Arrangements between 11 August 2022 and 26 September 2022

10. Background Papers

- 10.1 [Council Report 15 June 2022 – Appointment of the Chief Executive and Head of Paid Service](#)

Chief Executive Interim Arrangements between 11 August 2022 and 26 September 2022

1. Cherie Root, Corporate Director (Operational)

- To act as the Head of the Paid Service for the purposes of section 4 of the Local Government and Housing Act 1989 and to make any decision which the Council may make as an employer.
- To determine and publish the management structure of the Council.
- Overall corporate management and operational responsibility (including overall management responsibility for all officers);
- To act as the Councils Co-ordinator and to incur expenditure in the event of a civil emergency
- To determine the level of any performance pay to be awarded to Officers and recommend any level of performance pay to be awarded to Corporate Directors
- Be the Electoral Registration Officer and the Local Government Returning Officer and to be empowered in relation to all electoral matters, including taking urgent decisions that may arise during the pre-election period. Any decision taken will be reported to Cabinet at the next available meeting after the elections have completed
- Be able to exercise all the powers delegated to the Corporate Directors unless there is a legal or professional impediment
- Take urgent decisions in respect of non- executive function which is considered necessary to protect the interests of or for advancing the business of the Council. In those circumstances, the Chief Executive is authorised to take urgent decisions following consultation with the Chairman (or Vice Chairman) of Council in respect of non-executive functions. All urgent decisions will be reported to the next appropriate meeting of Council
- In the absence of the Leader, or their absence the Deputy Leader, to take urgent Executive decisions, including a key decision, in accordance with the urgent procedure set out in the Access to Information Procedure Rules
- To exercise in the case of urgency the functions delegated to anyone under this scheme of delegation (but this does not authorise the Chief Executive to discharge the personal responsibility of the Chief Finance Officer under

section 151 of the Local Government Act 1972 or the Monitoring Officer under section 5 of the Local Government and Housing Act 1989)

- The transfer of staffing budgets allocated to a particular service area to another service area in any service grouping after notifying the Section 151 Officer and the Cabinet Member for Finance and Performance Management
- To publish information about Council services on the internet and decide whether or not to link sites
- To approve Closure Orders taken under the Anti-Social Behaviour, Crime and Policing Act
- The S.151 Officer, if necessary, in conjunction with the Chief Executive and after consultation with the Leader, shall have the powers to take any action necessary to safeguard the interests of the Council.
- Any functions not specifically captured within this Appendix A, shall fall to the Corporate Director (Operational).

2. Dominic Collins, Corporate Director (Growth)

- Representing the Council on partnerships and external bodies as required by Council or by statute
- In consultation with the relevant Cabinet Member, Leader of the Council and Section 151 Officer to apply for funding from any third party for the purposes of the regeneration of Braintree

3. Suzanne Bennett, Corporate Director (Support Services)

- Responsibility for promoting and maintaining probity in all of the Council's activities
- The Council's powers to take any action with respect to the Commissioner for Local Administration
- Following approval the Annual Governance Statement shall be signed by the Chief Executive and the Leader, before publication on the Council's website.

Report Title: Climate Change Strategy Monitoring & Reporting Plan	
Report to: Council	
Date: 25 th July 2022	For: Decision
Key Decision: No	Decision Planner Ref No: DP/2022/2
Report Presented by: Councillor Mrs Wendy Schmitt, Cabinet Member for Climate Change and The Environment	
Enquiries to: Josie Falco, Head of Environment Josie.falco@braintree.gov.uk	

1. Purpose of the Report

- 1.1 The purpose of this report is to recommend for approval a monitoring plan with targets for the Climate Change Action Plan (CCAP).

2. Recommendations

- 2.1 To approve the recommended monitoring and reporting methodology and targets for the Climate Change Action Plan.
- 2.2 To agree that an Annual Climate Action Plan report is produced.

3. Summary of Issues

- 3.1 In July 2019 the Council declared a Climate Emergency with the aim to make “Braintree District Council activities, as far as practical, carbon neutral by 2030”.
- 3.2 In October 2019 the Climate Change Working Group was established to develop the Council’s Climate Change Strategy and associated action plan to ensure all council functions and decision making was aligned to the shift to carbon neutral in 2030.
- 3.3 In addition to Council Officers the Working Group Members currently include:

Councillor W. Schmitt	Cabinet Member for Environment & Place (Chair)
Councillor N. Unsworth	Member of Braintree District Council
Councillor D Garrod	Member of Braintree District Council
Dr Lauren Crabb	Coventry University
Mr John Parish	Green Heart Champion
Charlotte Todd	Property Director, Eastlight Community Homes
Archie Ruggles-Brise	Sustainable Rural Business Owner
Ian Christopher	Local Climate Change Champion
Alistair Heinrich	National Farmer Union
Lee Crabb	Local Climate Change Champion

- 3.4 The Climate Change Working Group supported the development of a Climate Change Strategy with the following objectives:
- To make Council activities carbon neutral as far as practical by 2030.
 - To support partners, residents and local businesses to achieve carbon neutrality by 2030.
 - To build resilient communities that adapt to the impacts of climate change.
- 3.5 Following the development of the draft strategy an extensive stakeholder engagement was undertaken in 2021. The Strategy was updated to reflect the outcomes of this engagement and ideas generated by the engagement process were incorporated into the action plan. The Climate Change Strategy 2021-2030 and Initial Action Plan was agreed at Full Council in September 2021.
- 3.6 The Council is directly responsible for reducing its own organisational climate impact. As a Local Authority we need to continue to change the way we deliver our services, as well as working in partnership with local organisations, partners and wider community to minimise our environmental impact by reducing waste, carbon and pollution.
- 3.7 The Council also aims to support the District to achieve carbon neutrality. Whilst this is not something that the Council has control over, there are a number of campaigns, activities and projects that can be undertaken to support our District. There are also roles that the Council can play in bringing people together, supporting and enabling partnerships that can make sustainable change.
- 3.8 The Council's Climate Strategy is reliant on other key developments, including changes in national legislation being made via the Environment Act 2021 and more locally in Essex via the recommendations of the Essex Climate Commission and ECC's response to this report.

Environment Act 2021

- 3.9 The Environment Act 2021 received Royal Assent on 9th November 2021. Although the Environment Act 2021 itself has been enacted there are several areas within the new Act that are reliant on secondary legislation that has not yet been published.
- 3.10 Local Authorities are still waiting for secondary legislation around Central Government's future principles for Waste Management in the UK, including:
- the introduction of a Deposit Return Scheme,
 - Extended Producer Responsibility
 - a national consistency for waste collections

It is not yet known when Local Authorities will receive updated guidance/legislation around these issues.

- 3.11 This guidance/legislation will inform the Council's decisions with regard to the future of waste collection. This is a key enabler to the organisation and district wide objectives and is therefore a dependency in relation to the delivery of targets.
- 3.12 There is also secondary legislation pending on the introduction of two new environmental targets:
- Air Quality (PM2.5)
 - Biodiversity (Species Abundance).

The two new targets have not been confirmed however a draft of a statutory instrument containing regulation settings will be laid before Parliament on or before the 31 October 2022. There are short term actions around increasing biodiversity and improving air quality in the Climate Action Plan – these actions will be progressed but targets for these actions will need to be aligned to the secondary legislative targets when they are published.

Essex Climate Commission and ECC's Response

- 3.13 In July 2021 the Essex Climate Commission published the Commission's recommendations in "Net Zero: Making Essex Carbon Neutral".
- <https://assets.ctfassets.net/knkzaf64jx5x/1fzMJKNmIfz8WHx4mzdy2h/e7c57523466f347fd6cdccb3286c113c/Net-Zero-Report-Making-Essex-Carbon-Neutral.pdf>
- 3.14 On 24th November 2021 Essex County Council (ECC) fully supported the recommendations in the Commission's Report and approved its own Action Plan in Response to the Essex Climate Action Commission's Report. (Attached as Appendix A). Many actions within the Council's Climate Action Plan align closely to the ECC Climate Action Plan.
- 3.15 In January 2022 ECC also proposed a Climate Focus Area (FCA) which comprises the Blackwater and Colne catchments, an area of 930 km² or 27% of the area of Essex. The proposed area includes part of the five boroughs and districts of Uttlesford, Braintree, Colchester, Maldon and Tendring, which have a combined Natural Green Infrastructure of 296 km² or 13% of the combined area of the five local authority areas. ECC have been invited to attend a future meeting of the Climate Change Working Group to discuss the FCA and how the Council can work with ECC to achieve its Objectives for this area.

Monitoring and Reporting on the Climate Action Plan

- 3.16 The Council's initial Climate Action Plan has 73 actions identified to progress across 7 key themes. The key themes being -



- 3.17 All of the Actions on the Initial Climate Action Plan have been uploaded onto the internal Performance Reporting Software (Pentana).
- 3.18 39 of the initial actions relate directly to Braintree Districts Council's organisational climatic impact (BDC Direct) and 34 actions relate to the Council supporting the wider District in reducing its climate impact (District).
- 3.19 Unlike many corporate Climate Strategies, the Council's Strategy is not purely an organisational carbon reduction strategy. The strategy's action plan purposely includes actions that are far reaching, that aim to tackle the wider impacts of climate change and the behaviours that will support long term positive climate impact. Some of these actions will be delivered outside of the organisation and the organisation's ability to influence the delivery of the actions differs.
- 3.20 In some areas of climate change impact e.g. the effects of climate change on biodiversity, there is a lack of historic baseline data at a District level. Future targets will therefore be developed as more baseline data is gathered.
- 3.21 For ease of reporting the 73 resultant Climate Strategy actions have been categorised by their outcomes:-

Outcome	Definition
Carbon Reducer	An action that results in a calculable carbon reduction
Biodiversity Increaser	An action that results in the diversification and/or protection of habitats, species or vegetation
Developing the Green Economy	An action that supports the development of a low carbon, resource efficient, socially inclusive, sustainable local economy
Climate effect mitigation	An action that protects against the impact of climate change on the built or natural environment
Climate behaviour change influencer	An action that engages with individuals or businesses to reduce their carbon and environmental footprint

- 3.22 The Pentana System will be able to provide a variety of performance reports based on the various 7 Themes, 5 Outcomes, Timescales, or whether it is a BDC Direct or supporting the District Action.
- 3.23 Quarterly performance reports include a section on Climate. The Climate Change Members Working Group will be updated regularly against:
- progress made on climate projects
 - progress made against internal indicators,
 - progress made supporting the district to tackle climate change
- 3.24 An Annual summary report will be produced for Cabinet that summaries the full year's (1st April to 31st March) Action Plan performance. This report will also include an updated Action Plan.

Performance Indicators & 2022/23 Key Projects

- 3.25 Progress on projects in the action plan will be reported on a quarterly basis and RAG rated in relation to progress, budget and risks. Key highlights will be included in the quarterly performance report to Cabinet and there will be a full annual report on progress.
- 3.26 As mentioned in 3.6 the Council is directly responsible for reducing its own organisational climate impact – Table 1 below details the actions and targets that the Council directly controls.

Table 1

Performance Indicator	Target/Measurement
The Council will be Carbon Neutral as far as practical by 2030	Annual update on progress made towards target.
Percentage of council energy derived from renewable/green sources	100% by 2030 – Annual update on progress made towards target.
Reduction in the use of water	Annual update on water usage by BDC – Baseline 2022 and target set for 2025.
Percentage of staff trained on Climate Change	Target 100% by 2024 – Measured and reported annually.
Percentage of BDC managed public lighting switched to LED	Target 100% - Measured and reported annually.
No of EV Charging Points in Council Car Parks	Target – all Car Parks to have EV charging facilities – Measured and reported annually.

Percentage of low emissions vehicle in the BDC Fleet	Target 100% by 2030 – Measured and reported annually.
Reduction in cuts to rural verges	(Target – one cut per year *) (*safety cuts will be performed if requested).

- 3.27 As mentioned 3.7 the Council also aims to support the District to achieve carbon neutrality. Whilst this is not something that the Council has direct control over, there are a number of campaigns, activities and projects that can be undertaken to support our District. Table 2 includes the activity indicators that the Council will use to monitor the impact of the actions in the District category.

Table 2

Supporting the wider District	Activity Indicators
Percentage of household waste recycled per annum	Target: 60%* (Reported Annually) (Target is subject to review pending the Secondary legislation from Environment Act)
KG/HH Residual waste collected per year	Target: 470* (kg/hh/yr) Reported Annually (Target is subject to review pending the Secondary legislation from Environment Act)
No of carbon neutral Taxis	Target: 100% by 2030
Number of Parish Council owned/managed Street lights switched to LED	Annual update report (Grant funding dependent)
Number of Household Energy Grants issued	Annual update report (Grant funding dependent)
No of new Neighbourhood Plans with Climate included	Annual update of number
No of planning permissions granted for new homes in accordance with the new Local Plan	Annual update of number
Number of applications granted where refusal was recommended by Lead Flood Authority or the Environment Agency	Annual report of number

Table 2 – Continued

Supporting the wider District	Activity Indicators
No of contacts made with and advice given to Listed Buildings owners on energy saving measures	Annual update of number
No of energy saving measures installed in Social Housing Stock	Annual update of number
No of On Street EV chargers installed for electric vehicles	Progress report from the Transport East – Electric Vehicle Infrastructure Tactical Group (Lead Highways Authority is Essex County Council)
Percentage of district with access to superfast broadband	Annual Progress Report
Percentage increase in cycling and walking in the District	Progress report from ECC
No of campaigns run to support improved air quality (such as Anti idling, do not burn green wood etc)	Total number of campaigns
Number of Water Butts purchased	Reported annually by ECC (Scheme owners Anglia Water/ECC)
No of SMEs supported by ECC Green Skills/ECC Centre of Excellence	Annual Figures provided by ECC (Primary lead organisation is ECC)
No of business signed up to ECO heating No of Projects implemented that will improve biodiversity in the District by 2030	Target: number of Braintree business that have received LOCASE funding (or its successor). (Grant funding dependent) Total number of projects
No of Business that have supported to develop Green Travel Plans No of business signed up to ECO heating	Target: 10 Business signed up each year Target: number of Braintree business that have received LOCASE funding (or its successor).
No of Business that have supported to develop Green Travel Plans	Target: 10 Business signed up each year

***denotes existing annual plan target**

4. Financial Implications

4.1 In 2021/22 budget, the Council agreed to create an initial reserve of £500,000 to support the delivery of the emerging Climate Change Strategy. During the 2022/23 Budget a review of the reserves resulted in the following being added into the Climate Change Reserve:

- £48k being the Carbon Management reserve balance
- £46k being the Green Heart reserve balance
- £22k being the Flooding relief reserve balance

The total amount reserved for Climate Change is therefore £616k.

Allocations from the initial £500k had already been agreed in the capital programme:

- Substation and electric chargers at Lakes Road £80k
- Bulb/ tree planting £30k
- Newland Street car park electric car chargers £20k
- Cycle parking (Halstead & Witham) £26.7k

Total allocated £156.7k.

4.2 The 2022/23 Budget included agreement to use the (consolidated) Climate Change Reserve for the following:

- Programme officer for Climate Change 2 years @ £50k p.a. total £100k
- Programme officer for Cycling Strategy 2 years @ £50k p.a. – assuming 50% funded BDC total £50k
- Air Quality Monitoring equipment capital bid £30k
- First year costs of air quality monitoring equipment £3k (funding beyond 22/23 to be unavoidable growth in MTFS)
- First year funding of the Tetrapak collections £8k (funding beyond 22/23 to be unavoidable growth in MTFS)

Total allocated £191k

4.3 There has been an in year allocation of £7,365 Air Quality Methodology Review £7,365 Therefore from the £616k overall amount, £355.1k has been committed leaving a residual balance of £260.9K.

4.4 There were already a number of projects which had been identified through the budget process and these have been progressed throughout the development of the Strategy and Action Plan.

4.5 The approval decision process is

Value of Project	Process and sign off
£ - Low - between £0 and £25,000	Business Case approved by Corporate Director
££ - Medium - between £25,000 and £100,000	Business Case approved by Cabinet Member (Environment) in conjunction with Corporate Director and Section 151 Officer
£££ - High - between £100,000 and £250,000	Business Case approved by Cabinet
££££ - Very High - Over £250,000	Business Case approved by Council

- 4.6 To achieve the objectives of the Strategy and its associated Climate Action Plan substantial investment will be needed at an International, National and local level, particularly in relation to infrastructure projects and long term programmes such as the move away from fossil fuel heating systems and investment in sustainable transport solutions. Many of the actions Districtwide actions are reliant on third party investment and/or the award of grant funding.

5. Legal Implications

- 5.1 There are no identified legal implications arising from the recommendations in this report. Legal implications for individual Climate Change Actions will be identified through the business case process of individual actions and projects.

6 Other Implications

- 6.1 There will be a number of implications to the Council, residents and businesses of actions identified in the Initial Action Plan. These will be detailed in each business case as it is developed.

7. Equality and Diversity Implications

- 7.1 Section 149 of the Equality Act 2010 creates the public sector equality duty which requires that when the Council makes decisions it must have regard to the need to:
- (a) Eliminate unlawful discrimination, harassment and victimisation and other behaviour prohibited by the Act
 - (b) Advance equality of opportunity between people who share a protected characteristic and those who do not
 - (c) Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting understanding.

- 7.2 The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, gender and sexual orientation. The Act states that 'marriage and civil partnership' is not a relevant protected characteristic for (b) or (c) although it is relevant for (a).
- 7.3 The Equality Impact Assessment indicates that the proposals in this report will not have a disproportionately adverse impact on any people with a particular characteristic.

8. List of Appendices

Appendix A – Responses to Essex Climate Action Commission's Report.

9. Background Papers

- 9.1 [Report to Council – 15th March 2021](#) - Draft Climate Change Strategy.
- 9.2 [Report to Cabinet – 17th May 2021](#) - Climate Change Strategy and Cycling Strategy Engagement Approach.

Forward Plan Reference Number: FP/177/10/21

Report title: Action Plan in Response to the Essex Climate Action Commission's Report	
Report to: Cabinet	
Report author: Councillor Peter Schwier - Deputy Cabinet Member to the Leader with responsibility for Climate Action	
Date: 24 November 2021	For: Decision
Enquiries to: Sam Kennedy - Director, Environment and Climate Action email: Samantha.Kennedy@essex.gov.uk	
County Divisions affected: All Essex	

1. Everyone's Essex

- 1.1 Everyone's Essex has a strategic aim of creating a high quality environment.
- 1.2 The Essex Climate Action Commission published its report 'Net-Zero: Making Essex Carbon Neutral' in July 2021, which set out a comprehensive plan for Essex to: reduce its greenhouse gas emissions to net zero by 2050 in line with UK statutory commitments; and to make Essex more resilient to climate impacts such a flooding, water shortages and overheating.
- 1.3 The report's recommendations are a comprehensive call to action for everyone and every organisation in Essex. ECC has a critical role to play, working in partnership with others to deliver a programme of action.
- 1.4 This report presents ECC's initial climate action plan. ECC will take action on its own estate, service delivery and operations, for example reviewing its core ways of working, building its first net zero school building and installing solar panels on its estate.
- 1.5 In addition, ECC is working on projects in partnership across Essex to develop a comprehensive, collective response to the report. Examples including the Net Zero Innovation Network with businesses and Universities, the roll out of the grant schemes to support upgrading of fuel poor homes and active travel schemes across the county. ECC is establishing a new climate group with Essex Partners, working with District, Borough and City Councils, local businesses, universities, community groups and residents.
- 1.6 Our plan is not exhaustive - the Commission's report has milestones and recommendations that stretch out to 2050. ECC will continue to develop its climate action plan in the future.
- 1.7 Our climate priorities also benefit other strategic objectives. For example, active travel schemes which enable people to walk and cycle, planting trees increases green space have important benefits for physical and mental health

for resident. A commitment to greener buildings helps to provide green construction jobs for Essex businesses.

2. Recommendations

- 2.1 Agree that Essex County Council fully supports the recommendations in the Commission's report Net Zero: making Essex Carbon Neutral.
- 2.2 Agree that ECC will work with partners across Essex to play its part in the delivery of the Commission's vision for a net zero, climate resilient county and that it will establish a climate action group with the anchor institutions to drive collective action across Essex on the climate agenda and help Essex deliver the Commission recommendations.
- 2.3 Agree the action plan at appendix A to this report.
- 2.4 Agree to earmark reserves funding to deliver the action plan as follows and note that the Cabinet Member for Finance, Resources and Corporate Affairs will be asked to approve drawdowns when detailed business cases have been completed:
 - Everyone's Essex Plan Reserve £6.23m,
 - Climate Change Reserve £2.265m,
 - Transformation Reserve £695,000
- 2.5 Agree that ECC work to develop a zero landfill by 2030 policy, subject to an affordability and deliverability review, for all waste it is responsible for as the Waste Disposal Authority. ECC will develop a new Essex Joint Municipal Waste Management Strategy in partnership with District, Borough and City authorities which will put greenhouse gas emission considerations at its heart.
- 2.6 Within the Everyone's Essex Plan Reserve, agree to request that Essex Housing Development LLP develops proposals to for the proposed residential units on the Hargrave House development to be a pilot scheme to be net zero in construction and net zero in use, as well as climate resilient for flooding, overheating and water scarcity. This requirement will be reflected in the development appraisal which is used to inform the value at which the site is transferred to Essex Housing LLP.
- 2.7 Recognise new burdens of £1.151m for consideration for approval within future years' Medium Term Resource Strategy (MTRS) and future budget planning requirements.
- 2.8 Note that cabinet members are committed to bringing updates, on a rolling rota basis, progress made in their own portfolios to address the climate challenge.

- 2.9 Instructed officers to report annually to Cabinet on the Council's greenhouse gas emissions and climate resilience measures. The first report will be for financial year 2021/22 and will be published in 2022.
- 2.10 Agree that an updated action plan should come back to Cabinet following publication of these emission reports.

3. Background and Proposal

- 3.1 Climate change is the single biggest threat facing Essex. The Climate Change Act 2008 places a duty on the secretary of state to ensure that the UK achieves Net-Zero greenhouse gas emissions by 2050 (referred to in the report ongoing as Net Zero). Essex continues to experience the impacts of a changing climate year on year with increasing levels of flooding, drought and overheating.
- 3.2 The Essex Climate Action Commission was announced in October 2019 by the Leader, and the inaugural meeting was in May 2020. The Commission's Interim Report, published in November 2020, set out the first suite of ambitious recommendations for Essex, which would enable a move towards Net Zero.
- 3.3 ECC published its interim [response](#) to the interim report in March 2021.
- 3.4 The Commission published their [Net Zero: Making Essex Carbon Neutral](#) report in July 2021, setting out a comprehensive plan for Essex to: reduce its greenhouse gas emissions to net zero by 2050 in line with UK statutory commitments; and to make Essex more resilient to climate impacts such as flooding, water shortages and overheating.
- 3.5 Whilst some of the Commission's recommendations are directed towards the activities of ECC, most are not. Many recommendations are for things largely beyond ECC's control. Some have relevance for District, Borough, City, parish and town councils other have relevance to businesses, residents, charities and community groups.
- 3.6 We need a wider system approach and we will need to work with partners and stakeholders; supporting businesses, residents and communities to take action; and lobbying Government for key policies, freedoms and flexibilities and funding support. ECC is working with District, Borough and City Councils, local businesses, universities, community groups and residents to drive collective action: everyone in Essex has a role to play.
- 3.7 A draft programme of action to respond to the Commission recommendations, is set out in Appendix A. The Cabinet is asked to support in principle the programmes outlined. This reflects a core commitment in Everyone's Essex – to a High-Quality Environment. This includes commitments to deliver on net zero targets, to deliver a step change in sustainable travel and support net zero and climate resilient new build housing and commercial developments, to

reduce waste and deliver a more circular economy; to help our communities be more resilient against flooding, heat stress and water shortages; and to work with communities and businesses providing advice and support to enable them take action to reduce greenhouse gas emissions and build their own climate resilience. Key highlights in the current action plan include:

- 3.7.1 A commitment to embed climate impacts into decision making and procurement across ECC. This includes commitment to ensure its electricity procurement later this year is for renewable energy only.
- 3.7.2 A policy to transform its estate to have Net Zero greenhouse gas emissions by 2030. A comprehensive property review is in train to inform future progress, and new funding of £3m has been committed to support this ambition.
- 3.7.3 A Net Zero Innovation Network, chaired by Victoria Hills, CEO Royal Town Planning Institute (RTPI) (which is working with a network of c50 Essex businesses and Essex Universities to drive innovation in climate action in Essex).
- 3.7.4 Development of a new Joint Municipal Waste Strategy developed in partnership with waste collection authorities across Essex, with climate considerations at its heart.
- 3.7.5 An Electric Vehicle Strategy which will work with partners to agree a way forward for EV infrastructure across the county.
- 3.7.6 A rolling flood resilience programme which will see £7.2m invested in flood schemes over the next four years.
- 3.7.7 The Essex Forest Initiative which ECC has committed £500,000 to plant 375,000 trees over 5 years. ECC continues to work with partners to deliver this. Collectively partners across the county as a whole have committed to plant a million trees by 2025/6.
- 3.7.8 A £500,000 Climate Action Challenge Fund which gives community groups grants of up to £20,000 to support their own climate projects
- 3.7.9 Support to establish community energy groups to enable communities to develop their own renewable energy projects.
- 3.7.10 Working with EALC to deliver a series of webinars to help parish councils reduce emissions and build climate resilience
- 3.7.11 A project working with children in Essex and Los Angeles (who face similar climate challenges such as water shortages and coastal erosion, and where the project enables children in both locations to understand the global nature of climate change) to co-create video games to increase children's engagement with and knowledge of the climate challenge.
- 3.7.12 A carbon literacy training programme for ECC Members and Officers.

- 3.8 ECC continues to work with partners across the public, private and community sector and with residents to support the fullest response to the Commission recommendations. by 2030. The annual reports on ECC estate and Essex wide emissions will enable ECC to track progress against the Commission recommendations; and will inform further development of the action plan.
- 3.9 One of the recommendations of the commission was to vastly improve the energy efficiency of new homes, making them net zero by 2025 and carbon positive by 2030. This is something that the Council can lead the way on as a result of its ownership of Essex Housing Development LLP. It is proposed that the Council will work with its LLP to produce plans for a net zero development at Hargrave House in Chelmsford. It must be recognised that as a pilot project this will involve extra development costs which will impact on the return which the development can provide to the Council as landowner. At this stage we are asking the LLP to work on a carbon neutral scheme and the proposal will come back to the Cabinet Member for approval.

4 Links to our Strategic Ambitions

- 4.1 This report links to the following aims in the Essex Vision:
- Strengthen communities through participation
 - Develop our County sustainably
 - Connect us to each other and the world
- 4.2 Approving the recommendations in this report will set out ECC's initial climate plan both in response to ECC's strategic objective for a high quality environment and the Essex Climate Action Commission report Net Zero: Making Essex Carbon Neutral. This is a summary of the action to reduce greenhouse gases and increase climate resilience and reduce greenhouse gas emissions both within ECC and ECC contribution to action across Essex, working in partnership with organisations and communities across the county.
- 4.3 This report links to the following strategic priorities in 'Everyone's Essex':
- A strong, inclusive and sustainable economy
 - A high quality environment
 - Health, wellbeing and independence for all ages
 - A good place for children and families to grow.

5 Options

- 5.1 **Do Nothing** This would not be consistent with ECC stance on climate to date. ECC has publicly committed to the Climate Change Agenda, first by championing Essex's Climate Action Commission to drive change within Essex; by setting out its strategic commitment to the climate agenda in Everyone's Essex; and by committing substantial funding to ensure key Projects are delivered.

- 5.2 Agree the proposed actions and note the action plan outlined in Appendix A.** Taken together this represents a strong initial response to the Essex Climate Commission's Net Zero Report. Key features of the new investment include:
- 5.2.1 A new fund to support green space management on our highways to enable investment in greening our streets and urban spaces.
 - 5.2.2 A new nature recovery network to support delivery of a nature recovery strategy for Essex, and to work with farmers and communities to drive faster change in a Climate Focus Area in the Colne & Blackwater.
 - 5.2.3 A net zero pilot housing project from Essex Housing which will be net zero in construction and net zero in use, as well as climate resilient for flooding, overheating and water scarcity.
 - 5.2.4 A new climate action planning team to help us Build Back Better and to provide specialist expertise and work with and support the District Councils to raise the bar and address the Commission recommendations on new build development (housing and commercial) to deliver to a Net Zero standard.
 - 5.2.5 Updating our transport policies to align with climate change and place-making requirements. To help ensure we create the places people want to live, work and enjoy in the future.
 - 5.2.6 A new bus team, and further capital funds, develop our Bus Back Better strategy with partners across the county to deliver a step change in investment in public transport in Essex.
 - 5.2.7 A significant investment of £4.75m in new cycling infrastructure, alongside £3m to maintain and upgrade our existing cycle networks.
 - 5.2.8 Increased investment in communication and community engagement to support residents and businesses to take their own climate actions.

6 Issues for Consideration

6.1 Financial Implications

- 6.1.1 The action plan in Appendix A demonstrates a programme of activity costing £200.275m over four years. This breaks down to £101.786m capital and £98.489m revenue, including £10.424m (39 full time equivalent) of existing ECC staffing opportunity cost.
- 6.1.2 Decision FP/898/11/20 approved a drawdown from the Climate Change Reserve of £2.5m for additional resource (£2.1m) to support the reduction of emissions and building resilience in the ECC estate and more broadly across Essex, plus £400,000 of targeted capital investment. The new investment asks set out in this report are in addition to this.

- 6.1.3 ECC has already been successful in securing External Funding to support this agenda to the total value of £62.011m to 2025/26 (£54.558m capital and £7.453m revenue) and the associated project costs are set out in tables at Appendix A.
- 6.1.4 This report seeks new Revenue investment asks totalling £10.341m, including 45 additional full time equivalent staff, and the total project costs are separately identifiable in Appendix A. This is proposed to be funded as follows:
- Additional core funding to be considered in setting the MTRS from 2022/23 onwards of £1.151m
 - A draw down from the Climate Change Reserve of £2.265m
 - A draw down from the Transformation Reserve of £695,000
 - A draw down from the Everyone's Essex Plan Reserve of £6.23m
- 6.1.5 The Action Plan includes new Capital investment asks of £6.5m as set out in the total project costs and is separately identifiable in the Appendix A.
- 6.1.6 Please note that all funding commitments outlined, unless otherwise noted in Appendix A, will be profiled across 2022/23 to 2025/26.
- 6.1.7 The recommendations seek support in principle to the programmes recommended. Full financial appraisals will support each of the recommendations at the relevant business case stage for financial prudence and to address any further impact this may have on the MTRS. Funding will be approved subject to appropriate business case sign off.

6.2 Legal implications

- 6.2.1 Individual actions will need to be authorised in conjunction with the constitution. Section 40 of the Natural Environment and Rural Communities Act 2006 the Council is under a duty to have regard to the duty to conserve biodiversity. The aims of the recommendations of the panel are designed to minimise climate change and thus conserve biodiversity.

7 Equality and Diversity Considerations

- 7.1 The Public Sector Equality Duty applies to the Council when it makes decisions. The duty requires us to have regard to the need to:
- a) Eliminate unlawful discrimination, harassment and victimisation and other behaviour prohibited by the Act. In summary, the Act makes discrimination etc. on the grounds of a protected characteristic unlawful.
 - b) Advance equality of opportunity between people who share a protected characteristic and those who do not.

- c) Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting understanding.
- 7.2 The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, marriage and civil partnership, race, religion or belief, gender, and sexual orientation. The Act states that 'marriage and civil partnership' is not a relevant protected characteristic for (b) or (c) although it is relevant for (a).
- 7.3 The equality impact assessment indicates that the proposals in this report will not have a disproportionately adverse impact on any people with a particular characteristic.

8 List of Appendices

- Appendix A – ECC's Response to 'Net Zero: Making Essex Carbon Neutral' Report
- Appendix B – Equality Impact Assessment

9. List of background papers

Climate Action Commission Report: 'Net Zero: Making Essex Carbon Neutral'
<https://www.essex.gov.uk/climate-action>

Essex County Council's Response to Net Zero: Making Essex Carbon Neutral





















1. Introduction

Net Zero: Making Essex Carbon Neutral, sets out recommendations to 2050 and recognises that Essex County Council (ECC) cannot tackle this challenge alone. This document therefore outlines the immediate actions ECC is taking directly and in concert with partners to drive effective progress against the Essex Climate Action Commission's (ECAC) recommendations.

The ECC responses follow the structure of the Commission report under the key themes of land use and green infrastructure, energy, built environment, transport, waste, and community engagement. Please note that all funding commitments outlined below will be for the next 4 years to 2025/26 (unless stated otherwise).

2. Commitments

Essex County Council has adopted a new organisational strategy Everybody's Essex (ref: FP/172/10/21). This sets out four key strategic objectives for ECC as set out in the table below:

KEY for Contributions to Strategic Commitments							
Strong Inclusive & Sustainable ECONOMY		High Quality ENVIRONMENT		HEALTH, wellbeing & Independence for All Ages		A Great PLACE for Children & Families to Grow	
	Good Jobs		Net Zero		Levelling Up Health		Education Outcomes
	Levelling Up the economy		Transport & Built Environment		Healthy Lifestyles		Levelling Up Outcomes for Families
	Infrastructure		Minimise waste		Promoting Independence		Family Resilience & Stability
	Future Growth & Investment		Levelling Up the Environment		Place based Working		Safety
	Green Growth		Green Community		Carers		Outcomes for Vulnerable Children

One of the four strategic objectives is a core commitment to a High Quality Environment. This includes commitments to deliver on net zero targets; to deliver a step change in sustainable travel and support net zero and climate resilient housing developments; to reduce waste and deliver a more circular economy; to help our communities be more resilient against flooding; heat stress and water shortages; and

to work with communities and businesses providing advice and support to enable them take action to reduce green house gas emissions and build their own climate resilience. The commitment to a strong, inclusive and sustainable economy includes a commitment to green growth in Essex.

ECC is therefore committed to ambitious climate action and is embedding this across every aspect of Council service delivery. We also recognise that delivery of climate action also meets other ECC strategic objectives and this is set out below.

3. Cross Cutting Projects Within ECC

Essex County Council is leading a number of cross-cutting projects within the Council itself which are contributing to tackling climate change. ECC recognises that action on one theme can benefit another, and this has a cumulative positive impact:

3.1. Ways of working

The Ways of Working (WoW) Programme is to explore a future way of working at Essex County Council. It will have an impact on goals to meet climate change targets, reducing the energy we use and the waste we create.

ECC colleagues are working in different ways now to meet the needs of different people in Essex.

We know that a 'one size fits all' model will not work for our organisation, due to our range of different services with different needs. We also know that we will not return to using our workspaces as we did previously. We're focusing on:

- updating our workspaces and making them more comfortable to work in
- reducing how much energy we use and waste
- how we use technology, and making sure it works properly
- developing new hybrid workstyles that will work for every job role
- keeping the health, safety, and wellbeing of our people a priority
- supporting managers as they adopt hybrid working for themselves and within their teams

The ways of working programme is being undertaken in parallel with a property review and the final outcomes will frame future work in line with policy to make ECC estate net zero by 2030.

3.2. The Essex Pension Fund

[Essex Pension Fund](#) administered by Essex County Council recognises both their responsibility to be a trusted investor and the range of potential long-term risks associated with climate change that the Fund, as a long-term investor, faces. The Investment Steering Committee has appointed specialist external managers to a range of investment mandates. The financial impact of issues, including climate change, forms one part of the process that determines the investments made on the Fund's behalf. From this a full stakeholder consultation commenced summer 2020,

with the outcome of this being the formulation of a new Responsible Investment (RI) Policy based on a set of RI Investment Beliefs which includes climate change and forms part of the Fund's Investment Strategy Statement.

3.3. ECC Investments

Climate change will likely affect long-term investment returns. Temperature increases and measures taken to limit global heating will translate into lower returns on some assets. Climate change leads to conditions where economies are less productive and productivity growth is a key driver of economic growth. It is therefore important to mitigate these impacts where reasonable and practical to do so.

3.4. ECC Procurement

ECC outsources the majority of its services and as such has a significant spend with third party organisations. ECC introduced consideration of climate impacts as part of its social value procurement strategy launched in July 2021. The procurement team are reviewing policies and practices to build on this foundation and establish the most effective way of ensuring that climate considerations are taken into account in this third party spend. The whole procurement lifecycle will be considered, from contract specification, requirements at tender stage and performance monitoring. We will engage with existing and prospective suppliers throughout the review to better understand how we can work collectively to tackle climate challenges.

4. Land Use & Green Infrastructure

Net Zero: Making Essex Carbon Neutral made a number of recommendations on land use and green infrastructure, including 50 per cent of farmland in Essex to adopt sustainable land stewardship practices by 2030; 75 per cent by 2040 and 100 per cent by 2050, and coastal flood resilience schemes in critical areas to be implemented by 2023.


















Essex County Council has made one of its 20 strategic objectives, "Levelling up Environment", which states "we will help all our communities to enjoy a high quality environment by making them more resilient against flooding, heat stress and water shortages, by enhancing our county's green infrastructure and by reducing air pollution." This is a very good reflection of the Land Use & Green Infrastructure work going forward and acts as a vision for the Climate Adaptation and Mitigation teams.
























The basis for our work in Land use & Green Infrastructure is the 2020 Green Infrastructure Strategy which has provided an Action Plan which forms the platform of our Green Infrastructure work. This includes establishing a pan-Essex Local Nature Partnership, developing a Green Essex Fund, researching the very real potential investments of Biodiversity Net Gain metrics, Carbon credits, CSR payments and water company investments and delivering the Essex Forestry Initiative, which exceeded its targets in Year 1 (20-21).

The following table sets out the projects ECC are already committed to, the financial spend and how these align with ECC's strategic aims and how they meet the ECAC

recommendations. A number of these demonstrate that ECC is already going beyond these requests.

The following table sets out the projects ECC are already committed to, the financial spend and how these align with ECC's strategic aims and how they meet the ECAC recommendations. A number of these demonstrate that ECC is already going beyond these requests.








Initiative	Description	Financial commitment	Align ECC Strategic aims			
Flood Resilience - Capital Flood Programme	The floods capital programme is aimed at reducing surface water flood risk to the communities of Essex. The current programme has been highlighted as a priority up to 2024/25. The projects delivered through the capital programme will not only reduce surface water flood risk, but they will incorporate Natural Flood Management and Green Infrastructure measures that will provide environmental benefits such as habitat creation, carbon reduction/sequestration and health & wellbeing.	Capital 50% ECC funded, £6.57m. 50% Env Agency Grant, £1.97m 2021/22	    			
Flood Resilience – Community Climate Resilience Plans	Local Councils and the public more informed on steps they can take to address the climate emergency – whether adaptation or resilience. E.g. more informed about their flood risk and other climate change impacts in line with ECAC findings. Implementing proportionate local plans for mitigation and adaptation measures. Linking up with existing community groups and supporting the Essex Climate Action Commission changemakers programme.	£60,700 Revenue, Service Improvement Reserve	    			
Essex Forest Initiative	<p>In October 2019, we committed to plant 375,000 trees over the next five years. The primary reason is to lock up carbon, offsetting the carbon produced which is contributing to ongoing climate change. The trees will be planted across Essex, including on our own and other council's land and land from partners in voluntary sectors. The first year's planting target was 25,000 trees. We went beyond this and actually planted 38,615. This Initiative is supported by a Forestry Officer funded by the ECAC until April 2023. ECC works in partnership with other authorities and charities across Essex.</p> <p>Essex County Council was successful in securing a £300,000 grant from the Forestry Commission. The Local Authority Treescape Fund is designed to support tree planting outside of woodlands. As such, work has been undertaken with borough and district partners (Colchester, Harlow and Epping Forest) and ECC has one site of its own (Cressing Temple Barns) to deliver the planting and maintenance of 5,595 trees (some whips and some standard sized street trees).</p>	<p>Revenue New Investment £220,000 2022/23-2025/26.</p> <p>£300,000 grant from Forestry Commission</p>	   			








Building with Nature	ECC are working with Natural England and universities to write a set of Green Infrastructure Standards, which can be used to assess local planning policy and new development within the county to ensure that they are properly incorporating the principles outlined in the adopted Essex Green Infrastructure Strategy. The document has been through initial consultation and is currently going through a revision process based on comments we have received. We expect that a final version of the document should be published this winter. This Initiative is supported by 2 Green Infrastructure Planning officers funded by ECC until April 2023.	£680,000 drawdown from Climate Change Reserve 2021/22 to 2022/23 Sustainable land use.	   	 		
Maintenance Green Streets (Cross Cut Transport)	Essex Highways are the custodians of the public realm and there are multiple benefits to green initiatives, principal amongst these are flood reductions and urban heat stress reduction. To reduce the uncertainty about annual income we propose a Green Infrastructure Maintenance Reserve based on 35,000 trees at £55 per tree.	Revenue New Investment £1.925m 2022/23-2025/26.		  		
Local Nature Partnership	We have been working closely with the Essex Wildlife Trust (EWT) the Royal Society For the protection of Birds (RSPB) and Natural England to set up a Local Nature Partnership. The LNP will pull together over 80 diverse groups and organisations to co-ordinate a countywide approach to levelling up the environment and identifying options to make the most efficient use of resources. We hope that the first meeting will take place in November 2021. The organisations listed above are also undertaking a mapping exercise to identify suitable Nature Recovery Networks that we expect will form part of an Essex-wide Nature Recovery Strategy.	Revenue New Investment £267,000 2022/23-2024/25.	  	 		
Nature Recovery Strategy (Statutory)	The Environment Bill is introducing a statutory requirement for a Local Nature Recovery Strategy (LNRS). While the Environment Bill will require LAs to develop an NRS, the responsibility for delivery will be held across multiple partners. ECC are also seeking to have a partnership approach to adapting Essex to a Net Zero environment. We will set up a Local Nature Partnership (LNP). ECC are funding a new Green Infrastructure Delivery officer post until April 2023 and a LNRS and LNP officer for 2 years from January 2022.	Linked to Local Nature Partnership	  	 		
Water Strategy	ECC are working with Water Resources East (WRE) to put together an integrated water strategy for the county. The aim of this document will be to take a holistic view of water management across the county to maximise the use of green and blue features to capture surface water where it lands to help address future water scarcity issues that are likely to emerge because of climate change. In addition to this, the document will recommend a range of sustainable land management practices to reduce the need for potable water to be used as part of land management processes. It is envisaged the strategy will last 5-10 years.	Allocated funding from Climate Change Reserve. Included within £680,000 allocation for Sustainable Land Use, 2021/22-2022/23.		 		

5. Energy

The Commission has recommended that ‘Essex produces enough renewable energy within the county to meet its own needs by 2040’, with the Commission seeing a critical role in this for large scale solar production but ‘on available land without unduly compromising agricultural land’; that there should be a network of community energy neighbourhoods across every district; solar panels to be installed on every roof–and all fuel poor homes should be retrofitted.

ECC is committed to playing its part, sourcing its own electricity from renewable sources; supporting establishment of new community energy groups; helping 670 residents source solar panels and battery storage through a bulk scheme Solar Together; and supporting roll out of Government fuel poor grants, seeing 82 homes upgraded in the last year and supporting uptake of future grant funds totalling £5.2m (plus £17.2m and £2.58m pending successful bids to Sustainable Warmth Competition and Social Housing Decarbonisation Fund)

Initiative	Description	Financial commitment	Align ECC Strategic aims			
Buying Renewable Energy	Using our purchasing power as an electricity customer to encourage investment in additional renewable energy generation such as solar farms or onshore wind and enable ECC to source green renewable energy to power its offices and street lighting. This will give ECC some protection against energy price volatility and the potential to make long-term cost savings on our electricity bill.	£337,000 Revenue.				
Generating renewable energy on the public estate	Action plan to develop opportunities across ECC's public estate to generate renewable energy including rooftop solar on our buildings ERO and 14 schools, solar canopies and ground mounted systems across the rest of our estate. Builds upon £140k EU funded scheme EMPOWER that delivered solar on Danbury Country Park, Danbury Primary and St John's Primary schools delivered in 2020/21	Capital Grant funding Property Decarbonisation £6.65m 2021/22		 		
Making Essex a centre for innovation in renewable energy – Local area energy decarbonisation	South East New Energy, a grant funded programme to tackle the barriers to local areas rapidly decarbonising their communities, buildings, and lives. The project will deliver pathfinder projects on affordable net zero housing and retrofit in domestic housing through communal solar and storage and develop proposals for community ownership of large scale solar. It will identify and address barriers to delivering and financing projects at scale. ECC is working in partnership with Kent County Council.	SE New Energy Grant: £6.4m shared across Essex and Kent.	 	 		
Renewables policy	Action plans and planning policy guidance to support the development of renewable energy generation in the county including but not limited to solar farms, onshore wind, bioenergy, and hydrogen production.			 		

Solar Together	<p>Solar Together is a unique group-buying scheme for solar photovoltaic (PV) panels and battery storage. This scheme will make solar PV and batteries more accessible and more affordable for a great number of people. This is open for residents and SMEs.</p> <p>Solar Together delivered solar panels on 305 households: a £1.3M investment saving 7,150 tonnes of carbon over the lifetime of the installations. Residents saved an average of 20% on market rates.</p>	Management of the scheme by ECC resource.		  		
Essex Energy Switch	<p>The Essex Energy Switch is a county wide collective energy switching campaign designed to help Essex residents reduce their gas and electricity bills.</p> <p>We support residents to switch supplier through a collective energy switching campaign each year. 61,000 households have switched since 2014, saving more than £3.9M; on average £230 per household. 2020/21 Campaign – 2,323 switched their energy tariffs; an average of £161 per household; 1,989 tonnes of CO2 saved per year, 100% renewable electricity tariffs</p>	Management of the campaign by ECC resource.		  		

6. Built Environment

Net Zero: making Essex Carbon Neutral recommendations focus on ensuring new development is fit for the future with recommendations for new schools to be net zero by 2022; new homes and commercial buildings to be net zero by 2025 and all to be carbon positive by 2030. Developments also need to support active travel and deliver climate resilience with sustainable drainage as standard.

The second challenge is to recognise that whilst we need to look forward, we also need to recognise that over 80% of the built environment of Essex in 2040 already exists now, hence retrofit is a significant area of work.

The Commission recommends all schools have smart meters by 2021, and half should be retrofitted to net zero by 2025 anchor institutions, including ECC should be net zero by 2030 and 100% by 2030. Also, by 2030, all anchor institutions- the large public sector organisations across Essex – should ensure their estates are net zero; all fuel poor homes should be retrofitted and supplied with affordable energy and two thirds of all homes retrofitted to net zero. All retrofitting should include water as well as energy efficiency measures and a stronger policy on sustainable drainage should be supported.




Action is also being taken to train the trainers, and support the frontline town planners, building inspectors and elected members. Our research undertaken in 2020 revealed a huge appetite and demand for an ongoing programme of training, and access to best practice guidance as well as have technical specialists/expertise to support the District Councils in the formulation of planning policies, the evaluation of technical evidence submitted, in order to push forward the new standards needed



















within the Local Planning Authorities Planning to deliver Net Zero new developments by the 2025 recommended target date.




As part of its estate management strategy, ECC undertakes an annual maintenance programme covering all its built estate and the maintained school's estate. A significant element of this work includes roof, window, and heating system replacements and ECC are working to deliver low or zero carbon alternatives and upgrades when delivering these projects.









Progress is being made to upgrade existing schools and the ECC estate through the utilisation of grant funding to deliver Solar PV, LED lighting and Air Source Heat Pump projects.











Like many other authorities' ECC is currently reviewing its estate portfolio and working to develop an updated Estate Strategy in line with new Ways of Working. The running costs and carbon footprint of existing assets are a key consideration in establishing the future portfolio and ensuring that ECC can achieve its climate change targets. With a rationalised estate and a clear strategy in place, the authority will be better able to target carbon reduction investment on property that is to be retained long term and roll out more retrofit projects.



















Initiative	Description	Financial commitment	Align ECC Strategic aims			
Retrofitting homes and energy efficiency: supporting low-income households	<p>Advice and grant support to Essex households on low income or in fuel poverty and in poorly insulated homes to retrofit their home and improve its energy efficiency, lowering carbon emissions but also improving the living conditions, making the home warmer in the winter and cooler in the summer and reducing energy bills.</p> <p>ECC received £776,000 in funding to support development of an advice website with Citizens Advice Essex.</p> <p>ECC delivered fuel poor grants totalling £0.8m Between Feb-Aug 2021 a communications campaign to promote this £800k funding was completed, ensuring over 80 Essex homes benefited from up to £10k worth of free energy efficiency improvements</p> <p>The South East Energy Hub currently holds a further £5.2m in grant funds to support retrofitting fuel poor homes. Funding will be promoted later in 2021 onwards to ensure many more Essex homes can benefit. This is a grant funded programme delivered in partnership with the Districts and BEIS. ECC has worked with 11 District, Borough and City authorities to bid for a further £17.2m in grant funding (outcome pending - funding tbc).</p>	<p>Green Homes Grant: £776,000 2021/22 Warm Homes Fund Grant: £800,000 2021/22. GHG LAD Phase 1a</p> <p>Marketing support provided by ECC resource for retrofit schemes.</p>				

	ECC has further worked with social housing providers to bid for £2.58m to upgrade 769 housing association properties across Essex (outcome pending – funding tbc)					
Retrofit Schools	<p>We have a programme to roll out smart meters to ECC controlled schools to enable better tracking of energy usage across the school's estate. To date 125 maintained schools have a meter fitted: a further 47 are in train.</p> <p>By the end of 2021/22 we will have installed solar panels that will generate over ½ million kWh of energy - saving our schools £77,000 a year in energy costs. These high specification solar installations enable schools to track their energy usage and generation and provide great information for teachers to formulate lesson plans. This information, combined with the data from our gas and electric smart meter installations, can provide evidence for further improvement projects, as we can target specific wastage within the school – and enable monitoring and targeting to be put in place.</p> <p>This year we have also been successful in receiving £1.8m of funding for double glazing, which has enabled upgrades across 15 sites – reducing their heating demand, and so their overall energy costs.</p> <p>We are funding a new team to support schools to develop a net zero investment plan to enable them to apply effectively for grant support for required investment.</p> <p>We will continue to seek funding opportunities, as well as utilising our school's maintenance budget, to deliver improvements across the school estate.</p>	£1.8m Window Glazing Grant secured 2021/22. Revenue New Investment, Carbon Education team £245,000 2022/23-2023/24.		   		
Retrofit Academy	The Retrofit Academy Community Interest Company (CIC) in partnership with Essex County Council will run a project to support residents and businesses to create jobs and growth from making private properties more energy efficient.	Grant Award of £717,060.	  	  		
Essex Housing Carbon Zero housing pilot	Essex Housing looks to exceed legal requirements for sustainability in all its developments. All private sale schemes delivered to date include photovoltaic panels, electric vehicle charging ports and ample cycle storage to encourage sustainable travel. Essex Housing is continually looking to build on this further and where viable, is now starting to bring forward schemes with air source heat	Revenue New Investment £640,000 2022/23.	   	  		

	<p>pumps, as well as considering how we can best ensure biodiversity is unaffected, or even improved on schemes. Residential units at the next two schemes to be brought forward, Purford Green and Shenfield Library, are designed to achieve an EPC 'A' rating and a carbon neutral pilot scheme is also currently being identified. It is expected that the Future Home Standard will launch in 2025 and under this standard CO2 emissions will be at least 75% lower than homes built today and Essex Housing will continue to seek to exceed these standards wherever it can viably do so.</p> <p>Essex Housing are bringing forward a pilot Net Zero – For Construction materials and in operation – development which will also give full consideration to climate resilience issues around flooding, water scarcity and overheating.</p>					
New Schools Net Zero	ECC has already commissioned a number of net-zero carbon school expansions, the first of which was handed over for school use earlier this year. These pilot schemes will help ECC identify the best way to deliver net-zero carbon school buildings in the future. As a minimum all new school buildings are now being designed with an A+ EPC rating, pending results of the net-zero carbon work.	Linked to schools retro fit to net zero, support provided by ECC resource.				

Anchor Institution commitments	<p>ECC has a policy to transform its own estate to net zero by 2030. ECC will continue to work with other anchor institutions who are also taking action on their estates.</p> <p>ECC is working with The Essex Partners and anchor institutions across Essex to establish a climate group to develop joint working in delivery of Commission recommendations</p>	Capital Priority Recommended £3m Estate Retrofit 2022/23-2025/26.		   		
Essex Design Guide Climate Change Net Zero Update	<p>At ECC we have worked with planning authorities across Essex to produce the Essex Design Guide for development in Essex. We are now updating this to ensure it reflects best practice in both net zero and climate resilient homes.</p> <p>The first phase of this work has been to align existing guidance material within a new thematic climate change heading. The second phase of work underway is to provide best practice advice on Climate Change which addresses the component of advice both the local authority officers and developers will use. This includes but not limited to:</p> <ul style="list-style-type: none"> Net Zero (carbon) Development 	£25,000 Revenue 2021/22. In addition supported by ECC resource in Economic growth team.				

Essex Design Guide Climate Change – Walkable Neighbourhoods Guidance best practice	<ul style="list-style-type: none"> ○ Healthy Places (including Healthy Homes Standard) ○ Sustainability Design Guidance for example solar orientation ○ Delivering Garden Communities through TCPA principles ○ Cooling in Buildings and Public Places ○ Use of Smart Technology in Public Places e.g. reducing light pollution. ○ Delivering heritage retrofitting in development <p>A further section of the Design Guide is being written to provide best practice advice on Walkable Neighbourhoods- new neighbourhoods and streets designed to promote the use of walking, cycling and sustainable transport with the option of remote parking (includes commissioning of evidence base study)</p>					
Green Skills Infrastructure Review	<p>We are undertaking a Green Skills Infrastructure Review for Essex so as to provide an in-depth analysis of the existing skills and training provision and how it meets the needs of employers, providers, residents, ECC and partners/stakeholders. Specifically, the review will spotlight ways we can use existing or new or improved skills infrastructure to support the delivery of the Commission recommendations.</p> <p>A joint Stakeholder Action Plan with resource implications will recommend next steps for ECC and partners.</p>	Drawdown from Climate Change Reserve £105,000 Revenue.				
Garden Communities	<p>ECC is working with planning authorities in Essex to deliver:</p> <ul style="list-style-type: none"> • Completion of an evidence-based study, including a cost-benefit analysis, which examines the different ways to deliver a number of carbon saving scenarios through a combination of building fabric and technologies including net zero carbon in new development proposals, including Garden Communities. • Develop Local Plans Toolkit • Ensure that Garden Communities are built to the highest standards in terms of design, quality, and climate change adaptations. And make use of the Essex Design Guide Climate Change advice once completed. • Implement sustainable drainage solutions. • Deliver biodiversity net gain and green infrastructure gain. • Create walkable neighbourhoods and tree lined streets. • Deliver carbon zero new schools (primary and secondary) • Deliver localised energy solutions. 	Drawdown from Climate Change Reserve £30,000 Revenue.	 	  	  	

	<ul style="list-style-type: none"> Provide quality sustainable modes of transport which maximise modal shift to ensure 50% of trips use sustainable modes. Deliver a long-term stewardship model that supports the quality of place created and is capable of sustaining this long term. 					
Prepare a Developers Climate Change Charter	<p>Work is underway by the Essex Developers Group and the Essex Planning Officers Association (EPOA) to produce a pan-Essex Charter which sets out what the construction and development industry will commit to move towards carbon zero development in Essex. ECC are providing a system leadership role to help make this work happen.</p> <p>The aim is to have all major developers that operate in Essex to sign-up to the Climate Change Charter.</p>	The investment is ECC officer time and resource.				
Training for members and officers	Training to provide an overview of Climate Change and Planning related matters to Essex Planners and Members across the county. Additional training in the delivery of BREEAM Assessments. This work has been commissioned and will commence in November and funded from the first CMA draw-down.		  	  		
New- Establish Climate Action Planning Team to Build Back Better and help deliver on Net Zero new build recommendations.	<p>New Investment to establish a Climate Action Planning Team (CAPT) of specialists/experts within Planning to advise and support district officers as well as developers with new build housing and commercial standards, to deliver Net Zero. Climate Change planning policies and support with advice on planning applications, and support the performance of building post-development. This team will also help deliver on net zero carbon housing demonstrator/pilot projects in each district.</p> <p>This new investment will provide ECC capacity and specialist knowledge to work with District, Borough & City Councils and ECC as a developer focusing on planning, housing, and estate managers to provide good design and appropriate challenge and support so that new build and development proposals positively contribute to meeting our climate change targets.</p>	Revenue New Investment £699,000 2022/23-2025/26.	   	  	 	

7. Transport

We will deliver a step change in sustainable travel across the county, by growing passenger transport and active travel and will ensure we support the move towards net zero. All our work is delivered in partnership, either with districts, central

government or suppliers and is aligned with the transport priorities within Everybody's Essex.

Our approach is 'Avoid – Shift – Improve', avoiding unnecessary motor vehicle trips; encourage residents to shift to other more sustainable modes such as walking, cycling and public transport; and improving the sustainability of those journeys which are essential such as improving bus provision and developing a strategy for electric charge points.

ECC has made great progress on delivering against our recommendations, most obviously through the development of 5 active travel schemes totalling ~£8M. The schemes will reallocate road space to make it easier to walk and cycle and have been designed in partnership with our districts. They will be delivered in Summer 2022.

We have also taken two proposals for famous congestion hotspot the Army & Navy junction out to public consultation. Rather than simply build another road junction for cars, we have focused on developing a solution for people, following best practice guidance for walking and cycling routes. This is being developed in conjunction with local MPs, Parish and City Council, the DfT, Essex Highways, Jacobs and Highways England.

We have introduced electric scooter trials, in partnership with a private operator, in 6 locations delivering near 500,000 trips, actively delivering modal shift from car and onto net zero alternatives.







We have launched Essex Pedal Power, in conjunction with Sport England, Tendring District Council, The Active Wellbeing Society, SELEP and Active Essex, - a community-based bike project giving 1,300 residents in Jaywick Sands and Clacton a new bike free of charge. The new inclusive programme aims to make cycling accessible for everyone providing access to employment, training and educational opportunities or key local services. We hope to roll this scheme out to other districts next year.






We have launched our Safer Greener Healthier and Stop Swap Go behaviour change campaigns, communicating our sustainable transport ambitions with residents.









Going forward, our priorities will be to develop Local Cycling and Walking Infrastructure plans for our districts, developing a long-term framework which will guide future investment in walking and cycling infrastructure.





We will be developing our Alternative Fuels strategy, rolling out electric charge points and electrifying the ECC car fleet.

We will also be developing our Bus Services Improvement Plan to rebuild the Essex bus network, reverse the long term decline in passengers, delivering modal shift from car and improving public health.

Initiative	Description	Financial commitment	Align ECC Strategic aims					
Active Travel	Active Travel includes dedicated cycleways, walkable neighbourhoods and school streets. We aim to encourage modal shift to	£4.75m ECC capital funding for cycle infrastructure						

	<p>active travel by improving cycling infrastructure to all stations and develop a coherent network across the county, increase walking through the development of walkable neighbourhoods and encourage active travel in young people through the creation of school streets.</p> <p>During Covid we introduced semi-permanent segregated cycle paths and we recently completed public consultations on five active travel schemes, worth £8M. These schemes will reallocate road space to provide more space for people walking and cycling, provide public realm improvements, and implement 10 school streets. The schemes will be implemented in Colchester, Chelmsford, Braintree, Brentwood and Wickford by Summer 2022. These schemes were developed in partnership with the local districts, businesses, access groups and local residents.</p> <p>In addition ECC Is directly investing £x to develop new cycle paths across the county</p> <p>We launched our first Walking Strategy in September 2021.</p>	<p>£2.13m ECC capital funding: 100%</p> <p>Capital Grant £50,000 received 2020/21</p> <p>Revenue Grant received £919,000 2020/21</p> <p>Service Improvement Reserve £61,000 Revenue 2021/22.</p> <p>Active Travel Grant funding Rev: £2.42m Capital: £5.95m</p>				
Cycle Assets Renewal	The purpose of this programme is to ensure that existing cycle infrastructure is brought up to standard and is safe and fit for purpose and is therefore attractive to users. Capital investment for asset renewal of cycleways across the County – business case submitted to Capital Challenge on 20 th Sept	Capital Priorities Recommended £3.0m 2022/23-2025/26.		 		
Highways LED	<p>Complete replacement of all streetlighting lanterns with LED units which will result in a significant energy saving, and therefore carbon reduction. One year into the programme with 50,000 units replaced out of a lighting stock of 130,000 units. The programme has prioritised units where the greatest energy saving can be achieved.</p> <p>During Covid we introduced semi-permanent segregated cycle paths and we recently completed public consultations on five active travel schemes, worth £8M. These schemes will reallocate road space to provide more space for people walking and cycling, provide public realm improvements, and implement 10 school streets. The schemes will be implemented in Colchester, Chelmsford, Braintree, Brentwood and Wickford by Summer 2022. These schemes were developed in partnership with the local districts, businesses, access groups and local residents.</p>	<p>Capital (Phase 2, 3, 4) Programme: £26.87m 2021/22-2024/25.</p> <p>ECC Funding: 100%</p>				

Warm Tarmac pilot	Essex Highways is trialling warm tarmac, which is hoped will become the standard material for inlay surfacing. This form of asphalt is better for the environment because it uses less energy when it is being mixed and laid. This one simple switch is expected to significantly reduce carbon emissions and work is underway to quantify this saving.	Within existing Capital Programme.				
Bus Back Better	<p>Essex County Council will shortly (by the end of October) publish its Bus Service Improvement Plan. This will set out how buses can help deliver Safer, Greener, Healthier travel in Essex. The plan sets out specific measures where Essex County Council (ECC) will work with the bus industry and other partners to deliver safer, greener, and healthier travel by:</p> <ul style="list-style-type: none"> • Rebuilding the Essex bus network to recover from the impact of the COVID-19 pandemic • Developing an attractive, sustainable, and affordable bus network, offering an alternative to car use. • Reversing the long-term decline in passenger numbers, in absolute terms and as a modal share of all journeys. • Improving public health and addressing climate change by reducing pollutants such as particulate matter, nitrogen oxides (NOx), ozone (O3), sulphur dioxide (SO2) and carbon dioxide (CO2) emissions, produced by cars in Essex. <p>Switching your journey from car to bus, if it's not possible to walk or cycle, is a key way to reduce carbon emissions and help mitigate climate change. It is also an investment in your local community, economy and environment</p>	<p>Capital Priorities Recommended £500,000 2022/23. Revenue New Investment £884,000 2022/23-2025/26. Revenue Grant £443,000 2021/22.</p>				
Behaviour Change	New investment in the mobilisation of a wider behaviour change programme beyond current activity to help drive the Safer, Healthier, Greener ambition. Funds will be spent on behaviour change expertise to develop the evidence base and a campaign manager to work alongside them and the rest of PPH to ensure that everything we're delivering – be it potholes or cycle ways – are making Essex Safer, Greener & Healthier.	Revenue New Investment £450,000 2022/23.				
Transport & Parking Planning Policy	To provide ECC capacity to update Transport and Highways policies in line with emerging priorities from DfT, the new transport hierarchy and Climate Commission recommendations. This will take the form of multiple one-off projects.	Revenue New Investment £675,000 2022/23.				





Electric Vehicle Charging Network	<p>We are creating an alternative fuel strategy for Essex working with partners including anchor institutions across Essex to agree a plan for Essex. This is funded by the Climate Commission and will include electrifying the ECC fleet (below), developing a model for countywide charge point roll out and exploring alternative fuel for freight. The strategy will focus initially on on-street residential charge points, for those 40% of households who do not have access to off-street parking.</p> <p>Our objective is to ensure that for any trip which must be by road, is done so as sustainably as possible.</p>	Drawdown from Climate Change Reserve £200,000 Capital 2021/22.	 			
ECC Electric Fleet Pilot	We have conducted a Fleet Electrification Review to consider the path forward for ensuring vehicles used in delivering our services are all hybrid or electric and have committed to introducing EV into our own car lease fleet this year.	Drawdown from Climate Change Reserve £200,000 Capital 2021/22.				








8. Waste


In 'Our Plan for Essex' we have committed to *Minimise Waste* and reduce its environmental impacts, by supporting residents and businesses to reduce waste and increase recycling, and by working towards a more circular economy where we better protect our natural resources.

We have already committed to zero waste to landfill by 2030, through the delivery of waste reduction, enhanced recycling and sustainable disposal. We are relaunching our Recycling Centres by bringing this service in-house and focussing it on meeting local need and providing enhanced opportunities to reuse and recycle. Whilst our engagement with residents and partners thorough 'Love Essex' and the 'Blueprint for a Circular Economy' project is ensuring we are all better equipped to reduce waste and its environmental impacts.

Our focus on the future through the development of a new Joint Municipal Waste Management Strategy for Essex with our partners has begun. This will develop over the coming year and will provide the required framework for a generational shift in how we view and manage waste and the policies and approaches needed to deliver our ambition. This strategy will have tackling climate change at its core to ensure waste system design, procurement and operational approaches actively contribute to net zero targets.

	Description	Financial commitment	Align ECC Strategic aims			
New Joint Municipal	To develop a future vision and approach for waste in Essex which aligns with the	Existing Revenue programme 2021/22-2024/25 £180,000 (external consultancy) for initial modelling and options appraisal.	 			

Waste Management Strategy (JMWMS)	<p>ECAC recommendations to minimise waste, maximise recycling and embed a circular economy in Essex</p> <p>This joint strategy with the Essex Borough, City and District Councils will develop the strategic framework needed to deliver this vision. It will identify the policy, infrastructure and service requirements and implement the required action plan to deliver this.</p> <p>The initial assessment (during year one) will model different delivery options to enable a preferred approach to be identified and public consultation to occur.</p> <p>The strategy, policy changes and actions plan to deliver the strategy will be adopted and delivered during year 2.</p>				
Bio-waste Contract Procurement	<p>The purpose of this activity is to secure the necessary future treatment capacity for green garden waste and food waste generated in Essex and collected by Essex Councils.</p> <p>This will enable Essex to divert this waste away from disposal and meet the ECAC recommendation to ensure all biowaste is put to beneficial use by composting it or using it to generate bio-gas.</p>	<p>Delivery investment for the procurement is primarily existing officer time.</p> <p>Current Revenue programme 2021/22-2024/25 £26.29m (Bio-waste treatment costs)</p>			
Blueprint	<p>BLUEPRINT to a Circular Economy is an Interreg-funded European project led by Essex County Council.</p> <p>The circular economy encourages the efficient use of resources when manufacturing products and the 'designing out' of waste from systems. It also promotes the re-use, repair, refurbishment and recycling of products for as long as possible with minimal waste. The project will support local authorities to move to a more circular economy by</p>	Grant Revenue 2020/21 £3.87m - across partnership. ECC £912,000 2021/22- 2023/24.	  		

	<p>identifying current barriers and developing a policy framework for adoption.</p> <p>The project will also support training opportunities to assist individuals and support organisations within the circular economy. ECC is the lead authority for the project working with multiple local authorities across UK & Europe.</p>					
Love Essex	<p>Love Essex is an initiative developed and shared by the Essex Waste Partnership – a collaboration of ECC, District, Borough and City Councils across Essex - to collaborate county-wide on the delivery of waste projects with residents, businesses and schools.</p> <p>The Love Essex programme aims to inspire behaviour change and encourage residents to reduce waste and litter. Love Essex campaigns supports reusable hygiene products, cloth nappies, recycling, composting and library of things projects across Essex. The team use social media platforms and the Love Essex website to engage along with community volunteering activities.</p>	<p>Current Programme £2.14m Revenue 2021/22-2024/25.</p> <p>Drawdown from Service Improvement Reserve £52,000 Revenue.</p>				

9. Community Engagement

9.1. Finance

Total financial commitments by way of Revenue New Investment for Engagement and Communications £1.57m to 2025/26. Spend will be incurred on charges for staff communication, social media and delivery and support roles. This amount also includes charges for marketing, ECAC event, website development, training and research costs.

9.2. Summary of Activity

ECC has developed a detailed communications strategy, taking a three-pronged approach to communications activity:

- Formal communications
- Stakeholder engagement
- Community engagement

We will communicate to traditional audiences (such as general public, media outlets) via regular channels (such as e-newsletters and media releases). This will primarily be one-way communication, pushing key messages out en-masse and be less labour intensive.

A media release will be issued after each Commission meeting detailing what has been discussed or agreed. The chair and other commissioners will be offered for interview. For any interviews secured, an interview briefing will be developed for the interviewee.

Also, under this prong, more formal social media activity will be undertaken via newly established ECAC accounts on Facebook, Twitter and Instagram which point traffic to and complement the Essex is Green work.

Key characteristics

- Develops overarching comms strategy and plan
- Develops and delivers key messages via 'traditional' channels
- Generally one-way broadcast of key messages with the exception of social media activity
- Commission's identity, design, employee comms and content support from central comms team
- Measures and evaluates comms activity

ECC has committed to working across the county to hit its net zero targets, by ensuring that the Council significantly reduces its carbon footprint whilst also supporting an acceleration in the progress towards sustainable housing and energy, and active and alternative forms of travel. It has committed to engaging with communities and businesses, providing advice and support to enable and empower local action.

The Commission recommended that we invest in research to identify Essex audience groups and develop more targeted communications. Extensive research to underpin future communications was undertaken in the first half of 2021 looking into the attitudes of Essex residents and their willingness to undertake action on climate change. This research has been shared across District, Borough and City Councils across Essex. Alongside this, there was a public consultation on many of the Commission's key recommendations, the results of which were published as the community engagement annexe to the Commission's report, [Net Zero – Making Essex Carbon Neutral](#).

The Commission recommended that an online resource be developed to enable individuals to take action on climate change and a website has been developed for this purpose: essexclimate.org.uk This acts as a growing resource for the community in Essex to understand how they can take action on climate.

ECC is working with the Essex Association of Local Councils, offering a series of climate-related webinars is helping to address the recommendation that local authorities should align on messaging around climate. The Net Zero Innovation Network has already been established, as recommended by the Commission to bring together businesses and anchor institutions to develop innovative climate solutions within the county.





ECC has started to develop climate action packs for specific groups such as residents, schools and businesses, to give practical advice on how each of us can play our part in tackling climate change. In September 2021 we also began rolling out a series of webinars to support town and parish councils in tackling climate change at a local level. By supporting others in taking action, we can make even faster progress towards our climate goals.



ECC continues to support the Essex is Green social media channels which are a collaboration between ECC, the Commission and local social media admins to enable more Essex residents to understand the work we are already doing to tackle climate change and learn how they too can become more involved in our journey to net zero.


Finally, just last month, ECC was proud to become official partners in Ashden's Let's Go Zero campaign to encourage schools across the county to become carbon zero by 2030.

These are some of the areas of communication (section 9.3) and community (section 9.4) we are already prioritising as we continue to consider the Commission's other recommendations relating to community engagement.





9.3. Communication and Education

Initiative	Description	Align ECC Strategic aims			
Advice Packs	We are producing advice packs aiming at different audiences explaining to them the impact climate change is having, what they can do about it and how to get involved. Initially we are producing packs for residents, schools and businesses.		 		
Low Carbon Bus Event	Wednesday 1 September saw the COP26 Carbon Battle Bus arrive in Essex, as it made its way across the country in the build-up to the 2021 United Nations Climate Change Conference, taking place in Glasgow in November. The bus stopped off at the GRIDSERVE Electric Forecourt in Braintree where an event was held by the Essex Climate Action Commission. The event showcased some of the action that is being		 		

	<p>taken both around the county and locally in Braintree in the fight against climate change.</p> <p>The event featured talks from Toddington Harper, Chief Executive at GRIDSERVE, alongside representatives from Essex County Council, Braintree District Council, Brentwood Borough Council and the Net Zero Innovation Network (NZIN).</p> <p>Following the completion of the event Cllr Kevin Bentley and Cllr Graham Butland, leaders of Essex County Council and Braintree District Council respectively, planted a tree on the GRIDSERVE site to symbolise the commitment to climate action around the county.</p> <p>A full recording of the event can be found on the Essex Climate Action Commission's YouTube channel.</p> <p>A further event at Gridserve took place on Oct 29 which brought together local government and business leaders from across the East of England.</p>				
Carbon App	<p>Essex Climate Action Commission is currently about to start the procurement process for a carbon counting app which tracks an individual's carbon footprint, suggests ways to reduce their carbon footprint and rewards actions by awarding carbon credits they take to mitigate the footprint.</p> <p>Retailers, hospitality and other relevant businesses in Essex would be encouraged to sign up to accept the carbon credits and provide an environmentally friendly reward. An ECC reward could be a free water butt or composting bin for example. A retailer could give a reusable coffee or water cup etc.</p> <p>Versions of the app would also be available to schools and businesses.</p> <p>The Commission aims to find a pre-existing app that we could white label.</p> <ul style="list-style-type: none"> • Why <p>We need to become a net zero county by 2050. Individual residents have a large role to play in helping us achieve that. The app would be a way to engage residents, schools and businesses and get data on who is doing what and measure the level of success.</p> <ul style="list-style-type: none"> • Impact <p>The app will engage and inform residents about small changes they can make to their daily life to offset their carbon footprint. It would reduce the county's carbon footprint It would give residents a way to engage and participate in climate change action It would encourage behaviour change It would reward positive behaviour</p>		 		

ECAC Website	Maintaining the Administration and Support of the ECAC website and Officer Time				
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9.4. Empowering our Communities

Initiative	Description	Align ECC Strategic aims			
Essex is Green & Essex Changemakers	Essex Is Green social media channels actively engage and inspire thousands of residents online to get involved and tackle climate change reaching over 10million newsfeeds since we launched last July and over 8000 followers since September 2021. Changemakers group was opened where over 100 Essex admins or local community group leaders could meet to work and learn together to achieve their shared goals of fighting climate change and improving the environment.				
Resident Research Work	Annual research to benchmark residents' attitudes to climate change and measure positive progress and attitudinal change among Essex residents				
Community Led Action	The new £500k Climate Action Challenge Fund for local community groups and schools, gives an opportunity for up to £20,000 of funding to deliver activities that respond to key climate challenges in Essex. Funding is available until March 2023 https://www.essex.gov.uk/leisure-culture-local-heritage/culture-and-communities				
EALC webinars	ECC is hosting a series of webinars for EALC members across the various themes of the Commission's work to help encourage and support action at parish and town council level. The series of workshops began in September 2021 and will be rolled out bi-monthly between now and July 2022				







10. Supporting Our Businesses


Essex County Council has made a strategic commitment in its organisation strategy (*Everyone's Essex*), to ensure that it delivers a Strong, Inclusive & Stable Economy, as well as a High Quality Environment. The strategy encompasses 20 commitments, including Good Jobs, Net Zero and Green Growth. Fostering, developing and sustaining green growth in the county is central to our strategy for regional economic growth.

Essex County Council is clear in its ambition to “develop Essex as a centre for innovation, supporting new technologies and business models to enable our economy to transition to net zero and secure green jobs for the future by ensuring we have the right local skills and drawing in investment opportunities”

This is supported by the work of the newly-established Net Zero Innovation Network, a group 30-plus businesses, academic institutions and public sector working collaboratively to develop a pipeline of delivery around the themes emerging from the Essex Climate Action Commission. Together the pipeline will ensure joined up working and help to secure funding opportunity to deliver transformational green projects.

Essex County Council is looking to support the growth of businesses within Essex enabling a thriving economy in the medium and long term. This means not only supporting green businesses but encouraging all business to be green. There are particular opportunities which will secure investment from Government and the private sector but only if we can produce the evidence and analysis to support the business cases/test cases needed. ECC will also need to lead the market showing the opportunity to business, via leveraging its purchasing power, and that of fellow anchor institutions to facilitate Green Business Growth within Essex.

Initiative	Description	Financial commitment	Align ECC Strategic aims			
Net Zero Innovation Network (NZIN)	NZIN will bring together individuals from a wide range of education and business sectors across Essex. The aim is to support partnerships and drive innovation, helping Essex achieve its target of being a net zero carbon emissions county by 2050. The Network develop and deliver new projects which will be defined and owned by Network members. There is a particular focus on themes emerging from the Essex Climate Action Commission including: transport, energy, waste, the built environment, and land use and green infrastructure	Revenue New Investment £1.95m 2022/23-2025/26.				
Green Growth	Essex County Council is looking to support the growth of businesses within Essex enabling a thriving economy in the medium and long term. This means not only supporting green businesses but encouraging all business to be green. There are particular opportunities which will secure investment from Government and the private sector but only if we can produce the evidence and analysis to support the business cases/test cases needed. ECC will also need to lead the market showing the opportunity to business, via leveraging its purchasing power, and that of fellow anchor institutions to facilitate Green					

	Business Growth within Essex..					
Supporting Essex SMEs with green projects and reducing their carbon emissions	<p>Low Carbon Across the South East (LOCASE) ERDF grant funded programme helping businesses with 'green' projects such as energy efficiency or supporting SMEs in the low carbon sector.</p> <p>Since the programme started in 2016, £2.6m has been awarded to 397 businesses with an estimated 2,902 tonnes CO2 equivalent emissions reduction and £992,534 cost savings per annum within Greater Essex (including Southend and Thurrock). Further funding has been secured for the partnership to extend the delivery of support to SMEs until June 2023, with an expected £2.7m of grants available to Greater Essex businesses.</p>	<p>Grant: £6.4m funding (across the South East LEP)</p> <p>Drawdown from Service Improvement Reserve £38,000 Revenue 2021/22.</p>				

11. Evaluation and Monitoring

We are already committed to produce annual reports to track:

- Essex County Council's greenhouse gas emissions and climate resilience measures.
- Greenhouse gas emissions and climate reliance measures across Essex.

Aligning with the organisational strategy Everyone's Essex there will be a suite of KPI's supporting the high quality Environment strategic aim reporting on a quarterly basis.

We are in process in developing a waste strategy and reviewing service design and the lifecycle of waste.

We recognise we are just at the start of this process and are working towards developing an evaluation framework for individual climate action projects/ programmes. The objectives of this evaluation are to understand how these climate actions contribute towards achieving the Net Zero target.

12. Summary Finance Schedule

Below is a financial summary schedule combining all service areas taken from the Capital MTRS, Capital recommended priorities, External funding and new Revenue investments from the Climate Change reserve, Service Improvement reserve and Transformation reserve.

Capital amounts are based on the percentage allocation funded by ECC and are as at MTRS P5 Position with Climate selected as the primary outcome. Capital recommended priority items are not currently part of the capital programme and subject to review and approval.

Staff costs associated for teams working on Climate change activity is in addition to the costs below and amount to £1.96M per annum for c39 FTE.

Total external funding and financial commitment of £200.3m including external grant funding (subject to offer) and staff costs to 2025/26. This includes the request for additional revenue investment of £10.3m and Capital investment of £6.5m to 2025/26.

Finance view by Activity:

Financial Commitments - Prioritised

	£000's Total ECC	FTE	DRAFT MTRS				
			£000's 2021/22	£000's 2022/23	£000's 2023/24	£000's 2024/25	£000's 2025/26
Flood resilience	6,571		1,171	1,750	1,700	1,950	-
Highways LED Rollout (Phase 2/3/4)	26,870		6,506	7,547	7,547	5,270	-
Active Travel	2,137		1,656	481			
Cycling Infrastructure	4,750			750	2,000	2,000	
Electric Vehicle Strategy	400		200	200			
Capital MTRS	40,728	-	9,533	10,728	11,247	9,220	-
Estate Retrofit Core	3,000		-	750	750	750	750
Bus Back Better	500		-	500	-	-	-
Cycling Assets Renewal	3,000		-	750	750	750	750
Capital Priorities Recommended	6,500	-	-	2,000	1,500	1,500	1,500
Total Capital Excl Grants	47,228	-	9,533	12,728	12,747	10,720	1,500
Love Essex	2,141		678	480	488	495	-
Biowaste contracts	26,285		5,615	6,702	6,889	7,079	-
Compost Credits	8,330		1,961	2,040	2,122	2,207	-
Inter Authorisation Agreements	30,636		7,323	7,542	7,769	8,002	-
Revenue MTRS	67,392	7	15,577	16,764	17,268	17,783	-
Climate Team Staffing	699			206	206	206	81
Climate Communications & Engagement	1,566			495	558	432	81
Environment - Essex Forest Initiative	220			55	55	55	55
Highways - Request for Green Infrastructure maintenance reserve	1,925			220	330	550	825
Planning - Build ECC capacity to support new build standards across Essex	820			220	200	200	200
Essex Housing Hargrave House	640			640			
Transport - updating of transport policy for climate challenge	675			675			
Supporting our businesses - Sustainable growth, sector development and Net Zero innovation	1,950			493	493	493	471
Supporting our Businesses - reduction carbon education	245		-	125	120	-	-
Transport - Behaviour Change; Safer, Healthier and Greener	450		-	450	-	-	-
Land Use and Green infrast- Local Nature Partnerships	267		-	89	89	89	-
Transport - Bus back better	884		-	221	221	221	221
Revenue New Inv	10,341	38	-	3,889	2,272	2,246	1,934
First CMA drawdown Climate Reserve	2,422		1,405	1,018			
Service Improvement Reserve	458		458				
Service team staff charges	10,424	39	1,963	2,022	2,083	2,145	2,210
Total Revenue Excl Grants	91,036	84	19,402	23,693	21,623	22,174	4,144
	0	-	-	0	0	0	-
TOTAL Excl Grants	138,264	84	28,935	36,421	34,370	32,895	5,644
Capital MTRS	40,728	-	9,533	10,728	11,247	9,220	-
Capital Priorities Recommended	6,500	-	-	2,000	1,500	1,500	1,500
Capital Externally Funded:							
Flood management REFCUS	6,547		1,147	1,750	1,700	1,950	-
Green Infrastructure Fund	2,500		-	-	500	1,000	1,000
Flood Alleviation Scheme - Env Agency	1,973		1,973	-	-	-	-
Decarbonisation Scheme 1	6,282		6,282	-	-	-	-
Decarbonisation Scheme 2	226		226	-	-	-	-
Decarbonisation Scheme 3	4,860		4,860	-	-	-	-
Low Carbon Skills fund	146		146	-	-	-	-
Green Homes Capital Grant - BEIS	776		776	-	-	-	-
Grant: £0.8m GHG LAD Phase 1a	800		800	-	-	-	-
Grant: £5.2m GHG LAD Phase 2	5,200		-	5,200	-	-	-
Grant: £17.2m Sustainable Warmth bid (outcome pending)	17,200		-	17,200	-	-	-
Window glazing grant	1,800		1,800	-	-	-	-
Active Travel - Dft	5,950		-	5,950	-	-	-
Essex Forest initiative - LA Treescape fund	300		300				
Capital Externally Funded	54,558	-	18,308	30,100	2,200	2,950	1,000
Total Capital Incl Grants	101,786	-	27,841	42,828	14,947	13,670	2,500
Revenue MTRS	67,392	7	15,577	16,764	17,268	17,783	-
Revenue New Inv	10,341	38	-	3,889	2,272	2,246	1,934
First CMA drawdown Climate Reserve	2,422		1,405	1,018			
Service Improvement Reserve	458		458				
Revenue Externally Funded:							
Blue print Circular Economy Interreg France. Partnership	3,873		3,873	-	-	-	-
Clean Bus Tech Fund - Dft	443		443	-	-	-	-
Retrofit Academy	717		359	359			
Active Travel	2,419		2,419	-	-	-	-
Revenue Externally Funded	7,453	-	7,094	359	-	-	-
Total Revenue Incl Grants	88,065	45	24,533	22,029	19,540	20,029	1,934
Staff Team Charges	10,424	39	1,963	2,022	2,083	2,145	2,210
TOTAL Inc Grants	200,275	84	54,337	66,879	36,570	35,845	6,644

Finance view by funding stream:

Financial Commitments - Prioritised

	DRAFT MTRS						
	£000's Total ECC	FTE	£000's 2021/22	£000's 2022/23	£000's 2023/24	£000's 2024/25	£000's 2025/26
Capital MTRS	40,728	-	9,533	10,728	11,247	9,220	-
Capital Priorities Recommended	6,500	-	-	2,000	1,500	1,500	1,500
Total Capital Excl Grants	47,228	-	9,533	12,728	12,747	10,720	1,500
Love Essex	2,141	7	678	480	488	495	-
Biowaste contracts	26,285	-	5,615	6,702	6,889	7,079	-
Compost Credits	8,330	-	1,961	2,040	2,122	2,207	-
Inter Authorisation Agreements	30,636	-	7,323	7,542	7,769	8,002	-
Revenue MTRS	67,392	7	15,577	16,764	17,268	17,783	-
Essex Plan Reserve	6,230	13	-	2,303	1,078	1,298	1,551
Climate Change Reserve	2,265	10	-	701	764	638	162
Transformation Reserve	695	3	-	575	120	-	-
Additional funding in MTRS	1,151	3	-	310	310	310	221
Revenue New Inv	10,341	29	-	3,889	2,272	2,246	1,934
First CMA drawdown Climate Reserve	2,422	9	1,405	1,018	-	-	-
Service Improvement Reserve	458	-	458	-	-	-	-
Service team staff charges (existing ECC staff)	10,424	39	1,963	2,022	2,083	2,145	2,210
Total Revenue Excl Grants	91,036	84	19,402	23,692	21,623	22,174	4,144
TOTAL Excl Grants	138,264	84	28,935	36,420	34,370	32,895	5,644
Capital MTRS	40,728	-	9,533	10,728	11,247	9,220	-
Capital Priorities Recommended	6,500	-	-	2,000	1,500	1,500	1,500
Capital Externally Funded	54,558	-	18,308	30,100	2,200	2,950	1,000
Total Capital Incl Grants	101,786	-	27,841	42,828	14,947	13,670	2,500
Revenue MTRS	67,392	7	15,577	16,764	17,268	17,783	-
Revenue New Inv	10,341	38	-	3,889	2,272	2,246	1,934
First CMA drawdown Climate Reserve	2,422	-	1,405	1,018	-	-	-
Service Improvement Reserve	458	-	458	-	-	-	-
Revenue Externally Funded:							
Blue print Circular Economy Interreg France. Partnership	3,873	-	3,873	-	-	-	-
Clean Bus Tech Fund - Dft	443	-	443	-	-	-	-
Active Travel	2,419	-	2,419	-	-	-	-
Retrofit Academy	717	-	359	359	-	-	-
Revenue Externally Funded	7,453	-	7,094	359	-	-	-
Total Revenue Incl Grants	88,065	45	24,533	22,029	19,540	20,029	1,934
Service team staff charges (existing ECC staff)	10,424	39	1,963	2,022	2,083	2,145	2,210
TOTAL Inc Grants	200,275	84	54,337	66,879	36,570	35,845	6,644

The breakdown of external funding is shown below.

EXTERNAL FUNDING - MTRS / PIPELINE	DRAFT MTRS						
	£000's Total ECC	FTE	£000's 2021/22	£000's 2022/23	£000's 2023/24	£000's 2024/25	£000's 2025/26
Capital Externally Funded							
MTRS	6,547	-	1,147	1,750	1,700	1,950	-
Pipeline	48,012	-	17,162	28,350	500	1,000	1,000
Total External Capital	54,558	-	18,308	30,100	2,200	2,950	1,000
MTRS	-	-	-	-	-	-	-
New Inv	7,453	-	7,094	359	-	-	-
Total External Revenue	7,453	-	7,094	359	-	-	-
Total External Funding	62,011	-	25,402	30,459	2,200	2,950	1,000

The table below is a breakdown of costs for prioritised initiatives by service area and inclusive of grants:

	£000's Total ECC	FTE	£000's 2021/22	DRAFT MTRS			
				£000's 2022/23	£000's 2023/24	£000's 2024/25	£000's 2025/26
Land Use & Green Infrastructure							
Total Capital	17,890		4,590	3,500	3,900	4,900	1,000
Total Revenue	3,228	5	400	780	474	694	880
Total Land Use and Green Infrastructure	21,118	5	4,991	4,280	4,374	5,594	1,880
Waste							
Total Capital	-		-	-	-	-	-
Total Revenue	71,316	7	19,501	16,764	17,268	17,783	-
Total Waste	71,316	7	19,501	16,764	17,268	17,783	-
Energy							
Total Capital	35,489		13,089	22,400	-	-	-
Total Revenue	961	2	520	346	95	-	-
Total Energy	36,450	2	13,609	22,746	95	-	-
Built Environment							
Total Capital	4,800	-	1,800	750	750	750	750
Total Revenue	1,590	3	130	860	200	200	200
Total Built Environment	7,107	3	2,289	1,969	950	950	950
Transport							
Total Capital	43,607	-	8,362	16,178	10,297	8,020	750
Total Revenue	5,097	6	3,006	1,428	221	221	221
Total Transport	48,704	6	11,368	17,606	10,518	8,241	971
Supporting our Businesses							
Total Capital	-		-	-	-	-	-
Total Revenue	2,195	10	-	618	613	493	471
Total supporting our Businesses	2,195	10	-	618	613	493	471
Communication and Education							
Total Capital	-	-	-	-	-	-	-
Total Revenue	2,332	10	302	560	669	638	162
Total Communication and Education	2,332	10	302	560	669	638	162
Community Engagement							
Total Capital	-	-	-	-	-	-	-
Total Revenue	629	2	314	314	-	-	-
Total Community Engagement	629	2	314	314	-	-	-
check	-						
Team Staff charges	10,424	39	1,963	2,022	2,083	2,145	2,210
TOTAL	200,275	84	54,337	66,879	36,570	35,844	6,644

Revenue investments requested from Reserves are captured against the following activities and financial years.

	Total	DRAFT MTRS			
		£000's	£000's	£000's	£000's
		2022/23	2023/24	2024/25	2025/26
New Investment included in Total Commitments					
Essex Plan Reserve					
Environment - Essex Forest Initiative	220	55	55	55	55
Highways - Request for Green Infrastructure maintenance reserve	1925	220	330	550	825
Planning - Build ECC capacity to support new build standards across Essex	820	220	200	200	200
Essex Housing Hargrave House	640	640			
Transport - updating of transport policy for climate challenge	675	675			
Supporting our businesses - Sustainable growth, sector developmenta and Net Zero inno	1950	493	493	493	471
	6230	2303	1078	1298	1551
Additional funding in MTRS					
Land Use and Green infrastructure - Local Nature Partnerships	267	89	89	89	-
Transport - Bus back better	884	221	221	221	221
	1,151	310	310	310	221
Climate Change Reserve					
Climate Team Staffing	699	206	206	206	81
Climate Communications & Engagement	1,566	495	558	432	81
	2,265	701	764	638	162
Transformation Reserve					
Supporting our Businesses - reduction carbon education	245	125	120	0	0
Transport - Behaviour Change; Safer, Healthier and Greener	450	450	0	0	0
	695	575	120	-	-
Total	10,341	3,889	2,272	2,246	1,934

Report Title: Cabinet's Report to Full Council	
Report to: Council	
Date: 25 th July 2022	For: Noting
Key Decision: No	Decision Planner Ref No: N/A
Report Presented by: Councillor Graham Butland, Leader of the Council	
Enquiries to: N/A	

1. **Introduction**

This report covers the main activities of all Cabinet Members since the last ordinary meeting of full Council.

OVERALL STRATEGY

2. **Councillor Graham Butland - Leader of the Council**

2.1 **Local Government Association Conference (LGA)**

Together with Councillors Tom Cunningham, Gabrielle Spray and the Chief Executive, Andy Wright I attended the LGA Annual Conference at Harrogate which was held on 28th to 30th July 2022.

The meeting was addressed by a number of (then) Government Ministers and leading spokespersons from Opposition Parties.

During the Conference, the East of England LGA held its Annual General Meeting. The Keynote speech was from Christina Marriott of the Red Cross which was truly inspiring.

Councillor Matthew Hicks, Leader of Suffolk County Council, was elected as Chairman of EELGA and I was honoured to be elected as the Vice-Chairman. I will also be chairing the Infrastructure and Growth Panel.

2.2 **ELCE – Developing the Opportunities of Devolution**

At the last Council meeting I updated Members on the work being undertaken by the Essex Leaders & CEO Group on the issue of the Levelling Up White Paper. I undertook to keep members updated on the issue.

Members will be aware that a briefing evening has been arranged for 19th July 2022.

In the meantime, progress has been made on the establishment of the three workstreams to take consideration of the issues involved forward. The configuration of these workstreams is set in the table below.

We are now in the process of finalising the dates for when the workstreams will meet. Ideally we are hoping that each will have met twice by the first or second week of August. Clearly, this is subject to the summer leave period and might be overly ambitious. We will then take stock at the ELCE meeting on 8 September and agree the autumn timetable for the work programme and how we can engage with other anchor institutions across Essex.

Leader sponsor	Cllr. Stephen George, Southend City Council	Cllr. Kevin Bentley, Essex County Council	Cllr. Rob Gledhill, Thurrock Council
Workstream area of focus	Community safety, public services, communities, and finance (keeping the public safe and healthy; investment spending; and the opportunities to leverage coordinated public procurement to deliver more efficient and effective commissioning)	Economy, skills, and the environment (strategic role in supporting the achievement of economic outcomes; supporting adults to gain the skills they will need for the future labour market; supporting local businesses)	Transport, infrastructure, and housing (local control of sustainable transport; local control of infrastructure decisions)
Chief Executive sponsor	Pam Donnelly (Colchester)	Scott Logan (Basildon) and Georgina Blakemore (Epping Forest)	Nick Eveleigh (Chelmsford)

2.3 Transport East

I have received the following letter from the Chairman of Transport East, Cllr Kevin Bentley, on the work of Transport East which members may find of interest.

“Dear Graham,

I am writing to provide an update on the work of Transport East, the region’s Sub-national Transport Body, and set out how we are involving your authority in our partnership’s work programme to improve transport in the East. Firstly, thank you for your ongoing support in your role as Essex district representative on our Forum and the involvement of your officers in our work, especially Louise Flavell whose expertise is much appreciated. We are particularly grateful for your engagement in our Transport Strategy consultation earlier this year. The strength of a single voice for transport investment in across the region comes from a clear understanding of and advocacy for our joint priorities.

- *Decarbonising transport to net zero*
- *Connecting growing towns and cities*
- *Energising rural and coastal communities*
- *Unlocking our international gateways*

The ongoing commitment from you and other partners in the region is being recognised by government. This has leveraged an indicative three-year settlement from the Department of Transport to support Transport East's work programme, with funding increasing year-on-year to over £1m pa representing a x4 return from the regional annual contributions. This Government settlement allows us to ramp up our activity and expand our operations. Our ambitious programme for this financial year will be published shortly in our Business Plan.

Reviewing our partnership approach

Over the last two years, Transport East has developed rapidly, and it is the right time to examine our partnership approach. This year we will be undertaking an independent review of our governance, and membership. All councils in the region contribute to the core running costs of Transport East and we want to make sure you are receiving good value for money. EELGA are supporting us with this activity, and we will be in touch with relevant officers with a survey to seek your views.

As part of this process, we would appreciate a meeting to discuss your needs and priorities, and we will be in contact with your office shortly to set a date. I would also like to remind you of the formal channels district, borough and city councils have into Transport East through their political and officer representatives, whose support and expertise are highly valued.

We will be invoicing for FY2022/23 membership fees shortly, which remain the same as FY2021/22. It should be noted the invoices received in April 2022 related to FY 2021/22 and the invoices being issued shortly relate to FY 2022/23. The Independent Review and our engagement programme will determine the future annual fee structure.

Priorities for 2022/23

Our immediate goal for this year is finalising the regional Transport Strategy for submission to the Secretary of State for Transport. This has been refined following the comments we received through the public consultation, and alongside our Investment and Delivery Programme, will for the first time set out a clear direction and set of priorities for transport investment across the Transport East subnational area. The Strategy is underpinned by a comprehensive evidence base including deep-dive reports and scenario testing. These useful reports can be found on the documents section at www.transporteast.org.uk.

Our Three-Year Plan articulates four core priorities for our partnership:

- 1. Becoming a leading English Sub-national Transport Body – enhancing the regional transport planning capacity and capability*
- 2. Plan the next generation of transport projects – including new strategic analytical capability to test future solutions, completing connectivity studies for our six core corridors and leading the response to new transport policy challenges*

3. *accelerated delivery of the East's priority transport projects – enhancing the business cases for new projects and exploring new funding approaches*
4. *A Single Voice to put the East's transport priorities on the UK map – deepening partnerships with national bodies to steer investment, leading regional task forces for investment priorities and collaborating to strengthen the case for investment in the East.*

Our Business Plan will set out our work programme for this year including the expansion our regional and national engagement programme. We are deepening our engagement with Parliamentarians through closer work with the East of England All Party Parliamentary Group to strengthen their voice on regional investment priorities. We have established formal relationships with National Highways, Network Rail and the emerging Great British Railways to influence their infrastructure pipelines. This year is particularly important for future road and rail investment as the next Roads Investment Strategy (RIS3) is under development and Government is formally establishing Great British Railways through legislation.

Our technical programme will strengthen the evidence bases and business cases for future interventions. Activity to achieve this includes developing a Centre of Excellence for Rural Mobility, initiating a Rail Plan for the East, creating a placed-based transport decarbonisation pathway and strategic EV infrastructure demand assessment, and new strategic modelling capability to allow transport planning based on where people want to get to rather than the vehicle they use.

The outputs from these will help inform all authorities' strategies, plans and activities. We will engage your officers as these programmes progress, but if there is anything you are particularly interested in knowing more about, do let us know.

We appreciate your ongoing support and involvement with Transport East partnership and look forward to meeting you soon."

CORPORATE PRIORITY - INNOVATIVE ENVIRONMENT

3. Councillor John McKee – Cabinet Member for Finance and Corporate Transformation

3.1 Finance Service

3.1.1 Collection of Council Tax and Business Rates as at 31st May 2022

Council Tax collection – 20.8% compared to 20.6% for last year. Amount collected £22.6m.

Business Rates collection – 21.0% compared to 19.4% for last year. Amount collected £8.9m.

3.1.2 COVID 19 Additional Relief Fund for Businesses (CARF)

An initial award of relief totalling £220k has been applied to the accounts of those businesses that had submitted applications under the CARF scheme. The scheme continues to be promoted to businesses.

3.1.3 Energy Rebate Scheme (£150)

At 21st June 2022, we had paid out 42,899 rebates totalling £6.4m, with a further 2,471 or £0.4m being offset against taxpayers' accounts. 358 offsets were pending being actioned on the local tax system.

We have been writing to those council taxpayers that are not on direct debit requesting banks details for making the rebate payment. Where no response has been received a follow up letter is being issued advising that if we do not hear back by a set date the rebate will be credited to their council tax account.

3.1.4 Homes for Ukraine Scheme – Payment to Guests (£200)

The Cashier's team have paid 131 guests (for 59 families) under the Homes for Ukraine scheme amounting to over £26k.

3.1.5 Treasury Management

We continue to see an increase in returns on our short-term investments as the recent increases in Bank Base Rate is reflected through into money market rates, with rates in excess of 1% now available (average return in 21/22 was 0.08%).

Dividend income from Pooled Funds remains as expected and the market value of the funds at the end of May increased taking the overall unrealised gain to £3.1m.

3.1.6 Provisional Financial Outturn 2021/22

The provisional financial outturn for 2021/22 was included in the Fourth Quarter and Annual Performance Report which was received by the Cabinet at its meeting held on 11th July 2022. The report provided a commentary on the impact of the Covid pandemic in the year and how this had been funded. A positive base budget variance for the year was reported of £480k, after carry forwards of £725k.

The report also set out the detail of the Council's capital spending for the year which totalled £30.6m.

3.1.7 Risk Management

The Strategic Risk Register has been reviewed by senior management, and Members at the Member Development Evening held on 26th May 2022. Feedback from Members on the evening was very positive. The updated Risk Register was considered by the Cabinet at its meeting held on 11th July 2022.

3.2 Customer Services

The average call answering time for May was 33 seconds, with 73% of calls resolved

at first point of contact in the Customer Service Centre. This is slightly over target due to high call volumes following the bank holiday period and the changes to waste collections. The Customer Service team have been supporting services by providing additional phone cover. A couple of examples being:

- Council Tax to allow the team to process £150 Rebate payments
- Housing who are experiencing a high demand and need time away from calls to process applications.

In the month of May, the Customer Service Centre dealt with 9,376 calls, 841 emails, 3,541 online enquiries and 1,804 face to face enquiries.

3.2.1 Performance and Improvement Team

In May, the team received 63 FOI requests and responded to 90.91% of requests within the 20-working day timescale. Six requests were responded to over timescales with four of the late responses being delayed by one or two days. One response was sent 6 days late and another was sent 8 days late. For the responses that were 6 and 8 days late, the customers were kept informed. Delays in responding were primarily due to the volume or the complex nature of the requests where the Council required additional time to consider the response and the application of any exemptions.

3.2.2 Human Resources and OD&L

The new Learning Management System called 'The Learning Hive' went live on 31st May 2022 and staff will be exploring the new system over the coming months to complete four mandatory courses. The next phase will be to develop additional training courses and learning pathways for staff to support their continuous development.

Like a number of organisations, we are seeing an increase in people leaving the authority although a number of leavers are due to retirements. There are currently ten vacancies being advertised.

3.3 Procurement

A business case for the evolution of the Shared Procurement Hub has been developed, in conjunction with Essex County Council. The business case will provide additional resource to the Hub to grow the shared service and bring benefits across the county through a collaborative approach to procurement. The business case is now going through governance and will implemented following approvals being in place.

The procurement team has been extremely busy, supporting a number of framework renewals as well as Strategic Investment projects. At the same time the team has also been developing the contracts register and forward plan, increasing visibility of our third party spend and enabling us to be proactive in understanding markets ahead of the need to procure. As part of our collaborative work with Essex County Council we are also looking at our low value spend to understand opportunities for getting greater value from this.

To support the understanding and better use of procurement, training has been developed and is in the process of being delivered across the Council, linking with colleagues in Learning and Development and including comprehensive guidance for users.

3.4 ICT

At the last Council meeting there was some discussion about reporting and the use of What3Words. Issues can be currently reported using What3Words and will be manually identified. The ICT team have started to investigate how this can be automatically integrated into systems to improve processes and enhance online reporting options.

3.5 Health & Safety

The internal Health and Safety and Welfare Committee has recommenced with the next meeting scheduled in August 2022.

The Health and Safety Team are working with Learning and Development to build Health and Safety Training courses which will soon be available to staff online via the new Learning Hive training system

4. Councillor Mrs Wendy Schmitt – Cabinet Member for Environment

4.1 ENVIRONMENTAL SERVICES

4.1.1 Public Health & Housing Team

4.1.1.1 Homes for Ukraine

Homes for Ukraine scheme continues to produce sponsors whose properties are being inspected. Newly received sponsors are currently being inspected within 7 days of the Council being notified.

4.1.1.2 Pest Control

The relatively mild winter has seen a high level of rodent complaints continuing into spring and summer. Usually complaints reduce in the summer months but this does not appear to be the case this year. Seasonal wasp reports are now beginning to be received.

4.1.1.3 Disabled Facility Grants (DFG)

DFG referrals have slowed slightly in June and July allowing a small catch up of existing work. There are several substantial grants for major building works continuing to make progress through the approval process that are likely to exceed the maximum of £30k, these will require discretionary additional funding from the Council.

4.2 Climate Change & Sustainability

The Climate Change Action Plan 73 actions have been input onto the internal performance management system in preparation for the commencement of regular Performance Reporting. A full report on the performance reporting methodology is included in this agenda.

The Council is now engaging with Essex County Council (ECC) on the development of the Climate Focus Area (CFA) which covers 37% of the District. Councillors have been invited to attend an introductory meeting on the key priorities for the Area.

4.2.1 Electric Vehicle Charging

2 x 22kw fast electric vehicle chargers have been installed at I-construct and the electric vehicle team has also submitted a bid to the Office for Zero Emission Vehicles for vehicle chargers for Eastern Road car park in Witham. Rapid/fast chargers are also being installed at Victoria Square and George Yard car parks in Braintree and Newlands Drive car park in Witham.

Essex County Council has submitted bids for on-street charging across Essex to the Office for Zero Emission Vehicles. Braintree District Council has made an expression of interest to be recipient of a pilot on-street charging project and is awaiting the outcome of Essex County Council's bid.

4.3 Energy Efficiency

Officers are rolling out a "Don't Wait for Winter" campaign to engage residents in taking up home energy efficiency grants for improvements to reduce energy costs before winter energy price increases come into effect.

4.4 Energy switching auctions

278 households have signed up this year for either ECO or ECO Flex funding for improvements to their energy system which is double the number of applications received last year. Each application is very specific dependent on the resident's needs and the application process has highlighted that, for many that apply, there are further services for which the residents are eligible. The team handling these applications helps those applying understand what further assistance is available to them.

At the end of June 2022, 29 central heating installations had been undertaken via the Warmer Homes grant scheme.

Delivery of the £449k funding awarded to the Council for the "Local Authority Delivery (LAD) Scheme 2" is via Warmworks (this is the Green Homes Grant which supports residents to make energy improvements to their home). This scheme has been extended by Central Government until September 2022 and referrals to the grant are underway for Braintree District.

Solar Together Scheme (STS) is a method of group-buying solar panels and battery storage that the Council co-ordinates on behalf of residents. The last (STS) auction saw 695 registrations in the District; the next launch is set for summer 2022.

The Council continues to refer residents to Groundwork's Green Doctor's Service, who then arrange house visits to advise on how to reduce energy and water costs. This is open to all tenures.

4.5 Handyman Scheme

The Council's Handyman scheme continues to be very busy. Key Safe installation remains one of the key requests to allow for Hospital Discharge.

4.6 OPERATIONS

4.6.1 New Electric Trickle Chargers at Transport Workshop

Two new trickle chargers were installed on 31 May 2022 at the Transport Workshop in preparation for a couple of electric vehicles to be used by the Workshop staff.

4.7 STREET SCENE ENFORCEMENT

4.7.1 Number of fly-tips reported

Month	2021/22	2020/21
June	60	104
July	67	69
August	66	67
September	72	66
October	57	62
November	64	73
December	51	49
January	61	67
February	70	61
March	69	79
April	55	78
May	59	60
TOTAL	751	835

4.7.2 STREET SCENE ENFORCEMENT

The information below shows the work undertaken by the Enforcement Team during May 2022.

20 - Dog barking complaints

1 - Dog fouling complaints

5 - Stray dogs detained (5 for Braintree District Council and 0 for Uttlesford District Council)

29 - Reports of anti-social behaviour

12 - Reports of littering

2- Statutory Notices served for microchipping

1 - Fixed Penalty Notices served for general litter

4.7.3 Prosecutions

On 17th January 2019, waste was found fly-tipped in a lay-by off the B1053 in Finchingfield. The origin of the waste was identified, and the homeowner provided details of an individual who had taken the waste in return for payment. The individual did not respond to any correspondence and failed to attend an interview under caution and the case was passed for prosecution.

The individual was summoned to attend Basildon Magistrates Court on 21st January 2022 but failed to appear and a warrant for their arrest was issued. The individual was subsequently arrested and attended a plea hearing on 13th May 2022 when they entered a guilty plea and was fined £200 and ordered to pay costs of £100 plus a £34 victim surcharge.

4.7.4 Weed Control Programme

Members are asked to note the completion of a 3-year operational trial by the Council's Grounds Maintenance Team of using a range of alternatives to Glyphosate-based herbicides to find a more sustainable and environmentally friendly method/s of weed control. Methods trialled included hot foam, acetic acid, mulching, hand weeding and a mechanical weed scrubber. The assessment and evaluation of these alternatives can be shared separately with Members.

The conclusion from the trial (which is shared by other local authorities with whom research was undertaken) was that Glyphosate (licensed for use in the UK until December 2025) remains by far the most efficient and cost-effective method of preventing and controlling weed growth. The alternatives trialled were less effective in suppressing and eradicating weeds and more labour intensive and costly to apply as they required more frequent application or treatment.

The challenge for the Council is how to prevent and control weed growth whilst being seen to preserve and protect the environment as part of its Climate Change and Green Open Space Strategies. Linked to this is the new Environment Act 2021 which creates powerful new laws to protect and enhance our environment to improve biodiversity, as well as halt the decline of species.

The Council is not alone in facing the dilemma of how to manage weeds more sustainably verses the significant additional costs it would incur if it were to dispense with using Glyphosate. This is against a backdrop of ongoing financial challenges including inflation, global price increases, market trends and the rising cost of products, etc. and the need to deliver further financial efficiencies.

It would be prudent to consider the impact of any additional costs to the Grounds Maintenance Service as part of the annual budget setting process for 2023/24. This will ensure that a balanced and holistic approach is taken when considering this issue alongside other corporate priorities that require funding.

5. Councillor Richard van Dulken – Cabinet Member for Operations and Commercialisation

Since the last Full Council, I have attended, on behalf of BDC, meetings of NEPP (North Essex Parking Partnership) and STACC (Stansted Airport Consultative Committee).

5.1 Licensing

There were 466 licensing applications in April and May, the highest ever bi-monthly figure for the Licensing Department – this number was in part due to large numbers of Temporary Events licences for the Jubilee Weekend but taxi licences continue to be at a high level.

The Taxis and Private Hire Vehicles (Disabled Persons) Act 2022 came into effect on 28th June, ensuring greater accessibility for wheelchair users – particularly important for rural residents who rely more on taxis than public transport.

5.2 Waste & Recycling

5.2.1 Essex County Council Waste Telephone Survey

On 28 June 2022, Essex County Council commenced a waste telephone survey with 1,800 residents, split equally across the 12 Districts, Boroughs and City Councils including Braintree District Council. The aim is to establish baseline knowledge and resident attitudes to re-use, recycling, waste reduction and waste treatment technologies. The outcomes will also be used to inform the design of communications to support the new Essex Waste Strategy for both the 'education and awareness' phase and public consultation. The information obtained will also be useful for general waste related public communications and behaviour change campaign work.

5.3 Commercialisation

5.3.1 Commercial Waste

In 2021/22 the Council generated just under £1m with the commercial refuse and recycling service it provides to local businesses across the Braintree District. This service is tailored to the individual needs of our customers and includes recycling and a weekly or fortnightly collection depending on the frequency that customers require.

5.3.2 Dry Mixed Recycling Income

Over the past 12 months there has been a steady rise in the value of recycled material following a strong demand from the market, global price increases, inflation and the rising cost of oil prices, all of which affects the value of recycled material. This is very positive news for the Council as it has seen a significant increase in income from the sale of its recycled material under its contract with Suffolk County Council. In 2021/22 the Council received £670,280 from 10,282 tonnes of material that was reprocessed and recycled, income that contributes towards the costs of delivering front line service to the District's residents.

CORPORATE PRIORITY - CONNECTING PEOPLE, PLACES AND PROSPERITY

6. Councillor Tom Cunningham – Cabinet Member for Economic Growth

6.1 Street markets

The Council continues to hold monthly street markets in Braintree town centre to attract people into the area. May's event was themed around the Jubilee with June being a PRIDE theme, as June is Pride month. In excess of 30 stalls are now regularly attending each market, alongside the traditional stall holders. We continue to work with Witham and Halstead to explore support we can offer those towns with their market experiences.

6.2 Funding Bids

The Council has been awarded over £100,000 for the installation of two Changing Places toilets to support those with additional needs in Halstead and Witham. The team are now working with partners including Fusion and Witham Town Council to deliver the programme.

The Council has submitted a bid, supported by Essex County Council, highways England and the local MP, to Round 2 of the Levelling Up Fund to support the delivery of the planned Millennium Slip road project in Braintree. If successful the funding will ensure that the full scheme can be delivered and its benefits are felt across Braintree town and the strategic road network. We hope to hear whether the bid is successful in the coming months.

An investment plan to access just over £1million of the governments Shared Prosperity Fund, linked with the levelling up agenda, is being considered at Cabinet prior to this meeting. If approved by government, the funding is expected to be received in October and will support programmes planned to help communities and businesses with the cost of living, support community resilience and deliver business and skills support projects across the current and next two financial years.

6.3 Business Support

Officers from the Economic Development are working with colleagues to deliver an outstanding business support programme from the new Plaza hub at Horizon 120. This will bring together a range of business support and skills organisations and signposting to deliver support for those in the hub, on the business park, and across the whole District. As part of the refresh of the Councils Economic Plan, officers will be accompanying members on a tour of District businesses in the Autumn to understand how our businesses have survived through the pandemic and how we can help them face future challenges including inflation and sustainability.

7. Councillor Kevin Bowers – Cabinet Member for Housing, Assets and Skills

7.1 Victoria Square

The Victoria Square scheme is now very close to completion, with some final delays being experienced to the final delivery elements of the Drill Hall and east block

residential areas. The Town Hall Gardens are now completed and were opened by the Chairman on the 14th July with a photoshoot including the Leader, Cabinet Members and representatives from our development partner Kier.

7.2 Horizon 120

The first building to complete at Horizon 120, the CareCo building, including its new headquarters, has now been completed and is the first building on the Horizon 120 business park to be occupied.

Significant construction work is now evident across the business park, including on the three plots closest to Gridserve. The Weston Homes British Off-Site building is currently due for completion in August 2022. Construction, on the EOS plots, which will offer a series of smaller scale light and advanced manufacturing units, is due to commence in July 2022.

7.3 The Horizon 120 Plaza Enterprise Centre

The Plaza works are progressing well with construction due to complete by the end of July. Lettings of the office spaces are progressing well, supported by our lettings partner Joscelyne Chase, as are discussions to secure a provider for the café and bistro area in the building. An internal officer project team is working closely on furnishing and equipping the new building with a view to it being fully open by the end of the Summer.

7.4 Affordable Housing

Braintree District Council's Housing and Planning teams work closely with developers to enable the delivery of affordable housing to meet the growing demand across our district. There have been 20 affordable housing completions in May 2022 on sites in Braintree and Halstead with a potential 60 further completions across the whole district in June 2022. The affordable housing delivery target for (2022/23) is 250 and we are collectively on track to meet this.

8. Councillor Mrs Gabrielle Spray – Cabinet Member for Planning and Infrastructure

8.1 Neighbourhood Planning

The Council has successfully defended a High Court challenge from a local landowner, to the adoption of the Kelvedon Neighbourhood Plan, which was approved at referendum in the village earlier in the year. This would bring the number of adopted neighbourhood plans in the District to six. An independent examiner has been appointed for the Feering Neighbourhood Plan and it is hoped that this will be complete in the early Autumn, ready for a referendum. A further six neighbourhood areas have been requested to be designated in the District.

8.2 Nationally Significant Infrastructure Projects

The Council continues to work with various infrastructure providers on the nationally significant infrastructure projects which impact on the District. The Longfield Solar Farm proposal is now reaching its final stages and notification has been received that the examination will take place between the 18th July 2022 (when the preliminary

meeting takes place) and the 18th January as examinations cannot last longer than 6 months. This includes deadline dates for the submission of various documents and responses to the Inspectors questions by the authority including the Local Impact Report, and oral hearing sessions which are scheduled to start the weeks beginning the 26th September and 14th November, although a detailed examination timetable will be published shortly.

CORPORATE PRIORITY - SUPPORTING OUR COMMUNITIES

9. Councillor Peter Tattersley – Cabinet Member for Health & Wellbeing

9.1 Social Isolation and Loneliness Awareness Week

Braintree District Council Community Engagement Officers hosted 3 pop up lounge events comprising of a settee, armchair, standard lamp and rug in Braintree, Halstead & Witham town centres to offer an opportunity for residents who may feel lonely or isolated to have someone to chat in and to make them feel 'at home' when doing so. The team were joined by United in Kind (and 4 Town Councillors in Witham). Approximately 70 individuals engaged in conversation. Key topics discussed included physical and mental health, views on the local area and loneliness. Braintree District Council is grateful to the Salvation Army Donation Centre in Braintree who supplied, delivered and collected, free of charge, furniture, mugs and books.

9.2 Dementia Train Event

On 21st June 2022, a Dementia Friendly Tea & Train event was planned with The Community Rail Partnership. Due to the train strikes the train ride could not go ahead but the event continued and offered a dementia friendly tea. 24 people attended including care home residents and their carers along with individuals living with dementia who are cared for by their loved ones. Braintree District Council, Community Transport assisted those in need of transportation and refreshments were provided along with a saxophonist who played throughout the afternoon donating his fee to the Disasters Emergency Committee Ukraine Appeal. The event was also attended by the fire service and the Alzheimer's Society who were able to chat with attendees over a cup of tea.

9.3 Health & Wellbeing Review

Braintree District Council, alongside partners who attend the Health and Wellbeing Panel, have been working hard to undertake a review of the panel itself, the Livewell strategy and the partnership work in this space. The intention is to, in partnership, refresh the Livewell Strategy and its action plan to identify and deliver the best service for the residents of the Braintree District.

9.3 Leisure Centre Usage

The overall participation at our Fusion Leisure centres has been steadily increasing, with over 52,000 visits in May 2022, compared to 35,000 back in May 2021. Some of the greatest return has been seen in junior swimming lessons, outdoor pitch use and an increase in group workout classes.

10. Councillor Frankie Ricci – Cabinet Member for Communities

10.1 Rural Tour

Community360 with partners from the Fire Service, Provide, Essex Police and United in Kind completed a rural tour of the district attending 14 villages throughout the week. They engaged with 123 residents, had 2 requests to set up groups, identified 2 potential walk leaders, received 5 slipper referrals and 30 residents had their blood pressure checked.

10.2 Braintree, Halstead & Witham Citizens Advice

The number of residents accessing Citizen Advice Services during 2021/22 in comparison to the previous year has seen a 14.65% increase. However, to reach out to our residents they have established outreach services in Halstead Library and Braintree Foodbank and are planning a volunteer recruitment campaign for the summer.

10.3 Community Asset Mapping

Mid Essex CCG commissioned the three cvs's (Community360, Chelmsford and Maldon CVS) to carry out a community asset mapping exercise across mid Essex. The definition of a community asset is People, places, open spaces, faith communities, arts and culture, volunteers, friends and neighbours, businesses, events and seasonal activities.' The assets were mapped against the Live Well Domains – Start Well, Feel Well, Be Well, Age Well, Stay Well and Die Well. The report highlights that there are many types of community venues across the districts and the community is supported by vibrant groups of volunteers who develop and lead activities which improve residents' quality of life. Moving forward this report will be shared with the Braintree District Health & Wellbeing Panel and a range of partners who will work with Community360 to explore particular areas that have been identified and build on the strengths of the community assets that exist by understanding them further.