

LOCAL PLAN SUB-COMMITTEE AGENDA

Wednesday, 16 May 2018 at 06:00 PM

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

THIS MEETING IS OPEN TO THE PUBLIC
(Please note this meeting will be webcast and audio recorded)
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Members of the Local Plan Sub-Committee are requested to attend this meeting to transact the business set out in the Agenda.

Membership:-

Councillor D Bebb	Councillor Lady Newton
Councillor Mrs L Bowers-Flint (Chairman)	Councillor Mrs G Spray (Vice-Chairman)
Councillor G Butland	Councillor Miss M Thorogood
Councillor T Cunningham	
Councillor D Hume	
Councillor Mrs J Money	

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 MEMBERS - DECLARATIONS OF INTERESTS

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

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

Question Time

The Agenda allows for a period of up to 30 minutes when members of the public can speak. Members of the public wishing to speak are requested to register by contacting the Governance and Members Team on 01376 552525 or email governance@braintree.gov.uk no later than 2 working days prior to the meeting. The Council reserves the right to decline any requests to register to speak if they are received after this time. Members of the public can remain to observe the public session of the meeting.

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PUBLIC SESSION

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- 1 Apologies for Absence**
- 2 Declarations of Interest**
To declare the existence and nature of any Disclosable Pecuniary Interest, other Pecuniary Interest, or Non-Pecuniary Interest relating to Items on the Agenda having regard to the Code of Conduct for Members and having taken appropriate advice where necessary before the meeting.
- 3 Minutes of the Previous Meeting**
To approve as a correct record the Minutes of the meeting of the Local Plan Sub-Committee held on 15th March 2018 (copy previously circulated).
- 4 Public Question Time**
(See paragraph above)
- 5 Bradwell with Pattiswick Neighbourhood Plan - Response** **4 - 61**
- 6 Local Development Scheme 2018 - 2020** **62 - 86**
- 7 National Planning Policy Framework - Changes** **87 - 109**
- 8 Urgent Business - Public Session**
To consider any matter which, in the opinion of the Chairman, should be considered in public by reason of special circumstances (to be specified) as a matter of urgency.
- 9 Exclusion of the Public and Press**
To agree the exclusion of the public and press for the consideration of any Items for the reasons set out in Part 1 of Schedule 12(A) of the Local Government Act 1972.

At the time of compiling this Agenda there were none.

PRIVATE SESSION

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- 10 Urgent Business - Private Session**
To consider any matter which, in the opinion of the Chairman, should be considered in private by reason of special circumstances (to be specified) as a matter of urgency.

Response to the Bradwell with Pattiswick Neighbourhood Plan		Agenda No: 5
Portfolio: Planning and Housing Corporate Outcome: Securing appropriate infrastructure and housing growth Report Presented by: Alan Massow Report Prepared by: Alan Massow		
Background Papers: <ul style="list-style-type: none"> • National Planning Policy Framework (NPPF) • National Planning Practise Guidance (NPPG) • Localism Act (2011) • Planning and Compulsory Purchase Act (2004) • Bradwell with Pattiswick Neighbourhood Plan • Publication Draft Local Plan (2017) • Local Plan Review (2005) • Core Strategy (2011) 		Public Report: Yes Key Decision: No
Executive Summary: Bradwell with Pattiswick Parish Council's Neighbourhood Plan group has been working on a Neighbourhood Plan for the parish. Neighbourhood Plans become part of the Local Plan and the policies contained within them are then used in the determination of planning applications. They have the same status as the non-strategic elements of the Local Plan. The Plan is currently undergoing consultation under regulation 14 which concludes on the 18/05/18. The Neighbourhood Plan is at Appendix 1 to this report. Once the consultation finishes, the neighbourhood plan group will make amendments to the Plan and will submit it back the Council for further consultation and eventual adoption as part of the Local Plan. This report sets out the Braintree District Council response to the regulation 14 version of the Bradwell with Pattiswick Neighbourhood Plan.		
Recommendation: That the responses provided at paragraph 3.1 above are submitted in response to the Bradwell with Pattiswick Neighbourhood Plan regulation 14 consultation by Braintree District Council.		

Purpose of Decision:	
To agree the response to the Bradwell with Pattiswick Neighbourhood Plan Regulation 14 consultation.	
Corporate Implications	
Financial:	The preparation of the Plans set out within the Local Development Scheme will be a significant cost which will be met through the Local Plan budget.
Legal:	To comply with Governments legislation and guidance
Equalities/Diversity	The Councils policies should take account of equalities and diversity.
Safeguarding	None
Customer Impact:	There will be public consultation during various stages of the neighbourhood plan
Environment and Climate Change:	This will form part of the evidence base for the emerging Neighbourhood Plan and will inform policies and allocations.
Consultation/Community Engagement:	There will be public consultation during various stages of the emerging Neighbourhood Plan
Risks:	The Neighbourhood Plan examination may not succeed at examination. The Neighbourhood Plan may be rejected at a referendum. Risk of High Court challenge.
Officer Contact:	Alan Massow
Designation:	Senior Policy Planner
Ext. No.	2577
E-mail:	almas@braintree.gov.uk

1 Background

- 1.1 Neighbourhood planning is a right for communities introduced through the Localism Act 2011. It allows communities to shape development in their areas through the production of Neighbourhood Development Plans, Neighbourhood Development Orders, and Community Right to Build Orders.
- 1.2 Neighbourhood Development Plans become part of the Local Plan and the policies contained within them are then used in the determination of planning applications. The policies in the plan cannot block development that is already part of the Local Plan. What they do is shape where development will go and what it will look like.
- 1.3 A Neighbourhood Plan should support the strategic development needs set out in the Local Plan and plan positively to support local development.
- 1.4 The Neighbourhood Plan will become part of the statutory development plan once it has been made (brought into legal force) by the planning authority.

Applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise.

- 1.5 An emerging Neighbourhood Plan may be a material consideration. Paragraph 216 of the National Planning Policy Framework sets out the weight that may be given to relevant policies in emerging plans in decision taking. Factors to consider include the stage of preparation of the plan and the extent to which there are unresolved objections to relevant policies. Whilst a referendum ensures that the community has the final say on whether the Neighbourhood Plan comes into force, decision makers should respect evidence of local support prior to the referendum when seeking to apply weight to an emerging Neighbourhood Plan.
- 1.6 The Neighbourhood Planning Act (2017) also gives some weight to the policies and proposals contained within a Neighbourhood Plan once an examiners report is received.
- 1.7 A draft Neighbourhood Plan must be in general conformity with the strategic policies of the development plan in force if it is to meet the basic condition.
- 1.8 Although a draft Neighbourhood Plan or Order is not tested against the policies in an emerging Local Plan the reasoning and evidence informing the Local Plan process is likely to be relevant to the consideration of the basic conditions against which a neighbourhood plan is tested.
- 1.9 Only a draft Neighbourhood Plan or Order that meets each of a set of basic conditions can be put to a referendum and be made. The basic conditions are set out in paragraph 8(2) of Schedule 4B to the Town and Country Planning Act 1990 as applied to neighbourhood plans by section 38A of the Planning and Compulsory Purchase Act 2004. The basic conditions are:
 - a. having regard to national policies and advice contained in guidance issued by the Secretary of State it is appropriate to make the Order (or Neighbourhood Plan).
 - b. having special regard to the desirability of preserving any listed building or its setting or any features of special architectural or historic interest that it possesses, it is appropriate to make the order. This applies only to Orders. Read more details.
 - c. having special regard to the desirability of preserving or enhancing the character or appearance of any conservation area, it is appropriate to make the order. This applies only to Orders.
 - d. the making of the Order (or Neighbourhood Plan) contributes to the achievement of sustainable development.
 - e. the making of the Order (or Neighbourhood Plan) is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area).

f. the making of the Order (or Neighbourhood Plan) does not breach, and is otherwise compatible with, EU obligations.

g. prescribed conditions are met in relation to the Order (or Neighbourhood Plan) and prescribed matters have been complied with in connection with the proposal for the Order (or Neighbourhood Plan).

2 Bradwell with Pattiswick Neighbourhood Plan

- 2.1 The neighbourhood plan is set out into five sections. The first three are an introduction to the neighbourhood plan and the consultation, followed by a portrait of the parish including its location, key characteristics, issues, SWOT (Strengths, Weakness, Opportunities, Threats) analysis, and a local planning context. The next section outlines a future vision of the parish including objectives.
- 2.2 The Plan then moves onto a policy section, which includes policies on the environment, community facilities and public open space, heritage, drainage and flood management, housing, local economy, transport and developer contributions.
- 2.3 No sites are proposed for residential or employment allocations.

3 Proposed Response to the Regulation 14 Neighbourhood Plan

- 3.1 The following suggested changes and comments are recommended;

A review of the Regulation 14 draft should be undertaken to take into account potential changes from the emerging draft National Planning Policy Framework.

Paragraph 2.5 refers to Local Planning. For accuracy reference needs to be made to the Essex County Council Minerals and Waste Local Plan as this constitutes part of the development plan for the District.

Page 17 – Transport

The first two objectives are broadly similar and should be merged.

Page 21 – Policy 1 – Protecting and Enhancing the Natural Environment.

This policy is broadly in accordance with existing policies for the natural environment. Further work may however be needed on the identified woodlands (W1, W2, W3, W4, W5) to ascertain whether they would be suitable to identify as local wildlife sites or whether they are plantations which would be difficult to protect. It is suggest that the group contact the Essex Wildlife Trust for further advice on this matter.

Page 21 – Policy 2 – Protection of Special and Sensitive Landscapes

No comments.

Page 24 – Policy 3 – Protecting and Enhancing Community Facilities and Public Open Space.

Suggest removing the phrase “*of 5 or more dwellings*”. This will broaden the scope of development types which can contribute toward infrastructure where it is appropriate to do so.

Page 25 – Policy 4 – Protecting Village Facilities

No specific comments to make.

Page 29 – Policy 5 – Protecting and Enhancing the Historic Environment.

The Local Planning authority has a statutory duty under the 1990 Act over and above the requirements in the National Planning Policy Framework. Criteria iii, iv, and criteria b and c are required to be considered in any case.

Remove criteria d as this is an aspiration rather than policy related and the designation and review of conservation areas can take place outside the development plan process.

Page 32 – Policy 6 - Drainage and Flood Management

Criteria “a” is covered by existing Environmental legislation. Criteria “b” is not a policy but rather a mission/action. Criteria “c” is not a policy but an action.

Page 35 – Policy 7 - Housing

It may not be suitable to rely on the contents of a yet to be published village design statement (VDS). It may be more appropriate to roll the VDS work into the production of the neighbourhood plan through a design policy/justification as a VDS would not have the same weight as a neighbourhood plan. Alternatively the Plan could include a design policy which makes reference to design standards as set out in the VDS but this would have limited weight due to the non-statutory status of a VDS.

Part b of the policy needs further consideration. As worded the policy has a conflict in that development proposals have to comply with LPP42 of the Publication Draft Local Plan which only deals with the conversion of rural buildings.

Wording should be added to the policy/preamble stating that it would apply in conversion cases when permitted development rights did not apply.

A definition of what is considered to be a hamlet should be included. Other questions for the group to consider would be how many hamlets would this apply to in the parish? Does it have to be a named hamlet or clusters of

residential buildings over a certain number? Should text be added which prevents the extension of linear development into the open countryside?

For criteria b iv is not necessary as all proposals should be in accordance with the development plan.

Criteria “C” is more of a validation issue which would go beyond the current validation check list for the district. It may be considered unreasonable for all residential development to be subject to this requirement (As that could include extensions), instead word the criteria to apply for major residential development which would be for development of 10+ dwellings.

Page 38 – Policy 8 - Economy

The design criteria may be better situated in a specific design policy along with the design criteria in the housing policy. As per the comments above criteria B would exceed current validation requirements.

Page 42 – Policy 9 - Transport

Criteria a) i. should be reworded to state that “proposals for new development must: a) i. ~~provide the minimum parking standards set out within the~~ Provide parking in accordance with the adopted Essex County Council Parking Standards. “

This is to ensure that appropriate parking are provided as not all of the standards contained within it are minimums and above minimum provision is also permissible. This more accurately reflects the circumstances for the parish which has limited access to transport hubs such as railway stations, and is less sustainably located and has fewer services than the main town centres.

For criteria b) I – this is not a policy but would be better dealt with as part of an action plan.

In terms of criteria b v. and b vi of policy 9, these points are more to do with the management of the highway in particular the A120. The criteria relating to the A120 as well as other highways are included in table 3 – The Neighbourhood Plan Action Plan, and as they are not strictly planning related they do not need to be included in the policy. It may be more appropriate to include these as an objective for once the new A120 has been implemented, the same applies to criteria e and f. These criteria can also be looked at at any time and would not be dependent on planning applications.

Page 44 – Policy 10 – Developer Contributions

It is likely that this policy goes beyond what would be considered reasonable

The second sentence of Criteria c is not required as this would be a strategic matter and is dealt with through the publication draft Local Plan.

4 Next Steps

- 4.1 Once this consultation is complete the neighbourhood plan group will assess representations received, and make amendments to the Plan. This Plan will then be submitted to the Local Authority, who will then run a further consultation the response to which will go before an independent examiner.
- 4.2 It is anticipated that the Neighbourhood Plan will be submitted to the Local Authority in September 2018.

Recommendation:

That the responses provided at paragraph 3.1 above are submitted in response to the Bradwell with Pattiswick Neighbourhood Plan regulation 14 consultation from Braintree District Council.

Bradwell with Pattiswick Parish Neighbourhood Plan 2017-2033

Regulation 14 Consultation Draft

March 2018



Vision for Bradwell with Pattiswick Parish

Our vision for Bradwell with Pattiswick Parish is to continue to thrive, meeting the changing needs of the community whilst preserving the distinctive character, landscape and setting of this Parish which has evolved over twelve centuries of history.

Comments on this Regulation 14 draft Neighbourhood Plan can be provided in the following ways:

a) Post to:

Bradwell with Pattiswick Parish Council,
Ballaglass Cottage
Coggeshall Road
Stisted
Braintree
CM77 8AB

b) Email to: clerktohppc@outlook.com

If you have any questions or require any further information, please do not hesitate to contact us:

Telephone: 07933 306927
Email: clerktohppc@outlook.com

The deadline for consultation comments to be received is **18 MAY 2018**.

Thank you for your support.

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1. Introduction

1.1 What is Neighbourhood Planning?

The 2011 Localism Act introduced new powers for local communities to produce Neighbourhood Plans, which can be used to guide and shape future development in an area. Once 'made' (adopted), a Neighbourhood Plan forms part of the statutory Development Plan for the area, and it is used in the determination of planning applications alongside the Braintree District Local Plan.

Neighbourhood Plans must be subject to public consultation, examination, and local referendum prior to adoption, and policies contained within a Neighbourhood Plan should be supported by evidence base documents and sustainability appraisals as necessary. Neighbourhood Plans must meet the overall aims and objectives of the National Planning Policy Framework (NPPF), particularly in relation to supporting and promoting sustainable development.

Neighbourhood Plans give communities direct power to guide and shape future development. Where a Neighbourhood Plan is aligned with the strategic needs and priorities of the wider local area, neighbourhood planning can provide a powerful set of tools for local people to ensure that they get the right types of future development for their community.

Where a Community Infrastructure Levy¹ (CIL) has been adopted by the relevant local planning authority, an area with an adopted Neighbourhood Plan will receive 25% of CIL revenues from development taking place within the Parish. A CIL has not yet been adopted in Braintree District.

The Planning Practice Guidance² states that a Neighbourhood Plan must meet the basic conditions set out in paragraph 8(2) of Schedule 4B to the Town and Country Planning Act 1990³. The submission of the final version of the Bradwell with Pattiswick Neighbourhood Plan (BPNP) to Braintree District Council will include a statement setting out how the Plan meets the requirements of the basic conditions set out below:

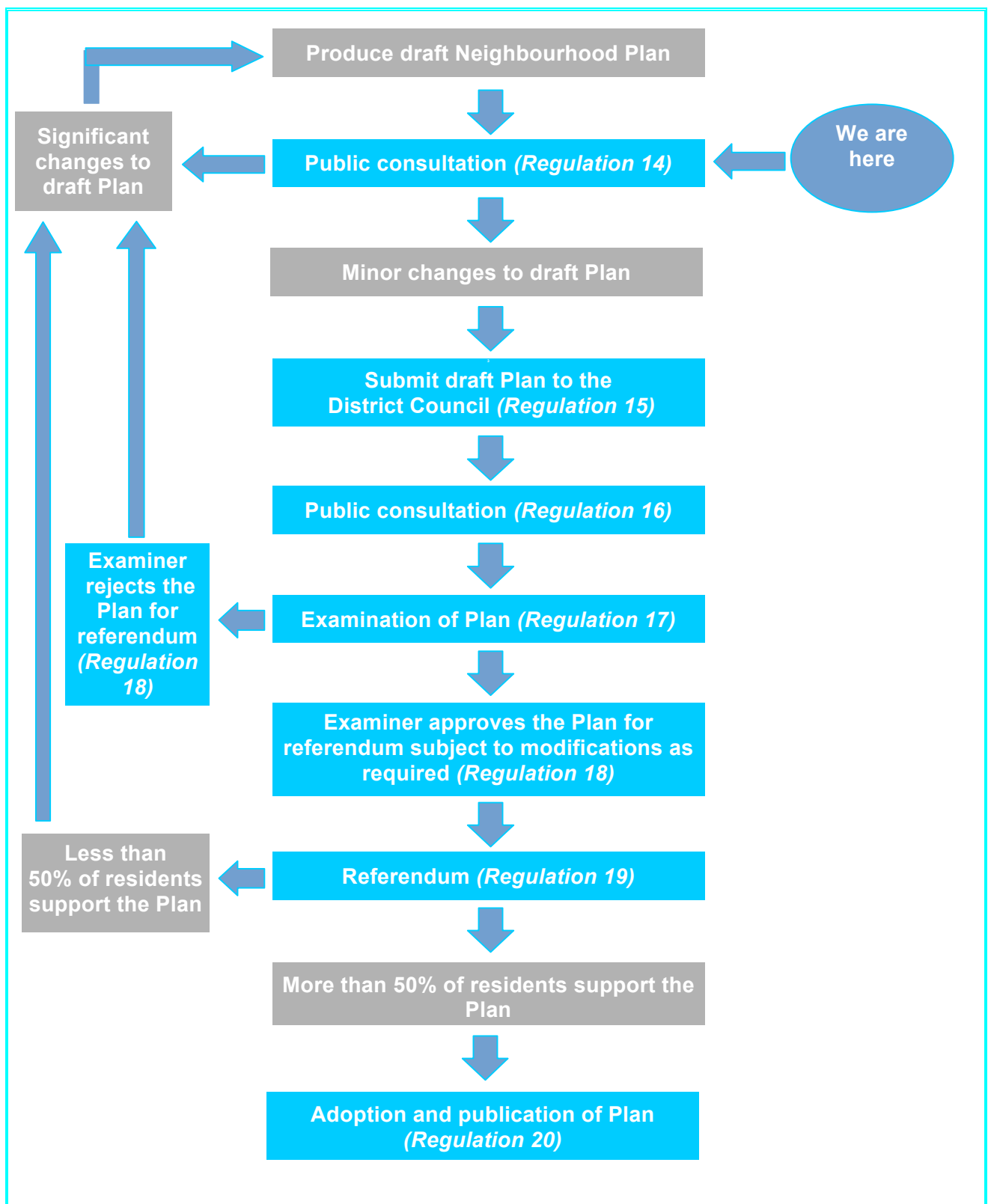
- 1) the Neighbourhood Plan has regard to national policies and advice contained in guidance issued by the Secretary of State;
- 2) the making of the Neighbourhood Plan contributes to the achievement of sustainable development;
- 3) the making of the Neighbourhood Plan is in general conformity with the strategic policies contained in the Local Plan;
- 4) the making of the Neighbourhood Plan does not breach, and is otherwise compatible with, EU obligations; and
- 5) prescribed conditions are met in relation to the Neighbourhood Plan and prescribed matters have been complied with in connection with proposals within the Neighbourhood Plan.

The Neighbourhood Planning (General) Regulations 2012 (as amended) sets out the statutory stages which must be completed in the production of a Neighbourhood Plan. Figure 1 presents this process, and identifies which stage we are currently at in the production of the BPNP.

1 The Community Infrastructure Levy (CIL) was introduced by the Planning Act 2008 and came into effect in April 2010. It is a levy which can be charged on new development in an area to contribute towards infrastructure. The local charging authority can determine the rate of the levy and how contributions are used. 15% of CIL revenue is provided to the relevant Parish Council where development takes place, 25% in areas with an adopted Neighbourhood Plan.

2 The Planning Practice Guidance (PPG) is an online portal which provides guidance on implementing aims and objectives of the NPPF. The PPG provides specific guidance on a range of planning related topics.

3 See paragraph 65 of the PPG.

Figure 1: Guide to producing a Neighbourhood Plan

1.2 Why does Bradwell with Pattiswick Parish need a Neighbourhood Plan?

Neighbourhood Plans give local communities direct power to guide and shape the future of their Parish. The production of a Neighbourhood Plan provides us with the opportunity to establish objectives and requirements to guide and manage future development proposals in the Parish in order to ensure that local needs are met, but also to ensure that the valued characteristics of the Parish can be maintained and protected for future generations.

There are a number of small and large development proposals in the pipeline which could potentially significantly impact upon the Parish and wider area, including proposals for housing development, proposals for an Integrated Waste Management Facility on the nearby former Rivenhall Airfield, and proposed new routes for the A120. There will be important decisions being made over the coming years which will continue to have a significant impact on our Parish.

Bradwell with Pattiswick Parish provides a beautiful location to live and work, with a strong rural character, a historic landscape with many listed buildings, and countryside areas which provide excellent opportunities for recreation and habitats for wildlife. It is important that we do not take such features for granted, and ensure that they are protected now and for future generations. Although there are many positive features of living in Bradwell with Pattiswick Parish, the December 2017 Parish Survey identified that there are ways in which life within the Parish could be improved⁴.

A Neighbourhood Plan should reflect the views of people that live and work here, to guide the future of the Parish through policies within a well evidenced formally adopted Plan which has been subject to significant consultation, examination, and public referendum. Once the Plan has been 'made', any new development proposals within the Parish will need to demonstrate how the proposals conform to policies within the Bradwell with Pattiswick Parish Neighbourhood Plan (BPNP). The Neighbourhood Plan will therefore have a significant impact on decisions being made by all levels of government and associated organisations, developers, and landowners.

While a Neighbourhood Plan can provide the local community with more control over the future of our Parish, there are limitations to what the Plan can do. The Plan must not conflict with European Law, national planning policy and guidance, and the strategic policies of the Braintree District Local Plan (BDLP)⁵. The Neighbourhood Plan cannot therefore be used to prevent development being proposed within the Braintree BDLP⁶, nor can it be used as a mechanism to stop development from taking place. The Neighbourhood Plan must reflect the aims and aspirations of both national and local planning policy, and should therefore provide a basis to facilitate the right types of development, whilst protecting valuable local assets and characteristics.

Section 3 of this Plan sets out the vision for the Parish up to 2033, and outlines objectives for the Neighbourhood Plan in seeking to achieve the identified vision.

1.3 The progression of the Bradwell with Pattiswick Parish Neighbourhood Plan

In June 2016 Bradwell with Pattiswick Parish Council published the Parish Plan. The production of the Plan identified a range of issues and projects within the Parish, and also highlighted significant interest in the production of a Neighbourhood Plan. In July 2016, Bradwell with Pattiswick Parish Council submitted a request to Braintree District Council for the Parish to be designated as a Neighbourhood Area. Confirmation was later provided by Braintree District Council that the Parish

⁴ See section 2.3 of this Plan and the Bradwell with Pattiswick Neighbourhood Plan Consultation Statement.

⁵ The current BDLP or emerging draft Local Plan when adopted.

⁶ The current BDLP or emerging draft Local Plan when adopted.

of Bradwell with Pattiswick had been designated as a Neighbourhood Area for the purposes of producing a Neighbourhood Plan. A group of volunteers was established in conjunction with the Parish Council to oversee the production of the Plan.

In November 2015 a questionnaire was provided to every household in the Parish, which received a 44% response rate and began the initial collection of information to support the production of the Neighbourhood Plan. This was followed by a Neighbourhood Plan awareness session at the Annual Parish Meeting in May 2017.

A further questionnaire seeking residents' views on the draft planning policy direction for the Parish was circulated in November 2017, receiving a 22% response rate. The results of the survey have been analysed, and research and evidence gathering has been undertaken to inform the production of this Regulation 14 Draft BPNP consultation document. DAC Planning was commissioned by the Parish Council in January 2018 to provide support in producing the Regulation 14 Draft BPNP consultation document.

1.4 Purpose of the Regulation 14 Consultation on the Draft Bradwell with Pattiswick Parish Neighbourhood Plan

As outlined in Figure 1 above, the Neighbourhood Planning (General) Regulations 2012 (as amended) require a draft Neighbourhood Plan to be subject to public consultation before the Plan can be submitted to a local planning authority for examination. The requirements for this stage of public consultation are set out within Regulation 14 of the Neighbourhood Planning Regulations.

Based on the outcomes of the November 2015 and 2017 consultations, research and evidence gathering, a draft BPNP has been produced by Bradwell with Pattiswick Parish Council. This Regulation 14 consultation is therefore seeking comments on all elements of the draft Neighbourhood Plan to identify if any changes are required prior to the submission of the Plan to Braintree District Council for Regulation 16 consultation and examination.

1.5 How to make comments on the draft Bradwell with Pattiswick Parish Neighbourhood Plan

The BPNP should represent the views of residents of the Parish, as well as people and organisations who have an interest in the future of the area. Bradwell with Pattiswick Parish Council therefore welcomes your views on this Regulation 14 draft Neighbourhood Plan.

Details as to how you can respond are provided in the inside front cover of this document.

2. The Parish Today

2.1 Location and Context

The Parish of Bradwell with Pattiswick is located in the District of Braintree, Essex. Bradwell with Pattiswick Parish includes the main settlement of Bradwell, the hamlets of Pattiswick and Perry Green, and a number of isolated homes on connecting roads. Bradwell village provides the main residential area of the Parish, separated from the hamlets by predominantly open agricultural fields.

Bradwell is a dispersed village of around 200 dwellings, located on the A120 three miles east of Braintree. The majority of the village is located south of the A120, where there is a church, a village hall, allotments, an orchard of heritage fruit trees, and a playing field with a children's play area and an outdoor gym. The Spicy Swan restaurant and BP petrol station with associated convenience shop and cash point are located within the village on the A120.

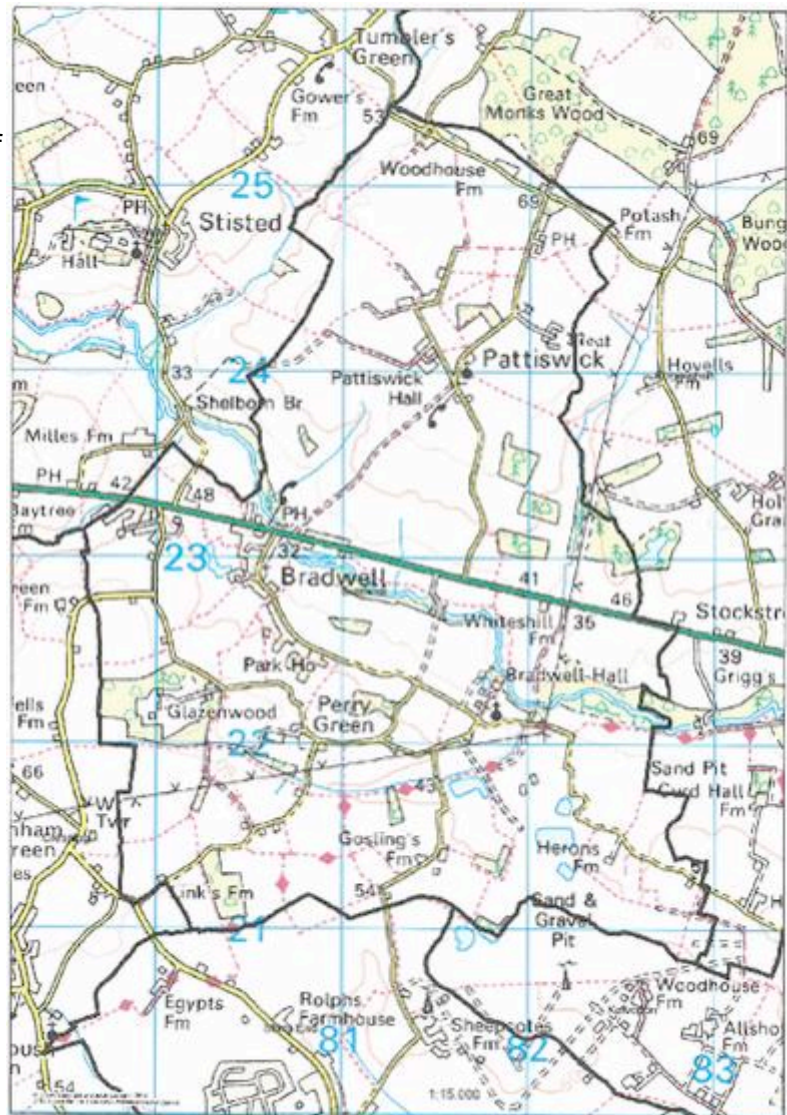
Pattiswick is located north of Bradwell and the A120, and contains a small number of dispersed houses separated by large agricultural fields. Pattiswick also contains St Mary's Church (now a private residence) and the Compasses public house.

South of Bradwell is the hamlet of Perry Green, containing a small collection of houses and farm buildings. Other facilities in or close to the Parish include the Dolphin public house, Bradwell Pitt, and companies which provide services such as printing, conservatory manufacture, motorcycle clothing accessories, health therapy, dress-making and dog-training. The largest employer in the Parish is Blackwater Aggregates, with around 50 employees.

South of Perry Green is the Essex Way footpath. Regular bus services are available from Bradwell on the A120 going to Braintree, Coggeshall, and Colchester. The nearest train stations are located south west of the Parish at Cressing and Braintree Freeport on the Braintree Branch Line. The closest mainline stations are located south of the Parish at Kelvedon and Witham.

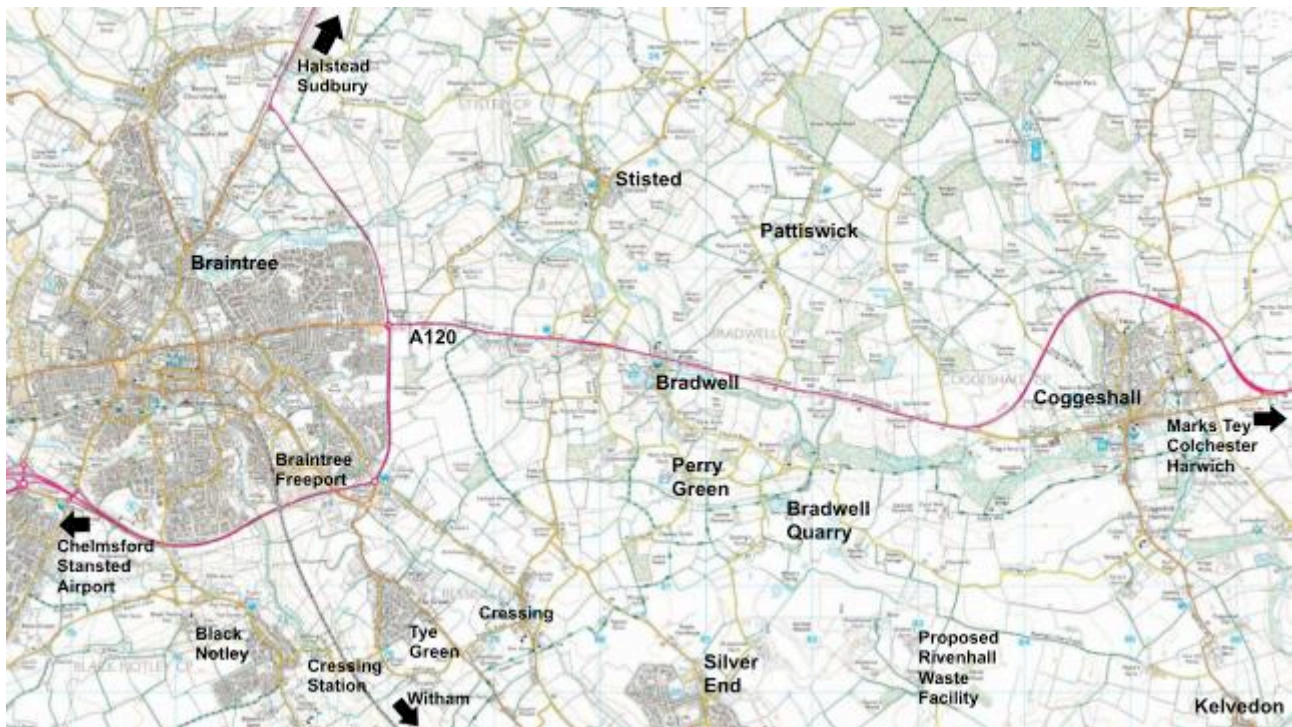
Just outside the Parish at Silver End / Rivenhall Airfield there are proposals for a new recycling centre and incineration plant, including an anaerobic digestion plant treating mixed organic waste and producing biogas generated electricity.

Figure 2: Map of Bradwell with Pattiswick Parish⁷



⁷ Source: Bradwell with Pattiswick Parish Council website

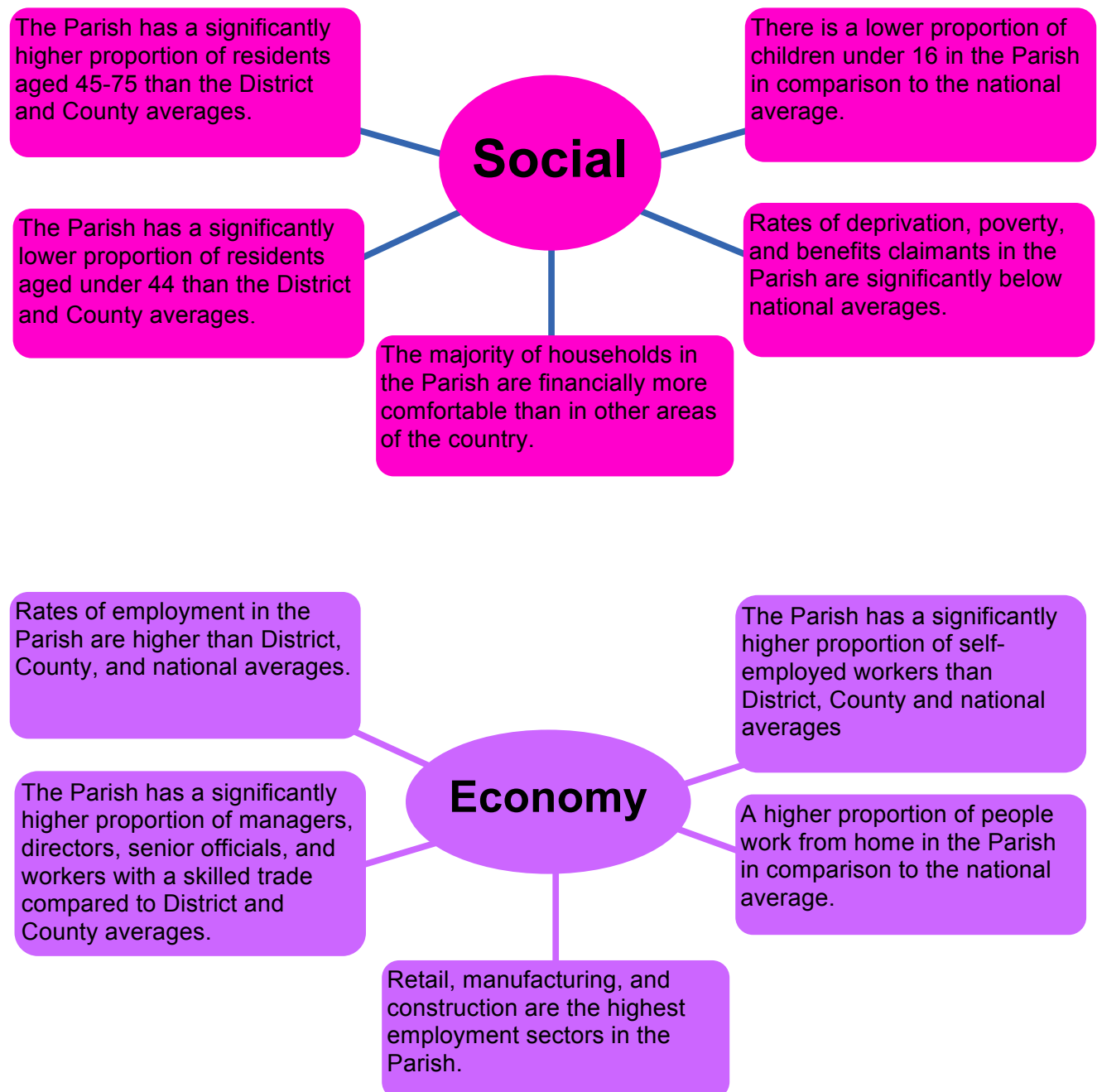
Figure 3: Map of the surrounding area⁸



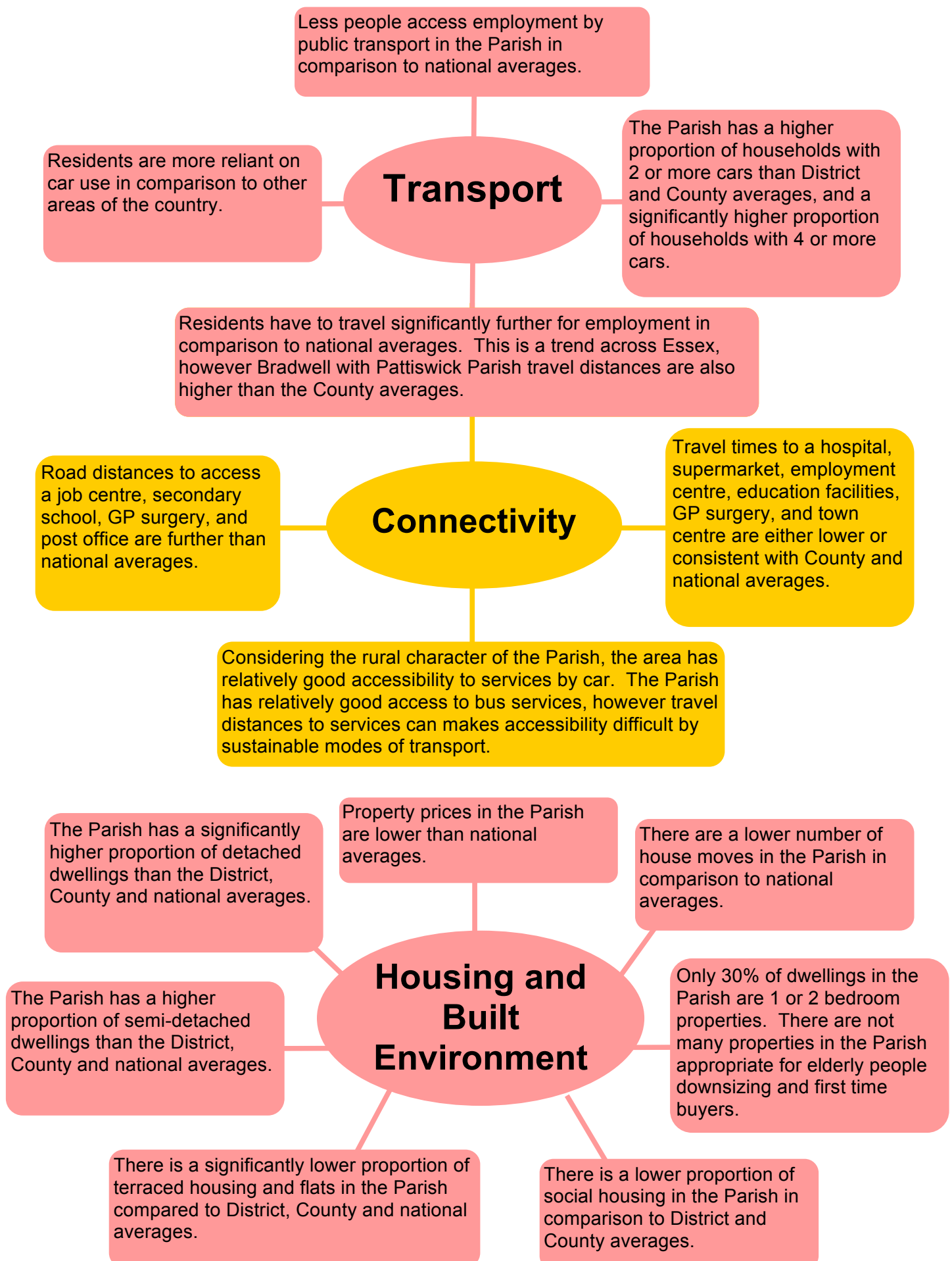
⁸ Source: Ordnance Survey

2.2 Key Characteristics of Bradwell with Pattiswick Parish

The Rural Community Profile for Bradwell with Pattiswick Parish⁹ (Rural Community Council for Essex, 2013) and Annex 1 of the Parish Plan (BPPC, 2016) summarise key statistics on Bradwell with Pattiswick Parish. Conclusions drawn from these statistics have been considered in the formulation of objectives and policies for the Neighbourhood Plan. The following diagrams present the key statistics and conclusions which have been reached following an assessment of all statistical data available within the Neighbourhood Plan evidence base.



⁹ See the Neighbourhood Plan evidence base, available on the Bradwell with Pattiswick Parish Council website



2.3 Key issues for the future of the Parish

The Parish Council undertook Parish wide consultations in 2015 and 2017. In both consultations, a questionnaire was provided to every household in the Parish, seeking views on a range of topics to inform the planning policy direction of the Neighbourhood Plan. The 2015 survey received a 44% response rate, and the 2017 survey received a 25% response rate from residents¹⁰.

The Bradwell with Pattiswick Parish Neighbourhood Plan Consultation Statement¹¹ provides a comprehensive summary of the results of the questionnaire, which identified the following key conclusions:

Table 1: Summary of 2015 and 2017 consultation responses

Positive features of the Parish
<ul style="list-style-type: none"> • The Parish has a sufficient quantity of open space • The Parish has adequate well-signed public footpaths • There is a broad mix of housing in the Parish • There are sufficient employment opportunities in the Parish and the surrounding area • The Parish has a good sense of community • Quiet rural character of Bradwell village
Proposed improvements to the Parish
<ul style="list-style-type: none"> • The Parish needs more leisure facilities • Overhead cables have a detrimental impact on Bradwell village and the surrounding landscape • On-street parking on The Street and Forge Crescent in Bradwell villages makes access difficult. Area needs more off-street parking • Improved pavements in Bradwell village • The safety of pedestrians within Bradwell village, particularly in the area where The Street meets Church Road • The speed of traffic travelling through Bradwell village • Need for properties appropriate for young people to rent or buy • Need for properties appropriate for older residents to downsize
Proposed Neighbourhood Plan policy recommendations
<ul style="list-style-type: none"> • Small scale employment use appropriate to a rural area should be encouraged • Restrictions of HGV movements in The Street • Road safety improvements such as speed bumps, 20mph speed limit, and speed checks • No large scale housing development in order to protect the character of the Parish • Limited small scale housing development would be appropriate • Any new housing should consist owner occupied starter homes and family homes. Flats, apartments, and terraced housing is not preferred in the Parish • Any development must reflect and complement the rural character and heritage of the area and meet the needs of local people • New developments should respect the design, layout, and character of existing development in the Parish • The settlement boundaries should remain consistent with the emerging Braintree District Local Plan • Individual small-scale developments may be permitted outside the settlement boundaries where appropriate to meet local needs

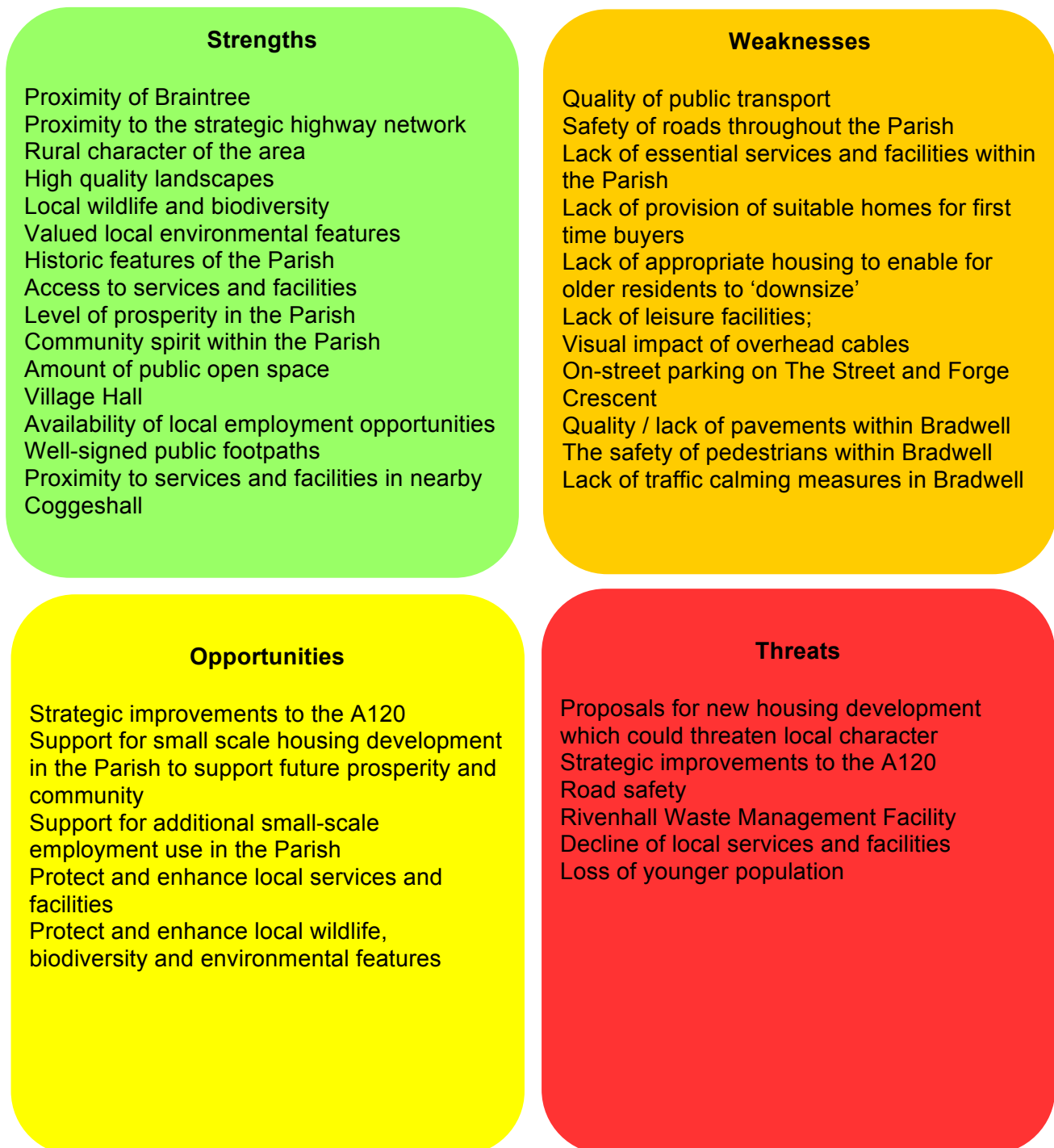
¹⁰ Based on the number of households identified in the 2011 census.

¹¹ Available in the Neighbourhood Plan evidence base on the Parish Council website.

- Protect the village centre
- New development should not result in any detrimental impact on local highway safety, and where possible improve highway safety within the Parish
- Encourage small scale employment use appropriate to a rural area, provide that it does not impact on the character of the area or the amenity of residents.

2.4 Bradwell with Pattiswick Parish Strengths, Weaknesses, Opportunities, and Threats (SWOT) Analysis

Figure 4: Bradwell with Pattiswick Parish SWOT Analysis





2.5 Local Planning Context

Braintree District Council (BDC) currently has an adopted Local Plan Review published in 2005, and a Core Strategy published in 2011. These two documents form the Development Plan for the District, and together with other material considerations (including national planning policy) guide development proposals. BDC is updating these documents through the emerging Braintree District Local Plan (BDLP), which when adopted, will comprise the new Development Plan for the District including strategic policies, development management policies, and site allocations. The production of the BDLP has included an Issues and Scoping consultation in 2015, and formal Regulation 18 consultation on the Draft BDLP in summer 2016. The Publication Draft (Regulation 19) BDLP was published for consultation in summer 2017, and was submitted to the Secretary of State for independent examination in October 2017.

The BDLP includes Strategic Section 1, which is shared by all three North Essex local authority areas of Braintree, Colchester, and Tendring. The section 1 includes policies on strategic cross boundary issues including infrastructure and housing numbers and includes proposals for three new Garden Communities¹². The Garden Communities are intended to provide a large proportion of housing growth included within the BDLP. Section 1 of the BDLP was subject to a joint examination with Colchester and Tendring which was undertaken in January 2018. The remainder of the examination into the other sections and policies of the BDLP will take place later this year.

In order to meet the 'basic conditions' this draft Neighbourhood Plan has been produced having close regard to the existing policies in the Development Plan, national planning policy, and particularly the policies contained within the BDLP. Relevant BDLP policies are referenced in section 4 below to demonstrate linkages between the draft Neighbourhood Plan policies, and those included within the BDLP.

¹² https://www.braintree.gov.uk/info/200230/planning_policy/1081/north_essex_garden_communities

3. The Future of the Parish

3.1 Vision

With support from the Rural Community Council for Essex (RCCE), the Parish Council has identified a vision for the future of the Parish to guide the aims and aspirations of the Neighbourhood Plan.

Vision for Bradwell with Pattiswick Parish

Our vision for Bradwell with Pattiswick Parish is to continue to thrive, meeting the changing needs of the community whilst preserving the distinctive character, landscape and setting of this Parish which has evolved over twelve centuries of history.

3.2 Objectives

To achieve the vision for Bradwell with Pattiswick Parish, the Parish Council has identified the following objectives set out within 7 topic areas.

Environment

To maintain the natural environment and rural tranquillity of the Parish
To enhance the biodiversity of the Parish
To conserve the valued rural landscape of the Parish

Community facilities and public open space

To support a cohesive, supportive community
To retain and encourage the use of facilities for outdoor recreation
To provide leisure facilities to meet the needs of all residents
To protect locally important areas of open space and community facilities

Heritage

To conserve the heritage of the Parish

Drainage

To seek improvements to watercourses which will minimise flood risk and damage to property

To document local watercourses in co-operation with Essex County Council by 2019

Housing

To support small scale housing proposals which meet local needs

To encourage the provision of owner-occupied housing

To provide housing which meets the changing needs of area the Parish

To ensure that housing is designed to high standards

To support housing which respects and enhances the Parish's heritage and character

To support proposals which strengthen and support the hamlets

Local economy

To support and encourage small scale employment uses appropriate to a rural area

To encourage new business opportunities for local people

Transport

To create a safe road network, which is fit for purpose

To improve road safety

To maintain an excellent network of footpaths

To improve off-road parking facilities in The Street and Forge Crescent

To improve the provision of community and public transport within the Parish

4. Neighbourhood Plan Policies

This section introduces in detail the 7 topic areas identified within section 3, and outlines policies which will seek to deliver the Neighbourhood Plan objectives.

4.1 Environment

Objectives

To maintain the natural environment and rural tranquillity of the Parish
To enhance the biodiversity of the Parish
To conserve the valued rural landscape of the Parish

Context

Bradwell with Pattiswick Parish has a strong rural character, with the main village of Bradwell surrounded by small dispersed hamlets and open countryside. There are four Local Wildlife Sites in the Parish:

- Bra146 Links Wood containing Pedunculate Oak, Hornbeam, Ash and Sweet Chestnut;
- Bra157 Park House Meadow which is a small well drained meadow;
- Bra158 Blackwater Plantation West which provides an important riverside wildlife corridor, providing an interesting mix of woodland, tall herb marsh and riverine habitats; and
- Bra186 Blackwater Plantation where the extensive White Willow plantation forms an important wildlife corridor along the Blackwater valley and comprises a variety of valuable of habitats.

There are two areas of Common Land:

- South of Holy Trinity Church; and
- East of Bradwell village.

These assets, together with other locally identified assets requiring protecting, are illustrated in Figure 5 below.

The land includes areas of dense vegetation which provides good habitats for flora and fauna. There are pockets of woodland throughout the Parish, interspersed between large agricultural fields. Countryside areas of the Parish are predominantly arable land, with field margins and hedgerows providing a habitat to a wide range of flora and fauna.

Bradwell with Pattiswick Parish is located on the course of the River Blackwater as it runs south east towards Coggeshall. The Parish area includes predominantly grade 2 agricultural land, with grade 3 agricultural land running through the centre of the Parish either side of the River Blackwater (see Figure 5)¹³.

The Braintree District Landscape Character Assessment¹⁴ provides an assessment of the landscape character of the entire District, and identifies two distinct landscape character areas within Bradwell with Pattiswick Parish (see Figure 5): the Blackwater River Valley; and the Silver End Farmland Plateau. The Braintree District Landscape Character Assessment identifies the following features which define the two landscape character areas:

¹³ www.data.gov.uk

¹⁴ CBA, Sept 2006

Blackwater River Valley:

- Shallow valley, with gently sloping sides;
- Predominantly arable farmland with some pastoral on the valley floor;
- Strong sense of place and tranquillity;
- Extensive linear poplar and willow plantations along the river banks;
- Well vegetated former sand and gravel pits also containing poplar and willow plantations;
- Good tree cover and enclosure;
- Hedgerows delineate field boundaries, with scattered hedgerow trees; and
- Settlements are well screened by deciduous trees;

Silver End Farmland Plateau:

- Rural gently undulating farmland landscape;
- Irregular medium to large predominantly arable fields;
- Hedges and hedgerow trees forming field boundaries;
- Generally open area allowing long-distance views;
- Plantations of small woodlands, which define the edges to fields in open farmland areas; and
- Dispersed settlement pattern characterised by small isolated farmsteads and villages.

Key relevant policies in the emerging BDLP include:

- Policy LPP 67 - Natural Environment and Green Infrastructure;
- Policy LPP 68 - Protected Species, Priority Species and Priority Habitats;
- Policy LPP 69 - Tree Protection;
- Policy LPP 70 - Protection, Enhancement, Management and Monitoring of Biodiversity; and
- Policy LPP 71 - Landscape Character and Features.

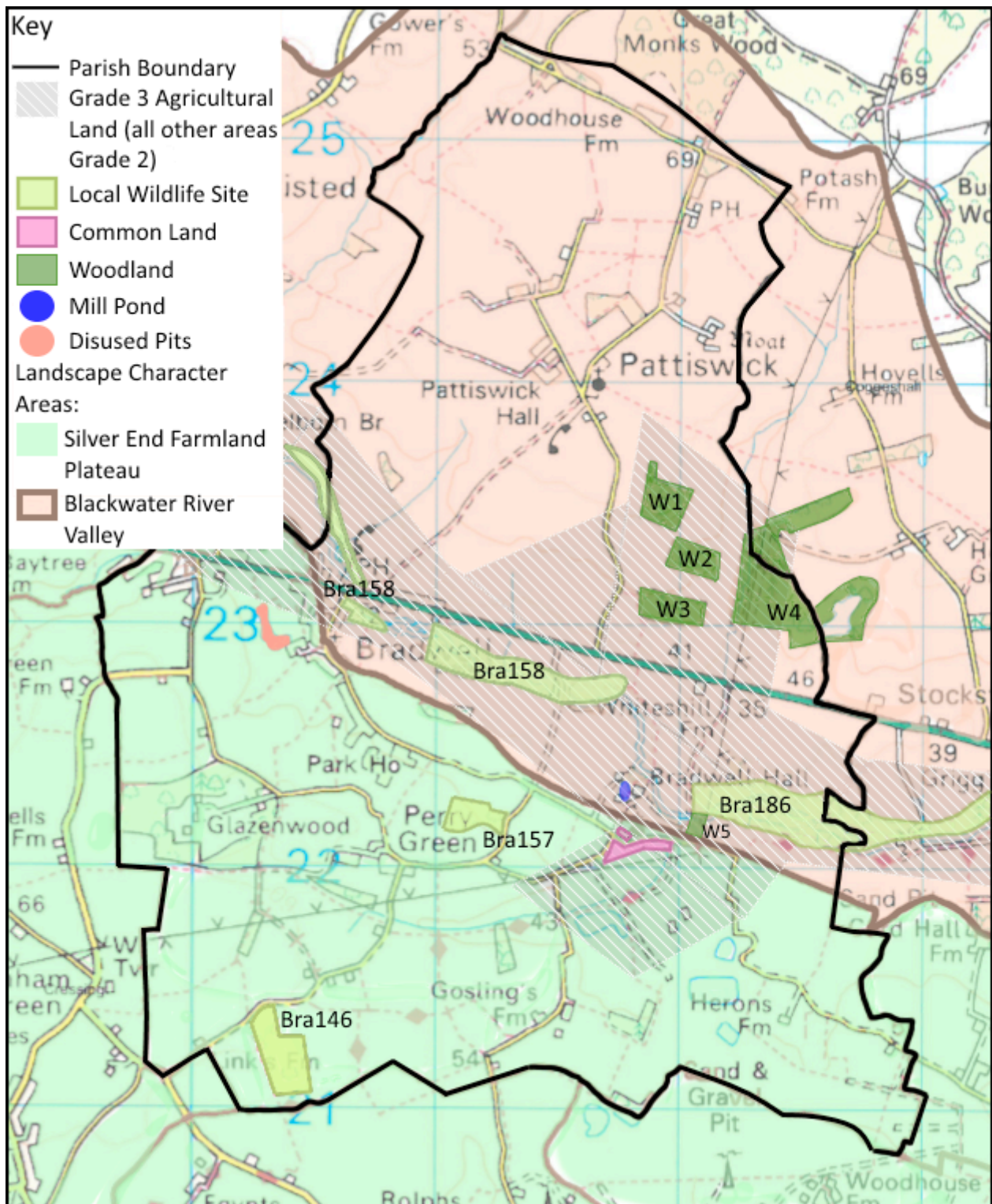
Policy 1: Protecting and Enhancing the Natural Environment

As a rural area containing varied landscapes, open countryside, agricultural land, trees and dense hedgerows, Bradwell with Pattiswick Parish has an environment which provides prime habitats for flora and fauna. Many species within the Parish depend on the natural environment to survive. Where the built environment is expanding, and where humans continue to have a significant impact upon the ability of wildlife to survive near towns and villages, we have a responsibility to current and future generations to protect and seek opportunities to enhance biodiversity within our natural environment.

The Neighbourhood Plan seeks to protect the natural environment from the impact of human activity, particularly related to new development in the countryside. The Plan seeks to protect and enhance all features of the natural environment, including biodiversity, flora and fauna, local wildlife and their habitats, and key local environmental features. Where development proposals are likely to impact upon the natural environment, they will be required to clearly demonstrate how the benefits arising from the development will outweigh the negative impacts. Such benefits could include access to the countryside for recreation, creation of wildlife corridors, overall long-term net biodiversity gains, and the achievement of other objectives set out in this Plan.

Development proposals which will have an impact on the natural environment will be required to clearly demonstrate the potential impacts of development, preferably through an ecological assessment. Where mitigation measures are required to support new development, the Parish may consider a 'like for like' replacement, relocation and / or compensation towards the loss of habitats where it can be demonstrated that such measures will result in a net biodiversity gain for the area, and improvements to habitats in relation to quantity, quality, and connectivity. Any compensatory habitat created should be delivered as close as possible to the development site, and should be ecologically functional in advance of any loss.

Figure 5: Bradwell with Pattiswick Parish Important Environmental Features¹⁵



15 Base map source: Bradwell with Pattiswick Parish Council

Policy 1: Protecting and Enhancing the Natural Environment

Development proposals must protect, and where possible, enhance the natural environment. All proposals should seek to deliver net biodiversity gain, in addition to protecting existing habitats and species. Any proposals which negatively affect, or have the potential to negatively affect, the natural environment must demonstrate that any negative impacts on biodiversity, including flora and fauna, and local wildlife (including wildlife habitats), will be adequately mitigated.

The Plan seeks to protect and enhance the following natural environment features within the Parish, identified within Figure 5 above:

- Links Wood (Bra146);
- Park House Meadow (Bra157);
- Blackwater Plantation West (Bra158);
- Blackwater Plantation (Bra186)
- The Mill Pond (ref xx);
- Common land south of Holy Trinity Church (ref xx);
- Common land east of Bradwell village (ref xx);
- Bushy Warren (ref W5);
- Captain's Wood (ref W3);
- Orange Wood (ref W2);
- Century Piece (ref W1); and
- Bankfield (ref W4).

Development proposals which are likely to have a negative impact upon these features will only be permitted where the benefits of development clearly outweigh any negative impacts to the nature conservation value of the feature, or to its contribution to wider biodiversity objectives.

Policy 2: Protection of Special and Sensitive Landscapes

The BDC Landscape Character Assessment summarised above has identified two landscape character areas within the Parish: the Blackwater River Valley; and the Silver End Farmland Plateau (see Figure 5). The landscape within these areas forms an important part of the rural character and appearance of the Parish. To maintain the special landscape character of the area it is vital that the Neighbourhood Plan seeks to protect the important features which form these landscape character areas.

Policy 2: Protection of Special and Sensitive Landscapes

Development proposals within the Blackwater River Valley and the Silver End Farmland Plateau Landscape Character Areas identified within Figure 5 must demonstrate that the proposal will:

- i. protect and enhance the special features and the overall character of the Landscape Character Area;
- ii. protect and where possible improve access to open countryside within the Landscape Character Area for recreation; and
- iii. protect and enhance the biodiversity of the natural environment within the Landscape Character Area.

Relevant Evidence Base Documents

Braintree District Local Plan Publication Draft (Braintree District Council, June 2017)

The Braintree District Landscape Character Assessment (CBA, September 2006)



Pond on Common Land south of Holy Trinity Church

4.2 Community Facilities and Public Open Space

Objectives

To support a cohesive, supportive community
To retain and encourage the use of facilities for outdoor recreation
To provide leisure facilities to meet the needs of all residents
To protect locally important areas of open space and community facilities

Context

Bradwell village includes a village hall on Church Road, and to the rear allotments, a playing field, a community orchard, children's play area, and an outdoor gym. These areas can be accessed from Church Road, The Street, and Coggeshall Road, and provide an important area for recreation, sports, and community events for the benefit of the whole Parish.

The allotments were extended in 2009, and the current provision is meeting local demand. The Village Orchard was completed in 2017, and contains sixteen Essex Heritage pear and apple trees. The children's play area was installed in 2006, and an outdoor gym, table tennis table, and further children's play equipment was added in 2017.

As outlined in section 4.1, there are two areas of Common Land in the Parish (see Figure 5). Common Land is often open for public access, however these areas are physically separate from the village, and are in parts overgrown, and in other areas used for agriculture. Although these areas are recognised as community assets particularly for the benefit of flora and fauna, they are not considered to be usable areas of public open space.

Key relevant policies in the emerging BDLP include:

- Policy LPP 53 – Provision for Open Space, Sport and Recreation;
- Policy LPP 65 – Local Community Services and Facilities; and
- Policy LPP 82 – Infrastructure Delivery and Mitigation.

Policy 3: Protecting and Enhancing Community Facilities and Public Open Space

Surveys undertaken by the Parish Council¹⁶ have identified a need for more leisure facilities within the Parish. Due to poor public transport links and the travel distance to access facilities outside of the Parish, it is likely that many residents are unable to easily access a range of leisure activities which meet their needs.

The emerging BDLP sets out District-wide standards and guidance for developer contributions, however this does not take into consideration the specific needs and aspirations of residents of Bradwell and Pattiswick Parish. The Parish Council will seek opportunities to improve existing community facilities and areas of public open space, and seek new leisure facilities, either as part of new development proposals in the area, or through associated developer contributions in accordance with the requirements of the CIL Regulations.

¹⁶ For further details see section 2.3 of this Plan and the Bradwell with Pattiswick Parish Neighbourhood Plan Consultation Statement

Policy 3: Protecting and Enhancing Community Facilities and Public Open Space

Development proposals of 5 or more dwellings will be required to contribute towards the provision of facilities within the Parish which specifically address the needs and aspirations of local residents, in accordance with the requirements of the CIL Regulations¹⁷. Developer contributions will be sought towards a range of specific projects which address local needs, including:

- Enhancements and upgrades to the playing fields in Bradwell village to ensure that the needs of local sports teams can be accommodated in the future;
- Contributions to the establishment of an early years and childcare facility to be located within Bradwell Village Hall to accommodate future needs for the Parish; and
- Contributions to primary school provision in the locality to meet the future needs of the Parish.

Development proposals which would result in the net loss of existing community facilities or public open space will not be supported unless the development proposal provides demonstrable benefits which outweigh the harm created by the loss.



Community event at Bradwell village playing fields

¹⁷ Or future national policy, regulations, and guidance which replaces the CIL Regulations

Policy 4: Protecting Village Facilities

The playing fields at Bradwell village are an essential community facility, providing the only significant area of public open space in the Parish where sports and community events can take place alongside children's and young adult play facilities, as well as an outdoor gym. The allotments and Village Orchard are located next to the playing field and provide an alternative community facility which offer a socially inclusive, healthy and popular activity for local residents. The land has been in community use since the Victorian period and remains an essential recreational area for residents of all ages throughout the Parish. The playing fields, allotments, and Village Orchard are physically and socially at the centre of Bradwell village and the Parish, and have significant recreational value for the local community. These are therefore considered appropriately important as a community asset to warrant designation as a Local Green Space.

Similarly, Bradwell Village Hall provides a vital meeting place for social clubs and activities in the Parish. It is the only facility of its type in the Parish and is therefore of significant importance to local residents. The Parish Council therefore intend to nominate Bradwell Village Hall as an Asset of Community Value, to ensure that the facility can remain available for community uses for generations to come. The production of an application to seek designation as an Asset of Community Value is therefore included within the Neighbourhood Plan Action Plan in Table 3 below.

Policy 4: Protecting Village Facilities	
Bradwell Village Playing Fields, Allotments, and Village Orchard (identified on the proposals map as LGS1) is designated as a Local Green Space.	
The Local Green Space will be protected for community uses. Any development proposals which result in a loss of all or part of a designated Local Green Space is required to demonstrate that:	
i.	The site is no longer required for community uses; or
ii.	An alternative site or facility is provided prior to the loss of the existing Local Green Space, in close proximity to the existing area which provides as a minimum the equivalent facilities and amenity for the public; or
iii.	The development of the site will provide significant public benefit which outweighs any detrimental impact of the loss of the Local Green Space.

Relevant Evidence Base Documents

Braintree Open Space, Sports and Recreational Facilities Study (BDC, 2016)
 Braintree Open Space Study (BDC, 2016)
 Open Spaces Action Plan (BDC, 2017)



Bradwell village playing fields



Bradwell Village Orchard

4.3 Heritage

Objectives

To conserve the heritage of the Parish

Context

There is evidence of a settlement in Bradwell during the late Mesolithic period. There are crop marks and funerary remains suggesting a Bronze Age settlement, and excavations in the 1970s uncovered a large Iron Age ditch. There is little evidence of a Roman settlement in the area. Scattered remains in a field east of Holy Trinity Church suggest a Roman period farmstead. The A120 is however a Roman road known as Stane Street, running from Colchester to St Albans.

The name of Bradwell derives from Old English meaning broad well. There remains a spring a few metres north of the modern manor house of Bradwell Hall near Holy Trinity Church. In the Middle Ages the spring fed an overshot mill. The remains of the last mill on the site can still be seen in the overgrown surroundings of the millpond.

There are 28 grade II listed dwellings in the Parish. In addition, the Parish Church of the Holy Trinity in Bradwell village is grade I listed and St Mary's Church (now a private residence) in Pattiswick is grade II listed.

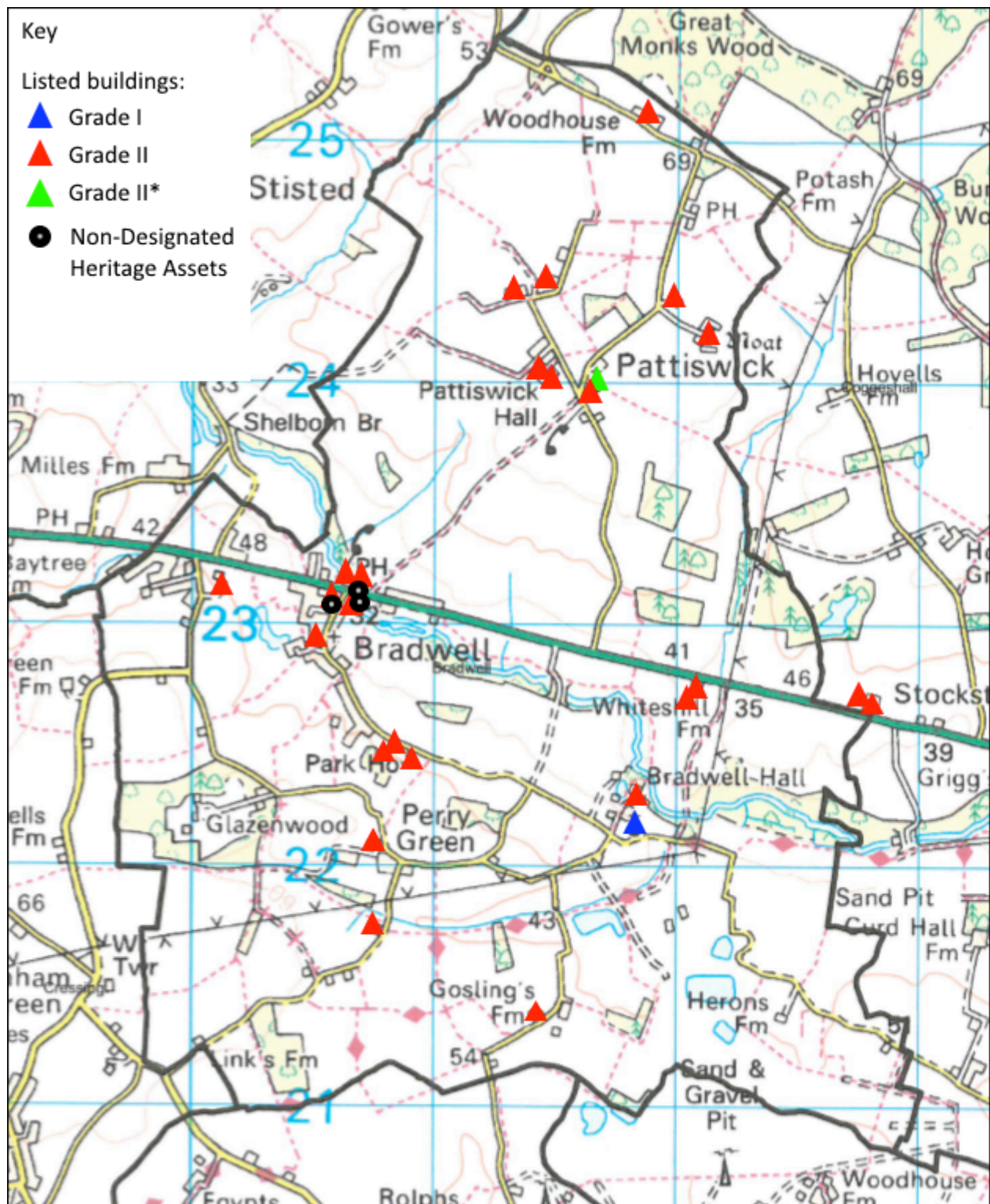
Key relevant policies in the emerging BDLP include:

- Policy LPP 60 – 61 - Heritage Assets;
- Policy LPP 62 – Enabling Development; and
- Policy LPP 63 – Archaeology.

Policy 5: Protecting and Enhancing the Historic Environment

Bradwell with Pattiswick Parish has a number of heritage assets identified within Figure 6 which should be protected, and where appropriate enhanced, for the enjoyment of current and future generations. In addition to existing 'designated' heritage assets, the Parish Council has identified the following 'non-designated' heritage assets which are of significant local importance and require ongoing protection and enhancement:

- The Keep;
- Blackwater Bridge

Figure 6: Bradwell with Pattiswick Parish Heritage Features¹⁸

¹⁸ Base map source: Bradwell with Pattiswick Parish Council

Policy 5: Protecting and Enhancing the Historic Environment

- a) The Neighbourhood Plan will encourage the protection, and where appropriate enhancement, of heritage assets and non-designated heritage assets in the Parish (known heritage assets are identified in Figure 6 and on the Proposals Map), including archaeological sites and listed buildings. Development proposals which may have an impact on heritage assets (both designated and non-designated) or their setting will only be supported where it can be demonstrated that:
 - i. There is no detrimental impact on the character, appearance, setting, structural stability, and historic features of the heritage asset;
 - ii. The proposals enhance the character, appearance, setting, structural stability, and historic features of the heritage asset;
 - iii. There is no loss of views which contribute to the setting of the heritage asset from the surrounding area;
 - iv. There would not be a significant increase in the use of the heritage asset which would be detrimental to its character, appearance, setting, structural stability, and historic features;
 - v. The benefits of the proposed development would outweigh any identified harm to the character, appearance, setting, and historic features of the heritage asset; and
 - vi. Building materials and finishes are sympathetic to the character, appearance, setting, and historic features of the heritage asset.
- b) Any proposals for development which could impact upon a heritage asset (either designated or non-designated) within the Parish should submit a Heritage Statement in support of the application, outlining the significance of the heritage asset and how the proposed development will meet the above requirements of this policy.
- c) Any proposals which could impact upon important archaeological remains are required to submit the outcomes of an archaeological evaluation of the site as part of the application, providing a proportionate assessment of the character, importance and extent of the archaeological remains.
- d) The Parish Council will seek to promote the identification and designation of a Conservation Area covering Bradwell village.

Relevant Evidence Base Documents

Bradwell History, Bradwell with Pattiswick Parish Council, 2017

Braintree District Local Plan Publication Draft (Braintree District Council, June 2017)



Grade I listed Holy Trinity Church, Bradwell village



Perry Green

4.4 Drainage and Flood Management

Objectives

To seek improvements to watercourses which will minimise flood risk and damage to property

To document local watercourses in co-operation with Essex County Council by 2019

Context

The River Blackwater and its surrounding floodplain runs through Bradwell village and the centre of the Parish. Other areas of the Parish are susceptible to surface water flooding when pipes, ditches and culverts become blocked. The following areas at risk have been identified within Bradwell village:

- Fields to the south of Rectory Meadow and Church Road;
- The outflow from a spring and fishing lake near Rectory Meadow which feeds into a series of ditches around Rectory Meadow, under Church Road, and into a ditch which runs along the back of housing on the eastern side of The Street, or alternatively into a ditch in Chapel Rise and then on to a drain on the western side of The Street; and
- Outflow from fields to the south of Church Road which connects to a footpath between Cashel and 1 Church Road, and then runs under Church Road, into a culvert beside the Old School House, and down to the River Blackwater via a ditch which runs past the Village Orchard and playing fields.

Key relevant policies in the emerging BDLP include:

- Policy LPP 78 – Flood Risk and Surface Water Drainage



Clearing ditches within the Parish

Policy 6: Drainage and Flood Management

To ensure that the areas identified within Bradwell village, and any further areas identified through continued assessment, do not become at risk from surface water flooding, the Parish Council will work with Essex County Council and relevant landowners to ensure the appropriate maintenance of these watercourses. A greater understanding of watercourses throughout the Parish will support the future management of surface water flooding. The Parish Council is currently working with Essex County Council as the Lead Local Flood Authority to document all watercourses in the area and identify where improvements are required to reduce future flood risk. This project is called 'Where does water go'.

Policy 6: Drainage and Flood Management

- a) To reduce the potential for flooding to occur in Bradwell with Pattiswick Parish, new development should:
 - i. not increase flood risk (including fluvial and surface) on site and elsewhere;
 - ii. be located in areas where the use is compatible with national planning policy;
 - iii. demonstrate that the Sequential Test and, where necessary, Exception Test has been satisfactorily undertaken in accordance with national planning policy;
 - iv. use innovative technology, construction and design techniques to reduce the risk of flooding, mitigate any impacts of flooding, and minimise surface water run-off;
 - v. maximise opportunities to reduce the causes and impacts of flooding through appropriate Sustainable Drainage Systems (SuDS). All SuDS proposals should be accompanied by a comprehensive management plan setting out how the SuDS features will be managed and maintained in perpetuity.
- b) To support the management of flood risk in the future, the Parish Council will work with Essex County Council to investigate and document the nature and quality of watercourses within the Parish through the production of a Local Flood Plan. Any development which could impact upon watercourses within the Parish should refer to the Local Flood Plan¹⁹ within a development application, and clearly outline how and potential impacts of the development on local watercourses and local flood risk will be managed and mitigated to the satisfaction of the Local Lead Flood Authority.
- c) The Parish Council will seek to ensure that local watercourses are adequately maintained in accordance with Riparian Ownership rights and responsibilities.

Relevant Evidence Base Documents

Braintree District Local Plan Publication Draft (Braintree District Council, June 2017)

Braintree District Council Water Cycle Study (AECOM, March 2017)

¹⁹ This document is currently in production.

4.5 Housing

Objectives

To support small scale housing proposals which meet local needs
To encourage the provision of owner-occupied housing
To provide housing which meets the changing needs of area the Parish
To ensure that housing is designed to high standards
To support housing which respects and enhances the Parish's heritage and character
To support proposals which strengthen and support the hamlets

Context

Housing statistics for the Parish²⁰ assist in understanding the type and status of housing currently available within the area, and the potential housing needs of the Parish in the future. In comparison to national and county averages, research on the Parish's existing housing and social characteristics has identified that:

- Property prices in the Parish are lower than other similar areas.
- There are a low number of house moves in the Parish.
- There is a low proportion of social housing in the Parish.
- Dwellings in the Parish are predominantly semi-detached and detached. The Parish has a low proportion of terraced properties and flats;
- The Parish has a high proportion of people aged 45-75 years of age;
- The Parish has a high proportion of people that work from home; and
- Dwellings in the Parish are predominantly 3 or more bedroom properties. There are few 1 and 2 bedroom properties.

The public consultations undertaken in 2015 and 2017 included questions on housing needs in the area, and residents' views of the types of houses that should be provided in the Parish. The consultations identified that;

- There is considered to be a broad mix of existing housing in the Parish;
- There is a need for appropriate properties for young people to rent or buy;
- There is a need for appropriate properties for older residents to downsize;
- Large scale housing developments would not be consistent with the rural character of the area. Any new development should be of a small scale;
- Any new housing should consist of owner occupied starter homes and family homes. Flats, apartments, and terraced housing is not preferred in the Parish;
- Any development must reflect and complement the rural character and history of the area and meet the needs of local people;
- New developments should respect the design, layout, and character of existing development in the Parish; and
- The settlement boundaries should remain consistent with the emerging Braintree District Local Plan.

The public consultations identified that local residents do not consider large scale housing development to be appropriate or needed within the Parish. The BDLP will ensure that the objectively assessed housing needs for the local area will be met in full. However, it is recognised that some small scale new residential development can support the needs of the Parish and help strengthen communities within hamlets. This proposed scale of development does not require amendments to settlement boundaries or the allocation of land for housing. This level of growth

²⁰ See Section 2.2 of this Plan and the Neighbourhood Plan evidence base available on the Parish Council website.

will come forward naturally over time as ‘windfall’ development. However, this policy will guide proposals for new housing in the area to ensure that proposals are appropriate and meet the needs and requirements of the Parish.

There is a high proportion of older residents in the Parish, many who are living in large family homes. Some older residents seek opportunities to ‘downsize’ to accommodation of a more appropriate size and form to meet their needs. Additional smaller properties are also required for first time buyers, where local residents have highlighted a need for starter homes. Alterations and extensions over time to the existing housing stock in the Parish has led to a reduction in the provision of two and three-bedroom properties. Additional smaller properties would therefore be beneficial to the housing stock of the area.

There is significant housing need in Braintree District, where waiting lists for social housing are increasing beyond supply. Although there is a low proportion of social housing within the Parish, this has not been identified within consultations as an essential need for the Parish at this time. However, affordable homes are required, and these should be provided in accordance with policies LPP 33 and LPP 34 of the BDLP.

There is a wide range of housing designs throughout Bradwell and Pattiswick Parish. The character of the Parish as a whole is rural, however various areas of the Parish have their own individual character and style of buildings. The north and south areas of the Parish include small dispersed hamlets with predominantly large residential dwellings on large plots of land, set back from the road. In the central area of the Parish is the village of Bradwell, which provides the largest settlement where existing development is focused around the A120, The Street, and Church Road. A number of small cul-de-sac developments are connected to the A120 and The Street. Existing residential development in Bradwell village is predominantly a mixture of detached and semi-detached low-density dwellings, usually with front gardens, off street parking, and large gardens to the rear.

Apart from one cul-de-sac west of the River Blackwater, a linear form of development follows the A120 to the edge of Bradwell village next to the BP garage. Residential development in this area is generally consistent with the rest of the village, with a mixture of detached and semi-detached low-density dwellings set back from the road and on predominantly large plots.

The Parish Council is producing a Village Design Statement to provide further details on local design standards and requirements. The Village Design Statement will also provide evidence for the identification and designation of a Conservation Area within Bradwell village.

Key relevant policies in the emerging BDLP include:

- Policy LPP 17 – Housing Provision and Delivery;
- Policy LPP 33 – 34 – Affordable Housing;
- Policy LPP 35 – Specialist Housing; and
- Policy LPP 37 – Housing Type and Density.

Policy 7: Housing

There is a wide range of housing types throughout the Parish, however there is a need for a greater proportion of smaller dwellings and starter homes to provide a better balance of housing types which will serve the needs of both the younger and older population. New residential development in the Parish should respond positively to the design, layout, scale, character, and appearance of existing development within the vicinity of any proposal site, and the rural character of the Parish.

Policy 7: Housing

- a) Proposals for residential development will be supported where the proposed development:
- i. Is located within defined settlement boundaries;
 - ii. Includes housing types and tenures which meet the current and future housing needs of the Parish taking into account the existing housing stock. Proposals should ensure an appropriate housing mix which reflects the needs of first-time buyers and the elderly population through the provision of two and three-bedroom properties;
 - iii. Includes a high-quality design which will contribute positively to the character and appearance of the surrounding area in accordance with the Bradwell with Pattiswick Parish Village Design Statement²¹.
 - iv. Contributes positively to the existing rural character and appearance of the area;
 - v. Reflects and responds positively to the scale, design, density and layout of existing development in the surrounding area, and would not result in significant harm to neighbouring residential amenity;
 - vi. Would not result in significant harm to heritage assets (both designated and non-designated) in the surrounding area;
 - vii. Would not result in any detrimental impact on local highway safety, and where possible improves highway safety within the Parish;
 - viii. Protects and enhances important features of the natural environment and biodiversity of the site and its surrounds; and
 - ix. Uses materials which preserve and enhance the character of the area.
- b) Proposals for small-scale residential development of up to 5 dwellings (including the conversion and / or moderate extension of rural buildings for residential use) which are located outside of settlement boundaries may be acceptable in exceptional circumstances where the proposal accords with Policy LPP 42 of the BDLP and:
- i. Is located adjacent to an existing settlement or hamlet;
 - ii. Accords with criterion ii. – ix. above;
 - iii. Will contribute towards maintaining the future viability and sustainability of the adjacent settlement; and
 - iv. Accords with all other policy requirements in the Development Plan.
- c) All residential development proposals should include an assessment of the character and appearance of the surrounding area, and demonstrate how the design, layout, and scale of the proposals will contribute positively to the character and appearance of the area, in accordance with the Bradwell with Pattiswick Parish Village Design Statement.

Relevant Evidence Base Documents

Property Inventory, Bradwell with Pattiswick Parish Council, 2017

Rural Community Profile for Bradwell Parish (Rural Community Council for Essex (RCCE), October 2013)

United Kingdom Census 2011 (Office of National Statistics, July 2012)

²¹ This document is currently in production.



Cottages in Church Road, Bradwell village



Tippetts Wade

4.6 Local Economy

Objectives

***To support and encourage small scale employment uses appropriate to a rural area
To encourage new business opportunities for local people***

Context

An assessment of statistical information on the Parish²² highlighted that in comparison to national averages, Bradwell with Pattiswick Parish has a high proportion of self-employed workers and people that work from home. The Parish has a high rate of employment, with most residents working as managers, directors, and senior officials within the retail, manufacturing, and construction sectors. The Parish contains a high number of workers with a skilled trade.

Residents in the Parish travel further to access employment in comparison to national and county averages²³. This is linked to the Parish's good access to surrounding employment centres at Braintree, Colchester, Chelmsford, and beyond to London through the A120, A12, and rail from train stations at Kelvedon, Witham, Cressing and Braintree. Although travel distances could suggest that there may be insufficient employment opportunities within the Parish and immediate surrounding area, the results of public consultation²⁴ concluded that there are sufficient employment opportunities in the Parish.

Currently the Parish contains a range of small employers which provide services such as printing, conservatory manufacture, motorcycle clothing accessories, health therapy, dress-making and dog-training. The largest employer in the Parish is Blackwater Aggregates, with around 50 employees.

Key relevant policies in the emerging BDLP include:

- Policy LPP 8 – Rural Enterprise

Policy 8: Economy

The results of public consultation concluded that additional small-scale employment uses would be appropriate in the Parish where they relate well to the rural character of the area, and do not have a detrimental impact on the residential amenity of existing residents. The high proportion of self-employed skilled tradesman and working from home businesses in the Parish demonstrates that this is an important and successful part of the Parish economy. The Parish Council therefore seeks to support existing, and encourage new, small-scale skilled trade and home-working businesses in the Parish.

²² See section 2.2 of this Plan, and the Neighbourhood Plan evidence base available on the Parish Council website.

²³ See section 2.2 of this Plan, and the Neighbourhood Plan evidence base available on the Parish Council website.

²⁴ See section 2.3 and the Bradwell with Pattiswick Neighbourhood Plan Consultation Statement

Policy 8: Economy

- A) To enhance the local economy in an appropriate and sustainable manner, employment generating development proposals will be supported which:
- i. enable new small-scale businesses to locate within the Parish, particularly related to self-employed skilled tradesman and home-working businesses;
 - ii. protect and support existing businesses within the Parish, subject to site specific circumstances and the requirements of other policies within this Plan;
 - iii. provide benefits to the local economy and community which outweigh any harmful impacts of the proposals;
 - iv. are located in areas which are accessible to the surrounding transport network without having a significantly detrimental impact on levels of traffic or congestion in the Parish;
 - v. will not result in a significant increase in HGV traffic on non-strategic routes within the Parish;
 - vi. will not detrimentally impact upon residential amenity, health, and quality of life of existing residents;
 - vii. contribute positively to the existing rural character and appearance of the area;
 - viii. reflects and responds positively to the scale, design, density and layout of existing development in the surrounding area;
 - ix. would not result in any detrimental impact on local highway safety, and where possible improve highway safety within the Parish;
 - x. would not result in significant harm to heritage assets (designated or non-designated) in the surrounding area;
 - xi. protect and enhance important features of the natural environment and biodiversity of the site and its surrounds; and
 - xii. use materials which preserve and enhance the character of the area.
- B) All new development proposals should include an assessment of the character and appearance of the surrounding area, and demonstrate how the design, layout, and scale of the proposals will contribute positively to the character and appearance of the area, in accordance with the Bradwell with Pattiswick Parish Village Design Statement.

Relevant Evidence Base Documents

Rural Community Profile for Bradwell Parish (Rural Community Council for Essex (RCCE), October 2013)

United Kingdom Census 2011 (Office of National Statistics, July 2012)



The A120 within Bradwell village

4.7 Transport

Objectives

To create a safe road network, which is fit for purpose

To improve road safety

To maintain an excellent network of footpaths

To improve off-road parking facilities in The Street and Forge Crescent

To improve the provision of community and public transport

Context

Statistical information on the Parish²⁵ has identified that in comparison to national and county averages, residents in Bradwell with Pattiswick Parish are highly reliant on car use to access employment, services and facilities, and residents have to travel further to access employment. However, in relation to journey times to access services and facilities, the Parish has relatively good accessibility to services and facilities in the surrounding area.

The A120 runs through the Parish and is the main access route for freight and passengers between east coast ports at Harwich and Felixstowe, Stansted Airport and the M11. Due to the level of international transport, the route is known as a 'Trans-European Network'. The A120 also provides an important local role as the main access route to the regional centres of Braintree and Colchester, linking surrounding rural areas to employment, services and facilities. The A120 is a dual carriageway between the M11 and Braintree, however beyond Braintree going east the A120 becomes single carriageway until it joins the A12 at Marks Tey. The A120 east of Braintree is operating beyond the capacity of the road for 5.75 hours per day, and therefore suffers from significant congestion at peak periods, poor journey time reliability, a high collision rate, and poor resilience where the route is susceptible to long delays due to slow moving vehicles, an incident, or road works on the route²⁶.

Bus routes 70 and 133 stop on the A120 within the village, providing regular services to Chelmsford, Great Leighs, Braintree, Coggeshall, Colchester, and Stansted Airport. Services are frequent during peak periods, half hourly in off peak periods, and every two hours on a Sunday. The Essex Way footpath runs across the south of the Parish. This is a popular walking route which encourages people to visit the area. There are no train stations within the Parish, however the stations of Cressing and Braintree Freeport on the Braintree Branch Line are less than a 10 minute drive from the centre of the Parish, as is the closest mainline station south of the Parish at Kelvedon.

Key relevant policies in the emerging BDLP include:

- Policy LPP 44 – Sustainable Transport;
- Policy LPP 45 – Parking Provision;
- Policy LPP 47 – Transport-Related Policy Areas; and
- Policy LPP 48 – New Road Infrastructure.

Policy 9: Transport

Essex County Council (ECC) has recently consulted on options for the improvement of the A120 route east of Braintree, and have identified two broad corridors²⁷ to take forward for further

²⁵ See section 2.2 and the Neighbourhood Plan evidence base available on the Parish Council website.

²⁶ A120 to A12 Options Assessment Report, Essex County Council, Jacobs, April 2016

²⁷ Made up of options B / C and D / E from the February 2017 consultation.

assessment and submission to Highways England for consideration in the 2020-2025 funding period of the Road Investment Strategy²⁸. Proposals for the realignment of the A120 could have a significant impact on the Parish visually and through noise and air pollution, and options B / D would run immediately south of Glazenwood historic house and gardens. The Parish Council will therefore seek to work closely with Essex County Council to ensure that the views and amenity of local residents are fully taken into account in the decision-making process, and to ensure that the potential impacts on the Parish and proposed mitigation measures are fully understood. The Parish Council will also seek to ensure that any direct or indirect benefits to Bradwell with Pattiswick Parish as a result of the A120 realignment are realised.

Following the completion of a new A120 route, the current A120 running through Bradwell village will no longer be a strategic highway route. The character of road could therefore be changed to relate more appropriately to its surroundings and the character of the village. This could include considering a reduced speed limit, more public crossing points, increased vegetation alongside the road and increased traffic calming measures. The Parish Council will seek to work with ECC to consider what changes would be appropriate following the completion of the new route.

The 2015 and 2017 consultations identified a range of transport related comments which are summarised below:

- The Parish has adequate well-signed public footpaths;
- On-street parking on The Street and Forge Crescent in Bradwell village makes access difficult. Area needs more off-street parking;
- Improved pavements in Bradwell village;
- Restrictions of HGV movements in The Street;
- New development should not result in any detrimental impact on local highway safety, and where possible improve highway safety within the Parish;
- The safety of pedestrians within Bradwell village, particularly in the area where The Street meets Church Road;
- Road safety improvements such as speed bumps, 20mph speed limit, and speed checks; and
- The speed of traffic travelling through Bradwell village.

The Parish Council will seek to address the concerns raised through public consultation through this policy and the progression of projects emerging from the Neighbourhood Plan. The following highways related projects are ongoing and in various stages of progression. These additional projects will therefore also be identified as future transport related projects in this Plan:

- Provide children and pedestrian warning signs at Doghouse Lane, Pattiswick. Cost of £4,000;
- Safety of the bends in The Street / Church Road, Bradwell village. Essex County Council and Highways England to discuss issues and potential options with the Parish Council;
- Proposed speed limit reduction on the A120 from 40mph to 30mph; and
- Road safety improvements to The Street / Coggeshall Road (A120) junction.

28 The Road Investment Strategy is a document produced by the Department of Transport, Highways England, and the Office of Rail and Road, to set out the Governments approach to implementing long-term improvements to the country's motorways and major roads.

Policy 9: Transport

- a) Proposals for new development must:
 - i. provide the minimum parking standards set out within the Essex County Council Parking Standards;
 - ii. protect public rights of way; and
 - iii. not result in any detrimental impact on local highway safety, and where possible improve highway safety within the Parish.
- b) The Parish Council will seek to work with Essex County Council, relevant infrastructure providers and developers in order to facilitate and implement the following transport related infrastructure projects to benefit the Parish and surrounding areas:
 - i. Maintaining an excellent network of footpaths by keeping them clear of vegetation.
 - ii. Improving off-road parking facilities in The Street and Forge Crescent.
 - iii. Improving pavements in Bradwell village.
 - iv. Restrictions of HGV movements in The Street.
 - v. Road safety improvements such as speed bumps, 20mph speed limit, and speed checks.
 - vi. Providing children and pedestrian warning signs at Doghouse Lane, Pattiswick.
 - vii. Safety improvements on the bends in The Street / Church Road, Bradwell village.
 - viii. Proposed speed limit reduction on the A120 from 40mph to 30mph.
 - ix. Road safety improvements to The Street / Coggeshall Road (A120) junction.
 - x. Enhanced provision of Community Transport services.
- c) The Parish Council will work with local bus operators, Essex County Council and neighbouring Parish Councils to explore opportunities to extend the coverage and enhance the frequency of local village bus services in the locality.
- d) Where appropriate, development proposals will be required to contribute towards the progression and delivery of the above transport related infrastructure projects.
- e) The Parish Council will seek to engage with Essex County Council, Highways England, and the Department of Transport²⁹ to consider options for the realignment of the A120 and ensure that the views of local residents are fully taken into account in the decision-making process, the potential impacts on the Parish are understood and mitigated sufficiently, and that any direct or indirect benefits to the Parish are realised.
- f) Following the completion of a new route for the A120, the Parish Council will seek to engage with Essex County Council to consider how the current A120 route could be downgraded to become a rural non-strategic road with appropriate traffic calming measures.

Relevant Evidence Base Documents

A120 to A12 Options Assessment Report, Essex County Council, Jacobs, April 2016
 Parking Standards, Essex County Council, September 2009

²⁹ And other relevant organisations or future replacement organisations.



The Street, Bradwell village

4.8 Developer contributions

Context

When determining a planning application, BDC can seek contributions from developers to mitigate the impact of the development on the local area, known as developer contributions or planning obligations. The contributions can include financial contributions towards a range of infrastructure items such as community services and facilities, affordable housing, parks, play areas, public transport and community buildings, or the contribution can provide an item such as land, roads, constructed affordable housing and community buildings for example.

The amount of contributions which can be sought from a developer are limited by the financial viability of the scheme and Regulation 122 of the Community Infrastructure Levy Regulations 2010 (CIL Regulations)³⁰. The NPPF states that required contributions should ensure the viability of proposed development schemes, therefore *'the costs of any requirements likely to be applied to development, such as requirements for affordable housing, standards, infrastructure contributions or other requirements should, when taking account of the normal cost of development and mitigation, provide competitive returns to a willing land owner and willing developer to enable the development to be deliverable'*³¹.

Key relevant policies in the emerging BDLP include:

- Policy LPP 33 – Affordable Housing; and
- Policy LPP 82 – Infrastructure Delivery and Impact Mitigation.

Policy 10: Developer Contributions

The emerging BDLP sets out some District-wide standards and guidance for developer contributions, informed and supplemented by the Infrastructure Delivery Plan³² and the Essex County Council Developers' Guide to Infrastructure Contributions³³. However, these do not take into consideration all of the specific needs for Bradwell with Pattiswick Parish.

Policies within the BPNP have identified a range of infrastructure needs in the Parish which could be provided through developer contributions subject to viability and the requirements of the CIL Regulations. The potential developer contributions included within this Plan are summarised in Table 2 below.

³⁰ Regulation 122 of the Community Infrastructure Levy Regulations 2010 state that 'a planning obligation may only constitute a reason for granting planning permission for the development if the obligation is:(a) necessary to make the development acceptable in planning terms; (b) directly related to the development; and (c) fairly and reasonably related in scale and kind to the development.

³¹ Paragraph 173 of the National Planning Policy Framework (NPPF)

³² Braintree Infrastructure Delivery Plan 2017 (Troy Planning & Design and Navigus Planning)

³³ Revised Edition 2016 (Essex County Council)

Table 2: Potential developer contributions included within the BPNP

BPNP Policy	Local Infrastructure Requirements for Bradwell with Pattiswick Parish
Policy 3	<ul style="list-style-type: none"> • Enhancements and upgrades to the playing fields in Bradwell village to ensure that the needs of local sports teams can be accommodated in the future • Contributions to the establishment of an early years and childcare facility to be located within Bradwell Village Hall to accommodate future needs for the Parish • Contributions to primary school provision in the locality to meet the future needs of the Parish
Policy 9	<ul style="list-style-type: none"> • Maintaining an excellent network of footpaths by keeping them clear of vegetation. • Improving off-road parking facilities in The Street and Forge Crescent. • Improving pavements in Bradwell village. • Restrictions of HGV movements in The Street. • Road safety improvements such as speed bumps, 20mph speed limit, and speed checks. • Providing children and pedestrian warning signs at Doghouse Lane, Pattiswick. • Safety improvements on the bends in The Street / Church Road, Bradwell village. • Proposed speed limit reduction on the A120 from 40mph to 30mph. • Road safety improvements to The Street / Coggeshall Road (A120) junction. • Enhanced provision of Community Transport services. • Extend the coverage and enhance the frequency of local village bus services in the locality.

Where appropriate, the Parish Council expect new development to contribute towards relevant infrastructure requirements identified in Table 2 when identifying contributions as part of an application. However, it is acknowledged that not all new developments will be able to contribute towards infrastructure needs in the Parish due to the financial viability of a scheme, the particular infrastructure needs of the proposal, and the restrictions of the CIL Regulations. The need to provide developer contributions towards Parish based infrastructure requirements will be considered individually for specific development proposals. It is therefore recommended that developers consult with Bradwell with Pattiswick Parish Council and Braintree District Council at an early stage of preparing development proposals, to ensure that proposed developer contributions satisfactorily meet the requirements of the Neighbourhood Plan and the needs of the Parish.

Policy 10: Developer Contributions

- a) Subject to the financial viability of development and the application of CIL Regulations, where appropriate development will be required to contribute towards the provision of relevant infrastructure in the Parish.
- b) Planning applications for non-residential development of a nature and scale that will be required to mitigate its impact upon local infrastructure, services and facilities will be required to provide a proportionate contribution towards relevant projects identified in Table 2 where viable, in accordance with the CIL Regulations.
- c) The requirements for developer contributions should be discussed and agreed prior to the submission of a planning application with Bradwell with Pattiswick Parish Council, Braintree District Council, and where relevant Essex County Council. Developer contributions towards local infrastructure needs will be sought in accordance with Table 2 and Table 3 (the Neighbourhood Plan Action Plan). Developer contributions towards wider infrastructure needs will be sought in accordance with Policy LPP 82 of the Braintree District Local Plan, with reference to the Braintree Infrastructure Delivery Plan, and the Essex County Council Developer Contributions Guide.
- d) Planning applications for residential developments, and relevant planning applications for non-residential development, should clearly demonstrate the impact of the proposed development on local infrastructure in the area, and demonstrate how developer contributions towards local infrastructure will satisfactorily mitigate the identified impacts.
- e) Relevant development proposals that fail to provide sufficient mitigation of the impact of the development through developer contributions will not be supported, unless:
 - i. It is proven that the benefit of the development proceeding without full mitigation outweighs the collective harm; or
 - ii. A fully transparent open book viability assessment has proven that full mitigation cannot be afforded, allowing only for the minimum level of developer profit and land owner receipt necessary for the development to proceed; or
 - iii. Obligations are entered into by the developer that provide for appropriate additional mitigation in the event that viability improves prior to completion of the development.
- f) Where viability evidence is to be provided by the applicant, it must be 'open-book' and clearly demonstrate the level of developer contributions which can be provided without rendering the scheme financially unviable.

Relevant Evidence Base Documents

Community Infrastructure Levy Regulations (HM Government, 2014)

National Planning Policy Framework (HM Government, 2012)

Braintree Infrastructure Delivery Plan (Troy Planning & Design and Navigus Planning, 2017)

Essex County Council Developers' Guide to Infrastructure Contributions (Essex County Council, 2016)

5. Implementation

5.1 The Neighbourhood Plan Action Plan

The BPNP has identified a range of objectives within 7 topic areas, and set out 10 policies to enable the delivery of the objectives. The BPNP policies include a number of actions and projects to guide the delivery of Neighbourhood Plan objectives. Table 3 below considers in detail each action / project identified within the Plan, and outlines how the actions / projects will be delivered.

Note that BDC intend to produce a Community Infrastructure Levy (CIL), however at this time no draft Charging Schedule has been published for consultation. The Action Plan in the table below will therefore not refer to CIL specifically until there is greater certainty on when a Charging Schedule may be produced and adopted. The terms 'developer funding' or 'planning obligations' in table 3 therefore refers to Section 106 contributions agreed as part of planning applications to BDC. However, where appropriate in the future CIL funding may be utilised to

Table 3: The Neighbourhood Plan Action Plan

Community facilities and public open space						
Ref	Action / Project	Relevant BPNP Objective	How will this be delivered	Who is responsible	Outcome (Indicators of achievement)	Monitoring
1	To nominate Bradwell Village Hall as an Asset of Community Value	To protect locally important areas of open space and community facilities	A nomination form will be completed by Bradwell with Pattiswick Parish Council, and submitted to BDC for consideration.	BPPC BDC	Approval of the nomination by BDC. The village hall will then be listed as a community asset for 5 years.	Undertaken by BPPC, to review progress of application with BDC. BPPC to consider re-nomination after the 5 year listing period.
2	Enhance and upgrade the playing fields in Bradwell village to ensure that the needs of local sports teams can be accommodated in the future	To retain and encourage the use of facilities for outdoor recreation To provide leisure facilities to meet the needs of all residents	The Parish Council will identify appropriate projects, and seek funds to deliver projects.	BPPC	Improved playing fields which meet the needs of local sports teams.	Undertaken by BPPC.
3	The establishment of an early years and childcare facility to be located within Bradwell Village Hall.	To support a cohesive, supportive community	Funding will be sought by the Parish Council, including through developer contributions. BDC to seek developer	BPPC ECC BDC	The establishment of an early years and childcare facility in Bradwell village.	Undertaken by BPPC, supported by ECC and BDC.

			contributions where possible. ECC to support the progression and delivery of the project.			
4	Improved primary school provision in the locality to meet the future needs of the Parish	To support a cohesive, supportive community	BDC to seek developer contributions where possible. ECC to support the progression and delivery of the project.	BPPC ECC BDC	Improved primary school provision in the locality which meets the needs of the Parish.	Undertaken by BPPC, supported by ECC and BDC.

Drainage and Flood Management

Ref	Action / Project	Relevant BPNP Objective	How will this be delivered	Who is responsible	Outcome (Indicators of achievement)	Monitoring
5	Document all watercourses in the area through the 'Where does water go' project.	To document local watercourses in co-operation with Essex County Council by 2019	Working with ECC as the Lead Local Flood Authority.	BPPC ECC	Production of a Local Flood Plan identifying and outlining the quality of water courses in the area, any flood risks, and how these may be mitigated.	Undertaken by BPPC, working with ECC.

Transport

Ref	Action / Project	Relevant BPNP Objective	How will this be delivered	Who is responsible	Outcome (Indicators of achievement)	Monitoring
6	Maintaining an excellent network of footpaths by keeping them clear of vegetation.	To maintain an excellent network of footpaths	Setting up a group of volunteers to regularly check and maintain the paths. Joint working with ECC / BDC.	ECC BDC BPPC	A usable, clear, and well maintained footpath network throughout the Parish.	Undertaken by BPPC and volunteers.
7	Improving off-road parking facilities in The Street and Forge Crescent.	To improve off-road parking facilities in The Street and Forge Crescent	Discussions with ECC to identify options. Could seek support through planning obligations where	ECC BPPC	Identification of deliverable options. Improved parking arrangements in The Street and Forge Crescent.	Undertaken by BPPC and ECC.

			appropriate.			
8	Improving pavements in Bradwell village.	To improve road safety. To maintain an excellent network of footpaths	Discussions with ECC to identify options. Could seek support through planning obligations where appropriate.	ECC BPPC	Identification of deliverable options. Delivery of improved pavements in Bradwell village.	Undertaken by BPPC and ECC.
9	Restrictions of HGV movements in The Street.	Create a safe road network, which is fit for purpose. To improve road safety	Discussions with ECC to identify options.	ECC BPPC	Construction of signs restricting HGV movements in The Street.	Undertaken by BPPC and ECC.
10	Road safety improvements such as speed bumps, 20mph speed limit, and speed checks.	To improve road safety	Discussions with ECC to identify options. Could seek support through planning obligations where appropriate.	ECC BPPC	Implementation of road safety measures.	Undertaken by BPPC and ECC.
11	Providing children and pedestrian warning signs at Doghouse Lane, Pattiswick.	To improve road safety	Discussion with ECC. Raise required funds for signage where necessary.	ECC BPPC	Implementation of new signs.	Undertaken by BPPC and ECC.
12	Safety improvements on the bends in The Street / Church Road, Bradwell village.	Create a safe road network, which is fit for purpose. To improve road safety	Discussions with ECC to identify options. Could seek support through planning obligations.	ECC BPPC	Identification of deliverable options. Delivery of safety measures.	Undertaken by BPPC and ECC.
13	Proposed speed limit reduction on the A120 from 40mph to 30mph	To improve road safety	Discussions with Highways England.	Highways England BPPC	Reduction in the speed limit on the A120.	Undertaken by BPPC and Highways England.
14	Road safety improvements to The Street / Coggeshall	Create a safe road network, which is fit	Discussions with Highways England.	Highways England BPPC	Identification of deliverable options. Delivery of	Undertaken by BPPC and Highways England.

	Road (A120) junction.	for purpose. To improve road safety	Could seek support through planning obligations.		safety measures.	
15	Repairing Hollies Road water leak, and associated damage to road and roadside bank..	Create a safe road network, which is fit for purpose.	ECC to further investigate and repair leak and associate damage to the road.	ECC	No further water leaks, standing water and mud at Hollies Road.	Undertaken by BPPC and ECC.
16	Enhanced provision of community transport services.	To improve the provision of community and public transport	Parish Council to consider options through discussions with ECC. Could seek support through planning obligations.	ECC BPPC	Identification of deliverable options. Delivery of improved community transport services.	Undertaken by BPPC and ECC.
17	Extend the coverage and enhance the frequency of local village bus services in the locality.	To improve the provision of community and public transport	Discussions with ECC to identify options. Could seek support through planning obligations.	ECC BPPC	Identification of deliverable options. Delivery of improved public transport provision.	Undertaken by BPPC and ECC.

References

- A120 Braintree to Marks Tey Improvement Phase 1 Habitat Survey, Hyder Consulting, July 2004
- A120 to A12 Options Assessment Report, Essex County Council, Jacobs, April 2016
- Bradwell History, Bradwell with Pattiswick Parish Council, 2017
- Bradwell with Pattiswick Parish Plan, Bradwell Parish Council, June 2016
- Bradwell with Pattiswick Parish Neighbourhood Plan Consultation Statement, 2018
- Braintree District Local Plan Publication Draft, Braintree District Council, June 2017
- Braintree District Council Water Cycle Study (AECOM, March 2017)
- Braintree Infrastructure Delivery Plan, Troy Planning & Design and Navigus Planning, 2017
- Braintree Open Space, Sports and Recreational Facilities Study, BDC, 2016
- Braintree Open Space Study, BDC, 2016
- Community Infrastructure Levy Regulations (as amended), HM Government, 2014
- Essex County Council Developers' Guide to Infrastructure Contributions, Essex County Council, 2016
- National Planning Policy Framework, HM Government, 2012
- Open Spaces Action Plan, BDC, 2017
- Property Inventory, Bradwell with Pattiswick Parish Council, 2017
- Parking Standards, Essex County Council, September 2009
- Rural Community Profile for Bradwell Parish, Rural Community Council for Essex (RCCE), October 2013
- The Braintree District Landscape Character Assessment, CBA, September 2006
- United Kingdom Census 2011, Office of National Statistics, July 2012

Abbreviations

- BDC – Braintree District Council
BDLP – Braintree District Local Plan
BPNP – Bradwell with Pattiswick Neighbourhood Planning
BPPC – Bradwell with Pattiswick Parish Council
CIL – Community Infrastructure Levy
ECC – Essex County Council
NPPF – National Planning Policy Framework
RLP – Braintree District Local Plan Review

Local Development Scheme 2018 - 2020		Agenda No: 6
Portfolio: Planning and Housing Corporate Outcome: Securing appropriate infrastructure and housing growth Report Presented by: Emma Goodings Acting Head of Planning Policy and Economic Development Report Prepared by: Alex Evans Planning Policy Officer		
Background Papers: National Planning Policy Framework (NPPF) Local Development Scheme 2017		Public Report: Yes Key Decision: No
Executive Summary: The Local Development Scheme (LDS) is a project management document, which sets out the planning documents that the Council will produce and the timetable for their production. A copy of the revised LDS is attached at Appendix 1 . This report is asking that Members approve the revised version of the LDS. The main changes include: <ul style="list-style-type: none"> • Updated Local Plan timetable following the section 1 examination; • Update on Strategic Growth Development Plan Document(s); • Updated Supplementary Planning Documents (SPDs) timetable; • Update on Community Infrastructure Levy (CIL) • Information on evidence base documents has been updated to reflect a review of an existing document or a new document which are being produced / been completed to aid the production of the Development Plan; • An update on Neighbourhood Planning activities; and • General updates to the wording of the LDS to reflect current situation. 		
Recommendation It is RECOMMENDED that the Local Development Scheme 2018 – 2020 be approved.		
Purpose of Decision: To set out the programme for preparation of Local Development documents and Supplementary Planning Documents in the District.		

Corporate Implications	
Financial:	Cost of plan preparation is being met from base budget
Legal:	Must comply with Governments legislation and guidance on planning policy
Equalities/Diversity	Equality Impact Assessments of plans produced through the LDS will be required.
Safeguarding	None
Customer Impact:	Sets out plan preparation timetable.
Environment and Climate Change:	Policies in plans that are proposed to be prepared will need to have regard to the environment and climate change issues.
Consultation/Community Engagement:	Proposed consultation for planning documents is set out in the Local Development Scheme.
Risks:	Delay in the timetable for plan production.
Officer Contact:	Alex Evans
Designation:	Planning Policy Officer
Ext. No.	2556
E-mail:	alex.evans@braintree.gov.uk

1. Background

- 1.1 The Planning and Compulsory Purchase Act 2004 requires the Council to prepare a Local Development Scheme (LDS). The main purpose of the LDS is to set out the rolling programme for the preparation of planning documents that will form Braintree District Council's Development Plan and planning guidance. It identifies the key stages and timescales in the preparation of planning documents. This will provide relevant stakeholders with information on what documents are being produced and the predicted timescales involved. The proposed updated LDS will cover the period from 2018 to 2020.
- 1.2 The LDS is split into a number of different sections. The first section sets out the current national, regional and local planning policy context relevant to Braintree District. The second part of the document provides the timetable for the preparation of planning documents as well as an update on neighbourhood planning activities within the district. This is followed by an updated list of key evidence base documents which support the Braintree Development Plan. The final section of the document is provides information monitoring and reviewing as well as resources required and an analysis of the risks involved. A diagram is provided at the end of the document which visually shows the predicted timetable for the production of planning documents.
- 1.3 It is important to keep the LDS up-to-date to provide accurate information to stakeholders using the document as well as meeting legislative requirements. The previous version of the LDS was published in January 2017. Since then, the Local Plan has been submitted and the Part 1 examination has taken place, the delay in this has meant consequential delays to the production and

adoption of other documents. Updated legislation has also required us to add review of the Statement of Community Involvement into the programme.

2 Changes to the Previous Local Development Scheme

- 2.1 The last version of the LDS, which was published in January 2017, has been updated as follows;

Updated Local Plan Timetable

- 2.2 The Local Plan timetable set out in the LDS has been updated to reflect progress which has been made on the plan. This includes the Submission Draft Consultation which took place over summer 2017 and submission of the plan to the Secretary of State. The timetable for the next steps of the plan has been amended to reflect the additional hearing day scheduled for the examination Section 1 of the plan. This has consequential meant that the section 2 examination is likely to happen later than expected, possibly in the Autumn 2018, dependent on the timescale of the Planning Inspectorate

Update on Strategic Growth Development Plan Document(s)

- 2.3 The Strategic Growth Development Plan Documents are those which will guide the Garden Communities. Braintree will be working with partners to develop these garden communities. Members will note that the timetable of the production of these documents, and in particular the next Preferred Options consultation has moved significantly since the last LDS. This is partly as a result of the delay in the Local Plan examination timetable, partly due to the need to avoid local election purdah periods and to ensure that the next iteration of these documents has significant opportunities for informal public engagement and consultation which was a key theme coming from the Issues and Options consultation responses and to ensure detailed further work can be completed on the requirements for the Garden Communities.

Updated Supplementary Planning Documents (SPDs) Timetable

- 2.4 The SPD timetables have been updated in response to the changed Local Plan timetable. This is due to the new Local Plan needing to be adopted before the SPDs.

Other Minor Updates

- 2.5 The wording around CIL, Neighbourhood Plans and the evidence base section has been updated to reflect the current situation. The text throughout the document has had only minor changes, primarily to reflect changes in legislation.

3 Next Steps

- 3.1 If approved, the updated LDS will be published on the Braintree District Council and made available to stakeholders.

- 3.2 The LDS is required to be kept up-to-date. Therefore, further updated versions of the LDS will need to be published in the future to reflect changes and progress made on the Development Plan and other planning documents. At the latest the LDS will be reviewed in early 2020.

Recommendation

It is RECOMMENDED that the Local Development Scheme 2018 – 2020 be approved.

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1. Introduction

- 1.1 The Planning and Compulsory Purchase Act 2004 requires the Council to prepare a Local Development Scheme (LDS). This sets out the rolling programme for preparation of planning documents that together will form Braintree District's Local Plan. It identifies the key stages in the preparation of the Council's Local Development Documents.
- 1.2 It also sets out what resources will be required in order to ensure that the work will be completed in accordance with the timetable and identifies the risks that could result in delay.
- 1.3 This is the tenth version of the Local Development Scheme that has been prepared by Braintree District Council. The first was published in September 2005 and the last review was published in January 2017. Progress on the Local Development Scheme has been monitored and the extent to which the milestones identified have been achieved is set out in the Council's Annual Monitoring Reports.
- 1.4 The Braintree Local Development Scheme is therefore a project management document, which informs the public and stakeholders of the planning documents that the Council will produce and the timescale for their production. It includes;
 - A timetable for the production and adoption for all Development Plan Documents within the Local Development Scheme time period (3 years).
 - Identifying background studies and documents, which form the evidence base for the Local Plan.
 - A list of current adopted Supplementary Planning Documents, Material Planning Guidance and Development Briefs.
 - Arrangements for monitoring and review.

2. Planning Context

National Planning Guidance

- 2.1 The Planning Practice Guidance sets out in paragraph 158 that each local planning authority should ensure that the Local Plan is based on adequate, up-to-date and relevant evidence about the economic, social and environmental characteristics and prospects of the area. Local planning authorities should ensure that their assessment of and strategies for housing, employment and other uses are integrated, and that they take full account of relevant market and economic signals.

County Planning Policy

- 2.2 Essex County Council is the authority responsible for production of the Waste and Minerals Local Plans, which form part of the Development Plan. At present the adopted plan for Essex is;
- The Essex Minerals Local Plan (2014)
 - Essex and Southend-on-Sea Waste Local Plan (2017)
- 2.3 More details on the waste and minerals development document can be found on the Essex County Council website www.essex.gov.uk following the links from planning to minerals and waste policy.

Adopted Local Planning Policy

- 2.4 Current adopted planning policy in Braintree is made up of the Core Strategy, adopted in September 2011 and the Braintree District Local Plan Review, which was adopted in July 2005.
- 2.5 The Braintree District Local Plan Review was adopted in July 2005. In July 2008 the Secretary of State for Communities and Local Government decided that the majority of the Braintree District Local Plan Review policies would remain in force with the exception of the following 11 policies, which have either already been implemented, or have been superseded by more recent Government policy guidance;
- RLP23 Provision for Gypsies and Travelling Showpersons
 - RLP43 Atlas Works Site, Earls Colne
 - RLP57 Freeport Special Policy Area
 - RLP66 Flood Risk in Developed and Urban Areas
 - RLP66 Flood Risk in Undeveloped Areas
 - RLP68 Functional Floodplains
 - RLP130 Indoor Sport and Leisure Site, Braintree Retail Park
 - RLP131 Swimming Pool, Millennium Way, Braintree
 - RLP132 Community Swimming Pool, Ramsey School, Halstead
 - RLP156 Community Uses Site, Colchester Road, Halstead
 - RLP165 Monitoring

2.6 When the Core Strategy was adopted in 2011, it superseded the following additional policies in the Braintree Local Plan Review 2005;

- RLP1 Housing Provision
- RLP5 Affordable Housing in New Developments
- RLP60 Braintree Branch Line Improvement
- RLP61 New Road Schemes
- RLP78 Countryside
- RLP79 Special Landscape Areas
- RLP88 Agricultural land
- RLP110 Retail and Town Centre Development
- RLP111 Retail Development
- RLP137 Open Space Standards
- RLP139 Allotments
- RLP163 Infrastructure and Community Facilities

2.7 It was the intention that the remaining policies in the Local Plan Review 2005 would be used, until they were superseded by the adoption of new policies in the Site Allocations and Development Management Plan Document. However, the transitional arrangements following the publication of the NPPF in March 2012 and set out in Annex 1: Implementation of that document state;

“For 12 months from the day of publication, decision-takers may continue to give full weight to relevant policies adopted since 2004 even if there is a limited degree of conflict with this Framework. In other cases and following this 12-month period, due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan are to the policies in the Framework, the greater the weight that may be given)”.

2.8 This means that after 28th March 2013, policies in the Core Strategy and remaining policies in the Local Plan Review will have different weight depending on their compatibility with the NPPF and the presumption in favour of sustainable development.

2.9 The NPPF paragraph 216 also allows for weight to be given to relevant policies in emerging plans according to:

“The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);

The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and

The degree of consistency of the relevant policies in the emerging plan to the policies in this (sic) Framework (the closer the policies in the emerging plan to the policies in this Framework, the greater the weight that may be given).”

2.10 The Council progressed a Site Allocations and Development Management Plan in 2014 and 2015, this was not submitted for examination and has now been superseded by the Draft Local Plan. Both sections of the draft Local Plan have been submitted to the Secretary of State. Section 1 of the Plan is currently undergoing public examination and Section 2 of the plan is expected to be examined autumn 2018.

3. Local Plan

- 3.1 The Planning and Compulsory Purchase Act 2004 required the preparation of new planning documents to replace the previous planning system. This new suite of documents was part of the Local Development Framework (LDF). However, following the change of government in 2010, a new set of Town and County Planning (Local Planning) (England) Regulations came into force in April 2012 (And amended in November 2012) and these revert to the former terminology of a 'Local Plan'.
- 3.2 The Local Plan will set out how the Council plans for, and makes decisions about, the future of towns, villages and countryside and will set out a strategy for the future development of the District, which is based on a clear and locally distinct vision. This vision will be developed with the involvement of the local community and there should be commitment by all relevant agencies to its delivery.
- 3.3 The Local Plan consists of a number of documents, including Development Plan Documents (DPDs) such as the Local Plan, Supplementary Planning Documents (SPDs), a Local Development Scheme (LDS), the Authorities Monitoring Report (AMR) and a Statement of Community Involvement (SCI). Further details about each document and their progress in Braintree District are given as follows:-

3.4 The Statement of Community Involvement (SCI)

- 3.5 **Purpose:** This document sets out the standards and approach to involving the community and stakeholders in the production of the Local Plan.
- 3.6 **Status:** The Council adopted its SCI in July 2006 following agreement by an independent planning inspector, with a supplement agreed in 2009. A revised draft SCI was approved by Full Council on the 23rd September 2013.

An update to the 2013 SCI will be necessary to reflect changes to the Neighbourhood Planning Act 2017. This will be prepared in the summer/autumn of 2018 and will require a 6-week consultation. It is estimated that an update will be adopted by the Council before the end of the financial year 2018/19.

3.7 The Core Strategy Development Plan Document

- 3.8 **Purpose:** The key document in the Local Development Framework, which sets out the key strategic vision and objectives for the District and contains strategic sites, which are essential to the delivery of the plan.
- 3.9 **Status:** The Council adopted its Core Strategy in September 2011, following examination of soundness by an independent planning inspector. It will be replaced by the Local Plan when approved.

3.10 The Site Allocations and Development Management Plan

- 3.11 **Purpose:** A development plan document, which is in conformity with the Core Strategy. This allocates sites for new housing, employment, retail and other land uses and sets out non-strategic planning policies, by which planning applications are judged, to ensure that they will meet the vision set out in the Core Strategy.
- 3.12 **Status:** The Site Allocations and Development Management Plan was withdrawn on the 30th June 2014. At a Full Council meeting on the 15th September 2014 the Council agreed that the document would be considered as a material consideration in the determination of planning applications. It has now been superseded by the Local Plan.

3.13 Local Plan

- 3.14 **Purpose:** Sets out strategic and non-strategic allocations for land use, and policies for the determination of planning applications.
- 3.15 **Status:** The joint Section 1 of the Local Plan is being examined during spring 2018. Section 2 of the Local Plan (Publication stage) was consulted upon during June / July 2017 and is expected to be examined during autumn 2018.

3.16 Strategic Growth Development Plan Document(s)

- 3.17 **Purpose:** For Braintree District these will take the form of area plans for the development of Garden Communities. Each Garden Community; if progressed through the Local Plan process, will require a Plan.
- 3.18 **Status:** The West of Braintree and Colchester Braintree Borders Garden Community Issues and Options Consultations took place during winter 2017/18.

3.19 The Authority Monitoring Report (AMR)

- 3.20 **Purpose:** To set out the principal characteristics of the District and assess progress in preparing Local Development Documents and monitor progress in housing, employment and other development.
- 3.21 **Status:** The AMR is published in December of each year and assesses the year from the 1st of April to the 31st of March. The latest report is available on the council website.

3.22 Local Development Scheme (LDS)

- 3.23 **Purpose:** A project management document to inform stakeholders of the timetable for production of documents.
- 3.24 **Status:** This LDS will replace the 2017 - 2019 document.

3.25 Supplementary Planning Documents (SPDs)

- 3.26 These are supplementary to the Local Development Documents. Further detail is set out in Section 4.

3.27 Community Infrastructure Levy (CIL) Charging Schedule

- 3.28 **Purpose:** To set out the standard levy which the local authority will be applying to some developments and to define the infrastructure projects, which it is intended to fund.
- 3.29 **Status:** Braintree District Council will consider implementation of the Community Infrastructure Levy if it considers it the best approach to gather developer contributions from new development.

3.30 Local Plan – Timetable for Production

Role and Content	Sets out the detailed allocations of land for housing, employment, retail and other major land uses. Sets out strategic and non-strategic development management policies.
Status	Development Plan Document
Chain of Conformity	Must be consistent with National Policy as set out in the National Planning Policy Framework.
Geographic Coverage	Whole of Braintree District

Timetables and Milestones	
Evidence Base Update; Update of strategic level evidence base	September 2014 – summer 2016
Issues and Scoping Consultation	Jan to March 2015
Member Approval of Consultation Document	June 2016
Public Participation of preferred options	Summer 2016
Consideration of Representations and amendment of document	Winter 2016 / spring 2017
Council Approval of Pre Submission Document and Submission Draft Consultation	Summer 2017
Submission to Secretary of State	Autumn 2017
Hearing	Shared Strategic Plan (Part One) – winter / spring 2018 Braintree District Specific Local Plan (Part Two) – autumn 2018
Receipt of Inspectors Report	Shared Strategic Plan (Part One) - Summer 2018 Braintree District Specific Local Plan (Part Two) – winter 2018
Date of Adoption	Winter 2018/19
Arrangements for Production	
Lead Department	Braintree District Council Sustainable Development
Management Arrangements	To be managed by Departmental Management Team and Sub Committee of Council Members
Resources	To be prepared by Planning Policy Team involving other services as appropriate. To be funded from base budgets.
Involvement of Stakeholders and Community	As set out in the Statement of Community Involvement
Post Production Monitoring and Review Mechanisms	Document to be monitored on an annual basis and will need to be subject to review, if monitoring highlights a need, or as required.

3.31 Strategic Growth Development Plan Documents – Timetable for Production

Role and Content	The Strategic Growth Development Plan Document will set out planning policies, masterplans and maps to show how they will be developed. Planning applications in the area will need to conform to the DPD.
Status	Development Plan Document
Chain of Conformity	Must be consistent with National Policy as set out in the National Planning Policy Framework. The document will also be consistent with the Local Plan.
Geographic Coverage	To be confirmed through further studies. The geographical coverage of the Garden Communities was also explored through the Issues and Options Consultation took place for Colchester Braintree Borders and West of Braintree Garden Communities which took place late 2017 / early 2018.

Timetables and Milestones	
Document preparation	Summer 2017 – Autumn 2017
Member approval of issues and options DPD	Autumn 2017
Issues and options consultation	Winter 2017/18
Document preparation	Spring 2018 – Summer 2019
Member approval of draft DPD	Summer 2019
Draft DPD consultation	Summer 2019
Document preparation	Summer 2019 – Autumn 2019
Member approval of submission DPD	Winter 2019/20
Submission DPD consultation	Winter 2019/20 – Spring 2020
Submission to Secretary of State	Spring 2020
Examination	Autumn 2020
Inspector's report	Winter 2020/21
DPD adoption	Winter 2020/21
Arrangements for Production	
Lead Department	Braintree District Council Sustainable Development along with partners from Colchester Borough Council and potentially Uttlesford District Council.
Management Arrangements	To be managed by Departmental Management Team and Sub Committee of Council Members
Resources	To be prepared by Planning Policy Team involving other services as appropriate. To be funded from project budget.
Involvement of Stakeholders and Community	As set out in the Statement of Community Involvement
Post Production Monitoring and Review Mechanisms	Document to be monitored on an annual basis and will need to be subject to review, if monitoring highlights a need, or as required.

3.32 Statement of Community Involvement (SCI) – Timetable for Production

Role and Content	The SCI will set out the way in which the authority consults on planning in the District
Status	Development Plan Document
Chain of Conformity	Must be consistent with National Policy as set out in the National Planning Policy Framework and all relevant legislation
Geographic Coverage	Whole District

Timetables and Milestones	
Document preparation	Summer 2018 – Autumn 2018
Member approval of draft SCI	Winter 2018
Draft SCI consultation	Winter 2018/2019
Member approval of SCI	Spring 2019
Adoption of SCI	Spring 2019
Arrangements for Production	
Lead Department	Braintree District Council Sustainable Development
Management Arrangements	To be managed by Departmental Management Team and Sub Committee of Council Members
Resources	To be prepared by Planning Policy Team involving other services as appropriate. To be funded from project budget.
Involvement of Stakeholders and Community	As set out in the Statement of Community Involvement
Post Production Monitoring and Review Mechanisms	Document to be monitored and will need to be subject to review or as required or at least every 5 years.

4. Supplementary Documents

- 4.1 Supplementary Planning Documents (SPD's) and other guidance documents can provide further detail on particular policies or local issues. SPD's can take a number of forms, but can normally be broken down into 2 categories;
- Area based including masterplans and development briefs, which deal with specific parcels of land; and
 - Topic based which provide additional information on local issues, or policies, such as design guides.
- 4.2 Although supplementary documents are not subject to examination, they are produced in consultation with the community and other interested parties and are still subject to regulations regarding their consultations. Supplementary documents are not required to be listed within the Local Development Scheme, but it is considered appropriate to inform the public of the Council's proposals to produce new documents.
- 4.3 The Council also has a number of approved planning guidance documents and development briefs. These are documents, which have been either produced or consulted upon by another authority, or whilst the public and stakeholders have been involved in their production have not undergone the same strict levels of consultation as is required for an SPD.
- 4.4 A list of the current adopted SPD's, guidance and development briefs are included in the table below;

Title and Subject	Produced by	Status	Date Approved
Affordable Housing. The document sets out the process and mechanisms for the delivery of affordable housing in Braintree District.	Braintree District Council	SPD	May 2006
External Artificial Lighting. It provides advice and guidance on what factors the Council will take into account when determining planning applications.	Braintree District Council	SPD	September 2009
Open Space. The document sets out the processes and mechanisms for the delivery of open space in Braintree District	Braintree District Council	SPD	Updated in 2014
NW Braintree Masterplan. The masterplan to guide development for the strategic growth location off Panfield Lane in NW Braintree	Mersea Homes and Hills Residential & Braintree District Council	SPD	August 2013
Masterplan Land west of the A131, Great Notley To guide commercial development on the strategic employment site	Braintree District Council and Countryside Properties	Guidance	December 2012 subject to amendments.
Premdor/Rockways site Masterplan. The masterplan to guide development on the regeneration site at Sible Hedingham	Braintree District Council and Bloor Homes	Guidance	August 2012
Parking Standards – Design and Good Practice Guidance Provides car and cycle parking standards together with design guidance on accommodating parking within various types of residential and commercial development.	Essex County Council working in partnership with Essex Planning Officers Association.	Guidance	Nov-09

Title and Subject	Produced by	Status	Date Approved
Essex Design Guide Provides guidance on design and layout principles including specific information relating to structure and layout of new developments, garden sizes, building design and form, parking design and road layouts.	Essex County Council working in partnership with Essex Planning Officers Association	Guidance	Online
Land East of the High Street, Halstead Guide to development and regeneration on a site in Halstead	Built Environment Branch of Essex County Council commissioned by Braintree District Council	Development Brief	Jan-05
Riskstones Neighbourhood Centre, Witham	Braintree District Council	Development Brief	Sep-10
Silver End Shops Site Guide to development and regeneration on a site in Silver End village.	Stephen Claydon and Michael Munt approved by Braintree District Council	Development Brief	Jun-06

- 4.5 The Council intends to review and update the 3 topic based SPD's (Affordable Housing, Open Space and External Lighting) following the adoption of the new Local Plan. The level of review will vary from document to document.

4.6 Timetable for Affordable Housing SPD production

Affordable Housing Supplementary Document	
Preparation of draft document	2018
Public Consultation	Spring / summer 2019
Adoption	Summer 2019

4.7 Timetable for Open Spaces Strategy SPD Production

Open Spaces Strategy Supplementary Document	
Preparation of draft document	2018
Public Consultation	Spring / summer 2019
Adoption	Summer 2019

4.8 Timetable for External Lighting production

External Lighting Supplementary Document	
Preparation of draft document	Spring 2019
Public Consultation	Summer/autumn 2019
Adoption	Autumn/Winter 2019

5. Neighbourhood Planning

- 5.1 The Localism Act 2011 introduced neighbourhood developments plans which help communities with or without Parish or Town Councils to establish general planning policies for the development

and use of land in a neighbourhood. Once 'made', these plans will form part of the statutory development for the area and will be used in the determination of planning applications.

- 5.2 The first stage of developing a neighbourhood plan is to designate a neighbourhood area. The District has agreed 10 Neighbourhood Areas. Other parish councils are considering developing a neighbourhood plan.
- 5.3 Once a neighbourhood area has been agreed preparation of a neighbourhood plan can be carried out by a parish or town council or in the case of unparished areas a neighbourhood forum.

Area	Stage
Bradwell & Pattiswick	Regulation 14 consultation - Spring 2018
Coggeshall	Preparation of draft plan
Cressing	Preparation of draft plan
Feering	Preparation of draft plan
Hatfield Peverel	Consultation on draft plan (Regulation 16) undertaken summer 2017 and an examiner has appointed (Regulation 17) spring 2018.
Kelvedon	Preparation of draft plan
Gt Saling & Bardfield Saling	Preparation of draft plan
Great Yeldham	Preparation of draft plan
Stisted	Preparation of draft plan
Steeple Bumpstead	Preparation of draft plan

6. Evidence Base

- 6.1 The Local Development Documents will establish the Council's planning policies. In preparing these documents and to ensure that the proposals and policies contained within them are soundly based, a number of specialist studies and other research projects have been, or will be undertaken.

6.2 The following table illustrates the reports and studies that will be used to provide a robust and credible evidence base for the Local Development Framework. This list will be added to, if additional work is required.

Name	Description	Date
General		
Authority Monitoring Report	The monitoring report aims to assess progress in meeting policy targets and milestones, and to present information on housing trajectories demonstrating the delivery of the provision of new homes.	The document pertains to the period 1st of April through to the 31st of March each year.
Economic		
Braintree District Retail Study Update 2015 (reviewed 2018)	An update to the previous retail study to enable robust and up to date evidence to support the retail boundaries, allocations and policies in the new Local Plan. An update is being produced.	Update 2015 and reviewed 2018
Braintree Plan For Growth 2017 - 2022	The Prospectus sets out how the council intends to create the conditions for economic growth and deliver a prosperous Braintree District from 2017 to 2022	
Employment Land Needs Assessment 2015	The assessment considers projected Employment Land Needs	August 2015
Rural Services Survey	The survey updates previous work done in 2005 to assess the provision of services within rural parishes.	Completed in 2011.
Retail Study	Sets out retail floor space requirements for comparison and convenience goods, and recommends boundaries for town centres, and primary and secondary frontages.	Updated 2015
Environmental		
Braintree Green Spaces Strategy	Builds on the results of the 2006 Open Space Audit to set standards for the quality, quantity and accessibility of open space together with specific needs, surpluses or deficiencies.	Completed in September 2008.
Conservation Area Reviews & Management Plans	A programme of conservation area appraisals has been undertaken. The process provides further detail about the character of the areas as an update to the original conservation area designations.	Dependant on the area from 2009 - 2014
Dedham Vale - Proposed Search Area for AONB Review	The map shows the current Dedham Vale AONB and the maximum potential extension proposed	Ongoing
Habitats Regulation Assessment and if necessary an Appropriate Assessment - In Progress	The report is to identify any effects the proposed development in this District will have on European Sites of Importance for nature conservation and to suggest ways to mitigate this impact.	Being completed alongside the Local Plan process.
Heritage Assets Impact Assessment	Heritage Assets Impact Assessment for Potential Growth Locations within Braintree District	May 2016
Historic Environment Characterisation Project	Report characterising the historic environment of the district.	2010
Mid Essex Strategic Flood Risk Assessment	The document identifies in more detail areas of existing or proposed development which are at risk from flooding.	Completed in October 2007; review completed in 2017
Open spaces Sport Recreation Strategy (Playing Pitch Strategy)	The open space strategy will set out the Councils strategy with regards to open space including the strategy for the Sports, Leisure and Recreation.	Drafts published / in progress
Protected Lanes Study	Commissioned by Braintree District Council to assess the protected lanes within the district	2013

Name	Description	Date
Strategic Environmental Assessment and Sustainability Appraisal	Makes an environmental and sustainability appraisal of each document to report on likely impacts of the proposed policies and plans.	Completed during the Local Plan process and any future DPDs
Strategic Flood Risk Assessment	An assessment of the flood risk within the district; in progress to be completed late 2016.	Level 1 update November 2016, Level 2 January 2017
Water Cycle Study Update	Stage 1 also includes the water system around Haverhill and Clare within the St Edmundsbury District. The study looks at the provision of water and waste water infrastructure to serve proposed LDF growth and highlights any constraints and possible solutions.	March 2017
Residential		
Affordable Housing Viability Study	Assesses whether the proposed affordable housing policies are viable and achievable in terms of dwelling threshold and percentage of affordable housing that is required by development.	Completed in 2009. Review completed 2015.
Brownfield land Register	The Brownfield Land Register provides a list of brownfield site which are suitable for housing-led development.	December 2017
Demographic projections 2013-2037 Phase 7 Main Report May 2015	Considers the Demographic projections for 2013-2037	May 2015
Demographic projections 2013-2037 Phase 7 Macro Areas accompanying Profiles		
The Essex Design Guide	Provides guidance on design and layout principles including specific information relating to structure and layout of new developments, garden sizes, building design and form, parking design and road layouts.	Online
Essex Wide Gypsy and Traveller Accommodation Needs Assessment	An Essex wide study commissioned by the Essex Planning Officers Association to provide information on the appropriate number of gypsy and traveller pitches to be provided	The current assessment (2014) will be reviewed to be completed in 2016.
Gypsy and Traveller and Travelling Showpersons Accommodation Assessment	An Essex wide study commissioned by the Essex Planning Officers Association to provide information on the appropriate number of gypsy and traveller pitches to be provided.	Completed. A further study on is in progress on transit pitches.
Objectively Assessed Housing Need Study	Commissioned by Braintree, Chelmsford, Colchester and Tendring. Determines the Housing Market Area and OAN.	Completed July 2015. Further update 2016 completed.
Strategic Housing Land Availability Assessment (SHLAA) 2016	This document builds on the work completed in the Urban Capacity Study but includes an assessment of a sites viability and likely timescale for the site to be developed.	Ongoing process. To be undertaken as part of the production of Development Plan Documents
Strategic Housing Market Assessment (SHMA) and Housing Needs Study	Was commissioned jointly by Braintree, Colchester and Chelmsford Councils. Includes an assessment of the local housing market and recommends a level of affordable housing, along with tenure splits and the situation in the private rental market.	Completed in 2015. Update completed December 2015
Transport and Infrastructure		
Community Halls Consultation Report March 2016	Report on the consultation undertaken for Braintree District Council with community halls in Braintree, Halstead and Witham	March 2016
Cycling Strategy	Strategy for cycling in Essex	Essex - Completed November 2017; Braintree Draft 2018

Name	Description	Date
Development Boundaries Review Methodology	Proposes a methodology and a series of criteria that will be used in reviewing the development boundaries for the settlements in the District for the emerging Local Plan	June 2015
Garden Communities - Charter	Evidence base documents that scope the development of the Garden Communities	June 2016
Garden Communities - Baseline Compendium		
Garden Communities - Opportunities and Constraints		
Garden Communities - Options and Evaluation		
Highways and Transport Assessment	Identifies key issues with the highways and transportation network, in order to determine capacity and any improvement required to transport networks.	Further reports completed 2017
Infrastructure Plan	A study of key infrastructure capacity, constraints and future improvements.	Completed October 2017
Local Transport Plan - Essex County Council	Published by Essex County Council	2011
Parking Standards	The document sets out the required parking standards for the District.	2009
Viability Assessments	This document will seek to demonstrate that the Local Plan is viable.	Completed 2017
Self-build and Custom Housebuilding Register	The Council keep a register of people who are interested in building self-build or custom build homes within the Braintree District.	Ongoing

6.3 In addition an Equality Impact Assessment was undertaken as part of the production of the Local Plan Document to ensure that all policies and documents are free from discrimination and promote equality of opportunity.

6.4 A full list of up-to-date evidence base documents can be found via the Planning Policy webpage link: https://www.braintree.gov.uk/info/200230/planning_policy

6.5 The Local Plan must also have regard to a number of other strategies and policies produced both by the Council and by partners. These include;

- Braintree District Climate Change Strategy and Action Plan 2014-2018
- Braintree Plan For Growth 2017 - 2022
- Essex Biodiversity Action Plan 2011
- Essex Local Transport Plan 2011
- Essex Minerals Local Plan 2014
- Essex and Southend-on-Sea Waste Local Plan 2017

7. Monitoring and Review

Monitoring

- 7.1 The LDS and the development plan documents that it includes will be monitored on an annual basis, in the Monitoring Report with a reporting period of 1st April – 31st March.
- 7.2 Each year the report will set out;

- How the Council is performing against the timescales set out within the previous year's Local Development Scheme.
- Provide information on housing and employment completions and land availability.
- Provides a housing trajectory and shows the Council's 5 year supply of housing land.
- Any required update to the Local Development Scheme as appropriate.

7.3 The Local Plan programme will be managed through the Sustainable Development Service reporting to the Cabinet Member for Planning and Housing and the Local Plan Sub-Committee. This will include considering progress on the preparation of Local Development Documents and identifying action to be taken if there are variations from the project programme.

Review

7.4 Following the initial adoption of each Local Plan as set out in the Local Development Scheme, it is anticipated that any subsequent reviews will be in the form of a rolling programme. Reviews may also be necessary as a result of changes in national guidance, as an outcome of the monitoring in the Monitoring Report, or pressures for development or regeneration.

8. Resources and Risk

Resources

- 8.1 The Local Plan process will be led by the Planning Policy team, part of the Sustainable Development Service at Braintree District Council.
- 8.2 The timetable contained within this document is based on using the full resources of the Planning Policy team at the Council, which consists of a team manager who will be responsible for the overall

project, planning policy officers, technical and administration staff. The Council will also be working with other partners including neighbouring authorities on specific DPDs.

- 8.3 Additional resources, particularly to provide specialist input on various technical matters will be sought from time to time as required from other teams within the Council including Housing Policy and Economic Development, and other organisations including Essex County Council and the Highways Agency. In addition, external consultants may be commissioned to develop elements of the evidence base, or supplementary planning documents.

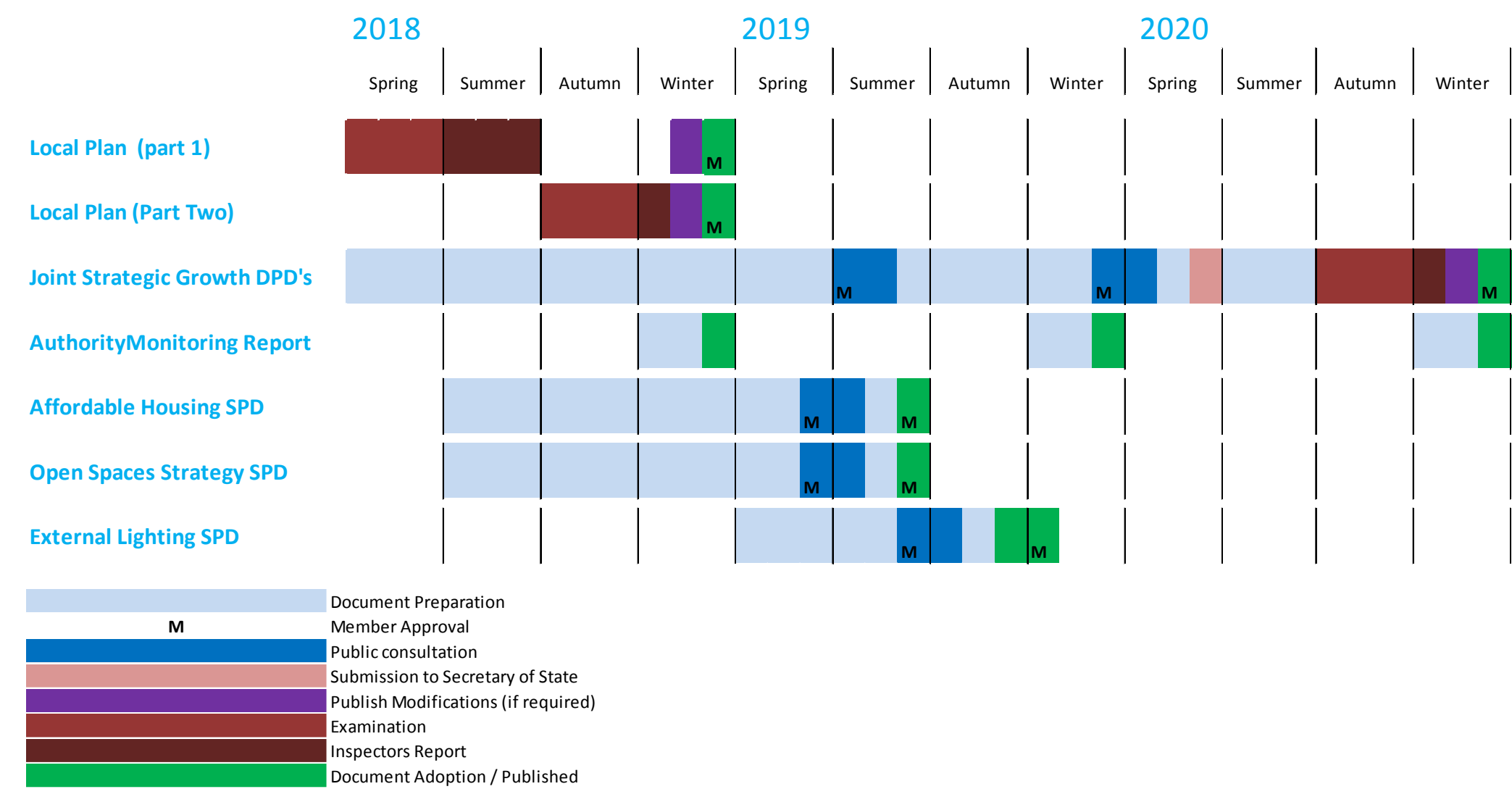
Risk

- 8.4 There are several factors which may impact on the achievement of this timetable. The table below considers and deals with the main risks.

Issue	Level of Risk	Impact and Mitigation
Delays to the production of background studies	Medium	Would delay the preparation of development plan documents. The resources for any further studies should be in place to ensure they are commissioned at an early stage
Changes to national guidance in relation to Braintree, including the new National Planning Policy Framework expected summer 2018.	Medium	Could delay the preparation of development plan documents or require an early review of those documents already produced. Review the time table for the preparation and review of documents within the Annual Monitoring Report and review of the LDS if necessary.
Supporting Neighbourhood Planning	Medium	Staff time and other resources being diverted to support neighbourhood planning. Resource and timetable planning with neighbourhood plan groups needed.
Problems or difficulties engaging with stakeholders and the community	Low	May delay the preparation of development plan documents. Ensure stakeholders and the community are involved at an early stage of the process, as outlined in the Statement of Community Involvement. Lack of agreement with other Local Authorities regarding the duty to co-operates. Need to maintain a close working relationship with neighbouring authorities.
Inability of the Planning Inspectorate to deliver hearings/ reports to the timetable.	Medium	Would delay the adoption of development plan documents. Agree early with the Planning Inspectorate that the timetable laid out for each document is acceptable. If slippage occurs this should be identified in the Monitoring Report and amendments made to the timetable.
Insufficient staff resources due to staff turnover or volume of work greater than anticipated	Medium	Would delay the production of development plan documents. Consider use of consultants if financial resources allow. Revise timetable for the production of documents through the Monitoring Report and review of the LDS if necessary.

Government New Homes Bonus, neighbourhood planning funds insufficient or no longer available.	Medium	Would delay the production of evidence base and development plan documents which need specialist advice from consultants. Increased budget bids may need to be made if Government New Homes Bonus or neighbourhood planning funds are insufficient or no longer available. Revise timetable for the preparation of documents through the annual monitoring report and review of the LDS if necessary.
Local Plan is found unsound	Low	Would delay the adoption of development plan documents as they would need further work and then resubmission. Undertake self-soundness test and maintain a close working relationship with key stakeholders.

9. Timetable of documents for production



National Planning Policy Framework - Changes		Agenda No: 7
Portfolio: Planning and Housing Corporate Outcome: Securing appropriate infrastructure and housing growth Report Presented by: Alan Massow Report Prepared by: Alan Massow Kathy Carpenter		
Background Papers: National Planning Policy Framework (2012) National Planning Policy Framework Consultation Proposals (2018) National Planning Policy Framework – Draft text for consultation (2018) Draft Planning Practice Guidance (2018) Housing Delivery Test – Draft Measurement Rule Book (2018)		Public Report: Yes Key Decision: No
Executive Summary: The National Planning Policy Framework (2012) set out the Government’s policies for planning and development. They have published for consultation changes to the National Planning Policy Framework (NPPF). These changes are proposed to update the NPPF to make bring it in line with previously announced policy changes and to increase efforts for improving the supply of housing land. New policies include the requirement for Local Authorities to meet a Housing Needs Test, to produce Statements of Common Ground covering Strategic issues with neighbouring Authorities where necessary, and to strengthen the “tests of soundness” which are used to determine whether or not a Local Plan is fit for purpose. The changes also enable Local Planning Authorities to set their 5 year housing supply figures for one year periods, and are proposing to introduce standardised housing figures. The Government have also published changes to National Planning Practice Guidance. The consultation closed at 11.45pm on the 10 th May 2018. The Government is expected to publish the results of the consultation and make the changes to the NPPF later in the year.		

Recommendation	
That this briefing report and the responses to the NPPF consultation as set out at Appendix 1 are noted.	
Purpose of Decision:	
To note the responses to the NPPF consultation.	
Corporate Implications	
Financial:	Costs of preparing the Local Plan have been met from existing budgets.
Legal:	Local Plans are subject to legal compliance in terms of consultation, contents, and adoption. They have to be consistent with national policy as part of the tests of soundness.
Equalities/Diversity	The Local Plan seeks to provide appropriate homes for all members of society.
Safeguarding	None.
Customer Impact:	The Local Plan contains proposals which could potentially impact on residents of the district.
Environment and Climate Change:	Proposed development is likely to have an impact on the environment as well as climate change.
Consultation/Community Engagement:	The draft NPPF has been subject to consultation
Risks:	The NPPF could be subject to legal challenge.
Officer Contact:	Alan Massow
Designation:	Senior Policy Planner
Ext. No.	2577
E-mail:	almas@braintree.gov.uk

1 Background

- 1.1 The National Planning Policy Framework was first introduced in 2012 as a single policy document which merged existing planning policy and guidance into one document. It also established the “presumption in favour of sustainable development”.
- 1.2 The revisions to the Framework are proposed in response to changing central government policy, to clarify national policy as a result of legal challenges to the original NPPF and to boost the supply of housing.

2 Proposed Changes

- 2.1 Many changes have been proposed to the NPPF including structural changes, the inclusion of policy proposals which the Government has previously consulted such as those contained within ‘*Fixing our broken housing market*’,

and changes included in the 2017 Autumn Budget, as well as additional proposals. In all over 3,000 changes have been made to the document text included additions, deletions and text reorganisations. The document is approximately 5% shorter than it currently is.

- 2.2 The changes also address the outcomes of over 200 legal cases which have occurred since its adoption in 2012 on issues such as the presumption in favour of sustainable development.
- 2.3 Changes have been proposed to Greenbelt policy, but are not covered in this report as Braintree District is not a greenbelt authority. However it is noted that these changes would make it easier for brownfield sites to come forward in Greenbelt locations which could reduce the pressure on non-greenbelt authorities to take additional housing.

Local Plans

- 2.4 The main changes for Local Plans reflect changes as to how Plans are being produced and seeks to give flexibility as to how local authorities either working alone or in partnership produces their strategies.
- 2.5 What the changes mean is that if you have a spatial development strategy which covers your key strategic issues, then from a legislative standpoint the Local Authority will be covered. A more detailed 'part 2' Local Plan which covers things such as development management policies can still be produced. These documents can be produced individually or jointly.
- 2.6 A requirement to review Local Plans every 5 years is also proposed. The review does not mean you have to change your Local Plan within 5 years, but that you have to determine whether or not your current Local Plan is fit for purpose. There is an expectation that if the answer to this question is no, then it will be necessary to update your Local Plan.
- 2.7 Statements of Common Ground – Theses are essentially documents produced under the Duty to Co-operate. It is expected that these documents will be produced early in the process and cover cross boundary strategic issues. It may be necessary to produce multiple statements.

Housing

- 2.8 The Government is of the view that current housing growth does not meet the pattern of demand in the country. Government is determined to do all it can do to address this challenge. To do this the previous NPPF included the Presumption in Favour of Sustainable Development.
- 2.9 The Presumption in Favour of Sustainable Development is proposed to be strengthened. In particular the footnote to paragraph 14 of the current NPPF lists "get out" clauses which shows in what circumstances the presumption does not apply. This is currently an open list as the footnote is worded to suggest "examples" of what could prevent the presumption, but it is now a

closed list, and makes it clear that policies in development plans are not included. This change is proposed in order to reduce the number of legal cases. However, other policies which are not in the list may apply.

Neighbourhood Plan Housing Numbers

- 2.10 It is proposed that Local Authorities should provide Neighbourhood Plan groups with a housing number if they request one. This is to provide certainty for when groups want to provide for housing; however they do not have to provide that number and it is not a target. The number should be indicative and based on the most up to date strategy.

Affordable Housing

- 2.11 The revised NPPF is moving away from the term starter homes and is widening its approach to affordable housing delivery. It is looking to include houses for essential local workers (i.e. nurses), build to rent, first time buyer exception sites, and the use of brownfield in the greenbelt.

5 Year Supply

- 2.12 It is proposed to fix the five year supply figure yearly once the Development Plan is adopted. This can be continued to be fixed yearly if you are able to demonstrate that you still have a 5 year supply. The method for undertaking this is yet to be determined; however it is likely to involve consultation followed by sign off from the Planning Inspectorate. There are conditions to this fix which may be onerous.
- 2.13 This yearly “sign off” is likely to be tougher for Plans which are more than 5 years old as they would then have to move over to the new standard housing method, not the plan trajectory. This could mean a significant change in the number of houses to be delivered. It is anticipated that on the 1st April 2019 Local Authorities should notify PINS that they wish to fix the 5 year supply figures for the year and PINS will have 6 months to notify the Local Authority if they had achieved it, so the year on year period would be October to October.

Housing Delivery

- 2.14 There is a perceived lag between the granting of planning permissions and the completion of houses. The NPPF is looking for ways to minimise that gap in provision, including having more smaller sites and shorter commencement periods. It is proposing that a percentage of sites allocated in Local Plans should be small sites, however it is unclear whether the percentage chosen (20%) is correct or not and are actively seeking views on what that percentage should be.
- 2.15 Members may recall that the Letwin Review which is looking at the delivery of housing, is ongoing and once completed this review may contain more proposals for improving housing delivery after the adoption of the new NPPF.

Design and Density

- 2.16 The NPPF continues to promote good design and the effective use of land. This would include the use of higher densities in the most sustainable locations, or areas which have significant constraints such as greenbelt authorities. The design of places is considered necessary to promote more sustainable methods of transport which would promote the use of walking and cycling.

Environment

- 2.17 An increase in emphasis on net gains and habitat creation through the NPPF is sought. Increased protection of Ancient Woodland is proposed as well as maintaining protection for veteran trees.
- 2.18 Climate change is also addressed to include planning for its impacts such as overheating.
- 2.19 An agent of change principal is included meaning that where a development happens which could have a nuisance impact on neighbours the developer will be expected to mitigate that impact to make it acceptable.

Viability and CIL

- 2.20 Greater transparency on viability is proposed through published guidance and the NPPF. This would include ensuring more is done through Plans to set out expectations for contributions and if possible what different classes of development would be expected to provide. The general expectation will be that viability will not need consideration after the Plan making stage. For the community infrastructure levy, it is proposed to make the process easier for adopting a CIL schedule, and that it should be more transparent through the production of an annual statement. It is also intended that more authorities could set a strategic infrastructure tariff similar to what London has in place to pay for Crossrail.

Rural Themes

- 2.21 It is acknowledged that the business and community facilities may need to be outside settlements. It is also proposed to make farm subdivision easier as it will include provision for new houses where there is a need. For example when a farm is subdivided between two families as a result of inheritance an additional farm house may be needed.

Town Centres

- 2.22 It is proposed that a proactive strategy for centres in decline is applied. The sequential approach “reasonable period” test (not specifying as what is reasonable for a small shop is different for a large regeneration project) does not have to be applied if this would undermine a regeneration project, no

impact assessment for offices outside town centres are required but the sequential approach would still apply.

Transport and Telecoms

- 2.23 The NPPF seeks to highlight the role transport and telecoms play in enabling growth and place making.
- 2.24 For transport it seeks to prioritise cycling and walking. It is also highlighting the importance of general aviation facilities and the role they play not only for the provision of air services, but also the role they can play as mixed use development sites. The department of transport will be carrying out further work on airfields to determining what a minimum necessary provision for aviation facilities is likely to be.
- 2.25 For telecoms the NPPF is seeking to facilitate full fibre connections for development.

Healthy and Safe Communities

- 2.26 This section seeks to promote social interaction and inclusion and enable and support healthy lifestyles. This section has been expanded to include the word “safe”. By safe it does not only mean the development need for defence and security but also that places are safe from natural hazards and the development needs for the security services.

Minerals

- 2.27 The minerals section has been shorted with much of it being moved into National Planning Policy Guidance. The section has been strengthened in terms of its policy for onshore oil and gas extraction and surveying.

Implementation

- 2.28 For development management purposes the NPPF changes will come into force on the date of publication. For Local Plans, Plans submitted more than 6 months after the new NPPF is published will have to take it into account, but plans submitted 6 months before will be considered under the old NPPF. As such the Publication Draft Local Plan is considered under the old NPPF as it has already been submitted.

3 Housing Delivery Test

- 3.1 For the 5 year housing supply calculation the base the housing supply figure and base line trajectory under the old NPPF will apply. Once a Plan is over 5 years old then the new standard methodology figure would apply.
- 3.2 The first Housing Delivery Test date is November 2018.

- 3.3 For authorities who deliver less than 25% of their housing delivery target the presumption in favour of sustainable development will apply. From 2019 the percentage will increase to 45% and by 2020 to 75%. All authorities scoring under 95% have 6 months to produce an action plan as to how they will address the undersupply, and if that percentage is less than 85% then an immediate buffer on land supply will be needed (i.e an additional 20% on your housing supply figure).
- 3.4 To calculate the housing delivery test the net homes delivered over three years is divided by the homes required over the same 3 years.
- 3.5 The calculation for what is required over three years would either be what is required by your Plan or the figure provided to you by central government. It should be noted that the central government figure does not include considerations such as unmet neighbour need or local factors which may have an impact on housing need (i.e large scale infrastructure whose workers may require housing).
- 3.6 When comparing this requirement with the housing delivery in Braintree District, as the Core Strategy (2011) is more than 5 years old then the standard housing requirement figure of 835 would be the starting point for calculating your housing requirement (Assuming that the Publication Plan was not in effect). When considering net provision over the last three years then it is likely that the housing delivery test would be applicable, as in the presumption in favour of sustainable development would not apply, but the buffer and action plan requirements would.
- 3.7 It will be a requirement to publish these figures every November. It is recommended that these should be published in full (i.e publish the net provision and the the housing requirement figure) and be presented as a series of “fences” rather than just as a percentage.
- 3.8 It is important to realise that the purpose behind this is to demonstrate improved housing delivery over a number of years. However it should be acknowledge that no amount of action planning can change an underperforming housing market or reverse an economy in recession.

4 Plan Making

Local Plan

- 4.1 The main change to the section on plan making is that soundness tests will apply to development plan documents as well as Local Plans. Soundness tests will be expected to be proportionate to the document being assessed. However they have strengthened what is meant by positively prepared so that as much need is met as possible. The effective test has also been made stronger to ensure that strategic matters are dealt with and not deferred.
- 4.2 A single Local Plan can still be produced. Alternatives such as a two part Local Plan or a Local Plan which defers none strategic matters to a

neighbourhood plan can also be acceptable. What is important is that Strategic matters have to be addressed.

- 4.3 For non-strategic matters section 30-33 of the revised NPPF applies.
- 4.4 Paragraph 23 of the revised NPPF sets out in more detail as to the review process for Local Plan, in that they should be reviewed no later than 5 years from adoption, and should be updated as necessary. They should take into account changing circumstances or any relevant changes in national policies. Relevant strategy policies will need to be updated at least once every five years, if their applicable local housing need figure has increased: and they are likely to require earlier review if local housing need is expected to increase in the near future.
- 4.5 Changes are proposed to the test of Soundness. For positively prepared additional references are made to Objectively Assessed Need, for justified the wording has been changed to include reference to “an appropriate strategy” from “the most appropriate strategy”. Effective is changed to ensure that strategic matters are dealt with rather than deferred as evidenced by a statement of common ground. No changes are proposed to the requirement to be consistent with national policy.

Neighbourhood Plan

- 4.6 Revised wording in the NPPF make the relationship between Local Plans and Neighbourhood Plans clearer. Once a neighbourhood plan has been brought into force, the policies it contains take precedence over existing non-strategic policies in a Local Plan for that neighbourhood, where they are in conflict, unless they are superseded by strategic or local policies that are adopted subsequently. Neighbourhood Plans should not promote less development nor attempt to undermine strategic development in more recently adopted plans.
- 4.7 As worded this means that any neighbourhood plans brought into force after the adoption of the Local Plan will supersede the non-strategic policies in the Local Plan for that neighbourhood area.
- 4.8 The allowance for recently adopted Neighbourhood Plans to have a lower requirement of three years as opposed to a five year supply of housing when determining the presumption in favour of sustainable development has been included in the NPPF revisions.

5 Guidance

- 5.1 The National Planning Policy Guidance changes are not being officially consulted on as they are guidance not policy. However it has been made clear that if we have any comments on the guidance we can submit them against the relevant question for the NPPF.

6 Timescale

- 6.1 The deadline for consultation was 11.45 pm on the 10th May 2018. It is anticipated that the revised document will be released in July 2018, before Parliaments summer recess. Consequential changes to National Planning Policy Guidance will take place after July 2018.

7 Next Steps

- 7.1 Once the consultation is concluded, MHCLG will assess the comments submitted with a view to producing a final version in July 2018.

Recommendation:

That this briefing report and the responses to the NPPF consultation as set out at **Appendix 1** are noted.

Consultation response form

This is the response form for the consultation on the draft revised National Planning Policy Framework. If you are responding by email or in writing, please reply using this questionnaire pro-forma, which should be read alongside the consultation document. The comment boxes will expand as you type. Required fields are indicated with an asterisk (*)

Your details

First name*	Click here to enter text.
Family name (surname)*	Click here to enter text.
Title	Click here to enter text.
Address	Click here to enter text.
City/Town*	Click here to enter text.
Postal code*	Click here to enter text.
Telephone Number	Click here to enter text.
Email Address*	Click here to enter text.

Are the views expressed on this consultation your own personal views or an official response from an organisation you represent?*

Please select an item from this drop down menu

If you are responding on behalf of an organisation, please select the option which best describes your organisation. *

Please select an item from this drop down menu

If you selected other, please state the type of organisation

Click here to enter text.

Please provide the name of the organisation (if applicable)

Click here to enter text.

Chapter 1: Introduction

Question 1

Do you have any comments on the text of Chapter 1?

The proposed changes to the NPPF should not be implemented until the outcome of the Letwin Review. This review could have considerable consequences for the NPPF and may result in further substantial revisions. Local Planning authorities have very limited influence over their local housing market and are vulnerable to changes in the economy which impact on the delivery of new homes, and could be unfairly seen as failing housing delivery test through no fault of their own. It is likely that if housing sites do not come forward due to economic reasons or the strategy of the site owner/developer, then further sites would have to be identified, which may also not come forward for housing development due to similar circumstances. Allocating more housing sites to make up for the non-delivery of other housing sites does not appear to be a robust or credible solution and would not solve the root cause of the non-delivery of sites in the first place which are economic or marketing practises of the private sector.

Chapter 2: Achieving sustainable development

Question 2

Do you agree with the changes to the sustainable development objectives and the presumption in favour of sustainable development?

Please select an item from this drop down menu

Please enter your comments here

11 a) it would be difficult to have a plan which is able to rapidly change. This would imply that Local Plans should contain back up sites to be implemented in the event of the non-delivery of allocated sites, but the reason for non-delivery of existing allocations are usually economic and out of the control of the Local Authority.

11 b) this should be reworded in respect of meeting neighbours development needs, as a neighbouring authority may not be operating on a similar timescale, and may not even know what its objectively assessed needs are for other neighbours. This could delay the production of other plans in the area. In addition a neighbouring authority may not necessarily be part of the same housing market area, and providing for their development may not mean that the needs of that authority are addressed. It would also aligned better with the wording contained paragraph 36 b).

11 d) – A definition of what constitutes “out of date” should be included to provide certainty.

Question 3

Do you agree that the core principles section should be deleted, given its content has been retained and moved to other appropriate parts of the Framework?

Please select an item from this drop down menu

Please enter your comments here

[Click here to enter text.](#)

Question 4

Do you have any other comments on the text of Chapter 2, including the approach to providing additional certainty for neighbourhood plans in some circumstances?

Support for the protection for Neighbourhood Plans. It could be an issue if a group has requested the local authority provide it with a housing number but a local housing survey indicates that the number is different.

Chapter 3: Plan-making

Question 5

Do you agree with the further changes proposed to the tests of soundness, and to the other changes of policy in this chapter that have not already been consulted on?

Yes

Please enter your comments here

[Click here to enter text.](#)

Question 6

Do you have any other comments on the text of chapter 3?

Paragraph 15 – The presumption in favour of sustainable development would limit the scope for planning to be “plan led” as development may not come forward due to economic conditions.

16 e) Digital tools do not necessarily mean a plan is accessible to all members of society. In areas with a higher proportion of older citizens digital methods of communication are not necessarily effective and can put people off from becoming involved in the planning process.

Chapter 4: Decision-making

Question 7

The revised draft Framework expects all viability assessments to be made publicly available. Are there any circumstances where this would be problematic?

Yes

Please enter your comments here

Support the principal that all viability assessments should be open book. When viability assessments contain commercially confidential information which interested third parties (Such as banks or investors) may not wish to reveal could lead to delays in developments coming forward whilst they try and negotiate their position.

Question 8

Would it be helpful for national planning guidance to go further and set out the circumstances in which viability assessment to accompany planning applications would be acceptable?

Yes

Please enter your comments here:

[Click here to enter text.](#)

Question 9

What would be the benefits of going further and mandating the use of review mechanisms to capture increases in the value of a large or multi-phased development?

Please enter your comments below

It is likely that the value of development would change over a period of time. This would reflect the economic circumstances and help ensure that a site remains viable.

Question 10

Do you have any comments on the text of Chapter 4?

50/51 - The issue of prematurity should be allowed as a reason for refusing applications. This would enable Local Plans to include "back up" sites which could be released if other housing sites did not come forward as expected. This would provide Local Plans with more flexibility to adapt to changing circumstances as the new NPPF will require.

Chapter 5: Delivering a wide choice of high quality homes

Question 11

What are your views on the most appropriate combination of policy requirements to ensure that a suitable proportion of land for homes comes forward as small or medium sized sites?

Please enter your comments here

Small scale sites and developers seem to be more vulnerable to economic circumstances, have less robust finances, and have more difficulties when it comes to retaining staff, and sourcing materials. It is also more difficult for them to secure necessary investment than a larger builder. Many smaller sites are being promoted by non-professional land owners who do not have the expertise to assess whether or not what they are proposing would be financially viable, if it has other constraints or whether their expectations for the site are realistic. As such a smaller builder may end up with a site which is less likely to be able to deliver houses as expected. Also the delivery rate of smaller house builders appears to be slower as they often have multiple sites in progress but a limited number of staff to work on them, and may have other sources of work such as contracting which they may switch to.

An additional point is that many small sites would not be specifically allocated in Local Plans, as for practical reasons a threshold based on site capacity is usually used (eg. Sites of 10 dwellings or more are allocated), and this should be taken into account in the guidance. This would be particularly the case in local authorities with rural areas, given the higher densities that tend to be the case in urban centres.

It is unclear whether the percentage indicated (20%) is correct or not, or if the Government is actively seeking views on what that percentage should be.

Question 12

Do you agree with the application of the presumption in favour of sustainable development where delivery is below 75% of the housing required from 2020?

No

Please enter your comments here

House building rates have still not recovered from the previous economic down turn, and it is likely that the economy will be experiencing further problems.

Question 13

Do you agree with the new policy on exception sites for entry-level homes?

Not sure

Please enter your comments here

[Click here to enter text.](#)

Question 14

Do you have any other comments on the text of Chapter 5?

69 a) This could be unrealistic depending on the characteristics of the area, and result in unsustainable patterns of delivery, or restrict infrastructure provision.

Paragraphs 74-76 seem muddled and contradictory, and is likely to have unintended consequences. The guidance sets out three levels of buffer requirement to the 5 year supply, which should be updated annually: 20% where there has been a history of under delivery; 5% where there has not been persistent under-delivery, and 10% for an annual position statement or where there is a recently adopted plan.

Paragraph 76 indicates that to demonstrate the 5 year supply it must have been established in a recently adopted plan or in a position statement that has been considered by the Secretary of State. This seems to suggest that in practice a minimum of a 10% buffer will be required; it is not clear in what circumstances a 5% buffer could be sufficient. Moreover, whilst local planning authorities will use their best endeavours to reach the point of a recent adopted local plan there will be an interval before this can be achieved, following the democratic process of consultation and involvement in local plan preparation, and particularly taking into account the resources of the planning inspectorate. The draft guidance suggests that unless and until a recent adopted plan is achieved, local authorities are effectively deemed to not have a 5 year supply unless and until they have received a positive judgement on an annual position statement; logistically there is likely to be a significant time lag to reaching this stage with an inspectorate judgement no matter what the land supply is, and meanwhile local communities will be vulnerable to speculative planning applications.

Paragraph 77 sets out additional requirements that arise if housing delivery falls below 95% of target for 3 years. This is too high a benchmark – 3 years can be temporary market fluctuations, and yet a 5% shortfall for 3 years will trigger the requirement for an action plan – if the reason is market conditions it is difficult to see what purpose this additional task will serve.

Paragraph 78 suggests the use of conditions to require commencement of development within a shorter time period from permission. This is unlikely to be effective in increasing the supply of housing; it will simply bring forward the time span within which a start, perhaps only a technical start, will be made to keep the permission extant, unless the Government considers further action that could be taken to secure progress through to completion.

On an additional point, there should also be a mechanism to acknowledge the quantum of development that has been enabled by the local authority, such as the capacity granted permission; delivery and projected delivery being much more influenced by market factors.

The proposed recognition of the contribution made by communal accommodation is welcomed, but there is a technical point arising from the Use Classes Order which should be taken into account. Use Class 3b covers supported accommodation with shared facilities for up to 6 people; this will only count as one dwelling. Many supported accommodation schemes start in this category, and when successful expand by the addition of one or more rooms. When this happens, the additional rooms will be counted by the application of a national ratio, so for example if the ratio is 2.5, the one additional room would represent a contribution of 0.4. There should be a mechanism to take into account the overall change to supply. Similar considerations apply to Use Class 3c.

Chapter 6: Building a strong, competitive economy

Question 15

Do you agree with the policy changes on supporting business growth and productivity, including the approach to accommodating local business and community needs in rural areas?

No

Please enter your comments here

Paragraph 83 (d) allows for flexible working such live-work accommodation, however paragraph 84 (d) which refers to development in rural areas has removed the part on the integration of residential and commercial uses. Arguably having live work in more rural areas would be better in sustainability terms.

Question 16

Do you have any other comments on the text of chapter 6?

[Click here to enter text.](#)

Chapter 7: Ensuring the vitality of town centres

Question 17

Do you agree with the policy changes on planning for identified retail needs and considering planning applications for town centre uses?

Please select an item from this drop down menu

Please enter your comments here

Changes of use in primary retail frontages should be complementary to the existing town centre. The introduction of low footfall uses such as residential uses would continue to have a detrimental impact on the town centres. In addition the conversion of offices to flats in town centres has a negative impact on footfall particularly around lunch time which can impact on retailers.

Question 18

Do you have any other comments on the text of Chapter 7?

86 a) As worded the changes imply that your retail hierarchy should only consist of town centres, but does not take into consideration the important role played by lower order local or district centres.

Chapter 8: Promoting healthy and safe communities

Question 19

Do you have any comments on the new policies in Chapter 8 that have not already been consulted on?

[Click here to enter text.](#)

Question 20

Do you have any other comments on the text of Chapter 8?

[Click here to enter text.](#)

Chapter 9: Promoting sustainable transport

Question 21

Do you agree with the changes to the transport chapter that point to the way that all aspects of transport should be considered, both in planning for transport and assessing transport impacts?

Please select an item from this drop down menu

Please enter your comments here

Paragraph 109 – A definition of what constitutes severe impacts on the road network or road safety would be beneficial.

Question 22

Do you agree with the policy change that recognises the importance of general aviation facilities?

Please select an item from this drop down menu

Please enter your comments here

Information would be required as to what level of provision would be needed to maintain an appropriate “national network” of general aviation facilities and which facilities would be considered critical to maintaining that network.

Question 23

Do you have any other comments on the text of Chapter 9?

Requiring minimum level of parking provision would make the provision of well designed higher density residential development more difficult as parking takes up a lot of room. Alternatives such as undercroft or basement level parking are not always viable or achievable in areas with lower residual land values.

Chapter 10: Supporting high quality communications

Question 24

Do you have any comments on the text of Chapter 10?

No comments to make.

Chapter 11: Making effective use of land

Question 25

Do you agree with the proposed approaches to under-utilised land, reallocating land for other uses and making it easier to convert land which is in existing use?

Please select an item from this drop down menu

Please enter your comments here

[Click here to enter text.](#)

Question 26

Do you agree with the proposed approach to employing minimum density standards where there is a shortage of land for meeting identified housing needs?

Please select an item from this drop down menu

Please enter your comments here

Disagree. Minimum density standards would impact on the provision of appropriate levels of parking and may not be appropriate in all locations. The upward extension of buildings may be appropriate in some locations, however existing residential

amenity and loss of light would have to be taken into consideration.

Paragraph 122 criteria (d) should include reference to historic assets such as listed buildings and conservation areas.

Paragraph 123 criteria c – the flexible approach in applying policies or guidance relating to daylight should be deleted. This would lead to poor quality living conditions for residents and no right thinking person would want the return of rickets.

Question 27

Do you have any other comments on the text of Chapter 11?

[Click here to enter text.](#)

Chapter 12 : Achieving well-designed places

Question 28

Do you have any comments on the changes of policy in Chapter 12 that have not already been consulted on?

126 b the use of the phrase “visually attractive” is subjective.

Question 29

Do you have any other comments on the text of Chapter 12?

[Click here to enter text.](#)

Chapter 13: Protecting the Green Belt

Question 30

Do you agree with the proposed changes to enable greater use of brownfield land for housing in the Green Belt, and to provide for the other forms of development that are ‘not inappropriate’ in the Green Belt?

Please select an item from this drop down menu

Please enter your comments here

Areas in the Green Belt which are not previously developed may also be appropriate for development if they do not contribute to the overall objectives of the Green Belt.

Question 31

Do you have any other comments on the text of Chapter 13?

All green belt authorities should be required to conduct a review of their green belt if they are unable to meet their housing land requirements before seeking alternative

provision in adjacent authorities through the duty to cooperate.

Chapter 14: Meeting the challenge of climate change, flooding and coastal change

Question 32

Do you have any comments on the text of Chapter 14?

No comments

Question 33

Does paragraph 149b need any further amendment to reflect the ambitions in the Clean Growth Strategy to reduce emissions from building?

Please select an item from this drop down menu

No comments

Chapter 15: Conserving and enhancing the natural environment

Question 34

Do you agree with the approach to clarifying and strengthening protection for areas of particular environmental importance in the context of the 25 Year Environment Plan and national infrastructure requirements, including the level of protection for ancient woodland and aged or veteran trees?

Please select an item from this drop down menu

Please enter your comments here

No comments

Question 35

Do you have any other comments on the text of Chapter 15?

Increasing pressure on land for development means that provision should be made within the section to more easily enable the identification of new and extension of existing AONBs.

Chapter 16: Conserving and enhancing the historic environment

Question 36

Do you have any comments on the text of Chapter 16?

No comments

Chapter 17: Facilitating the sustainable use of minerals

Question 37

Do you have any comments on the changes of policy in Chapter 17, or on any other aspects of the text in this chapter?

No comments

Question 38

Do you think that planning policy in minerals would be better contained in a separate document?

Please select an item from this drop down menu

Please enter your comments here

No comments

Question 39

Do you have any views on the utility of national and sub-national guidelines on future aggregates provision?

Please select an item from this drop down menu

Please enter your comments here

No comments

Transitional arrangements and consequential changes

Question 40

Do you agree with the proposed transitional arrangements?

Please select an item from this drop down menu

Please enter your comments here

Housing delivery is largely outside the control of local authorities. The housing delivery test will punish authorities regardless of whether or not they have been actively pursuing development through the Local Plan process, and is dependant on external factors such as the economy and developer/shareholder aspirations. The Housing Deliveyr Test should not come in to force until the outcome of the Letwin Review to ensure that all factors which may limit the timely development of sites have been considered, as this may help determine what the appropriate percentage for underdelivery should be.

212 – Support inclusion of this paragraph to enable additional protection for areas subject to a neighbourhood plan.

Question 41

Do you think that any changes should be made to the Planning Policy for Traveller Sites as a result of the proposed changes to the Framework set out in the consultation document? If so, what changes should be made?

Please select an item from this drop down menu

Please enter your comments here

No comments

Question 42

Do you think that any changes should be made to the Planning Policy for Waste as a result of the proposed changes to the Framework set out in the consultation document? If so, what changes should be made?

Please select an item from this drop down menu

Please enter your comments here

No comments

Glossary

Question 43

Do you have any comments on the glossary?

Definition of Brownfield land indicates that gardens in urban areas are greenfield sites, but gardens in rural are brownfield sites. This does not make much sense, and makes garden in smaller villages vulnerable to development which could have a much greater impact on the local character than in a urban area.

The proposed definition of deliverable is unreasonably restrictive and does not provide a realistic assessment of probably land supply in a district over the 5 year period. At present, sites with permission, including with outline permission; and adopted plan allocations, would be included unless there is clear evidence that they will not be implemented within 5 years; moreover this status is not a prerequisite, so that for example sites approved in principle subject to the signing of a section 106 agreement and not allocated in a plan, or draft allocations with a current application that is likely to be approved, could be included where those sites are expected to be deliverable within 5 years. The changed definition reverses the onus of evidence required and restricts the assessment. Even sites with outline permission will need evidence that they will definitely come forward within 5 years. In practice, sites with outline permission or approved subject to a section 106 agreement may not yet be owned by a developer but may be expected to come forward within 5 years; they may be marketed to developers once permission is granted. The glossary does not recognise the reality of the development process. For example, a recent application in Braintree District was considered by the Planning Committee late September 2016 and approved in principle; permission was granted with the signing of the Section 106 Agreement in January 2017; construction started in January 2017, and by March 2018 35 homes were occupied, 41 were under construction, and the remaining 61 plots were expected to be completed by 2019. The site is a draft plan allocation, not yet adopted. Another was the subject of an outline planning application for 145 homes which was approved in principle subject to the signing of a section 106 agreement, which was subsequently signed. The site is a brownfield site; a former industrial site which was cleared, and marketed for sale to a developer when outline permission was gained. There are other examples of large sites where outline permission was granted, not to end developers, specifically to boost housing supply with the aim of achieving a 5 year supply, including a sites granted on appeal. Subsequently the sites have been disposed of to developers and are coming forward within the 5 year period. The revised guidance could unreasonably exclude sites such as this from the 5 year supply assessment until the developers owned the site and could confirm projected supply, and possibly until detailed permission was in place.

The guidance should acknowledge the principles established in the recent St Modwen Appeal Court judgement on deliverability and what is reasonable to expect from a local authority in this respect.